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INTRODUCTION

Why an Annual Survey of State Laws?

It has been a long-acknowledged fact that though the Indian Constitution has divided the powers of lawmaking between the Union and the States, legal academic writing as well as public discourse in India has primarily focussed on the output of the Union. Even as there are as many as 27 national law schools established in different states in the country, they primarily study the legislative output of the Union. Other than land laws which are compulsorily taught in some law schools; the statutes enacted by the States are studied only incidentally when they become the subject of challenge before the Courts.

In order to encourage an informed understanding of legislative output in the country and to develop an evidence-based understanding of federalism in India NALSAR decided to launch an Annual Survey of State Laws (hereinafter ASSL) in 2020.[1] To this end the 2020 survey studied the legislative output of 16 States and one union territory. Whilst the idea was endorsed, friendly critics pointed out that if the survey aimed to understand Indian federalism in action, it could not do so by undertaking a study of selective states. To have a country wide understanding it was necessary to examine the lawmaking of all the States and union territories. The sharp comment hit home and it had to be admitted that the 2020 effort was at best a pilot project which at best could be relied upon to design and execute the annual survey of the laws of all states and union territories.

A Participative and Inclusive Methodology

Having decided to undertake an ASSL for the entire country, the next question was how should contributors be identified? Even as the digital availability of information had reduced

[1] Around the same time or a little before PRS Legislative Research started to collate and analyse the legislative output of the States. This database has been acknowledged by all contributors of the ASSL as a major research aid even as the objectives of both projects are admittedly different. *See* Manas Gubbi et al. *Annual Review of State Laws 2023*, PRS Legislative Research, available at https://prsindia.org/files/legislature/Annual_Review-State_Laws_2023.pdf.

some of the barriers on access to information, the 2020 ASSL had demonstrated that the websites of all states were not equally accessible. It therefore seemed desirable to create a team of locally stationed contributors. It was a known fact that generally such teams were created by relying on existing academic networks, a procedure which necessarily reinforces privilege and restricts equality of opportunity. Therefore, a need was felt to at least make an effort to move out of the comfort zone of the known and familiar and attempt to reach out to scholars in all parts of the country.

With this objective in view an open invite was extended to legal scholars in all parts of the country seeking an expression of interest to contribute to ASSL 2023. Since 2020 was a selective study, it seemed wise to begin anew instead of making the all India ASSL a continuation of the earlier selective survey. Keeping in view realistic deadlines, the all India ASSL zeroed in on the year 2023. In order to acquaint ourselves with all the writers of the surveys—known and unknown—an offline meeting of the contributors was held in June 2023. This meeting discussed the objectives of the survey, shared a common template and asked the contributors to share the sources of information they had found in their state or union territory. The meeting concluded with the expectation that the contributors would send their surveys by January 2024 and the Survey for 2023 would be out in the first quarter of 2024.

The Gap between Output and Expectation

It is said that a common mistake teachers make is that they fail to acknowledge the gap between teaching and learning. Just because something has been taught is no reason to conclude that it was either learnt or learnt in just the way in which it was taught[2]. The second mistake occurs because the mind of the learner is seen as a blank slate which imprints what was written on it. This gap between what is said and what is understood is not restricted to teachers and taught but could well be extended to all collaborative work including bringing out an edited volume of multiple contributors such as the ASSL. The draft submissions did not meet editorial expectations. The first knee jerk reaction was to fix things centrally and make the timeliness of the publication its most critical requirement. On further reflection, it was admitted that the idea of collaborative learning and team building were equally if not more important in visualising the project. The time lines were reworked and contributors were asked if they would like to stay connected with this learning together ASSL project for the next five years. A few colleagues chose to opt out from the future editions but in the

[2] Paul Kirschner et al., How Teaching Happens: Seminal Works in Teaching and Teacher Effectiveness and What They Mean in Practice, xiii-xix (Routledge 2022).

main a group of 40 odd scholars agreed to learn and grow together. It is this commitment to inclusion and teambuilding that has driven this 2023 ASSL and which makes its publication a worthwhile venture despite the many delays.

The ASSL 2023 is not just about analytically documenting what transpired in the year, it is as much about putting together a team which is wanting to map the lawmaking operation in a federal country. I have in other writings, in mechanical adoption of the classification proffered by many western scholars described India as a quasi-federal polity.[3] I have learned to question this description after Malavika Prasad in her doctoral thesis[4] convincingly questioned the description's presumption—that the western or rather the American model of federalism is the only authentic model of federalism and any departures are necessarily quasi-federal. Prasad argues that the Indian Constitution constructed its federal set up in the manner that suited India's needs. The ASSL, it is hoped, will help build an internal evidence–based critique on Indian federalism instead of mechanically working with non-indigenous categories.

A Work in Progress

ASSL 2023 is a much-delayed project. At the same time, I cannot claim that every contribution, whether in analysis or description, is on the same page. That is a goal the publication hopes to reach in future volumes. On that count, it would be correct to describe ASSL as a work in progress. The surveys in this volume of ASSL can be categorised as follows:

- Surveys which are tracing the lawmaking developments in a State in the backdrop of the normative demands of the constitution with regard to concepts such as: federalism, fundamental rights, separation of powers.
- Surveys which have thematically described the legislative and executive lawmaking in a State. These surveys have concentrated on sharing the evolution of the laws enacted in 2023 with the reader.
- The third kind of surveys have largely recorded in static form the legislative and quasi-legislative developments in a state or union territory.

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[3] Amita Dhanda, *India: Disability Rights in a 'Quasi' Federal Country* in FEDERALISM AND THE RIGHTS OF PERSONS WITH DISABILITIES: THE IMPLEMENTATION OF THE CRPD IN FEDERAL SYSTEMS AND ITS IMPLICATIONS, 191-214 (Delia Ferri et al. eds., Hart Publishing Company, 2023).

[4] Malavika Prasad, *What is Cooperative About Cooperative Federalism (2024)* (Unpublished Doctoral Thesis, NALSAR University of Law Hyderabad) (On file with author).

With the growth of digital databases, dynamic websites and artificial intelligence, there is not much of a case for a static information-centric ASSL. In the years to come, the aim of ASSL is to examine the making of the rules of law from the lens of the Rule of Law. The project aims to examine the legislative process and output in all states and union territories to develop an informed understanding of Indian federalism at work. Since the realisation of this objective is still work in progress for the publication as a whole, the latter half of this introduction looks at the developments in ASSL 2023 from the perspective of Democracy and Rule of Law.

Democracy and Rule of Law

Legislative output is accorded a privileged position in a democracy because it is seen as an articulation of the voice of the people, an execution of the mandate that the representatives have received from the people. For a legislature constituted through 'first past the post' electoral system, it is important to ensure that the people's mandate does not descend into majoritarianism, hence the touchstone of Rule of Law.

Democracies are seen to build governance regimes which function in accordance with the Rule of Law.[5] This belief arises from the fact that lawmaking happens with the participation of the people whether directly or indirectly. The preamble of the Constitution of India envisions India as a democratic republic. For India to be a democracy in substance and not just in name, the legislature needs to be the primary driver of the lawmaking process. The principle of legislative primacy is in evidence in several legal doctrines. Among the important ones being the subordination of the lawmaking powers of the executive to the scrutiny and judgement of the legislature. Thus, rules and regulations have to be made in conformity with the guidance provided by the legislature in the specific statute. For the same reason a statute which fails to provide guidance to the executive on how the tasks it is asked to perform need to be undertaken can be declared invalid as it is infected by the vice of excessive delegation. The legislature can delegate the performance of some of its tasks to the executive but only after it has laid down the essential policy of the law. Uncanalised delegation of lawmaking power to the executive is viewed as a breach of the Rule of Law.

In order to assess the degree to which lawmaking tasks are performed by the legislature or the executive, the surveys distinguish between statutes, ordinances and subordinate legislation. This classification is one way of evaluating the performance of the legislative

[5] For the intersection between democracy and rule of law *see* Bruce Baker, TAKING THE LAW IN THEIR OWN HANDS: LAWLESS LAW ENFORCERS IN AFRICA 9-26 (Routledge 2002)

process. This division, though important, could without more, only be an evaluation of form and not substance.

The Lawmaking Time and Process of the Legislature

The quantitative dimension in the surveys of several states show the number of Bills, Acts and Ordinances produced by a State. Is Ordinance promulgation absent, rare or routine? The fact that several states have enacted a large number of statutes but have either not promulgated an ordinance or obtained legislative approval for it within the constitutionally specified time does not point to a robust legislative process. The scepticism stems from the fact that the surveys of nearly all the states report a major drop in the number of days and hours the Assembly was in session.[6] Even more significantly, the time allocated for deliberation of statutes was largely absent.[7] Innumerable surveys refer to statutes being passed by a voice vote[8]; not being scrutinised by any legislative committee and being passed on the same day that they were introduced in the house.[9] In a parliamentary form of government, the privilege of introducing legislative proposals lies with the government, which is constituted by the party or a coalition of parties which are in a majority in the Assembly. Absence of debate, discussion, deliberation in the house makes the statute no different from an executive instrument of lawmaking such as the ordinance. There is provision for legislators who are not part of the government to introduce legislative proposals as private member bills. However, the time allocated for the introduction or deliberation of such bills is only a fraction of the sitting time of the Assembly; consequently, such bills (also) are not even discussed let alone adopted by the Assembly.[10]

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[6] On the decline of legislative time *see infra* the surveys for the states of Andhra Pradesh, Bihar, Goa which passed 40 bills in 26 days;

[7] The surveys for the States of Goa, Himachal Pradesh, Mizoram, Nagaland, Uttar Pradesh spoke about Bills being passed on the very day they were introduced, *see* infra the surveys for the states of Goa, Himachal Pradesh, Mizoram, Nagaland, and Uttar Pradesh: The survey for the State of Bihar dividing the number of statutes enacted with the sitting time of the house opined that an average time of 57.5 days was allotted to every legislation adopted by the house, while at the same time the Bihar survey also reported that a number of statutes were adopted within seven to fourteen days. The high average was explained by the fact that the Bihar Sugarcane (Regulation and Supply) Amendment Act 2023 was adopted after 525 days, *see* infra the survey for the state of Bihar: The time taken could just be the time that the Bill was on the table of the house, not necessarily the time spent by the House in debating the Bill. The time spent on deliberation in the Assembly can be estimated from the Goa survey which speaks of 10 bills being passed in 148 minutes.

[8] *See infra* the survey for the states of Jharkhand, Uttarakhand, Uttar Pradesh.

[9] *See infra* the surveys for the states of Andhra Pradesh, Madhya Pradesh

[10] *See infra* the Gujarat survey for a state which duly publicises and allocates house time to the private member Bills. Interestingly, a number of these legislative proposals are seeking an enhancement of the regulatory powers of the government and the prohibitory power of the government.

Executive Control of the Lawmaking Process

The other major trend demonstrating the shrinking importance of the legislative process is a statute firstly being conceived as an ordinance.[11] Article 213 of the Constitution of India permitted the Governor to promulgate an ordinance when "circumstances exist which render it necessary for him to take immediate action" provided the house or houses (where the legislature is bicameral) are not in session. Both the text of the Constitution and judicial interpretation of the power[12] stress that the prerequisite of urgency must be met before the executive power of lawmaking could be exercised. However, the surveys of several states show that the power to promulgate an ordinance has been used interchangeably with the power to introduce a legislation.[13] Several surveys refer to bills being promulgated as ordinances after not obtaining the approval of the house.[14] And after subsisting as an ordinance for the constitutionally permitted time, they are converted into statutes with retrospective effect.[15]

This pattern of shrunken deliberation time and the use of ordinance making power interchangeably with enactment of a statute collapses the distinction between legislative and executive power. This distinction is as much a part of the doctrine of separation of powers, and has been accorded as much significance in the Indian Constitution as the difference between legislative and judicial power. There is absence of unanimity in Indian judicial decisions on whether or not the doctrine of separation of powers is a part of the basic structure of the Constitution of India.[16] However, the doctrine is unanimously accepted as an integral feature of the Indian Constitution.[17]

It can be argued that the government is after all formed by the party holding a majority in the legislature, hence how does it matter if the lawmaking process begins with an ordinance instead of a legislation. As already said an ordinance is supposed to be a lawmaking device meant to address an urgent situation when the legislature is not in session. The extent of

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[11] On the use of this procedure by governments *see infra* the surveys for the States of Andhra Pradesh, Karnataka, Maharashtra

[12] A K Roy vs Union of India, AIR 1982 SC 710.

[13] On such use of the Ordinance making power *see infra* the surveys for the States of Andhra Pradesh, Assam and Himachal Pradesh.

[14] For the discussion on the interchangeable use of enacting statutes and promulgating ordinances *see infra* the survey on the state of Maharashtra. Also *see infra*, the section on legislation for socially and economically backward groups in the survey on the state of Odisha.

[15] *See e.g.*, the Surveys of the States of Andhra Pradesh, Goa, Maharashtra.

[16] Indira Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299; Bhim Singh v. Union of India, (2010) 5 SCC 538.

[17] Kalpana Mehta Ors. v. Union of India, AIR 2018 SC 2493; Union of India v. State of Maharashtra, AIR 2019 SC 4917.

time and reflection that a more durable law requires is not accorded to an ordinance. More significantly, this reasoning betrays an authoritarian attitude where persons wielding authority or holding position believe they are all knowing and have nothing to learn from any other. The legitimacy of legislation arises in great measure from the deliberative nature of the process. It is an acknowledgement of the fact that wisdom is not an exclusive preserve of the power wielder and there is inherent value in debate and deliberation. The next section dwells on both the intrinsic value of legislative deliberation and draws attention to some examples from 2023 which demonstrate the value of deliberation and the disadvantage of thwarting it.

Need for Legislative Debate and Deliberation

It is believed that the pronouncement of judicial decisions with reasons renders judges accountable and contributes to the legitimacy of the judicial process. Debate and deliberation on legislative proposals whether on the floor of the house or in legislative committees plays a similar role for the legislative process. A statutory provision formulates a norm of general application. Legislative debates compel the house to view how the norm would impact on different segments of the polity. A study of legislative history shows the manner in which legislative proposals moved by the government alter on the floor of the house allowing for the smoothening of many sharp edges and making the legislative product the outcome of a reflective exercise. This deliberation also has a bearing on subsequent implementation and interpretation even when the text of the statute is not expressly changed. Ironically,despite the meta trend of shrinking legislative time, discussion and debate wherever present has contributed to the richness of the legislative product and robustness of parliamentary vigilance.

The Gains and Losses of Deliberation

The Rajasthan survey describes at length how the Rajasthan Platform Based Gig Workers (regulation and welfare) Act 2023 arrived at its transaction-based levy as a measure to finance the social security protection to gig workers after several rounds of consultation with the concerned stakeholders. The same survey also narrates how the government could not carry through its proposal of emergency care to be provided by all medical establishments whether public or private in the face of resistance from the private players.[18] Even so the deliberation shows the skills and politics needed to negotiate a deal from the targeted group for the affected constituency. The Tamil Nadu survey documents how a government who

[18] *See infra* the Survey for the State of Rajasthan.

had the numbers in the house, chose to withdraw its proposal to dilute the protections in the Factories Act 1948 in the face of relentless criticism from the fledgling opposition. And Kerala reports that every Bill except one went to a select or subject committee and how legislation gained from the exercise. The process followed by the Kerala legislature ensures that the counterview is at least articulated. Thus, for example when the government brought in a law to protect medical personnel, the absence of concern for patient rights was expressly pointed out.

Since this publication is tracking the law -making records of the States and UTs the other business transacted by the legislatures have not obtained as much attention. The legislators' duty to ask questions on the functioning of the government being a case in point. It is thus of interest that the Rajasthan survey mentions that 8871 questions were asked and answered in the Rajasthan Assembly. In the same vein, several surveys do not just mention what the legislature has done but also draw attention to what it ought to have done given the situation on the ground.

If the above discussed illustrations show how law-making gains from deliberation, a number of surveys point out how many problematic questions obtained no public reflection from the legislatures in the absence of deliberation. Illustratively several surveys speak of legislation that alter legal entitlements in land especially the conversion of common property into public property, or compelling voluntary land donations without compensation,[19] making the acquisition of land easier for corporate players in a range of ways[20] by giving individual property rights in States which only had a common property system[21] or allowing alteration of plot status in specific parcels of land,[22] or addressing corporate needs through designated special projects.[23] There was evident need to deliberate on the impact of these choices on the environment as well the livelihood rights of the most disadvantaged. Such reflection was virtually not allowed to happen.[24] Similar questions were raised on the innumerable statutes enacted establishing private universities and even self-financing private universities.[25] This was being done ostensibly to strengthen the educational infrastructure in the concerned State without debating how the imparting of education through private

[19] See The Arunachal Pradesh Protection of Drinking Water Catchment Areas Act, 2023, § 12.
[20] *See infra* the section on property, land use and planning in the Survey on the State of Goa
[21] *See infra* the Survey on the State of Arunachal Pradesh
[22] *See infra* the Survey on the State of Goa
[23] *See infra* the Survey on the State of Tamil Nadu
[24] The Andhra Pradesh Survey informs how the principal opposition was allowed 9.9% of total time to speak in the house, *see infra* the Survey on the State of Andhra Pradesh.
[25] *See infra* the Surveys for the State of Assam, Goa, Gujarat, Jharkhand, Karnataka, Rajasthan, Sikkim, Tripura and Uttar Pradesh.

universities would impact on the equality of opportunity the state is bound to ensure by the Constitution. The surveys are strewn with instances meriting debate[26] and demands for deliberation or reference to select committees being refused. The absence of debate then causes errors to creep in and laws having to be amended multiple times. [27]

The Operation of a Federal Constitution

As already mentioned in the first part of this introduction, the need to obtain an evidence-based understanding of how the Indian Federation functions is one of the major objectives of the ASSL project. In this segment, the operative reality of Indian federalism is discussed

Union Directed Lawmaking or Template Legislation

A country with India's range of difference and diversity is constituted as a federation in acknowledgement of the fact that one size does not fit all and different parts of the country may need different kinds of intervention. Moreover, a federal set up also allows different parts of the country to attempt varied solutions. For the experimentation to happen, a receptiveness to the outlier ideas is needed. Instead, what the surveys reveal is a significant trend of states and Union Territories (UTs) mirroring Union-government legislation or following central policy priorities in 2023. This alignment, often described as part of **"cooperative federalism"** or a **"top-down approach,"** ensures uniformity across the country, particularly in fiscal[28], educational[29], and administrative[30] domains.

The Tension between Political and Fiscal Federalism

The above segment has referred to the number of states who amended their GST statutes to bring their laws in conformity to the Central Act and in compliance with the directive of

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[26] *See infra* the Survey on the State of Goa on the provision for lifelong disqualification introduced in the Goa Cooperative Societies (Amendment) Act 2023

[27] *See infra* the Survey on the State of Goa.

[28] The most widespread example of mirroring occurred with the State Goods and Services Tax (GST) Acts. States are required to pass amendments to their respective acts to remain in consonance with changes made by the Parliament to the Central GST (CGST) Act and recommendations by the GST Council. For such examples, *see infra* the Surveys for the States of Arunachal Pradesh, Assam, Bihar, Haryana, Kerala, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Tamil Nadu, Telangana, Tripura, West Bengal, and the UT of Puducherry.

[29] For enactment of laws to promote the National Education Policy *see infra* the Surveys on the States of Gujarat, and Haryana and UTs of Chandigarh, and Ladakh.

[30] Following the Union's "Jan Vishwas" philosophy of improving "Ease of Doing Business" and removing imprisonment for minor civil defaults, the States of Maharashtra, Madhya Pradesh and Mizoram have introduced similar initiatives. *See infra* the Surveys on the States of Maharashtra, Madhya Pradesh, and Mizoram.

the GST Council. One of the consequences of the unification of GST taxation is the fiscal constraint experienced by the States resulting in a range of small big revenue raising efforts, which are referred to in several surveys.[31]

The desperation to raise resources has caused some states to float morally questionable proposals. Thus, the State of Karnataka has levied property tax even on buildings that have still not procured an occupancy certificate, claiming that it was required to meet urgent fiscal requirements. Kerala has increased the tax on wrongful advertisements on liquor and made the offence compoundable. And Manipur abandoned its policy of prohibition and allowed the import of liquor to be able to tax it. The opposition again pointing out that the State was compromising its principles at Mammon's altar.

The Kneejerk Response of Criminalisation

The other trend on lawmaking found across states is the urge to address every problem of any moment by criminalising the wrongful conduct. Thus, be it the need to protect medical personnel[32] or legal professionals[33] or to prevent people from protesting with the dead body of their kin[34] the States have chosen to introduce legislation which criminalises the conduct and imposes the typical sanctions of imprisonment and fine. The motivations which drive the drop of imprisonment options in order to ease business evidently don't hold good here.[35]

One problem which has resulted in a spurt of legislative intervention across states[36] is the problem of cheating in competitive exams. The statute wherever enacted was introduced as an extraordinary measure to address the rampant problem of unfair means. The severe punishments testify to the gravity accorded to the problem. And yet every Act includes a provision which states that the provisions of the Act should be seen in addition to and not in derogation of any other law on the subject. Does this mean that statutes providing lesser penalties would prevail over the stringent provisions of the Act? If not, then why has this particular provision been included in a penal statute which according to the standard rules of statutory interpretation is meant to be strictly construed?

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[31] Illustratively *see also infra* the surveys for the States of Andhra Pradesh, Arunachal Pradesh, Bihar, Karnataka, Kerala and Punjab

[32] *See infra* the Survey of the State of Kerala

[33] *See infra* the Survey of the State of Karnataka

[34] *See infra* the Survey of the State of Punjab

[35] See *supra* note 30

[36] For Anti-cheating laws with stringent punishment that have been enacted *See infra* the Surveys on the States of Assam, Gujarat, Jharkhand, Karnataka, Rajasthan and Uttarakhand.

Federal Oversight on State's Power to Legislate

The 2020 Survey had demonstrated, especially in relation to the State of West Bengal, the difficulties that states experience in obtaining the consent of the Governor. In the face of those struggles the state had virtually given up using the instrument of law to implement its policy and preferred to rely upon schemes and programs. In the 2023 survey, many more states report difficulties in obtaining gubernatorial consent.[37] Other than matters which have to be mandatorily referred to the president, Article 200 of the Constitution provides three options to the Governor to either provide consent or seek reconsideration or refer the matter to the president. The article does not specify determinate time within which these choices have to be exercised by the Governor; instead, the open textured phrase "as soon as possible" has been employed. Multiple surveys report the use of the pocket veto by Governors and statutes lying in the Governor's office for months together even after the Assembly has reconsidered and returned the legislation to their office. The power wrangles between the Governor and the executive of the State have been reported in other matters also. A new session of the house required the address of the Governor and where the Governor was unwilling to read the address provided by the state government, legislative business has been continued by not proroguing the house and letting the same session continue.[38] A rule being infringed in substance though observed in form.

It needs to be noted that the most common controversy that has occurred between State Governments and Governors relates to the appointment of vice chancellor and the states attempting to wrest this power from the Governor by replacing them by the office of the Chief Minister. Whilst between the Governor and the Chief Minister the wrangle is about the will of which executive should prevail. The matter of state intervention has been very overtly asserted in the appointment of vice chancellors. In Manipur, the Dhanamanjuri University (Amendment) Act, 2023 allows the Administration Secretary in charge of the Department of Higher and Technical Education to act as ex-officio vice chancellor if for any reason the post of vice chancellor and pro vice chancellor remain vacant. And in the National Law University of Meghalaya (Amendment) Act 2023 the vice chancellor has been replaced by an officer nominated by the government to head the finance committee of the University and the university is represented by its accounts officer. Possibly to underline who is in-

[37] For difficulties that have been reported from various states not governed by the National Democratic Alliance, *see infra* the Surveys on the States of Jharkhand, Kerala, Punjab, Tamil Nadu, Telangana, and West Bengal.

[38] See *infra* the Survey of the State of West Bengal.

charge the Governing Council of the University would be now referred to as the General Council.

Governors are nominated by the union and appointed by the president. Their constitutional duty being to ensure that the state is governed in accordance with the constitution. Even as the party in power in the union makes gubernatorial appointments, the governors owe their allegiance to the constitution. This expectation is belied when the surveys find gubernatorial consent to be a problem only in states where a party in opposition to the ruling party at the Centre is in power. Where the party in power in the state belongs to the party ruling at the Centre, the governor's assent to legislation is routine and in the course of the matter.[39]

An interesting example of gubernatorial bias has been provided in the survey on Himachal Pradesh which covers the period of governance shifting from the BJP to the Congress. The BJP Government in its term had enacted the Himachal Pradesh Loktantra Prahri Samman Act 2021 which provided a dignity pension to persons who were detained during the 1975-77 emergency. The Congress government upon assuming power introduced and passed the Himachal Pradesh Loktantra Prahri Samman (Repealing) Bill 2023. The Assembly has approved the Bill but the Governor is raising questions on the decision to repeal.

Central Governance of Union Territories and Aspirations of Local Self-Determination

The UTs, unlike the states, are more directly governed by the Union. However, as the surveys show all union territories are not similarly modelled. There are UTs with legislative assemblies[40] and others without them.[41] What is noticeable in the reports on the UTs is the constant aspiration for local self-determination.[42] Thus, UTs with an Assembly aspire for full state status[43] UTs without an Assembly but with parliamentary representation seek an Assembly to ensure that the aspirations of the people of the region obtain authentic articulation.[44] And where the UT has neither an Assembly nor parliamentary representation,

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[39] *See, e.g.*, i*nfra* the Surveys for the States of Goa, Haryana, Madhya Pradesh and Tripura.
[40] Jammu and Kashmir, National Capital Territory of Delhi and Puducherry, *See infra* the Surveys on the Union Territories of Jammu, and Kashmir, National Capital Territory of Delhi, and Puducherry.
[41] The UTs of Andaman Nicobar Island, Dadra Nagar Haveli, Daman and Diu, Ladakh and Lakshwadeep.
[42] See *infra* the Survey on the Union Territory of Lakshadweep where the need to recognise the UTs ecological fragility is continually referred to. The Survey on Dadra Nagar Haveli, Daman and Diu *infra* does not refer to the matter of local self-determination but provides a baseline description of governance that primarily occurs through rules and notifications.
[43] *See infra* the Survey on the Union Territory of Puducherry
[44] *See infra* the survey on Andaman and Nicobar Islands

the aspiration is to at least obtain parliamentary representation.[45] That the need for local self-determination sprouts quickly can be seen from the Ladakh survey which is a union territory carved out of the State of J&K. The demand for an Assembly and local governance has not been quelled by mere bifurcation. The survey on the UT also brings to the fore the difference between higher fund allocation and spending autonomy and how the absence of the latter could nullify the benefit of the former.[46] In the face of this all-pervasive aspiration, the conversion of Jammu and Kashmir from a full-fledged state to a union territory, cannot be overstated. Except for Jammu and Kashmir which has lost its status as a state, all other territories are seeking statehood or an Assembly because they perceive that position as enhancing freedom and local autonomy. These aspirations need to be seen in light of the receding powers of legislatures. This organ of the State, which housed the representatives of the people, has become an organ driven by the executive, and almost mechanically according its imprimatur of approval to the will of the government in power.

More the Law of the Ruler than the Rule of Law

As mentioned at the start of this introduction, this ASSL has been overly delayed. Despite the delay, it was decided to bring out the ASSL because the publication would be mapping the ebb and flow of the legislative process in the entire country. To avert any peril, it is important to read the warning signs and start designing preventive measures. The ASSL in analytically surveying the legislative output of all states and UTs is one such preventive measure. It is hoped that a constant vigil on the legislative process and the law output of the entire country, would help halt the process by which the law of the ruler is increasingly being conflated with the rule of law.

The survey finds how with reduced legislative time, interchangeable use of legislation and ordinance, and wide–ranging power to govern through delegated legislation, the legislative oversight on the functioning of the executive is becoming largely symbolic, and the executive is largely driving governance. The rationale for providing gubernatorial oversight on the states was to ensure that every state functions within the four corners of the Constitution. The Goa Governor's forwarding of the Goa Highways Law (Revival of Operation Amendment and Validation) Bill 2023 as it is attempting to revive the land acquisition

[45] *See infra* The Survey on the Union Territory of Chandigarh
[46] See *infra* the Survey on the Union Territory of Ladakh

procedures repealed by the Land Acquisition Rehabilitation and Resettlement Act 2013 is a case in point.[47]

Lon Fuller elaborates on the eight essential procedural principles that a legal system must follow to be considered a genuine functional system of law. Amongst the eight principles, one principle asks for the avoidance of retroactive laws, whilst acknowledging that a total prohibition of retroactive laws was not possible.[48] The General Clauses Act 1897 allows a legislature to accord retrospective operation to a law. In order to discourage the routine use of the power, it needs to be expressly provided for in the legislation. The Courts would not imply retrospective operation and the executive cannot read in retrospective operation if not provided in the text of the law. The number of states[49] that have used retrospective clauses to validate previous executive actions, court-invalidated rules, or long-standing practices is only on the increase. This increasing number of states resorting to retrospective operation of the law undermine the demands of the Rule of Law and needs questioning and curtailment. To publicise the use of the practice is the only corrective measure available to scholars, and the ASSL is a commitment to undertake this vigil.

An Invitation and Acknowledgements

The process of creating the Survey has been discussed at some length in this introduction as the publication would welcome both suggestions on how this objective could be achieved, and expressions of interest from persons who wish to affiliate with the project as contributors, correspondents, reviewers and research interns. The editorial team can be contacted at assl@nalsar.ac.in.

A project which overshoots its completion deadline by a mile can only survive due to the belief in and support of the venture. The Vice-Chancellor of NALSAR Prof. Srikrishna Deva Rao, who is also the patron of the journal, has provided that support in both word and deed. A university can launch an ambitious collaborative venture, such as this one, only if the institutional head believes in it, and provides both ideational and monetary support.

Dr Aymen Mohammed, Associate Editor has led from the front and kept the fires burning even when I went missing. Mr Aniket Sawant, Assistant Editor was a late entrant to the editorial team but has pulled his weight in full measure. If there was one person who kept

[47] Whether presidential approval would operate like gubernatorial assent remains to be seen, *see* infra the survey for the state of Goa.

[48] Lon Fuller, THE MORALITY OF LAW (Universal Book Traders First Indian Reprint 1995)

[49] The states that have employed this measure are Andhra Pradesh, Goa, Kerala, Maharashtra and Tripura. *See* infra the surveys for the states of Andhra Pradesh, Goa, Kerala, Maharashtra and Tripura.

all of us on our toes whilst doing everything from source checking to style consistency to filling gaps in the research it has been Syed Misbah Ameen the Research Associate in the team. I am grateful to Anindita Mukherjee for stepping in whenever required and doing all that needs to be done.

Before I acknowledge the contributors of this ASSL, I must remember the enthusiastic and ebullient Prof Tarun Arora who had joined the project from its inception, one of the not personally known contributors. At the one offline meeting we held in June 2023 he was so full of energy and enthusiasm that his untimely demise is a reality I still cannot accept.

The ASSL has come through because the contributors stayed the course and continued to believe in the project. I am thankful to the contributors of this project who have been understanding of the delay and allowed themselves to be stretched in every imaginable and unimaginable way. It is their willingness to teach and learn which is allowing for this all-India team to emerge to closely study annually the Laws of all states and union territories in India.

Amita Dhanda
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31.12.2025

ANDHRA PRADESH

MURALI KARNAM*

The legislative system in Andhra Pradesh includes a bicameral legislature. The government of Andhra Pradesh in 2023, formed by YSR Congress Party, had an overwhelming majority (86%) in the state legislative assembly

Quantitative Analysis

The term of the 15th Andhra Pradesh Legislative Assembly ended in May 2024. Over the past five years, it had met for 75 days and passed 187 bills. Since 2023 under survey is the last year of its term, a longer perspective on the assembly's functioning is necessary. The number of bills introduced varied each year of the term, with the highest of 45 bills in 2023 and the lowest of 32 bills in 2022.

The number of days for which the assembly functioned has fluctuated over the years. It deliberated for 25 days in 2019, which decreased to 12 days in 2020 probably due to interruption by COVID-19. But its engagement with public issues further declined to 8 days in 2021, to 17 days in 2022, and then to 13 days in 2023. In terms of the number of hours, in 2019, the assembly met for 146 hours, but this time significantly decreased to 78 hours in 2020. The business hours further declined to 40.15 hours in 2021, significantly increased to 88.37 hours in 2022, and then decreased again to 69 hours in 2023. As against 69 hours of discussions in the legislative assembly, the legislative council deliberated for 46 hours in 2023.

The Space for the Opposition Party

The time allocation in the Assembly for the principal opposition party, Telugu Desam (TDP), has shown a consistent decline over the years. It was granted 9.091% of the total time in the house. When the ruling party commands an overwhelming majority, the changing

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priorities of legislative assembly and the shrinking space for the opposition parties are clearly visible. These trends eventually impact the law-making functioning of the assembly, some of which can be seen in the analysis of the particular statutes enacted in 2023.

All the 45 bills introduced on a day were passed on the same day in each house. On 23 March 2023, the Assembly passed 7 bills and the council approved 10 bills.[1] Similarly, on 25 September, the Assembly passed 9 important bills related to prohibition of assigned lands, private universities, endowments lands, public service commissions, road transport corporation, and taxation.[2] None of the bills were referred to select committees of the assembly. 14 of the bills were Ordinances passed as statutes by voice vote. 8 of the bills were introduced as money bills, but two of them were more than money bills. The website of the Legislature has not updated the information on ordinances after 2020. The assembly has not undertaken any discussion under regulations 74 and 344 of the Rules of Procedure and Conduct of Business, 2014 which allow members to call attention to matters of public importance and urgent public importance respectively. It has undertaken brief discussions on eight themes such as corruption in the establishment of the Skill Development Corporation, State Fibernet, and in changing the alignment of the Inner Ring Road, and the reasons for the delay in the completion of the Polavaram project. Regulations 74 and 344 are related to matters of public importance going beyond corruption and inefficiency. Yet the primary focus of the Assembly was on corruption and inefficiency in the previous government.[3]

The Assembly also passed five resolutions including the one to extend scheduled caste status to Budaga Jangam community[4] to Dalit Christians,[5] and to include the Boya/Valmiki community in the scheduled tribes. The National Tribes Federation opposed the move before the National Commission for Scheduled Tribes on the ground that including politically influential Boya community with a population of 40 Lakhs into 34 tribal communities

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[1] *17 bills passed in AP assembly and council*, DECCAN CHRONICLE , 24 March 2023, available at https://www.deccanchronicle.com/nation/in-other-news/230323/17-bills-passed-in-ap-assembly-and-council.html (last visited 23 November 2023).

[2] *Assembly passes nine Bills, including AP Assigned Lands amendment*, THE HINDU, 25 September 2023, available at https://www.thehindu.com/news/national/andhra-pradesh/assembly-passes-nine-bills-including-ap-assigned-lands-amendment/article67345677.ece (last visited on 23 November 2023).

[3] *Short Discussions*, ANDHRA PRADESH LEGISLATURE, available at https://aplegislature.org/web/aplegislature/short-discussions (last visited on 25 December 2023).

[4] Srikanth Aluri, *In Andhra Pradesh, centre mulls SC status for Beda Budaga Jangams*, TIMES OF INDIA, 6 December 2022, available at https://timesofindia.indiatimes.com/city/vijayawada/in-andhra-pradesh-centre-mulls-sc-status-for-beda-budaga-jangams/articleshow/96023005.cms (last visited on 25 December 2023).

[5] *Resolutions*, ANDHRA PRADESH LEGISLATURE, available at https://aplegislature.org/web/aplegislature/resolutions1 (last visited on 25 December 2023).

constituting 27 lakh population with 6% reservation would gravely affect their potential opportunities. The inclusion, especially of Boya Community into ST category will have serious ramifications for the 34 traditional tribal groups in the state. Some responded that this resolution serves the political interest of the party in power rather than the socio-economic needs of the Boya community.[6] The resolution on the Dalit Christians' inclusion into Scheduled Caste was vehemently opposed by the BJP on religious grounds.[7] Interestingly, a month later even the State of Tamil Nadu passed a similar resolution. This question is being challenged before the Supreme Court at the same time.[8] Two bills, namely the Registration of (Andhra Pradesh Amendment) Bill, 2023, the Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari (Amendment) Bill, 2023, await the assent of the President of India, as they deal with items on the Concurrent List in the Constitution of India[9].

Delegated Legislations

The government of Andhra Pradesh published 7839 gazette notifications in 2023.[10] Of these, 256 notifications are routine amendments to rules on matters as diverse as mineral development, tribal welfare, medical education, civil service rules, endowment, local bodies, TTD, school education, AP subordinate services and Secretariat service rules. The Committee on Subordinate Legislation is constituted as per Rule 260 of state legislature's rules of business[11] and it is responsible for scrutinising the proper exercise of regulatory powers. This includes examining that the rules align with the objectives of the approved legislation, do not restrict court jurisdiction or have retrospective operation. However, based

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[6] Sambasiva Rao, *Political circles agog over proposal of Andhra Pradesh government to include Boya community on Scheduled Tribes list,* THE HINDU, 30 November 2022, available at https://www.thehindu.com/news/national/andhra-pradesh/political-circles-agog-over-proposal-of-andhra-pradesh-government-to-include-boya-community-on-scheduled-tribes-list/article66205023.ece

[7] *While Tribals, VHP demand delisting of converted SCs-STs, Andhra Govt pushes to include 'Dalit Christians' in SC list,* ORGANIZER, March 29, 2023, available at https://organiser.org/2023/03/29/166902/bharat/while-tribal-groups-vhp-demand-delisting-of-converted-sc-sts-andhra-govt-push-to-include-dalit-christians-in-sc-list/ (last visited on 25 December 2023).

[8] Sohini Chowdhury, 'Social Stigma May Continue Even After Conversion': Supreme Court Judge Says While Hearing Plea to Extend Reservation to Converted Dalits, LIVE LAW, 12 April 2023, available at https://www.livelaw.in/top-stories/reservation-for-converted-dalits-sc-reservation-for-converts-to-christianity-islam-supreme-court-justice-ahsanuddin-amanullah-226186 (last visited on December 2023).

[9] The Constitution of India, 1950, Art. 254(4).

[10] Search All Gazettes, AP E-Gazette, available at https://apegazette.cgg.gov.in/searchAllGazettes, last visited on 25 January 2024.

[11] Rules of Procedure and Conduct of Business in the Andhra Pradesh Legislative Assembly, 2014, published by Andhra Pradesh Legislature (Legn) Secretariate, Velagapudi, Amaravati.

on the legislative website, it seems that the Committee did not perform any of these functions.

Qualitative Analysis

A systematic framework is necessary for reviewing various statutes passed by the assembly. The survey involved closely examining the statutes and identifying the broad patterns of lawmaking . While many amendments may initially appear to have only recast procedures of executing the substantive law, their true significance becomes evident when they are examined in the context of principal statutes. Therefore, many amendments are evaluated in their social and economic contexts, to appreciate their far-reaching implications.

The review encompasses a range of amendments, including seven amendments to land statutes that address substantive aspects of relationships between individual citizens, their collective rights, and the government. Similarly, five amendments concerning rights bodies which aim to protect the rights of marginalized communities and women are reviewed together due to their shared goals and interconnectedness. Additionally, two out of the eight money bills are analysed as they extend beyond financial appropriation by the government. Furthermore, an examination of the three amendments to the educational statutes helps in understanding the direction of higher education in the state. However, this analysis excludes bills related to budget appropriation, money bills, and those considered socially and politically less significant, such as creating a security cover for the chief minister. Overall, this review undertakes an analysis of 19 bills, thereby shedding light on the legislative landscape and foregrounding the need for scrutiny and clarity in the formulation and enactment of statutes.

Transformative Land Legislations

In 2023, the government of Andhra Pradesh enacted seven important land legislations. Three of them were passed on the same day without much discussion.[12] This was the case even as the statutes may bring about significant changes in property relationships, impacting citizens, collectives, and the acquisition powers of the government. These laws can reshape the ownership of previously shared properties. Furthermore, the laws allow the

[12] They are the A.P. Rights in Land and Pattadar Passbooks (Amendment) Bill, 2023, the A.P. Dotted Lands (Updation in Resettlement Register) (Amendment) Bill, 2023, and the A.P. (Andhra Area) Inams (Abolition and Conversion into Ryotwari) (Amendment) Bill, 2023 passed on 19 March 2023; V. Raghavendra, *Assembly passes three land Bills; two more on education tabled,* THE HINDU, 20 March 2023, available at https://www.thehindu.com/news/national/andhra-pradesh/assembly-passes-three-land-bills-two-more-on-education-tabled/article66638897.ece (last visited on 26 November 2023).

government to acquire lands, and introduce new measures to address issues related to encroachment, land distribution, and compensation.

The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Act, 2023

The government amended the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 through an Ordinance.[13] The Ordinance was subsequently enacted as a statute. The Amendment Act primarily modified sections of the principal statute, related to encroachment on land, buildings, or property belonging to charitable or religious institutions or endowments. It empowers authorities to issue notices for the removal of encroachments, increases the penalties for encroachment offenses,[14] provides for forcible eviction of encroachers, establishes the Endowments Tribunal with the power to pass interim orders against the encroachers, and ultimately entrusts the government with review powers. It received the assent of the Governor on 18 of October 2023, but it was retrospectively enforced from 26 June 2023. Despite proposing significant changes to the ownership rights of collectives and individuals with lasting impact, it does not provide a statement of purpose and grounds for choosing the Ordinance route.

The Andhra Pradesh Bhoodan and Gramdan (Amendment) Act, 2023

The Andhra Pradesh Bhoodan and Gramdan Act, 1965 was a significant piece of land reform legislation. It aimed to facilitate the voluntary donation of land (Bhoodan) and facilitate collective ownership (Gramdan) of land. In order to redistribute land to the landless and to promote village self-sufficiency. The Bhoodan movement led by Vinoba Bhave, encouraged landowners to voluntarily give a portion of their land to landless people. Its primary objective was to address social inequality by reforming land ownership patterns and promoting social justice and community development. The government amended three important sections of the principal statute,[15] substantially changing its original objective. It changed the composition of the Bhoodan Board by amending Section 4, and left the matter of the number of members of the Board to the discretion of the government.

Similarly, the government empowered itself to dissolve the Bhoodan Board[16] and not to reconstitute it for up to a period of three years. The principal act stipulated that if the

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[13] The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Ordinance, 2023 (Ordinance 5 of 2023).
[14] The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Act, (Act 36 of 2023, §5.
[15] The Andhra Pradesh Bhoodan and Gramdan (Amendment) Act, 2023 (Act 39 of 2023).
[16] Ibid, §9.

government desires to dissolve the board, it has to be reconstituted immediately or within six months. The amendment also extended the meaning of "community purpose" by including within such purpose provisioning of "house sites to weaker sections and poor persons."[17]

The original statute empowers the Tahsildar to evict an allottee, if he fails to cultivate the land personally for two consecutive years.[18] The original section 24 required the involvement of the Gram Sabha in the eviction process. Reflecting the declining importance of the Grama Sabha, the amendment empowers the Tahsildar to evict the allottee or any other person who is in possession of the land or house site if they fail to comply with the condition of allotment." The peremptory power of the Tahsildar is attempted to be offset by section 24 A introduced by the Amendment Act which grants the person evicted a right to appeal against the order of eviction within a period of 90 days.

Section 24B the other section introduced by the Amendment Act addresses the changing needs of the community by authorising the Bhoodan Board to use the agricultural land within the limits of an urban area for non-agricultural purposes such as house sites for poor persons.

The Andhra Pradesh Rights in Land and Pattadar Pass Books (Amendment) Act, 2023

The legislature amended the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 through an Ordinance.[19] Understanding the trajectory of this Bill will throw light on the legislative process. Following the promulgation of Ordinance 2 of 2022, the Bill[20] was published on 18 March 2023 and introduced in the Assembly on 19 March 2023. In compliance with Section 11 of the principal statute,[21] a Gazette notification was issued on 12 April 2023[22] inviting people to submit their objections or suggestions within a period of 12 days. Exactly after 12 days, the amended Act was promulgated, which seems to show that either no objections or suggestions were received by the government and if received were accorded no consideration. Thus, the people were involved only in form and not in substance. The introduction of the "Certificate of Ownership" for lands in Gramakantam and non-agricultural lands in the villages and Urban Local Bodies were amongst the key changes introduced by the Amendment Act. The Gramakantam land is a common land

[17] Ibid, §14.
[18] Ibid, §24.
[19] The Andhra Pradesh Rights in Land and Pattadar Pass Books (Amendment) Ordinance, 2023 (Ordinance 2 of 2023).
[20] The Andhra Pradesh Rights in Land and Pattadar Pass Books (Amendment) bill, 2023 (L.A. Bill 4 of 2023).
[21] Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971.
[22] G.O. Ms. 172, (Lands-I), Revenue Department, Govt of AP, dated 12 April 2023.

meant for cattle grazing and harvesting of grains but under the supervision of the Panchayats. Since local self-governance has collapsed,[23] these lands have been encroached upon by the socially and politically powerful members of the village, thereby depriving the peasants of common lands. The Amendment allows for a certification of ownership to be conferred on those beneficiaries who can provide proof of paying tax. Given the state of governance in elected local bodies, such a provision may be invariably advantageous to the politically dominant.[24] Whether wittingly or not, the amended statute may hand the record of rights to the encroachers of the land.

The Andhra Pradesh Dotted Lands (Updation in Resettlement Register) (Amendment) Act, 2023

The Andhra Pradesh Dotted Lands (Updation in Resettlement Register) Act was enacted in 2017. Its purpose is to update government records and to expressly mark out lands where no one is recorded as the owner. In place of the enjoyer, if dots are recorded, then they are called dotted lands. By replacing the dots placed in column No. (16) with appropriate entries recording the ownership of the Dotted Lands. The primary aim of this Act is to reclaim the common land, in the possession of anyone for less than twelve years. With the induction of this provision the government is competing with the citizens to claim its ownership of lands which are initially known as Porombokes, subsequently named as Government Poromboke. The Andhra Pradesh Dotted Lands (Updation in Resettlement Register) (Amendment) Act, 2023, has expanded the definition of dotted lands and included *Anadheenam*[25] (meaning under control of no one). Dotted Lands, which are not assigned to anyone and currently occupied by individuals, will have their names updated based on possession for a period of twelve years or more. Section 22-A of the Registration Act of 1908 declares such lands as one of the categories of lands to which the prohibition of registration applies. The 2023 amendment Act also provided for deletion of dotted lands from the list of the prohibited lands[26]. This implies that the poor traditionally in possession of such land may be evicted. The pattern of land possession by the poor without legal documents has been a long-drawn

[23] The member of Administrative Reforms Commission Dr. Jayaprakash Narayan says that the local self-governments in Andhra Pradesh are governments only on paper. See: Dr. Jayaprakash Narayan and P. Sanjay, *Local Governments in Andhra Pradesh*, JOURNAL OF INDIAN SCHOOL OF POLITICAL ECONOMY, (December 2004) available at https://fdrindia.org/wp-content/uploads/2025/01/Local-Governments-in-Andhra-Pradesh.pdf.

[24] *See* note 33 infra.

[25] The Andhra Pradesh Dotted Lands (Updation in Resettlement Register) (Amendment), 2023 Act (8 of 2023), §2.

[26] Ibid, Section 10.

problem in the state and cannot be viewed as a sudden emergency. The adoption of the Ordinance[27]route to address it is not constitutionally defensible. .

The Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Amendment Act, 2023

The Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956, was enacted to abolish the system of Inams and convert them into Ryotwari lands. Inams were a form of land tenure, where specific individuals or communities were granted land by the rulers of pre-Independence India for religious services, personal favors, or military services provided. The statute aimed to abolish such a system and eliminate the special privileges given to landlords. It also aimed to entrust the ownership of such land to the tenants who actually cultivate them. To meet the food crisis and enlarge their social base, previous governments attempted to dispossess non-cultivating castes from the ownership of large chunks of land. It was part of larger land reforms aimed at social justice and improving agricultural productivity.

While introducing the amendment to the principal statute, the government claimed that the resurvey of lands revealed that the settlement of Inam lands, as required by the Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956, was not carried out. The principal statute grants ownership rights to the Inamdar and the tenants at a ratio of 1/3 and 2/3, respectively. However, if there is no tenant, the government asserted, the Inamdar continues to enjoy the entire land, which is against the purpose of the statute. The government in the proposed amendment argued that in cases where there were no tenants to whom the land could be transferred, the land should be vested in the government in furtherance of larger public interest. The statement of the objectives of the amendment claims that this situation is causing suffering to the public, but does not elaborate on the nature of the suffering. The amendment proposes a replacement to clause (b) of subsection (2) of the principal Act.[28] whereby instead of the Inamdar being entitled to a ryotwari Patta for the land without a tenant, the land would be transferred to the Government, becoming its property without any encumbrances. It is not clear how much of such land would be acquired by the state under the statute. In any case, the confiscation of Inam lands from absentee landlords might serve the public purpose only if the government declares what kind of public purpose it would serve. This amendment is described as procedural in nature

[27] The Andhra Pradesh Dotted Lands (Updation in Resettlement Register) Ordinance, 2022 (Ordinance 16 of 2022).

[28] The Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Amendment Bill, 2023 (L.A. Bill 8 of 2023), §3.

making provision for delegated legislation. The Bill was referred for presidential assent under Article 31A of the Constitution. The Article protects laws made pertaining to the acquisition of jagirs and inams, among other things, from being void for violating Articles 14 or 19. Where such a law is made by a state legislature, it is only protected from judicial review if it receives presidential assent.

The Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2023

The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, serves as a crucial instrument in addressing the issue of land distribution and safeguarding the rights of the landless farmers. Its inception emerged from a deep concern for the vulnerable segments of society who were granted assigned lands by the government as a means of cultivating and securing their livelihoods.

This legislation holds a twofold purpose. Firstly, it aims to protect these assignees from any illegal transfer or exploitation of their assigned lands. By strictly prohibiting the transfer, sale, lease, or any form of their alienation, the Act seeks to counter the potential threats of coerced transactions or the concentration of land in the hands of a privileged few. It stands as a barrier against the further marginalization of the landless poor. As such, the Act promotes an equitable distribution of land and aligns with the principles of social justice.

However, the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Ordinance 2023,[29] which was subsequently adopted as a legislative amendment by the Assembly marks a departure from such a principled protection. The amendment relaxes certain limitations imposed on assignees and empowers the government to acquire their lands. 20 years after assignment, the assignees can sell the agricultural land, and after ten years of assignment, they have the option to sell their house sites—which seems like a significant step towards recognizing the evolving needs of the assignees as agriculture recedes as a primary source of their livelihood. The Act exempts specific leases to the Andhra Pradesh Green Energy Corporation[30] Ltd from the period of restriction altogether. This 'public purpose' has the potential to enlarge itself in the future, threatening the lands of the assignees. Its potential can be seen in the way the compensation for alienation of land is provided. When an assigned land is resumed for a public purpose, the assignee is entitled to receive compensation based on the market value of the land (which is arbitrarily fixed at low level by the government). It also further removed the right of the assignees to go for a

[29] The Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Ordinance, 2023 (Ordinance 9 of 2023).
[30] The Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2023 (Act 35 of 2023), §2, §3.

negotiated award or move the courts[31] for better compensation, when they were denied fair compensation. It primarily targets the poor to part with their lands.[32] The primary objective of protecting the poor and preventing the concentration of wealth, particularly in land, is even more valid in the emerging context of general conversion of a primary source of livelihood into a secondary source. The statute seems to facilitate the process of transforming a sustenance economy into a market-based system.

The Andhra Pradesh Municipal laws (Second Amendment) Act, 2023

The Municipal Corporations Act, 1955 and the Andhra Pradesh Municipalities Act, 1965, play a crucial role in governing the administration and management of urban local bodies. They establish mechanisms, promoting systematic urban governance and empowering local authorities to independently manage their affairs. They provide a legal framework for urban planning, infrastructure development, town planning, and the maintenance of basic urban amenities.

Claiming to meet the challenges posed by growing urbanization, the government has enacted the Andhra Pradesh Municipal Laws (Second Amendment) Act 2023 to amend the Andhra Pradesh Municipal Corporation Act, 1955 and the Andhra Pradesh Municipalities Act, 1965. This amendment, again, grants the government the authority to acquire land for public purposes, allowing the landowners to receive Transferable Development Rights (TDR) in exchange. The TDR is provided through Transferable Development Right Certificates (TDRC) and serves as compensation for the relinquished land.[33]

Transferable Development Rights (TDR) refer to the development rights that enable the transfer of the developmental potential of a plot to another specified area in municipalities[34]. The purpose of TDR includes the provision of community amenities, public development, road widening, recreational use, traffic infrastructure, government-required sites for weaker sections or social housing, as well as urban infrastructure development like water supply, sewerage, education, and health facilities.

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[31] Ibid. §4.

[32] As per the government, this Act is intended to benefit 66,111 persons who are in control of 63,191 acres of land. See Srinivasa Rao Apparasu, *Govt-assigned land to be transferable in Andhra Pradesh,* HINDUSTAN TIMES, 13 July 2023, available at https://www.hindustantimes.com/india-news/govtassinged-land-to-be-transferable-in-andhra-pradesh-101689190792675.html (last visited on 2nd December 2023).

[33] The Andhra Pradesh Municipal Laws (Second Amendment) Act, 2023 (Act 11 of 2023), §2.

[34] Ibid. §3.

The Controller and Auditor General of India's report[35] pointed out that the state has partially delegated administrative functions to local bodies, with only a few functions fully devolved. Significant powers of local bodies still remain with the state government, leading to the centralisation of governance. The local bodies are administered by state-appointed Special Officers. The apex audit body is critical of the state for creating a legal framework without a mechanism to enforce it. It recommended that the state should decentralize the powers and adhere to the constitutional frameworks.

Education

The Andhra Pradesh Education (Amendment) Act, 2023

The Andhra Pradesh Education (Amendment) Ordinance, 2022 was enacted in 2023 to extend the retirement age of teaching and non-teaching staff in educational institutions including Universities from sixty to sixty-two years[36]. The Ordinance was enforced retrospectively[37]. Since the legal measure has far reaching implications to the question of unemployment, burden on exchequer and prolonged services of employees, the legislature should have been the appropriate forum to deliberate on these questions of public importance. However, the government has chosen the ordinance route to legislate the law.

The Andhra Pradesh Private Universities (Establishment and Regulation) (Amendment) Act, 2023

The state had brought three amendments to the statutes governing education in general and higher education in particular. They may have a long-lasting impact on the intellectual autonomy of universities and affordability of higher education for marginalized sections. The Andhra Pradesh Private Universities (Establishment and Regulation) (Amendment) Act, 2023 claims to protect government quota seats and reserve seats for economically disadvantaged students.[38] This amendment to the principal statute, governs the establishment and operation of private universities. However, there was no public

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[35] Comptroller and Auditor General of India, Supreme Audit Institution of India, Performance Audit Report of the Comptroller and Auditor General of India on Efficacy of Implementation of 74th Constitutional Amendment Act, Report number 2 of 2023, available at https://cag.gov.in/webroot/uploads/download_audit_report/2023/Report-2-of-2023-Performance-Audit-Report-of-the-Comptroller-and-Auditor-General-of-India-on-Efficacy-of-Implementation-of-74th-Constitutional-Amendment-Act-0651173d604ab28.25935362.pdf (last visited on 1 January 2024).

[36] The Andhra Pradesh Education (Amendment) Act, 2023 (Act 37 of 2023). §2.

[37] It was made on 29 November 2022 and came into effect from 1 January 2022.

[38] The Andhra Pradesh Private Universities (Establishment and Regulation) (Amendment) Act, 2023 (Act 40 of 2023), §6.

consultation on the declining quality of education in public universities or the necessity to shift towards the private sector.

Services

The Andhra Pradesh Public Service Commission (Entrustment of Additional Functions with respect to the Services of Universities) (Amendment) Act, 2023

The above development has been confounded by a second statute that amended the Andhra Pradesh Universities Act, 1991, which governs the administration of universities and provides for their autonomous functioning. However, this has increased the government's control over the recruitment of professors in public universities. The previous government in 2017 had brought the important role of recruiting teachers by universities under the control of the Public Service Commission. This has been expanded by the government through the Andhra Pradesh Public Service Commission (Entrustment of Additional Functions with respect to the Services of Universities) (Amendment) Ordinance, 2023[39], which included science and technological universities under the law.[40] The legislature approved the amendment[41] without any debate whatsoever. This amendment has centralized the hiring process in public universities. The impact of these changes on the recruitment process in the universities will be felt in a few years from now.

Local Self-Government Officers

The Andhra Pradesh Grama Sachivalayams and Ward Sachivalayams (GSWS) Act, 2023 aims to establish administrative offices in rural and urban areas to deliver citizen-centric services. The act defines terms, appoints bureaucratic functionaries, and outlines the functioning and responsibilities of these offices.[42] It has created 14 categories of personnel, who receive orders directly from the state headquarters. Since 2019, the various government departments issued 95 Government Orders creating the mechanisms and legal framework to run the rural[43] and urban local bodies[44]. This managerial approach effectively relegates the citizens participation in the local self-governance. This undermines the village

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[39] The Andhra Pradesh Public Service Commission (Entrustment of Additional Functions with respect to the Services of Universities) (Amendment) Ordinance (Ordinance 9 of 2023).

[40] Such as Jawaharlal Nehru Technological University, Rajeev Gandhi University of Knowledge Technologies, Dr. Abdul Haq Urdu University, the Cluster University, §2.

[41] Andhra Pradesh Public Service Commission (Entrustment of Additional Functions with Respect to the Services for Universities) Act, 2023, §2.

[42] The Andhra Pradesh Grama Sachivalayams and Ward Sachivalayams (GSWS) Act, 2023 (Act 23 of 2023), §3.

[43] https://gramawardsachivalayam.ap.gov.in/GSWS/AdsandGos/Go.html (last visited on 10 January 2024).

[44] Supra note 27.

self-governance, subverting the 73rd and 74th Constitutional Amendments[45], which recognizes the autonomy and self-governance of local political bodies and thus the autonomy of the community. A law with far-reaching consequences to the rural and urban local bodies has been introduced as an ordinance[46] and subsequently enacted by the legislature.

Rights and Their Enforcement

Reservation in Religious Endowments

The state amended the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 by including a provision[47] which requires one Nayee Brahmin to be appointed as a Trustee in every Board of Trustees of a religious institution. This change aims to promote inclusivity, diverse perspectives, and social justice by giving marginalized communities representation in temples. It allows Nayee Brahmins, a professional community of traditional musicians, but at the lower rung of caste social ladder, to contribute to the governance of religious institutions and helps challenge existing power structures for a more equitable society. But the path of ordinance[48] preferred by the government to right the historical wrongs adds political drama to the social transformation.

Independence of Rights Commission

The legislature amended five important statutes concerning the rights of five marginalized communities. They are the State Commissions for Scheduled Castes,[49] Scheduled Tribes,[50] Minorities,[51] Women,[52] and Backward Castes.[53] These amendments reduced the terms of the Commission members to two years, extendable for another two years. This has the potential to threaten their autonomy, indicating a growing arbitrary power of the government. The shortened terms may affect the members' ability to address community issues effectively, and the provision for government discretion raises concerns about the

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[45] The Constitution (Seventy-third Amendment) Act, 1992.
[46] The Andhra Pradesh Grama Sachivalayams and Ward Sachivalayams (GSWS) Ordinance, 2022 (Ordinance 15 of 2022).
[47] The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Act, 2023 (Act 15 of 2023). §2.
[48] The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Ordinance, 2023 (Ordinance 3 of 2023).
[49] The Andhra Pradesh Commission for Scheduled Castes (Amendment) Act, 2023 (Act 14 of 2023). §2.
[50] The Andhra Pradesh Commission for Scheduled Tribes (Amendment) Act, 2023 (Act 25 of 2023). §2.
[51] Andhra Pradesh State Minorities Commission (Amendment) Act, 2023 (Act 19 of 2023). §2
[52] The Andhra Pradesh Commission for Women (Amendment) Act, 2023 (Act 9 of 2023), §2.
[53] The Andhra Pradesh Commission for Backward Classes other than Scheduled Castes and Scheduled Tribes (Amendment) Act 2023 (Act 20 of 2023). §2.

commissions' independence. Overall, they weaken the stability, independence, and effectiveness of the Commissions in safeguarding the rights of marginalized communities.[54]

Revenue Raising Measures

Andhra Pradesh Motor Vehicles Taxation (Second Amendment) Act, 2023

The tax on motor vehicles is an important source of revenue for the government and is collected based on the cost of the vehicle. The government has included the amount paid by the purchaser to the dealers, including GST and other taxes. When its decision was challenged, the Andhra Pradesh High Court clarified that the cost of a vehicle does not include GST and other taxes.[55] However, to overcome this judicial restraint on the scope of taxing, the government amended the Andhra Pradesh Motor Vehicles Taxation Act, 1963. Now, the definition of 'Cost of the Vehicle' includes the invoice value issued under the APGST Act for vehicles manufactured in India, along with taxes, duties, cesses, fees, and charges imposed by current laws. Discounts, rebates, or subsidies given by the dealer are not deducted. The value of the motor vehicle as endorsed in the Bill of Entry or assessed under the Customs Act, along with customs duty, freight charges, and other taxes, are also included.[56] This definition applies to past and future notifications for tax collection under the Andhra Pradesh Motor Vehicles Taxation Act, 1963.

The government assured the legislature that these changes will not burden the exchequer. This is an irrelevant assurance as the legal measure is intended to burden the citizens and fill the exchequer. In the financial year 2022-23, the Transport Department collected a total revenue of Rs. 4294.14 crores, and the total life tax collected was Rs. 2519.01 crores. Despite such a financial burden on the citizens imposed through delegated legislation under Clause 1(2) of the Bill, the government claims that the bill primarily addresses procedural matters and its provisions pertain to routine procedural affairs[57]. This routine but false claims by the government before the peoples' representative body are not subjected to scrutiny to make the executive accountable for the same.

Promotion of Waterways

The Andhra Pradesh Inland Waterways Authority Bill, 2023 was introduced as a money bill in the legislative assembly. It aims to establish The Andhra Pradesh Inland Waterways

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[54] Responding to the declining independence of rights bodies in India, the Sub-Committee on Accreditation of the National Human Rights Commission was deferred by Global Alliance of National Human Rights Institutions in 2023 https://ganhri.org/wp-content/uploads/2023/04/SCA-Report-First-Session-2023-EN.pdf
[55] Valluru Pavan Chandra v. State of Andhra Pradesh, WP 2049/2021, Andhra Pradesh High Court.
[56] The Andhra Pradesh Motor Vehicles Taxation (Second Amendment) Bill, 2023 (L.A. Bill 33 of 2023). §2.
[57] Ibid. Memorandum Regarding Delegated Legislation.

Authority[58] (APIWA) for the regulation and development of inland waterways and their integration with long coastal waterways. This Authority is granted significant powers which include acquiring and disposing of property, making policy decisions, regulating structures on rivers and water bodies, surveys and investigations and coordination with other modes of transport[59]. While these powers enable the APIWA to effectively regulate and develop inland waterways, this has a potential for conflict with environmental safeguards and rights of citizens. The compulsory acquisition of properties and assets by the APIWA[60] may result in the displacement of local communities like fishermen who depend on those resources for their livelihoods. The development of waterways can have environmental consequences. Dredging activities, construction of infrastructure, and increased vessel traffic can disrupt ecosystems, alter water flow patterns[61], and impact aquatic life and habitats. Regulating structures on rivers and water bodies risks altering water flow, impacting the environment and local communities. Increased vessel movement can lead to pollution. The Act has not yet come into force.

Penalties under Excise Law

The Andhra Pradesh Excise Act of 1968 was amended, introducing significant changes. Stricter penalties were imposed for possession of non-duty/non-tax paid intoxicants, based on quantity and offense history. The government claimed that there was a need to differentiate between grave and petty offenses, particularly in cases involving smaller quantities of intoxicants and first-time offenses keeping in view the case backlog in trial courts. , The amendments enable compounding[62] of such offenses, in order to enhance the efficiency of enforcement agencies in investigations and to reduce the caseload of trial courts[63].

The amendment rationalised and modified the penalties.[64] It was brought into force retrospectively from 16 May 2020. It would be interesting to see whether it provides any relief to a large section of citizens in conflict with this law. Overall, the amendments aimed

[58] The Andhra Pradesh Inland Waterways Authority Bill, 2023 (L.A. Bill 24 of 2023). §3
[59] Ibid. §16
[60] Ibid. 2023, §28
[61] Ibid. §16 (e)
[62] Ibid. §3.
[63] *AP Assembly passes 10 Bills, council three,* DECCAN CHRONICLE, 21 March 2023, available at https://www.deccanchronicle.com/nation/in-other-news/210323/ap-assembly-passes-10-bills.html (last visited 5 January 2024)
[64] The Andhra Pradesh Excise (Amendment) Act, 2023 (Act 4 of 2023). §2.

to differentiate between professional offenders and minor transgressors. The government by adopting a more flexible approach is seeking to reduce its prosecution burdens.

Conclusion

A close scrutiny of laws in their socio-economic and legal context reveals they have potential for far-reaching consequences to the public. The analysis highlights substantive aspects in land statutes and amendments related to marginalized communities and women's rights. The government's approach to higher education in the private and the public sector is a concern. The use of ordinances and money bills to legislate on important matters is a source of serious concern. They bypassed the scrutiny by the sub-committees and evaded the public consultations. Many Bills even lacked statements of objectives. Given these legislative strategies, the questions of transparency and government accountability to the citizens galore, undermining the legitimacy of the legislature as the representative body in Andhra Pradesh.

ARUNACHAL PRADESH

Anjuman Ara Begum*

Introduction

The Arunachal Pradesh legislature has been unicameral since its inception. Initially, the Legislative Assembly consisted of 33 members, 30 of whom were chosen by the people by direct election and three were nominated by the Union Government. On attainment of statehood in 1978, the membership of the Legislative Assembly was increased to 60. The first Legislative Assembly was constituted on 6th March, 1990. Currently the 7th Legislative Assembly of the state is in operation. Elections for the 8th Legislative Assembly are due in April 2024.

Research Methodology

The survey covers the entire legislative output in the year 2023 which includes the government and private member Bills, Ordinances, and Resolutions if any. After a quantitative assessment of the legislative output, a qualitative analysis of significant legislative initiatives has been made. Information was collected through the webpage of the Arunachal Pradesh Legislative Assembly.[1] The assembly has other web pages, however these were not used as regular updates were not available.[2] The Assembly also has social media handles like Facebook and YouTube where sessions are live telecasted for public information. Application under the Right to Information Act was also filed to obtain information with regard to the sessions of the Assembly as there were no updates on the government website after the 5th session. No information on the Committees was available.[3]

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[1] *Arunachal Pradesh Legislative Assembly,* E-Vidhan, available at https://evidhanapla.in/.

[2] *Arunachal Pradesh Legislative Assembly,* National E-Vidhan Application (NEVA), available at https://arla.neva.gov.in/; *Arunachal Assembly,* available at https://arunachalassembly.gov.in/ (This has migrated to the e-vidhan website).

[3] *Arunachal Pradesh Legislative Assembly Committee,* National E-Vidhan Application (NEVA), available at https://arla.neva.gov.in/Committee (last accessed on 31 October 2023).

Legislative Activities in 2023

Usually, two sessions of the Arunachal Pradesh Legislative Assembly are conducted in a year. In 2023, three sessions were held including two business sessions and one special session. The 11th session of the 7th Legislative Assembly session was held from March 6-14, 2023 with 4 functional days (Budget session) and the 12th Session was held from September 4-7, 2023 with seven functional days. In addition to this, one special session was held on February 21, 2023 with one functional day. The President of India, Droupadi Murmu addressed this special session of the Assembly at Itanagar on February 21, 2023 to celebrate the 37th statehood day.

A number of Bills were introduced and 6 Bills were passed and received assent from the Governor. The Bills that became Acts in 2023 are as follows:

1. The Arunachal Pradesh Goods Tax (Amendment) Act, 2023,
2. The Arunachal Pradesh Protection of Drinking Water Catchment Areas Act, 2023
3. The Assam Frontier (Administration of Justice) Regulation (Amendment) Act 2023.
4. The Arunachal Pradesh Airport Area Planning and Development Authority Act, 2023
5. The Arunachal Pradesh Court Fees Act, 2023
6. The Arunachal Pradesh Goods & Services Tax (Amendment) Act, 2023

No ordinance was promulgated in the year 2023.

Analysis of Legislations Passed in 2023

Health and Sanitation: Protection of traditional water sources for drinking water

The Arunachal Pradesh Protection of Drinking Water Catchment Areas Act, 2023[4]

Arunachal Pradesh, has several rivers flowing through the State. These rivers are important water resources and are harnessed for generating hydropower. However, the majority of people of the state are dependent on traditional sources of drinking water like rivulets and springs and these serve as the lifeline in villages and small townships. Of late there has been growing concern over the drinking water crisis. About 200 rivers and streams have reportedly dried up.[5] Experts believe that large-scale deforestation, mining and jhum cultivation or crash and burn system of farming in the hilly regions have disrupted the water

[4] The Arunachal Pradesh Protection of Drinking Water Catchment Areas Act, 2023

[5] Rahul Karmakar, *Arunachal Pradesh, India's hydroelectric powerhouse, stares at water scarcity,* July 08, 2018, https://www.thehindu.com/news/national/other-states/arunachal-pradesh-indias-hydroelectric-powerhouse-stares-at-water-scarcity/article24366916.ece (last accessed on 10 January 2024).

sources.[6] Due to climatic change as also due to the deleterious effect of global warming and recession of glaciers there will be a direct impact on the availability of water in the entire country especially along the Trans Himalayan Region including Arunachal Pradesh.[7] Apart from the prevailing jhum cultivation system which is reduced over a period of time, the introduction of cash crops like tea, cardamom, arecanut, etc, has also contributed to the depletion of forest coverage as these crops are cultivated in large areas of land.[8] The government of Arunachal Pradesh is also actively promoting the cultivation of oil palm in the state which will further adversely affect the drinking water crisis. Oil palm, a tropical plant, was introduced in the foothills and valley areas of Arunachal Pradesh in 2012.[9] The Arunachal Pradesh (Land Settlement and Records) (Amendment) Act, 2018[10] was introduced, which, for the first time, conferred land property rights to individuals in a state where most of the lands are customarily owned by communities.[11] The passing of this Act eased the process of land acquisition for investors in the state, including oil palm companies, as the legislation permitted native individuals to lease out lands to non-native businesses. This has generated apprehensions about dispossession of the hill tribes.[12] Various development projects as well as the process of urbanisation in the region are contributing to this process of change, leading to an increasing privatisation and commercialisation of tribal community land.[13]

Incessant logging and mining of coal and boulders have further drained the land of water and destroyed the rich flora and fauna.[14] Unregulated logging carried out every year has led to gradual drying up of most of the perennial water sources. The unhindered operation of

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[6] Junroi Mamang, *Water Crisis is Real*, available at https://arunachaltimes.in/index.php/2021/11/22/water-crisis-is-real/ (last accessed on 4 December 2023).

[7] Ground Water Information Booklet Upper Subansiri District, Arunachal Pradesh, Central Ground Water Board - North Eastern Region Ministry of Water Resources, Guwahati, September 2013, https://www.cgwb.gov.in/old_website/District_Profile/Arunachal/UPPER%20SUBANSIRI.pdf (last accessed on 4 December 2023).

[8] Ibid

[9] Bikash Kumar Bhattacharya, *Oil palm farmers in Arunachal Pradesh lose hope in absence of processing mills, market, road linkage*, 6 June 2022, available at https://india.mongabay.com/2022/06/in-arunachal-pradesh-oil-palm-farmers-lose-confidence-in-absence-of-processing-mills-market-road-linkage/ (last accessed on 4 December 2023).

[10] The Arunachal Pradesh (Land Settlement and Records) (Amendment) Act, 2018.

[11] Chandan Kumar Sharma and Bhaswati Borgohain, *The New Land Settlement Act in Arunachal Pradesh*, Vol 54(23) EPW, available at https://www.epw.in/journal/2019/23/commentary/new-land-settlement-act-arunachal-pradesh.html (last accessed on 24 January 2023).

[12] Ibid

[13] Ibid

[14] Junroi Mamang, *Water Crisis is real*, 22 November 2021, available at https://arunachaltimes.in/index.php/2021/11/22/water-crisis-is-real/ (last accessed on 4 December 2023).

many saw mills, veneer and plywood mills around the year is not only depleting the forest resources but is also polluting the environment.[15] Drinking water catchments have been rendered vulnerable due to the contamination caused by human activities such as unscientific agricultural practices, deforestation or mining. Catchments are important in preserving the quantity and quality of drinking water sources. Hence it is important to keep these areas clean and safe for human consumption.

The government has planned construction of large dams for years now and India's largest dam in the Dibang valley has already received necessary clearance. However, the issue of drinking water has been ignored for a long time. Absence of government policy on drinking water has further intensified the water crisis. To create public pressure, Mr. Sol Dadum, a social activist undertook a 225-km walk from Seppa in East Kameng district to the state capital Itanagar on April 15, 2022 in demand for the protection of drinking water sources.[16] Finally in April 2023, the Arunachal Pradesh Protection of Drinking Water Catchment Areas Act, 2023[17] was passed which received the assent of the Governor on 15 April 2023. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

The Act focuses on preserving drinking water sources by protecting traditional water catchment by classifying the catchment areas and by establishing a four-tier mechanism at the state, district and village levels. The Drinking Water Catchment Areas have been categorised into 'Critical Catchment Area', 'Sub-Critical Catchment Area' and 'Non-Critical Catchment Area' in terms of threat pertaining to the water availability in the source as defined under sections 11 (2) (a), (b) and (c).

The State level social mechanism described as the 'Arunachal Catchment Areas Pradesh Drinking Water Board (APDWCAAB)' will play an advisory and regulatory role. 'District Drinking Water Catchment Area Protection Board (DDWCAPB)' constituted under section 5 of the Act, will execute the provisions of the Act and will aid the Advisory Board. 'District Executive Committee for Drinking Water Catchment Areas Protection (DECDWCAP)' constituted under section 7 of the Act Organising of awareness programme at different levels and will promote voluntary donation of land for protection of catchment areas in the

[15] Ibid

[16] Umanand Jaswal, *Arunachal Pradesh: Long march plan for clean drinking water*, 8 May 2022, available at https://www.telegraphindia.com/north-east/long-protest-march-plan-for-clean-drinking-water-in-arunachal-pradesh/cid/1864028 (last accessed on 10 January 2024).

[17] The Arunachal Pradesh Protection of Drinking Water Catchment Areas Act, 2023.

village. Lastly, the Village Water & Sanitation Committee will work at the village level to implement the Act and will ensure community participation in the whole mechanism.

The most important objective of the Act, is that it aims to activate gender inclusive grassroots community participation[18] in drinking water governance. It endeavours to create a framework where every individual will participate at all levels and take part in decision-making.

The Act has several provisions (sections 5-12) to protect drinking water catchment areas, including regulating land use activities, prohibiting construction activities, and promoting afforestation like (prohibition of) felling of trees, jhumming, use of chemical fertilizers, cultivation, excavation etc; and periodic testing of soil, planting trees, etc.[19] It also requires the development of an action plan for the protection of drinking water sources and the establishment of a monitoring system to ensure compliance with the provisions of the Act. The Act also provides for penalties for occasional and repeated violations.

The Act's emphasis on community participation will ensure that the people living in these areas become active participants in the decision-making process, which is essential for effective implementation. Under section 9 of the Act, the 'Village Water & Sanitation Committee' constituted under Jal Jeevan Mission programme shall continue to function as such. It shall carry out the various functions envisaged under the Act and shall make suggestions. This Committee will consist of 10-15 members, comprising of elected members of Panchayat up to 25% of the composition out of which, 50% shall be women; and remaining 25% shall consist of Gaon Burahs or Senior members or Literate members or Government retirees, to be decided by the Gram Sabha. The Committee shall work at the grassroot level, will identify traditional practices detrimental for water resources for e.g capturing mithuns, preventing jhumming or cultivation or use of any insecticide or pesticide or any harmful chemicals, quarrying of sand or stone, excavation of earth, open defecation along the water bodies, disposal of solid waste; and attempt to bring behavioral changes, by influencing the community practices and promoting sustainable ways of water resource management. The Act under section 6(1)(e) also instituted an annual reward for the best village contributing to the objectives of the Act.

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[18] ANI, *Arunachal Assembly passes Law to protect drinking water*, 9 March 2023, available at https://theprint.in/politics/arunachal-pradesh-assembly-passes-bill-to-protect-drinking-water-sources/1431191/ (last accessed on 30 October 2023); The Arunachal Pradesh Protection of Drinking Water Catchment Areas Act, 2023, §§ 5–10.

[19] The Arunachal Pradesh Protection of Drinking Water Catchment Areas Act, 2023, § 12.

A drawback of the Act is that it has stressed on voluntary donation of land for conservation and there is no provision for compensation except in the extreme circumstance of livelihood being endangered, but compensation has not been provided for as a matter of right. It declares under section 6(1)(d) that the land, other than certain classes of forest land, shall be donated voluntarily for conservation and development of drinking water catchment area protection and the land so donated shall not be used for any other purpose. However, no compensation shall be paid for such donated land. In extreme circumstances, the District Board may determine the compensation to be paid, which however, shall not be claimed as a matter of right. Another problematic provision is that a first-time offence will be punishable with fine to be decided by the village committee (section 17) and this process need not comply with the demands of procedural fairness. Such arbitrary provisions devalue the salutary aims and objectives of the Act which is trying to conserve water with the participation of the people.

Local Governance: Customary System of Administration of Justice

The Assam Frontier (Administration of Justice) Regulation (Amendment) Act 2023[20]

The Assam Frontier (Administration of Justice) Regulation (Amendment) Act, 2023 was enacted to amend the Assam Frontier (Administration of Justice) Regulation of 1945 [Regulation of 1945 hereinafter][21]. The Regulation of 1945 is one of the pre-constitutional laws which safeguarded the indigenous local customary laws through the institution of "Village Authority" . The amendment Act of 2023 makes provisions for framing guidelines by the Government for election, selection, appointment, powers, functions and meetings of the Head Gaon Bura, Head Gaon Buri, Gaon Bura and Gaon Buri. It also removes imprisonment as a punishment for village council members abusing their power (section 6). The Act also amends the Arunachal Pradesh Civil Courts Act (Act No. 4 of 2021) in order to allow unilateral appeals. The Act has retrospective application and has the force of law from the date of the state's statehood, 20th February, 1987 [22].

During the Budget session, Chief Minister Pema Khandu informed the House that the amendment to the Assam Frontier (Administration of Justice) Regulation, 1945, is intended to strengthen the state's traditional customary laws and expedite the justice delivery process.

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[20] The Assam Frontier (Administration of Justice) Regulation (Amendment) Act 2023.
[21] The Assam Frontier (Administration of Justice) Regulation (Amendment) Act, 2023.
[22] State of Arunachal Pradesh Act, 1986.

A brief background discussion on the historical context of the amendment to the 1945 regulation is relevant as it continues to be in operation along with the current amendment of 2023. Arunachal Pradesh has 26 major tribes and more than 110 sub-tribes[23]. Scholars such as Kago Gambo and Nani Bath have extensively researched the indigenous systems of administering justice in both criminal and civil matters, which were allowed to operate with little or no interference from the State administration.'.[24] The Government of India Act, 1935, (section 91-92)[25], incorporated certain recommendations of the Simon Commission and certain territories were regrouped under two categories: 'Excluded Areas' and 'Partially Excluded Areas.'[26] It was the responsibility of the village Councils to maintain peace and order in their respective tribal territories. Every tribe has its own type of village council with different nomenclature but with largely similar functions. The Tribal Councils not only maintained peace in the society but also regulated the socio-political and cultural, and even economic activities of the people. Rules and Regulations issued in 1914, 1937, and 1945 by the British became the constitutional basis for administration of justice in the territories. The centuries-old judicial system in the territories was given recognition through the Assam Frontier (Administration of Justice) Regulation, 1945.

The traditional self-governing institutions continue in operation under the broad framework of the Assam Frontier (Administration of Justice) Regulation, 1945. These regulations were further strengthened over time. Under the 1945 Regulation, executive officials (Deputy Commissioners, Circle Officers) had adjudicative power. The primary aim of the Regulation 1 of 1945 was to bring certain uniformities in tribal councils of various tribes with regards to dispensation of justice. Through this Regulation, the British government indirectly controlled the workings of Village Councils.

The policy of non-interference continued post-independence as well. The Government of India retained this Regulation of 1945. The Regulation provided the Village Authorities with wide power to be exercised in accordance with their customary laws [Regs 19-20] and to act like a bridge between the public and the law enforcing agencies. They are responsible for all the law-and-order related duties in the village and inflict punishment or order compensation as per their customary laws. In spite of the constitutional separation of judicial

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[23] Dani Sulu, *How Many tribes are there in Arunachal Pradesh*? 12 August 2021, available at https://arunachaltimes.in/index.php/2021/08/12/how-many-tribes-are-there-in-arunachal-pradesh/ (last accessed on 10 November 10 2023).

[24] Kago Gambo, Nani Bath, *The Administration of Justice in 'Tribal Areas': A Case of Arunachal Pradesh, Mizoram* Vol 7(2), University Journal of Humanities and Social Sciences, available at http://mzuhssjournal.in/images/resources/v7n2/gambo.pdf (last accessed on 10 November 2023).

[25] The Government of India Act, 1935, §§ 91-92.

[26] The Government of India Act, 1935, §§ 91, 92.

and executive functions, the provisions of the Assam frontier Administration of Justice, 1945 are still in operation.[27]Field visits by the author conducted during 2022-23 indicated that the rural people prefer the traditional justice delivery system, which is quick and less expensive, than the modern judicial system because of judicial delay and the cost of litigation. Another drawback observed is that in many cases the power and position of the village councils are weakened by the village authorities (Gaon Burahs) who are appointed by the government. They owe their position and importance to the Government and are bound by the government instructions issued from time to time and this counters the policy of 'non-interference' towards the customary system.

Administration of Justice

The Arunachal Pradesh Court Fees Act, 2023[28]

The Arunachal Pradesh Court Fees Bill, 2023, was introduced in the Arunachal Pradesh Legislative Assembly on September 4, 2023. It seeks to regulate the fees payable to the High Court and Subordinate Courts of Arunachal Pradesh. Currently, these fees are regulated under the Court Fees Act, 1870, which is a central act. The central government has proposed to repeal the 1870 Act and has directed the states to frame their own laws on court fees.[29] The state of Arunachal Pradesh, since the beginning had been abiding by the Court Fee Act, 1870 for all its fees payable to the High Court and Subordinate Courts of Arunachal Pradesh, as per the Assam Court Fees (Amendment) Act, 1972.[30]

The Arunachal Pradesh Court Fees Bill, 2023 passed by a voice vote during the state's Legislative Assembly on September 4, 2023, received Governor's assent on 29th September, 2023 and became an Act. With the passing of this Act, the court fees payable under the Assam Court Fee Act of 1972 will be regulated under the state law of Arunachal Pradesh. This implies Arunachal Pradesh will have the authority to streamline the court fee structure in various courts of the State. Arunachal Pradesh doesn't have a High Court of its own and the bench of the Guwahati High Court is operational in the capital Itanagar.

Fees payable on documents filed in Courts (Chapter II and III): The Act specifies fees to be paid upon submission of certain documents to the High Court or Subordinate Courts, or

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[27] Department of Law and Judicial, Govt. of Arunachal Pradesh, Appointment of Deputy Commissioners as Chief Judicial Magistrates, JUD/DSC-37/2010 (Notified on June 11, 2010).
[28] The Arunachal Pradesh Court Fees Act, 2023
[29] *Arunachal Assembly Passes Two Important Government Bills,* Deccan Herald, 5 September 2023, available at https://www.deccanherald.com/india/arunachal-pradesh/arunachal-assembly-passes-two-important-government-bills-2673516 (last accessed on 4 December 2023).
[30] Assam Court Fees (Amendment) Act, 1972

request for certain documents from them. These include: (i) applications or petitions, (ii) appeals, and (iii) requests for copies of court orders and proceedings. The state government may amend the fees specified in the Schedules to the Act through notification.

Certain documents will be exempt from the levy of fees. These include: (i) written statements called for by the Court after the first hearing, (ii) applications or petitions in certain cases such as settlement of land revenue, water supply for irrigation, relinquishing land, enhancing rent, and solemnising or registering the marriage, (iii) bail bonds and petitions by prisoners, (iv) complaints by public servants, (v) appeals against the assessment of municipal tax, and (vi) compensation claims for acquisition of property for public purposes.

Computation of fees payable in certain suits [section 7]: The Act specifies different methods for computation of fees for different categories of suits. For instance, the fee will be based on: (i) the amount claimed in money-related cases such as those for compensation and arrears of maintenance, (ii) market value in cases involving movable property (other than money), (iii) either market value or land revenue payable in cases involving possession of land or house in a notified township, and (iv) terms of contracts for disputes between landlords and tenants.

Valuation of suits [section 8-10]: The Court may determine or revise the valuation, where it is of the opinion that a suit has been wrongly valued. It may appoint a person to conduct an inquiry and ascertain the valuation. It may direct a party involved in the suit to pay for the costs of the inquiry. In the event of non-payment of costs, the Court may dismiss the suit.

Dispute resolution [section 5]: In the High Court, disputes on the amount of fee between court officers and litigators will be first referred to the taxing officer (appointed by the Chief Justice). The decision of the taxing officer will be final. In cases of general importance, the taxing officer will refer the matter to the Chief Justice or any other Justice designated by the Chief Justice for final decision. In a subordinate court, similar disputes will be decided by the Clerk of the Court. Matters of general importance will be referred to the Judge for final decision.

Mode of fee collection [Chapter VI]: All fees will be collected by stamps, electronic payment, or in such manner as may be prescribed. A document will be considered invalid if it is not properly stamped.

Powers to make rules [section 35, 39, 46]: The High Court will prescribe fees for serving and executing processes issued by the: (i) High Court, (ii) civil courts, (iii) revenue courts, and (iv) criminal courts. The state government will prescribe through rules: (i) regulation of the supply of stamps, (ii) manner of electronic payment, (iii) renewal of damaged stamps, and

(iv) maintenance of records of all stamps. For documents requiring payment of fees in the High Court, stamp-related rules must be framed, in concurrence with the Chief Justice of the High Court.

With the passing of the state's own Court Fee Act, the state will be able to generate revenue from the court fees proceedings which was previously governed under the Assam Court Fee Act 1972. The Act will facilitate the availability of clear and accurate information about the expenses of different legal activities. By including electronic payment methods, the Act will make it convenient for the people to make payments, avoid clerical hurdles and streamline the fee collection process for the government. It will also ensure accurate stamping and thereby safeguard the interests of citizens.

Planning and Infrastructure Development

The Arunachal Pradesh Airport Area, Planning and Development Authority Act, 2023[31]

The Arunachal Pradesh Airport Area, Planning and Development Authority Bill, 2023 envisages constituting a statutory authority to oversee the development works to be carried out in the Airport Areas in the state including the Hollongi Donyi Polo airport area. The state doesn't have rail connectivity and hence air connectivity is of special significance.

The proposed Airport Planning and Development Authority under section 6 of the Act will be composed of 11 members and would be the key authority to provide clearances (eg. no objection certificates, consent etc) for the development of the airport planning areas. These include permissions, registrations, licenses, and approvals for setting up or upgrading infrastructural facilities, or carrying out developmental work and excludes clearances under Central enactments.

The airport planning area refers to a defined local planning zone, which includes one or multiple districts, to cater to land use and activities related to the airport. For airport planning areas, the Authority will be deemed to be the: (i) Village Panchayat, (ii) Municipality, (iii) Municipal Corporation, and (iv) Planning and Development Authority, under various laws [section 6 (iv) and section 7]. It will exercise all powers vested with such entities. These include: (i) formulating development plans, (ii) prescribing bye-laws, and (iii) regulating land use [section 6 (v)].

Appeals against the decisions of the Authority may be filed before the civil court [section 10]. An appeal must be filed within 30 days from the date of the decision. In matters arising out of the order or decree of the civil court, the appeal will lie before the High Court.

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[31] The Arunachal Pradesh Airport Area, Planning and Development Authority Act, 2023.

Taxation

The Arunachal Pradesh Goods Tax (Amendment) Act, 2023 [received governors assent in March, 2023] and the Arunachal Pradesh Goods and Services Tax (Amendment) Act, 2023 (received governor's assent in September 2023) passed during 2023. Since both the central and state governments administer the GST, any modification or revision required under the Act must be approved by both the central and state governments. Hence the legal modifications approved by the Union Government have also to be passed by the state government.

The Deputy Chief Minister Chowna Mein moved Arunachal Pradesh Goods and Services Tax Bill 2023 in its amended form, which when passed, assented and notified will enable administration of taxation under GST in a more efficient manner.

Social Reforms and Gender Justice: Private Member's Bill

A private member's intention to introduce a Bill created quite a public stir in 2023. Sri Ninong Ering, MLA, 27th Pasighat Assembly constituency expressed his intention to table a private bill titled 'The Arunachal Pradesh Monogamy Election Eligibility Bill 2023.[32] The intended bill proposed that only individuals with one spouse should be eligible to run for elections. The proposed Bill aimed to bring an amendment to the Representation of People's Act, 1951, by inserting a new subsection, 4 A, in Section 4, which will allow only candidates with one spouse to be eligible to contest elections for the state legislative assembly of Arunachal Pradesh. The bill also aimed to extend the disqualification to the elections of local bodies by amending the Panchayat Act, 1997, and the Municipal Act, 2007. Since elections to the Union and the State legislature is a matter covered by the union list, the amendment could not move forward. Even so the chief minister gave an assurance that the matter would be discussed in the Assembly. Due to the absence of jurisdiction the Bill was not introduced and the MLA proposing it was absent in the session on the scheduled day of discussion (possibly due to social pressure). Hence the promised discussion did not take place.

It is important to note that polygamy is widely practiced in Arunachal Pradesh and has been marked as a social issue with the women's groups describing it as discriminating against women. Such practices are protected under the guise of customary laws. Hence, a private member's intention to bring a law against polygamy during the September session gained a lot of media attention and large-scale appreciation from women's groups who have been

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[32] Rokibuz Zaman, *Why a 'monogamy bill' is gathering support from Arunachal Pradesh women activists*, 6 October 2023, available at https://scroll.in/article/1056622/why-a-monogamy-bill-is-gathering-support-from-arunachal-pradesh-women-activists (last accessed 2 November 2023).

campaigning for years to criminalise this widespread practice. It is said that almost every community practises polygamy and men with financial, social and political influence are able to obtain social acceptance for the practice. The social acceptance for the practice can be judged from the fact that six out of nine chief ministers in Arunachal Pradesh have had multiple wives and currently seven MLAs have more than one wife, with one female MLA being a third wife.

Conclusion

The National Commission to Review the Working of the Constitution (NCRWC) had recommended that states set a minimum number of sitting days for state legislatures, based on the number of members in the Assembly. Arunachal Pradesh is far below the expected number of working days. The Bills introduced and passed are mostly to deal with the community life of the people of the state like preservation of water sources , community participation by strengthening customary institutions and infrastructure development like air connectivity. Several critical issues such as corruption charges against Arunachal Pradesh Public Service Commission (APPSC), border issues with China, Hajong Chakma Refugee issues, growing violence against women, deforestation, mega dams, freedom of speech and expression and drug abuse remain unaddressed. The political participation of women is low, hence great importance is being attached to the creation of a panel of women chairpersons.

ASSAM

SAHEB CHOWDHURY★ and GITANJALI GHOSH♦

Introduction

In the year 2023, the 15th Assam Legislative Assembly witnessed substantial legislative activity primarily in the areas of education, welfare and governance. A total of 32 bills were introduced out of which 29 have been enacted. Out of these 32 bills, 23 were introduced in the first two days of the autumn session of the Assembly in September, 2023.[1]

The Labour and Welfare minister introduced 'The Assam Tea Plantation Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme (Amendment) Bill 2023'.[2] The Parliamentary Affairs Minister introduced the 'The Assam Backward Classes Commission (Amendment) Bill 2023'.[3] The Assam Repealing Bill 2023 which repealed the Assam Rajiv Gandhi University of Cooperative Management Act 2010 was introduced in the Assembly by the Education Minister.[4] The Education Minister also introduced six other bills meant to upgrade different colleges to universities. These Bills also empowered the Comptroller and Auditor General India to check and audit accounts of five universities of the state.[5] Furthermore, the finance minister introduced The Assam Micro Finance Institutions (Regulation of Money Lending (Amendment) Bill 2023 and The Assam Goods and Services Tax (Amendment) Bill 2023.[6] Other bills that were introduced include The Guwahati Metropolitan Development Authority (Amendment) Bill 2023, The Assam Public Safety (Measures) Enforcement (Amendment) Bill 2023 and The Assam Gratuity (Amendment)

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[1] *23 Bills Introduced in Assam Assembly in Two Days*, December 9, 2023, available at https://www.deccanherald.com/india/assam/23-bills-introduced-in-assam-assembly-in-two-days-2683521 (Last visited on April 5, 2024).

[2] *Id.*

[3] *Id.*

[4] *Id.*

[5] *Id.*

[6] *Id.*

Bill 2023.[7] Apart from the above, the Minister for Panchayat and Rural Development also introduced the Assam Panchayat (Amendment), Bill on 11 September 2023 in order to delimit the Gaon Panchayat, Anchalik Panchayat and Zilla Parishad Constituencies apart from also bringing other changes including direct election for the positions of Gaon Panchayat President and Vice-president.[8] The same session witnessed the introduction of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Assam Amendment) Bill, 2023 on 14 September 2023 by the Ministry of Rural Development.[9]

The budget session of the Assembly also saw the introduction of The Assam State Commission for Safai Karamcharis Bill, 2023 by the Minister of Social Justice and Empowerment in the budget session on 4 April 2023 to protect the interests of Safai Karmacharis who are involved in manual scavenging or other sanitation work. Previously, the session also saw the introduction of the Assam Public Safety (Measures) Enforcement Bill, 2023 on 10 March 2023 to provide for public safety measures at government and private establishments. Subsequently, the Assam Public Safety (Measures) Enforcement Act 2023 was enacted which received the assent of the Governor on the 27th of June, 2023. The budget session further witnessed the passing of the Assam College Employees (Provincialisation) (Amendment) Bill, 2023 into law on 5 April 2023, which intended to establish the Assam College Service Recruitment Board to recruit teaching and non-teaching employees of colleges in Assam removing the said power from the governing bodies of such colleges.[10] Furthermore, on the same day the Assam Elementary and Secondary School Teachers' (Regulation of Posting and Transfer) (Amendment) Bill, 2023 and the Assam Science and Technology University (Amendment) Bill, 2023 were also passed.[11] The former was to empower the government to move or shift any teacher at any

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[7] *Id.*

[8] *Assam Initiates Steps for Delimitation of Panchayat Seats*, The Hindu (12 September 2023), available at https://www.thehindu.com/news/national/assam-initiates-steps-for-delimitation-of-panchayats-seats/article67298353.ece (Last visited on April 5, 2024).

[9] *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Assam Amendment) Bill, 2023: State Legislative Brief: Assam*, PRS India, available at https://prsindia.org/bills/states/right-to-fair-compensation-and-transparency-in-land-acquisition-rehabilitation-and-resettlement-assam-amendment-bill-2023 (Last visited on April 5, 2024).

[10] *Assam Government Passes Three Education Bills for Teacher Recruitment, Engineering Colleges*, India Today NE (5 April 2023), available at https://www.indiatodayne.in/assam/story/assam-government-passes-three-education-bills-for-teacher-recruitment-engineering-colleges-538052-2023-04-05 (Last visited on April 5, 2024).

[11] *Id.*

moment for rationalisation or administrative considerations and the latter to recognise the Assam Engineering College as an ASTU constituent college.[12]

Apart from the bills passed in the Legislative Assembly, several matters of concern were also raised in the floor of the house. To begin with, the efforts to curb child marriage were taken on a war footing by the police in 2023.[13] This led to several discussions in the assembly with the government asserting its stand over the matter and its plans of enacting a separate law to deal with the matter wherein offences related to child marriage would carry higher penalties than what has been prescribed in the existing law.[14] Further, the government's decision to ban polygamy in the State by enacting a law[15] also came up for discussion. The government first set up a four member committee headed by a retired judge of the Gauhati High Court to examine the government's authority to bring a law to ban polygamy in the State.[16] Pursuant to receiving an extension,[17] the Committee submitted its report to the government.[18] Thereafter, the government set up a three member panel to prepare the draft bill of the proposed anti-polygamy law.[19] The government is expected to table the said bill in the next session of the Assembly. The Assembly also witnessed thorough discussion on the need to provide social security to domestic workers. The Leader of Opposition, Debabrata Saikia, moved a private member bill titled the Assam Domestic Workers (Regulation of Work and Social Security) Bill, 2023 regarding the same but ended

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[12] *Id.*

[13] Mukherjee, Raajnandini, *2,500 Arrested in Assam Child Marriage Crackdown, Situation Tense Amid Protests*, India Today (6 February 2023), available at https://www.indiatoday.in/india/story/crackdown-on-child-marriages-in-assam-here-is-what-has-happened-so-far-2330768-2023-02-05 (Last visited on April 27, 2024).

[14] ANI, *Discussions on for New Law on Child Marriage: Assam CM Himanta Sarma* (15 March 2023), available at https://theprint.in/india/discussions-on-for-new-law-on-child-marriage-assam-cm-himanta-sarma/1446489/ (Last visited on April 5, 2024).

[15] Kashyap, Saraswat, *Assam Moves to Ban Polygamy, Bill to Be Introduced Soon* (13 July 2023), available at https://www.indiatoday.in/india/story/assam-moves-to-ban-polygamy-bill-soon-chief-minister-himanta-biswa-sarma-2405981-2023-07-13 (Last visited on April 27, 2024).

[16] Bora, Pallav, *Assam Govt Forms 4-Member Expert Panel to Examine State Govt's Authority to End Polygamy* (12 May 2023), available at https://news.abplive.com/northeast/assam-govt-forms-expert-four-member-panel-state-government-authority-to-end-polygamy-himanta-sarma-northeast-1601490 (Last visited on April 27, 2024).

[17] PTI, *Assam Extends Term of Expert Committee on Polygamy* (18 July 2023), available at https://theprint.in/india/assam-extends-term-of-expert-committee-on-polygamy/1675485/ (Last visited on April 27, 2024). (theprint.in)

[18] PTI, *Panel submits report on Assam's legislative competence to end polygamy* (August 06, 2023), available at https://www.newindianexpress.com/nation/2023/Aug/06/panel-submits-report-on-assams-legislative-competence-to-end-polygamy-2602575.html (Last visited on April 27, 2024)

[19] The Hindu Bureau, *Assam government forms three-member panel to draft anti-polygamy law*, September 04, 2023, available at https://www.thehindu.com/news/national/other-states/assam-government-forms-three-member-panel-to-draft-anti-polygamy-law/article67266965.ece (Last visited on April 27, 2024)

up withdrawing it after receiving assurance from the Labour Welfare Minister Sanjay Kishan that the government is in the process of drafting rules for the same.[20] Another private member bill that ended up being withdrawn was that tabled by Aminul Islam titled the Assam Char-Chapori Land Regulation Bill, 2023 which entailed providing land rights to landless people residing in the 'char-chaporis' i.e. riverine areas of the Brahmaputra and its tributaries.[21]

Quantitative Analysis

The Acts which have been enacted in the Year 2023 are as follows:

1. The Jagannath Barooah University Act, 2023.
2. The Assam Science and Technology University (Amendment) Act, 2023.
3. The Sibsagar University Act, 2023.
4. The North Lakhimpur University Act, 2023.
5. The Nagaon University Act, 2023.
6. The Gurucharan University Act, 2023.
7. The Madhabdev University (Amendment) Act, 2023.
8. The Kumar Bhaskar Varma Sanskrit and Ancient Studies University (Amendment) Act, 2023.
9. The Gauhati University (Amendment) Act, 2023.
10. The Cotton University (Amendment) Act, 2023.
11. The Bongaigaon University Act, 2023.
12. The Bodoland University (Amendment) Act, 2023.
13. The Assam Women's University (Amendment) Act, 2023.
14. The Assam Elementary and Secondary School Teachers (Regulation of Posting and Transfer) (Amendment) Act, 2023.
15. The Assam College Employees (Provincialisation) (Amendment) Act, 2023.
16. The Assam Repealing Act, 2023.
17. The Assam Backward Classes Commission (Amendment) Act, 2023.
18. The Assam State Commission for Safai Karamcharis Act, 2023.
19. The Assam Gratuity (Amendment) Act, 2023.
20. The Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme (Amendment) Act, 2023.
21. The Assam Electricity Control (Emergency Powers) (Repealing) Act, 2023.
22. The Assam Motor Vehicle Taxation (Amendment) Act, 2023.
23. The Assam Public Safety (Measures) Enforcement (Amendment) Act, 2023.
24. The Assam Goods and Services Tax (Amendment) Act, 2023.

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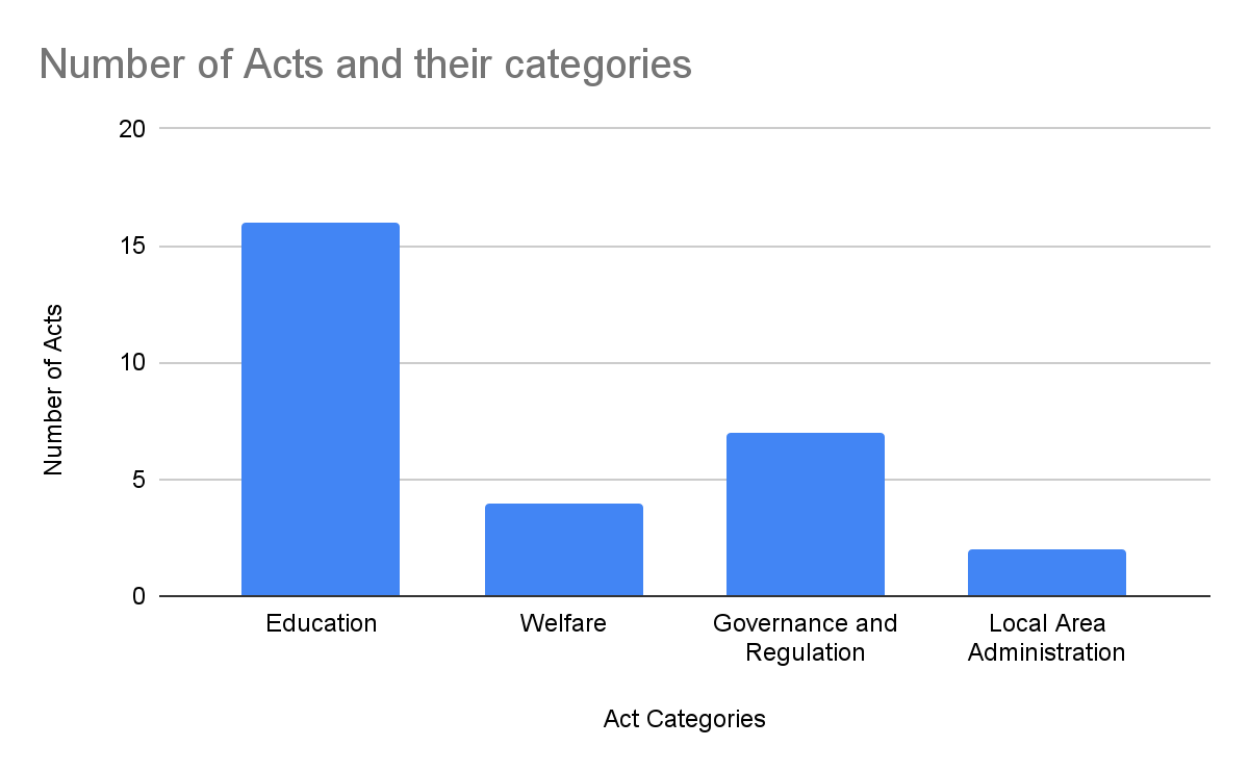
[20] *Assam Legislative Assembly discusses social security of domestic workers*, April 1, 2023, available at https://www.sentinelassam.com/cities/guwahati-city/assam-legislative-assembly-discusses-social-security-of-domestic-workers-643473 (Last visited on April 27, 2024).

[21] PTI, *Assam: Oppn MLA moves bill for land rights in Brahmaputra's 'char-chaporis'*, March 31, 2023, available at https://theprint.in/india/assam-oppn-mla-moves-bill-for-land-rights-in-brahmaputras-char-chaporis/1487816/#google_vignette (Last visited on April 27, 2024).

25. The Assam Micro Finance Institutions (Regulation of MOney Lending) (Amendment) Act, 2023.
26. The Assam Mobility of employees of State Government and Other Establishment (For Optimum Utilisation of Available Manpower For Efficiency) Act, 2023.
27. The Assam Public Safety Measures Enforcement Act, 2023
28. The Guwahati Metropolitan Development Authority (Amendment) Act, 2023.
29. The Assam Panchayat (Amendment) Act, 2023.

The following chart depicts the above Acts in terms of their respective categories:



The year 2023 also saw the promulgation of six ordinances by the Governor. These are:

1. The Assam Mobility of Employees of State Government and other Establishment (for Optimum Utilization of Available Manpower for Efficiency) Ordinance, 2023 was promulgated on 16th of May 2023;
2. The Assam Right to Public Services (Amendment) Ordinance, 2023 was promulgated on 30th of June 2023 in order to amend the Assam Right to Public Services Act, 2012;
3. The Assam Goods and Services Tax (Amendment) Ordinance, 2023 was promulgated on 3rd of July, 2023;
4. The Assam Motor Vehicle Taxation Amendment Ordinance, 2023 was promulgated by the Governor of Assam on 8th of July, 2023;
5. The Assam Public Examination (Measures for Prevention of Unfair Means in Recruitment) Ordinance, 2023 promulgated on 20 October 2023;
6. The Contingency Fund (Augmentation of Corpus) Ordinance, 2023 promulgated on 26th of October 2023.

Of these six ordinances four of them have been enacted into laws by the Assam Legislative Assembly as a follow up.

The year 2023 further witnessed the Governor or the President assenting to 31 bills which had been passed by the legislature in the Year 2022.

Qualitative Analysis of the Ordinances and Acts

Ordinances

State Employees Mobility

The Assam Mobility of Employees of State Government and Other Establishments (for Optimum Utilisation of Available Manpower for Efficiency) Ordinance, 2023 was promulgated by the Governor of Assam on 16 May 2023 to enable the deployment of state government employees and personnel from other departments to alternative duties in state establishments, industries, and public sector organisations. The objective was to ensure optimum utilisation of available manpower, enhance administrative efficiency, and provide employees opportunities to develop new skills while offering establishments access to professional, technical, clerical, and managerial expertise. Subsequently, the Assam Mobility of Employees of State Government and Other Establishments (for Optimum Utilisation of Available Manpower for Efficiency) Act, 2023 was enacted and received the Governor's assent on 11 October 2023.[22]

Assurance for Public Services and Accountability

The Assam Right to Public Services (Amendment) Ordinance, 2023 was promulgated by the Governor of Assam on 30th of June 2023 in order to amend the Assam Right to Public Services Act, 2012. This has been done to provide for the establishment of Assam State Commission for Right to Public Services that is empowered to take disciplinary action against Designated Public Servants for persistently failing to provide notified services within the stipulated time. By virtue of an amendment in the year 2019 to the principal Act the Assam State Commission for Right to Public Services was created which was to exercise powers conferred under the Act.[23] This current amendment ordinance provides for the constitution of the Commission, that includes the chief commissioner and commissioners who are to be appointed by the Governor based on the recommendation of the Chief Minister

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[22] Act No. 49 of 2023. *The Assam Mobility of Employees of State Government and other Establishment (for Optimum Utilization of Available Manpower for Efficiency) Act, 2023*, available at https://prsindia.org/files/bills_acts/acts_states/assam/2023/Act49of2023Assam.pdf (Last visited on April 27, 2024).

[23]Assam Act No. IX of 2012. *The Assam Right to Public Services Act, 2012*, available at https://www.indiacode.nic.in/bitstream/123456789/15699/1/the_assam_right_to_public_services_act,_2012__1_.pdf (Last visited on April 27, 2024).

as the Chairperson, the leader of opposition and a cabinet minister to be nominated by the Chief Minister. Irrespective of its laudable intention, it needs to be noted that the Ordinances concentrated the power of such appointment in the hands of the Chief Minister.

Goods and Services Tax

The Assam Goods and Services Tax (Amendment) Ordinance, 2023 was promulgated by the Governor of Assam on 3 July, 2023. Subsequently, the Assam Goods and Services Tax (Amendment) Act, 2023 was enacted which received the assent of the Governor of Assam on 3 October 2023.

Vehicle Tax for Two and Four Wheelers Increased

The Assam Motor Vehicle Taxation Amendment Ordinance, 2023[24] was promulgated by the Governor of Assam on 8 July, 2023 that doubled the taxes on two wheeled and four wheeled vehicles.[25] Under this Ordinance the tax on vehicles was linked to the original cost of the vehicle and the tax increased proportionate to the original price of the vehicle. t A similar scheme of taxation was adopted in relation to two wheelers. . Subsequently, as a follow up of this ordinance the Assam Motor Vehicle Taxation (Amendment) Act, 2023 has been enacted which received the assent of the Governor on the 11th of October, 2023.[26] While the government increased the tax to augment its revenue collection, the same has been criticised by many for reasons such as government's failure to improve public transport apart from also the criticism that even two wheelers necessary for daily commutation have become out of reach for many.[27]

Prevention of Unfair Practices in Recruitment

Use of unfair means in recruitment exams, including leaked papers and cheating have become a major concern in India including the state of Assam. This not only undermines the integrity of such exams but also erodes public trust in the recruitment mechanism. This also deprives the deserving candidates of opportunities and promotes a culture of mediocrity and corruption. As a consequence, the quality of public service, provided by the officials recruited through such a compromised process is seriously diminished leading to further perpetuation of corruption. Apart from this, leaking of papers in recruitment also means

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[24] Ordinance No. VI of 2023.

[25] *Vehicle tax for 2 and 4 wheelers increased in Assam*, July 20, 2023, available at https://www.pratidintime.com/latest-assam-news-breaking-news-assam/vehicle-tax-2-wheelers-4-wheelers-increased (Last visited on April 27, 2024)

[26] Assam Act No. L of 2023.

[27] Guwahati Plus, *Increase in Vehicular Tax Leaves Residents Displeased*, July 20, 2023, available at https://guwahatiplus.com/guwahati/guwahati-increase-in-vehicular-taxes-leaves-residents-displeased (Last visited on April 27, 2024).

that such a process has to be cancelled which not only affects the chances of deserving candidates from getting such opportunities but also delays the process of recruitment leading to reduced availability of competent officials needed in public services.

In order to deal with this menace, The Assam Public Examination (Measures for Prevention of Unfair Means in Recruitment) Ordinance, 2023 was promulgated by the Governor of Assam on 20 October, 2023 in order to provide measures for preventing and curbing the offences of leakage of question papers and use of unfair means at public examinations for the purpose of recruitment to various posts under Government of Assam including autonomous bodies, authorities, boards and corporations. While the Act prohibits use of unfair means, it also specifically prohibits the possession and disclosure of question papers by different authorities, prohibits entry of non-examinees in the premises of exam centres etc. The Act also imposes penalties for using unfair means on examinees for up to three years including a fine of not less than one lakh rupees. For those who are involved in conspiracy, including examinees, or otherwise indulging or attempting to indulge unfair practices, the punishment shall not be less than five years and may be up to ten years of imprisonment including a fine of not less than ten lakh rupees and up to ten crore rupees. Furthermore, it also provides for creation of special courts for trial of such offences and related matters. The Ordinance was still within its constitutionally permissible subsistence time during the survey period.

Augmentation of Contingency Fund through Ordinance

While in the year 2022 there has been an augmentation of the corpus of the contingency fund of Assam by virtue of a legislative act of the assembly, in the year 2023 the same was done with an ordinance promulgated by the governor of the state and a sum of five thousand crores was added to the fund.[28]

Acts

Public Safety Measures

The Assam state has seen a rise in crimes and therefore the government intended to take various measures to curb such crimes by taking public safety measures including installing CCTVs cameras at various public places.[29] Taking a step in this direction, the Assam Public Safety (Measures) Enforcement Act, 2023 has been enacted in order to provide public safety

[28] The Contingency Fund (Augmentation Of Corpus) Ordinance, 2023. Assam Ordinance No. VII of 2023.
[29] The Sentinel, *Assam Public Safety (Measures) Enforcement Bill Tabled During Budget Session*, March 10, 2023, available at https://www.sentinelassam.com/north-east-india-news/assam-news/assam-public-safety-measures-enforcement-bill-tabled-during-budget-session-640606 (Last visited on April 26, 2024).

measures at various establishments in the state of Assam. It requires, among others, the owner, society, manager, person or persons running establishments with a minimum of five number of people to provide public safety measures for the safety and security of the people, establishment or residential buildings. It also empowers the inspector of Police having jurisdiction, with prior notice, to check installations and public safety measures and report violations to higher police officials like ACP, DSP and SDPO and also imposes fines for defaults. Subsequently, the Assam Public Safety (Measures) Enforcement Amendment Act, 2023 was enacted to increase the time period of compliance to 21 days from the 15 days under the original Act after receipt of the show cause notice. Failure to comply with the requirements of this Act also empowers authorities to seal the premises.[30] This measure raises concerns on the surveillance of individuals by the state.

Regulation of Micro Finance Institutions

The Assam Micro Finance Institutions (Regulation of Money Lending) (Amendment) Act, 2023 was enacted in order to bring within the ambit of the Act all such micro finance institutions (MFIs) or Money Lending Agencies or Organisations operating in Assam but not registered with the Reserve Bank of India and or regulated by it as Banks under the Banking Regulation Act, 1949 or Non-Banking Financial Company (NBFCs) under the provisions of the Reserve Bank of India Act, 1934.The original Act was enacted in the year 2021 to protect poor and vulnerable individuals and groups who were charged usurious interest rates by microfinance institutions and subjected to coercive means of recovery. Even as the good intention of the law has been acknowledged, concerns have been raised regarding possible conflict with the Reserve Bank of India, as well as the the negative impact of over-regulation of the sector.[31]

Major Changes in Panchayati Raj

The Assam Panchayat (Amendment) Act, 2023 was enacted to amend the Assam Panchayat Act, 1994. Among others, the major changes introduced by the Act include the constitution of the District Delimitation Commission to decide the size of Gaon Panchayat, Aanchalik Panchayat and Zila Parishad constituency with the District Commissioner as its chairman; prohibits the gap between two meetings of ward sabha beyond twelve months; direct election by the voters of territorial constituencies of Gaon Panchayat of the ten members of the Panchayat; fifty percent reservation for women; no no-confidence motion is

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[30] *Id.*

[31] MoneyControl, *Assam Microfinance Bill Might bring back ghosts of decade-old AP Act*, January 7, 2021, available at https://www.moneycontrol.com/news/business/assam-microfinance-bill-might-bring-back-ghosts-of-decade-old-ap-act-6315981.html (Last visited on April 26, 2024).

to be introduced for the first two and half years of taking charge as president and vice-president; imposes a minimum qualification HSLC (class 10) or equivalents exams for the post of gaon panchayat members; a prohibition on electing those as members who violate the legal age of marriage under the Prohibition of Child Marriage Act, 2006.[32]

Of Manual Scavengers and Backward Classes: One Step Forward, One Step Back

While India's legislative efforts to wipe away the scourge of manual scavenging can be traced back to 1993 when the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act as well as the National Commission for Safai Karamcharis Act, were enacted. In line with its zeal to oust the practice the National Commission for Safai Karamcharis Act was enacted with an expiry date. The Act was to cease to have effect after February 29, 2004. However, as manual scavenging continued, so did the National Commission. With renewed vigour, India enacted a fresh law in 2013 to put an end to manual scavenging *viz*. the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act. Unlike its predecessor, it provided functions for the National Commission for Safai Karamcharis thereby providing legal validity to the continuance of the Commission.

Apropos Assam and its tryst with manual scavenging, was catapulted to unwanted limelight when it found itself in the company of a few other States which had districts that had not yet been declared manual scavenging free. This information was provided by the Minister of State for Social Justice and Empowerment in a written reply to a question in Lok Sabha in 2023.[33] Accordingly, the Government of Assam presented a Bill to establish the Assam State Commission for Safai Karamcharis in 2023.[34] Until then, the Assam Backward Classes Commission was designated by the Government of Assam to do the needful under the 2013 law.[35]

Endowed with the powers of a civil court, the Assam State Commission for Safai Karamcharis has been tasked with recommending programmes to eliminate inequalities in

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[32] The Hindu, *Assam initiates steps for delimitation of panchayat seats*, September 12, 2023, available at https://www.thehindu.com/news/national/assam-initiates-steps-for-delimitation-of-panchayats-seats/article67298353.ece (Last visited on April 26, 2024).

[33] Press Release, PRESS INFORMATION BUREAU, *Manual Scavenging*, December 19, 2023, available at https://pib.gov.in/Pressreleaseshare.aspx?PRID=1988141 (Last visited on April 16, 2024).

[34] The Sentinel, *Assam Government introduced bill to safeguard interests of safai karamcharis*, April 5, 2023, available at https://www.sentinelassam.com/cities/guwahati-city/assam-government-introduced-bill-to-safeguard-interests-of-safai-karamcharis-644059 (Last visited on April 16, 2024).

[35] Directorate of Tribal Affairs (Plain), Assam, *Brief Note about Constitute/ Powers and Functions/ Activities etc. of Assam Backward Classes Commission*, Undated, available at https://directoratetribalaffairsplain.assam.gov.in/sites/default/files/swf_utility_folder/departments/directorate_wpt_uneecopscloud_com_oid_4/menu/document/ABCC.pdf (Last visited on April 27, 2024).(Last visited on April 16, 2024).

status, facilities, and opportunities for safai karamcharis, evaluating the implementation of programmes pertaining to the socio-economic development of safai karamcharis and making necessary recommendations, investigating specific grievances and taking suo-moto notice of matters relating to non-implementation of programmes, guidelines, decisions, and legal provisions concerning the welfare of safai karamcharis.

The Assam Backward Classes Commission was established in 1993 pursuant to the Supreme Court's judgement in the Indra Sawhney case by the enactment of the Assam Backward Classes Commission Ordinance, 1993 followed by the Assam Backward Classes Commission Act, 1993. The Assam Backward Classes Commission (Amendment) Act, 2023 has brought in two significant changes in the parent Act.

The constitution of the Commission has been amended to introduce the position of a "Vice Chairperson" by removing the position of a "social scientist". Since Dr Ranjan Gogoi was appointed as the first chairperson one is compelled to wonder whether the change was dictated by the need to accommodate him? However, this could have been done by creating an additional position of Vice Chairperson instead of removing the functionally useful position of a social scientist from the membership of the Commission.

Another significant change has been made to section 11 which provides for periodic revision of the lists of backward classes by the government. Pre amendment, the provision mandated the government to undertake revision of the lists every ten years to include or exclude classes from such lists. This obligation of mandatory revision has been deleted by the Amendment Act. Consequently, the matter of revision has been made the prerogative of the government which it can undertake at its convenience.

Revamping of the Education Sector

The education sector of Assam witnessed a proliferation of universities in 2023. A total of six new universities were established by upgrading existing colleges all over Assam,[36] viz. Bongaigaon University,[37] Gurucharan University,[38] Jagannath Barooah University,[39] North Lakhimpur University,[40] Nagaon University[41] and Sibsagar University.[42] While these

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[36] PTI, *Assam Assembly nod to six new universities*, September 14, 2023, available at https://www.deccanherald.com/india/assam/assam-assembly-nod-to-six-new-universities-2686545 (Last visited on April 16, 2024).
[37] The Bongaigaon University Act, 2023, Assam Act No. LIV of 2023.
[38] The Gurucharan University Act, 2023, Assam Act No. LVII of 2023.
[39] The Jagannath Barooah University Act, 2023, Assam Act No. LXVI of 2023.
[40] The North Lakhimpur University Act, 2023, Assam Act No. LVIII of 2023.
[41] The Nagaon University Act, 2023, Assam Act No. LIX of 2023.
[42] The Sibsagar University Act, 2023, Assam Act No. LVI of 2023..

Universities saw the light of the day, another University slipped into oblivion. The Assam Repealing Act, 2023 repealed the Assam Rajib Gandhi University of Cooperative Management Act, 2010 and placed its properties and staff in the hands of the newly established Sibsagar University.

Another set of universities witnessed amendments to their parent Acts borne out of financial and not academic reasons. These universities included Bodoland University,[43] Cotton University,[44] Gauhati University,[45] Kumar Bhaskar Varma Sanskrit and Ancient Studies University[46] and Madhabdev University.[47]As categorically stated in the Statement of Objects and Reasons to the Bills, the amendments were to empower the Comptroller and Auditor General of India to audit the accounts of these Universities in order to professionally check the accounts of the universities' and to inquire into any financial irregularities. Similar amendments requiring audits have also been made to the Assam Women's University Act, 2013 as well as the Assam Science and Technology University Act, 2009 but in these statutes, there is no mention of the need to inquire into financial irregularities.

It has to be noted at this juncture that the only education related change as envisaged in the Bills that could not find place in the corresponding Acts is that related to the Assam Science and Technology University (Amendment) Act, 2023. It had been proposed in the Assam Science and Technology University (Amendment) Bill, 2023 that the Assam Engineering College be made a constituent college of the University,[48] however this proposal was not incorporated into the amendment act as passed by the legislature.

The Assam Elementary and Secondary School Teachers' (Regulation of Posting and Transfer) (Amendment) Act, 2023 has made several changes to the principal Act. While the definitions of high pupil teacher ratio (high PTR) and low pupil teacher ratio (low PTR) have been amended. A significant change that mandates attention relates to transfer of teachers. The original section 11 provided that transfer of a teacher shall not affect their seniority, the amendment Act introduces a proviso to the section which categorically states that the transfer of a teacher made on their own request would result in forfeiture of their seniority.

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[43] The Bodoland University (Amendment) Act, 2023, Assam Act No. LXI of 2023.
[44] The Cotton University (Amendment) Act, 2023, Assam Act No. LXIII of 2023.
[45] The Gauhati University (Amendment) Act, 2022, Assam Act No. LX of 2023.
[46] The Kumar Bhaskar Varma Sanskrit and Ancient Studies University (Amendment) Act, 2023, Assam Act No. LV of 2023
[47] The Madhabdev University (Amendment) Act, 2023, Assam Act No. LIII of 2023.
[48] India Today NE, *Assam government passes three education bills for teacher recruitment, engineering colleges*, April 5, 2023, available at https://www.indiatodayne.in/assam/story/assam-government-passes-three-education-bills-for-teacher-recruitment-engineering-colleges-538052-2023-04-05 (Last visited on April 25, 2024).

Even as the freedom of movement of teachers has been curtailed, the severity of the penalties under the Act have been reduced. Thus, the sanction of rigorous imprisonment has been replaced with enhanced fines which range between rupees fifty thousand and one lakh.

Sweeping changes have been made to the Assam College Employees (Provincialisation) Act, 2005 pertaining to appointments of teaching and non-teaching staff in colleges. Instead of relying on the Governing Bodies of the colleges for making recommendations to the Director of Higher Education, Assam, the amendment authorises the Government to constitute the Assam College Services Recruitment Board.

Addressing the Concerns of Tea Plantation Workers

The Assam Tea Plantations Provident Fund and Pension Fund Scheme owes its origin to the efforts of its founder, Loknayak Omeo Kumar Das, the then Labour Minister of Assam. When the minimum wages for plantation workers was affixed in 1951, the daily wages were raised by a few annas. However, it was apprehended that the increase in income would not be properly managed by the workers. This led the Labour department to launch a savings scheme whereby a portion of this increased income was to be compulsorily saved in a fund to be used during times of need. When the plantation industry went through recession during 1952-53, the savings scheme was dropped. This period witnessed lay-offs which led to financial hardships for the workers and showed the need for social security. Pursuant to the advent of prosperity to the plantation industry, the Labour department decided to set up a contributory provident fund i.e. the Assam Tea Plantations Provident Fund and Pension Fund.[49]

A welcome amendment has been made to the definition of "employees" contained under section 2(d) of the Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955. The instant amendment was necessitated due to two pertinent reasons.[50] To begin with, employees earning more than Rs. 15,000/- per month did not fall under the purview of the pre-amendment law. Owing to the fact that everyone working in tea gardens drew a salary exceeding the said amount, several tea garden managements stopped deducting provident fund contribution from their salaries consequently leading to disputes.

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[49] *Assam Tea Employees Provident Fund Organization*, available at https://www.atppf.nic.in/index.html (Last visited on April 25, 2024).

[50] *Statement of Object & Reasons* of The Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme (Amendment) Bill, 2023, subsequently the Assam Act No.LXXIII of 2023.

Further, there was an inconsistency between the definition of employee provided in the Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955[51] with the one incorporated in the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.[52] While the definition under the former Act excluded persons working under a contractor, the latter statute included this set of workers .

Delimitation of Constituencies

Another important area of legislative output in the state was the delimitation of constituencies in the state. The last delimitation was carried out in 1976. Unlike other delimitations, this delimitation was carried out by the Election Commission of India and not a statutory delimitation commission. The delimitation order for constituencies was notified in August 2023.[53] Delimitation for the states of Arunachal Pradesh, Assam, Manipur or Nagaland had been deferred under the Delimitation Act, 2002.

Section 8A of the Representation of the People Act, 1950 permitted the State to rescind the deferral and order delimitation. The delimitation was preceded by a redrawing of Assam's districts, which was criticised as a form of gerrymandering meant to disadvantage Bengali-speaking Muslims of the state.[54] The final delimitation order was claimed by the ruling party as a measure to ' protect' the 'indigenous' Assamese.[55] The order was criticised for 'cracking' and 'packing' voters on the basis of their ethnic and religious identity.[56]

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[51] The Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955, Assam Act No. X of 1955 §2(d).

[52] The Employees' Provident Funds and Miscellaneous Provisions Act, 1952, Act No. 19 of 1952 §2(f).

[53] Election Commission of India, *Order No. 2*, Notification No. 262/AS/2003 (DEL) Vol. V, August 11, 2023, republished in THE ASSAM GAZETTE available at https://dpns.assam.gov.in/sites/default/files/swf_utility_folder/departments/directorate_printing_uneecopscloud_com_oid_3/menu/document/no._364_ele_09-2020-161_dated_11-08-23.pdf (Last visited on April 27, 2024).

[54] Rokibuz Zaman, *In Assam, redrawn district maps may tilt electoral contests in Bengali Muslim strongholds*, January 9, 2023, available at https://scroll.in/article/1041395/in-assam-redrawn-district-maps-may-tilt-electoral-contests-in-bengali-muslim-strongholds (Last visited on October 1, 2025).

[55] Himanta Biswa Sarma, *X (formerly Twitter)*, July 18, 2023, available at https://x.com/himantabiswa/status/1681273310326439937?s=20 (Last visited on April 27, 2024).

[56] Rokibuz Zaman, *Why the Election Commission's Assam Delimitation Proposal Is Being Seen as Communal*, June 27, 2023, available at https://scroll.in/article/1051522/why-the-election-commissions-assam-delimitation-proposal-is-being-seen-as-communal (Last visited on April 16, 2025). Rokibuz Zaman, *"No Muslim Can Win, Now or in the Future": In Assam's Barpeta, Delimitation Fears Confirmed*, May 6, 2024, available at https://scroll.in/article/1067465/no-muslim-can-win-now-or-in-the-future-in-assams-barpeta-delimitation-fears-confirmed (Last visited on April 16, 2025).

Conclusions

The above analysis shows that the legislative efforts in the state of Assam aimed at addressing various socio-economic, administrative and governance challenges. Some of the important steps taken intend to improve efficiency, and accountability in public services while others intend to instil confidence by ensuring fairness and transparency in the recruitment processes.

However, there are also some justifiable concerns, for instance, concentration of appointment powers as noticed in the Assam Right to Public Services Act. Similarly, there has also been a noticeable increase in government's efforts to increase revenue, particularly through massive increase in vehicle tax without commensurate improvements in public transport to reduce dependency on private vehicles. Regulation of microfinance institutions have also raised concerns about over-regulation of the area which may adversely impact both the rural economy and the sector itself. However, it is also equally important that poor and vulnerable sections are protected from debt trap. This suggests the need to hold consultations with the various stakeholders . A similar heavy-footed approach is noticed in the manner in which the state intends to curb unfair means in recruitment. A predominantly punitive approach has been adopted without addressing the deep rooted structural, systemic and social changes required. This amendment again shows the absence of requisite consultation and deliberation in the lawmaking process.

Furthermore, while the establishment of the Assam State Commission for Safai Karmacharis signifies a dedicated approach towards vulnerable communities, the doing away of periodic revision of lists of backward classes by the government is worrisome as such revision will henceforth entirely depend on the government's discretion. Apropos education, the establishment of new universities and amendments to existing education-related laws suggests a strategic focus on expanding higher education and ensuring financial accountability. Apart from the above, self-requested transfers resulting in the loss of seniority indicates a tightening of regulations to ensure a healthy pupil teacher ratio. Addressing the concerns of the tea plantation workers through legislation aims to rectify past anomalies and extend social security benefits to a broader range of workers.

While several of these reforms are progressive, the rapid and easy proliferation of statutes points to insufficient consultation in the lawmaking process. Furthermore, implementation and enforcement of these laws remain critical, to ensure that the intended benefits reach the targeted populations. Moreover, a proportionate increase in financial allocation is needed so that the laws are more than just words on paper.

BIHAR

VIVEK MUKHERJEE*

Introduction

The Bihar Legislative Assembly was in the headlines in 2023 for passing two Acts that increased reservation in government jobs and educational institutions from 50 percent to 65 percent. This was done on the basis of a caste census conducted by the Government of Bihar, raising important questions of federalism. The constitutionality of the census and the increased reservation is now in question as census falls in the union list and the Supreme Court had capped reservations to 50 per cent in *Indra Sawhney v. Union of India*.[1]

The caste census and reservation laws may be understood in a historical context. The political terrain of Bihar has been significantly shaped by caste dynamics since the era preceding independence. In 1937, with the establishment of the state's first government by the Indian National Congress, caste-based divisions, notably between groups led by Sri Krishna Sinha (aligning with Bhumihars) and Anugrah Narayan Sinha (aligning with Rajputs), were prominent in the struggle for control. Sri Krishna Sinha emerged as the first Chief Minister of the state.[2]

The Bihar Movement, spearheaded by Jayaprakash Narayan in the mid-1970s, was instrumental in the democratic restoration post-Emergency. The ascendancy of the Janata Party in 1977 marked a period where caste-based politics became increasingly pronounced. Overall, the political narrative of Bihar has been intricately woven with caste considerations, social reform movements, and challenges in governance, defining its complex socio-political fabric.

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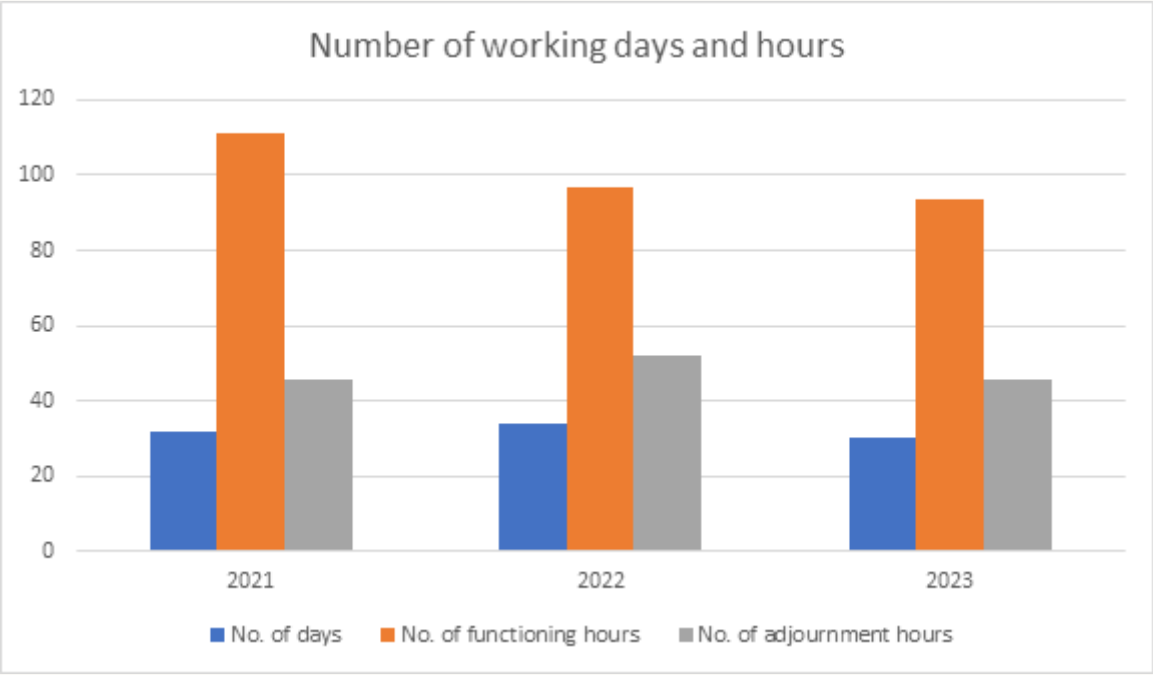
[1] Indra Sawhney vs. Union of India, AIR 1993 SC 477.

[2] Srivastava, S.S., 2014. Emergence of Backward Caste Politics in Bihar: Coalition, Alignment and Dominance. THE INDIAN JOURNAL OF POLITICAL SCIENCE, 75(4), pp.675-686.

2023 saw the 8th, 9th and 10th session of the 17th Bihar Assembly under the 8th Nitish Kumar ministry. Kumar formed the government in 2022 by exiting the alliance with BJP's NDA and formed an alliance with RJD and Congress.

Quantitative Overview

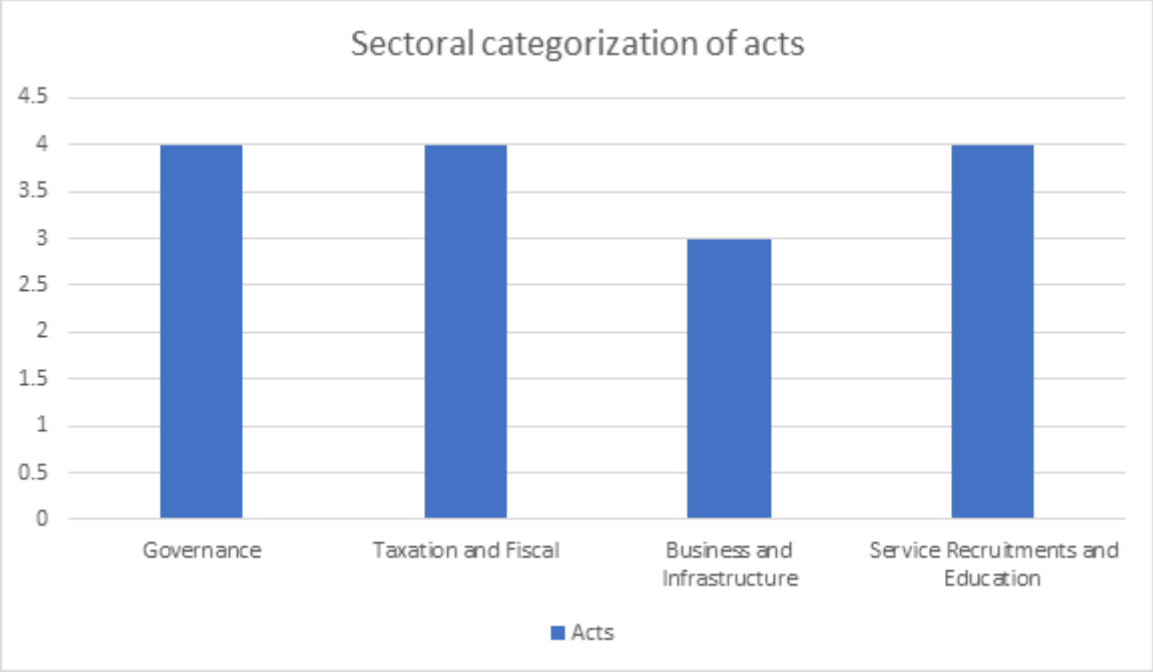
The Bihar assembly met for a total of 30 days during the year 2023. This marked a decline of 13% from the year 2022 and nearly 6.5% from the year 2021 during which the total number of functioning days observed by the assembly were 34 and 32 respectively.[3] The total number of functioning hours for Bihar assembly during 2023 was 93.7 hours. This resulted in a slight decline of 3.4% from 2022 and a considerable decline of 15.8% from 2021, during which the assembly sat for a total of 97 hours and 111.3 hours respectively. Further, the total number of adjournment hours during 2023 were 45.7 hours, as compared to 45.6 hours in 2022 and 52 hours in 2021.



The state assembly passed a total of fifteen acts during the year 2023. Of these, only four bills were introduced and subsequently passed in 2023. Out of the remaining eleven acts, nine were introduced in the year 2022 and passed at a later point in 2023. The remaining two acts were appropriation acts.

[3] PRS Legislative Research, *17th Bihar Legislative Assembly (2020-Present)*, available at: 17th Bihar Assembly (2020-Present) (last accessed on 6th February, 2024).

Upon further analysis, the acts passed could be categorized into four major sectors—governance, taxation and fiscal, business and infrastructure, and service recruitments and education. Of these four sectors, under the sector of business and infrastructure, three acts, whereas the remaining three sectors included the passing of four acts each. If compared to the previous year of 2022 during which only two acts, Bihar Taxation Laws (Relaxation of Period of Limitation Provisions) Act, 2022[4] and the Appropriation Act were passed, 2023 marked a substantial increase with the passing of fifteen Acts. It must be noted that during 2022 a total of seventeen bills were introduced out of which only one was passed the same year. Of the remaining sixteen bills, nine were passed as Acts in 2023, and seven remain pending.



On an average in 2023, each bill was passed after 57.5 days. This includes nine bills that were passed in less than twenty days. This may demonstrate the efficiency of the state legislature in passing laws. However, it also raises questions about the time allotted for legislative debate.

The Bihar Sugarcane (Regulation of Supply and Purchase) (Amendment) Act, 2023[5] took the maximum time of 525 days, whereas The Bihar Panchayat Raj (Amendment) Act, 2023,[6]

[4] Govt. of Bihar, Department of Taxation, No. LG-01-03/2022-2832 (April 2, 2022)
[5] Govt. of Bihar, Department of Law, No. LG—01-07/2023/7069 (September 4, 2023)
[6] Govt. of Bihar, Department of Law, No. LG—1-09/2023/8954 (November 17, 2023)

The Bihar Goods and Services Tax (Second Amendment) Act, 2023,[7] and The Bihar Secretariat Service (Amendment) Act, 2023[8] were passed swiftly within 7 days.

Act	Date of Bill Introduction	Date of Bill Passing	No. of Intervening Days
The Bihar Sugarcane (Regulation of Supply and Purchase) (Amendment) Act, 2023[9]	29 March, 2022	4 September, 2023	525 days
The Bihar Special Court (Amendment) Act, 2022[10]	14 December, 2022	5 June, 2023	173 days
The Bihar Municipal (Amendment) Act, 2022[11]	15 December, 2022	13 January, 2023	29 days
Bihar Appropriation Act, 2023	6 March, 2023	6 March, 2023	-
The Bihar Ferryghat Settlement and Management Act, 2023[12]	28 March, 2023	12 April, 2023	15 days
The Bihar State Infrastructure Development Enabling (Amendment) Act, 2023[13]	3 April, 2023	19 April, 2023	16 days
The Bihar Goods and Services Tax (Amendment) Act, 2023[14]	11 July, 2023	25 July, 2023	14 days
Bihar Appropriation Act, 2023	9 November, 2023	9 November, 2023	-
The Bihar Panchayat Raj (Amendment) Act, 2023[15]	10 November, 2023	17 November, 2023	7 days
The Bihar Goods and Services Tax (Second Amendment) Act, 2023[16]	10 November, 2023	17 November, 2023	7 days
The Bihar Secretariat Service (Amendment) Act, 2023[17]	10 November, 2023	17 November, 2023	7 days
The Bihar (in admission in Educational Institutions) Reservation (Amendment) Act, 2023[18]	10 November, 2023	21 November, 2023	11 days
The Bihar Reservation of Vacancies in Posts and Services (for Scheduled Castes, Scheduled Tribes	10 November, 2023	21 November, 2023	11 days

[7] Govt. of Bihar, Department of Law, No. LG—1-07/2023/8957 (November 17, 2023)
[8] Govt. of Bihar, Department of Law, No. LG—1-08/2023/8951 (November 17, 2023)
[9] Govt. of Bihar, Department of Law, No. LG—01-07/2023-7069 (September 4, 2023)
[10] Govt. of Bihar, Department of Law, No. LG—01-18/2022-4211 (June 5, 2023)
[11] Govt. of Bihar, Department of Law, No. LG—01-01/2022-2829 (January 13, 2023)
[12] Govt. of Bihar, Department of Law, No. LG—01-03/2023-2742 (April 12, 2023)
[13] Govt. of Bihar, Department of Law, No. LG—01-04/2023-2896 (April 19, 2023)
[14] Govt. of Bihar, Department of Law, No. LG—01-05/2023-5502 (July 25, 2023)
[15] Govt. of Bihar, Department of Law, No. LG—01-09/2023/8954 (November 17, 2023)
[16] Govt. of Bihar, Department of Law, No. LG—01-07/2023-8957 (November 17, 2023)
[17] Govt. of Bihar, Department of Law, No. LG—01-08/2023-8951 (November 17, 2023)
[18] Govt. of Bihar, Department of Law, No. LG—01-11/2023-8971 (November 21, 2023)

and other Backward Classes) (Amendment) Act, 2023[19]			
The Bihar Lokayukta (Amendment) Act, 2022[20]	14 December, 2022	2 January, 2023	19 days
The Bihar Technical Service Commission (Amendment) Act, 2022[21]	15 December, 2022	13 January, 2023	29 days

The 8th session of the assembly (budget session) lasted for 38 days, the 9th and 10th session for 5 days.[22] 2023 saw a total of 30 sitting days. The 8th session (budget session) spanned 38 calendar days but held only 20 sittings. This concentration of sittings impacts the time available for members to discuss bills. Having said that, 30 sittings in a year is higher than the average sittings (25) of all state legislatures in 2022. The average sitting during 2021 was 21 and during 2020 was 18. Most sittings and functioning days are concentrated in the budget session, in line with the trend from previous years in Bihar.[23] Data on the duration of each sitting, time allocated for questioning, and the functioning of committees are unavailable.

The Bihar Legislative Assembly promulgated only one ordinance, The Bihar Goods and Services Tax (Amendment) Ordinance, 2023. This marks a notable change from past perceptions of the state's reliance on ordinances.[24] However, executive instruments like rules, regulations, policies etc. have replaced ordinances in Bihar. It has passed 3 policies, 3 orders, 5 regulations and 46 rules.

Executive Instruments

Bihar passed a total of 46 rules in 2023, out of which 26 were amendments to existing rules. Some of these rules have controversial antecedents. The Bihar Area Advertisement Rules, 2023[25] is a case in point. The intention behind the rule is to provide a comprehensive framework for the management of advertisements in urban areas of Bihar. The regulations cover aspects such as zoning of areas for advertisements, registration and advertising fees,

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[19] Govt. of Bihar, Department of Law, No. LG—01-11/2023-8974 (November 21, 2023)
[20] Govt. of Bihar, Department of Law, No. LG—01-16/2022-32 (January 2, 2023)
[21] Govt. of Bihar, Department of Law, No. LG—01-19/2022-372 (January 13, 2023)
[22] There is a discrepancy between the PRS data and official assembly website on the functioning days for the 8th session. PRS shows 20 functioning days whereas the assembly website has reported 38 days. I have used the official assembly data.
[23] Statement showing dates, duration and number of sitting of the Bihar Legislative Assembly from 1952 to 2020, available at https://www.vidhansabha.bih.nic.in/pdf/Sitting%20of%20bihar%20legislative%20assembly.pdf
[24] Amita Dhanda, Faizan Mustafa, THE ANNUAL SURVEY OF STATE LAWS IN INDIA, 1 ASSL (2022), at 23- 34.
[25] Govt. of Bihar, Urban Development and Housing Dept. No.05/na.vi./vividh-81/2018-154-ud&hd- (January 9, 2023).The rule was notified in exercise of powers conferred under Section 419 of the Bihar Municipal Act, 2007. The Bihar Area Advertisement Rules, 2023 was passed under the Bihar Municipal Act, 2007.

the bidding process, approval of advertisements, and specific conditions for different categories of advertising devices. The regulations also aim to provide a process for obtaining permission, the responsibilities of advertisers, and the criteria for the display of different types of advertisements. The hoarding policy was attempted through an ordinance approved by the cabinet but challenged in the Patna High Court on the ground that it did not have legislative sanction. The court ordered that the draft policy must be opened for public opinion. The rule prima facie seeks to retain the aesthetic sense of roads and help local bodies to generate revenue from advertisements. Bihar has seen a war of hoardings/posters since 2015, and this peaked in the 2020 election.[26] Such matters have often been litigated before the Patna High Court.[27]

The Bihar Banning of Unregulated Deposit Schemes Rules, 2023[28] was passed to regulate chit-fund companies. The policy has been introduced to allow the state to investigate and act against Chit-Fund companies that collect money from the public through illegal deposit schemes acting in Bihar. Under this policy, the state government has got the right to investigate and take action against Chit-fund companies operating in Bihar. The state government has become the competent authority to take action against such companies for depositing money through illegal deposit schemes from the general public and depositors of the state government lawyers working in different levels of courts will now be selected by a state-level selection committee. This committee will be formed under the chairmanship

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[26] The Economic Times, *Bihar Polls: In the War of Hoardings*, *PM Narendra Modi Lags behind Nitish Kumar*, October 18, 2015, available at https://economictimes.indiatimes.com/news/politics-and-nation/bihar-polls-in-the-war-of-hoardings-pm-narendra-modi-lags-behind-nitish-kumar/articleshow/49444136.cms?from=mdr (Last visited on February 12, 2024). *See also* The Economic Times, *Bihar Elections: In Hoarding War, Parties Junk Caste, Focus on Vikas*. October 24, 2015, https://economictimes.indiatimes.com/news/politics-and-nation/bihar-elections-in-hoarding-war-parties-junk-caste-focus-on-vikas/articleshow/49514034.cms?from=mdr (Last visited on February 14, 2024); Deccan Herald, *Poster Wars Reach a Crescendo in Patna ahead of Polls*, October 25, 2015, available at www.deccanherald.com/india/poster-wars-reach-crescendo-patna-2157650 (last visited on February 14, 2024); Times of India, *Unauthorised hoardings to be removed in Patna*, November 27, 2019, available at https://timesofindia.indiatimes.com/city/patna/Unauthorised-hoardings-to-be-removed-in-Patna/articleshow/48600034.cms (last visited on February 14, 2024); The Wire, *Bihar Elections: A Poster War in Patna Reflects the BJP Vs RJD Battle*, October 29, 2020, available at https://thewire.in/politics/bihar-elections-a-poster-war-in-patna-reflects-the-bjp-vs-rjd-battle (last visited on February 14, 2024); News laundry, *Perception game: NDA leads the political advertising race in Bihar*, November 6, 2020, available at https://www.newslaundry.com/2020/11/06/perception-game-nda-leads-the-political-advertising-race-in-bihar (last visited on February 11, 2024).

[27] Live Law, [Bihar Election] *Political Parties Can Put up Hoardings at Private Properties with Owner's Consent*: Patna High Court, October 23, 2020, available at www.livelaw.in/news-updates/bihar-election-political-parties-can-put-up-hoardings-at-private-properties-with-owners-consent-patna-high-court-164856. (last visited on February 11, 2024).

[28] Govt. of Bihar, Dept. of Finance, No.08/NBFC-12/2019&901/F (July 7, 2023).

of the Advocate General. It will have a law secretary, special secretary of the law department or joint secretary as members. It is worth noting that chit-fund companies are registered by state governments under a central Act- the Chit Fund Act, 1982. The 1982 Act is administered by the Ministry of Finance but the responsibility of implementation lies with the State governments. This policy specifically targets illegal deposit schemes that are not regulated under any existing financial regulation laws, including the Chit Funds Act. The rules provide a framework to prevent, investigate, and penalize the operators of such schemes that exploit public savings without authorization. The new rules empower the state government to act directly against these illicit operations, ensuring greater protection for depositors and maintaining financial order. The rules complement rather than conflict with the central legislation.

Another rule passed by the Bihar government is the Bihar Law Officers Engagement Rules, 2023.[29] The new rules provide for discretionary power to the Advocate General to decide on the appointment of special counsels and research counsels. Right after the rules were passed, the Patna High Court had pulled up the department of education in Bihar to explain as to how it engaged a special counsel from outside the state without prior consent of the advocate general.[30]

The Bihar State Backward Classes and Extremely Backward Classes Girls Residential +2 High School Teachers (Appointment, Promotion, Disciplinary Action and Service Conditions) Rules, 2023[31] lays down rules for appointment of positions in Backward Classes and Extremely Backward Classes Girls Residential +2 High School.[32] All Primary Teacher (Trained) positions in Other Backward Classes Girls Residential +2 High Schools are to be filled by direct appointment, with subject-wise allocations. Qualifications include various educational backgrounds and Teacher Eligibility Test clearance. For Secondary Teacher (Graduate Trained) (TGT), 80% of positions are filled directly, while 20% are filled by promotion, with specific educational requirements. Librarian and Higher Secondary Teacher (10 + 2) (Post Graduate Trained)(PGT) positions follow similar direct appointment and promotion schemes, each with distinct educational criteria and age limits. This is a step to address the concerns of protesting students of the OBC Government High School who had

[29] Govt. of Bihar, Law Department, No. C/EH-08/2023-4960/J (July 4, 2023).
[30] Hindustan Times, *Reply over Engaging Lawyer without AG Nod: HC to Bihar Edu Dept*, July 23, 2023, www.hindustantimes.com/cities/patna-news/patna-high-court-questions-education-department-s-engagement-of-special-counsel-without-advocate-general-s-consent-101690135203398.html. (last visited on February 11, 2024).
[31] Govt. of Bihar, Department of Education, No. 11/Regulation 01-02/2023-743 (April 10, 2023)
[32] Govt. of Bihar, BC & EBC Welfare Department, No. Pi.Va.Aav.Vi-80-102/2010-2052 (September 20, 2023)

blocked roads in Patna to draw attention to their issues relating to shortage of teachers, poor teaching standards, absconding and unqualified teachers and poor infrastructure.[33]

The Bihar State Migrant Labour Accident Grant Scheme (Amendment) Rule, 2023[34] increases the compensation for victims of accidents substantially. To be eligible, a migrant labourer should be aged between 18 and 65. However, reports suggest that the scheme has not been publicised properly.[35] The state government also does not do enough to collect data of migrant labourers, leading to difficulties in spreading awareness about the scheme. Some stakeholders from Bihar have also questioned the intention of the government to publicise the scheme as it would lead to a strained exchequer.[36]

The Centre for Monitoring Indian Economy's statistics indicate that in March 2022, while the overall unemployment rate in India was 7.60%, Bihar experienced a significantly higher rate of 14.40%.[37] This disparity has led to a situation where labourers from Bihar are spreading out across the nation in pursuit of job opportunities. Migrant labourers are vulnerable as their safety is not prioritised by the government. Migrant labourers working outdoors are at risk of train or road accidents, electric shock, snake bite, drowning, fire, falling from a tree or building, attack by wild animals and terrorist, and criminal attacks, all of which are covered under the Bihar State Migrant Labour Accident Grant Scheme.

Contractors do not provide for any insurance and victims are helpless if they meet an accident as they are unskilled labour who are not employed if they are found unfit for manual labour. Labour Resources Department data included in the Economic Survey 2022-23 show that a total of 76 migrant labourers died in 2021-22 and 110 in 2020-21. Newspaper headlines from 2022-23 indicate that there have been 32 deaths during that time.

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[33] Times of India, *Govt school students protest against teacher crunch*, Feb 22, 2023, https://timesofindia.indiatimes.com/city/patna/govt-school-students-protest-against-teacher-crunch/articleshow/98137604.cms (last visited on February 11, 2024).

[34] Govt. of Bihar, Labour Resources Department, S.O. 230, dated August 14, 2023 (August 11, 2023).

[35] NewsClick, Bihar: *An Accident Grant Scheme for Migrant Labourers That Beneficiaries Have No Idea About*, January 22, 2024, www.newsclick.in/bihar-accident-grant-scheme-migrant-labourers-beneficiaries-have-no-idea-about. (last visited on February 10, 2024).
See also The Economic Times,*An Accident Grant Scheme for Migrant Labourers in Bihar That Beneficiaries Have No Idea about*, January 23, 2024, available at https://hr.economictimes.indiatimes.com/news/industry/an-accident-grant-scheme-for-migrant-labourers-in-bihar-that-beneficiaries-have-no-idea-about/107069733 (last visited on February 11, 2024).

[36] NewsClick, Bihar: An Accident Grant Scheme for Migrant Labourers That Beneficiaries Have No Idea About, January 22, 2024, www.newsclick.in/bihar-accident-grant-scheme-migrant-labourers-beneficiaries-have-no-idea-about. (last visited on February 10, 2024).

[37] Mahesh Vyas, *The Employment Rates Falls, From Grace*, Centre for Monitoring Indian Economy, available at https://www.cmie.com/kommon/bin/sr.php?kall=warticle&dt=20220411125651&msec=416

The Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, 2023,[38] delineate the criteria for qualification, reservation, among other aspects. Those who have been appointed since the year 2006, inclusive of personnel from Panchayati Raj Institutions (PRIs), are afforded the opportunity to enter this cadre. However, this is contingent upon their participation and success in certain examinations, which has emerged as a principal point of debate. Nearly four lakh working teachers had decided not to associate with the process, demanding that they should be given the status of government employees without any exam. In 2019, contractual teachers had also demanded equal pay for equal work to be on par with regularized teachers. The Patna High Court had ordered the Bihar government to regularise their jobs but in an appeal by the government in the Supreme Court, this decision was reversed.[39] Additionally, the government's resolution to eliminate the preference for candidates with a domicile quota in job advertisements has encountered opposition.

Protests erupted the day the rules were notified, causing the government to warn teachers appointed through Panchayati Raj Institutions (PRIs) of disciplinary action if they organise or participate in any protest against the new rules for recruitment in government-run schools. Appointment of school teachers has been a contested issue since long, previously, job vacancies were exclusively reserved for permanent residents of Bihar, a policy that was subsequently contested in the Patna High Court.[40]The new rules allow candidates from all states to apply,[41] upsetting domicile candidates from Bihar. The new rules stipulate that young individuals from states other than Bihar are eligible to apply for only 40% of the unreserved positions, as they do not qualify for the 60% of posts that are reserved. This provision has led to increased dissatisfaction among the state's upper-caste applicants.[42]If this is contested in court and put under the scrutiny of Article 16, then it may throw up issues related to equality of opportunity (in matters relating to employment or appointment to any office under the State), reasonable classification, public interest etc. The court may consider

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[38] Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, 2023

[39] Early Times, *Supreme Court Refuses to Regularise Bihar Contractual Teachers Jobs*, October 5, 2019, available at www.earlytimes.in/newsdet.aspx?q=262610. (last visited on February 12, 2024).

[40] The Indian Express, T*he Domicile Clause in Bihar Teachers' Appointment: Why Applicants Are Protesting Govt's Latest Decision*, July 4, 2023, available at indianexpress.com/article/explained/domicile-clause-bihar-teachers-appointment-removed-protests-expalined-8718184/. (last visited on February 12, 2024).

[41] Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, 2023, R. 5(i)

[42] The Times of India, *Teacher aspirants up in arms against govt decision to drop domicile clause*, June 29, 2023, available at https://timesofindia.indiatimes.com/city/patna/teacher-aspirants-up-in-arms-against-govt-decision-to-drop-domicile-clause/articleshow/101353931.cms (last visited on June 6, 2024)

precedents *like Dr. Pradeep Jain v. Union of India (1984)*[43] in which the Supreme Court held that residence-based reservations could be valid if they are reasonable and have a rational nexus to the objective of achieving balanced local development.

The Bihar Epidemic Diseases, COVID-19 Regulation 2023 incorporates directives from the Government of India and empowers district authorities for localized containment measures, highlighting a comprehensive and proactive approach to pandemic management. Penalty clause is similar to 2020 regulation, wherein the District Magistrates may compound the offences if necessary.

Sectoral Analysis

Governance

The Bihar Legislative Assembly passed the Bihar Lokayukta (amendment) Act, 2022,[44] the Bihar Municipal (Amendment) Act, 2022[45] and the Bihar Panchayat Raj (Amendment) Act, 2022[46]. The Bihar Lokayukta (Amendment) Act, 2022, made a technical correction to the text, substituting the phrase 'Immediate surviving outgoing Lokayukta' with 'Immediately preceding Surviving Chairperson.' Further, the Bihar Panchayat Raj (Amendment) Act, 2023 amends Section 60 of the Bihar Panchayat Raj Act, 2006. Sub-section (1) of Section 60 of the said Act shall be substituted by the following:- "(1) the Government to appoint the Block Development Officer as Executive Officer of the Panchayat Samiti."

The Bihar Municipal (Amendment) Act, 2022[47] was passed with the intention of shifting the power to demolish structures deemed to be encroachments from the district administration's jurisdiction to the local body (Municipal Corporation). It provides for a fifteen days' notice for the removal of permanent encroachment and obstruction. Some Municipal Corporations insist that unauthorised construction may be demolished without prior notice.[48] Municipal Corporations in India are infamous for acting above the law, evident from the illegal demolitions that were used as a weapon against minorities in UP after the CAA protests, in

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[43] Dr. Pradeep Jain v. Union of India, 1984 AIR 1420.
[44] Govt. of Bihar, Department of Law, No. LG—01-16/2022-32 (January 2, 2023)
[45] Govt. of Bihar, Department of Law, No. LG—01-01/2022-2829 (January 13, 2023)
[46] Govt. of Bihar, Department of Law, No. LG—01-09/2023/8954 (November 17, 2023)
[47] Govt. of Bihar, Department of Law, No. LG—01-01/2022-2829 (January 13, 2023)
[48] Press release, National Human rights commission, January 23, 2014, available at https://nhrc.nic.in/press-release/nhrc-holds-demolition-building-without-prior-notice-south-mcd-against-law-asks-delhi (last visited on February 11, 2024). *See also* India Today, *No Need to Give Notice for Anti-Encroachment Drive on Govt Land, Says North Delhi Civic Body*, April 22, 2022, available at www.indiatoday.in/cities/delhi/story/no-notice-needed-anti-encroachment-drive-govt-land-says-north-delhi-civic-body-1939743-2022-04-20 (last visited on February 12, 2024).

MP and Gujrat, and recently in Delhi's Jahangirpuri overlooking Supreme Court orders in 2022[49], and in Haryana's Nuh district in 2023.[50] Such demolitions are often rife with administrative mala fides[51] and colourable exercise of administrative power. The court in *Municipal Corporation, Ludhiana v. Inderjit Singh & Anr* (2008)[52] if the requirement of giving notice is provided under a municipal legislation, then this requirement must be necessarily complied with. In *Olga Tellis v. Bombay Municipal Corporation* (1985), the Supreme Court observed that the Right to Life under Article 21 includes the right to livelihood, which can be threatened by demolition. Even with procedural safeguards, the victims of demolition have very few safeguards in terms of rehabilitation and relocation. Patna alone has more than 100 *bastis* (slums). Approximately, 88 percent of those who reside in these *bastis* belong to Scheduled Caste and Other Backward Castes. Most evictions have led to the households becoming homeless without any alternative arrangement and forced to live in the open.[53] Access to essential services such as water, electricity, food, education, and sanitation facilities is now at risk for many individuals. Previously, families could count on having shelter, albeit simple and made of thatch. Now, their feeling of safety has been significantly compromised.[54]

Moreover, the court's jurisprudence has shifted drastically since Olga Tellis[55], from protecting the rights of slum dwellers to "slums are illegal" and "slums are nuisance" jurisprudence.[56] Demolition has often been used as a tool of collective punishment worldwide, especially to target minority communities.[57] Even when the court emphasises

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[49] The Economic Times, *Delhi: Municipal Corporation Overlooks SC, Demolishes Jahangirpuri "Encroachments",* April 21 2022, available at economictimes.indiatimes.com/news/politics-and-nation/delhi-municipal-corporation-overlooks-sc-demolishes-jahangirpuri-encroachments/articleshow/90965894.cms?from=mdr (last visited on February 11, 2024).

[50]Chouhan, Sukriti Vats & Priyansha, *How the Demolition Drive in Nuh Went against Court Orders and Due Procedures,* Frontline, August 25 2023.

[51] Lavam Tyagi and Udaiveer Ahlawat, *Recent Demolition Drives across India Smack of Administrative Mala Fides*, the Leaflet, June 21, 2022.

[52] Municipal Corporation, Ludhiana vs Inderjit Singh & Anr, 2008 AIR SCW 7127.

[53] Krishna, A., Kumar, S. and Rains, E., 2023, "A range of informality across cities and slums: Understanding precarity in Patna's slums before and during the COVID-19 pandemic," *Journal of South Asian Development*, *18*(2), pp.244-264.

[54] Yuvaonline, *The dark side of development,* Medium, April 16, 2019.

[55]Olga Tellis, *Thirty years after a landmark Supreme Court verdict, slum dwellers' rights are still ignored,* Scroll, December 21, 2015.

[56] Ghertner D. Asher, Analysis of New Legal Discourse behind Delhi's Slum Demolitions, ECONOMIC AND POLITICAL WEEKLY, 57-66.

[57]Amrashaa Singh and Amit Kumar, *Demolitions as Tools of "Collective Punishment": Examining Instances in India and Israel,* The Wire, September 1, 2023.

due process or rule of law[58] in demolition, (like prior notice before demolition) municipal corporations often overlook such orders.[59]

Taxation and Fiscal

The Bihar Goods and Services Tax (Amendment) Act, 2023[60] enacted on 25th July made a total of twenty-two amendments. The first amendment was introduced to Section 10 through omission of the phrase "goods or" from the earlier phrase "goods or services." This could be in furtherance of maintaining clarity of the applicability of provisions. Further, amendment to Section 17 made substitutions that were aimed at rendering greater clarity to exceptions by putting emphasis on the value of activities and nature of transactions such as those related to corporate social responsibility. Amendments to Section 23 vested the government with more power to create exceptions and exempt certain parties from registering under the act. Amendment to Section 30 brings more flexibility by deleting the earlier mentioned strict period of 30 days within which the party whose registration had been cancelled would have to request for its revocation. Amendment to Section 37 restricts parties registered from furnishing details of outward supply after completion of three years from the due date, but an exception to the deadline may be considered upon the recommendation of the government. Further amendments to sections 39, 44, 52, 54, 56, and 62 mostly curtail time periods for furnishing documents relating to returns and statements. Section 109 undergoes the change in title to streamline the adjudication process by designating the Goods and Services Tax Tribunal as the Appellate Tribunal. Sections 110 and 114, both relating to the discussion of the constitution of the Appellate Tribunal are subsequently deleted. Clauses relating to penalties and offences were revised in Section 122. Amendments to Section 138 mention changes in the categories and conditions for compounding offences. A new Section 158A was inserted to allow consent-based sharing of information furnished by taxable persons. Lastly, retrospective exemption was introduced in Schedule III in certain activities and transactions.

The Bihar Goods and Services Tax (Second Amendment) Act, 2023[61] enacted on 17th November introduced a total of five major amendments. The first set of amendments were

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[58] Devadatt Kamat, As bulldozer threats rise, what the Rule of Law says on demolitions, Deccan Herald, April 24, 2022.

[59] The Economic Times, *Delhi: Municipal Corporation Overlooks SC, Demolishes Jahangirpuri "Encroachments"*, April 21 2022, available at economictimes.indiatimes.com/news/politics-and-nation/delhi-municipal-corporation-overlooks-sc-demolishes-jahangirpuri-encroachments/articleshow/90965894.cms?from=mdr (last visited on February 11, 2024).

[60] Govt. of Bihar, Department of Law, No. LG—01-05/2023-5502 (July 25, 2023)

[61] Govt. of Bihar, Department of Law, No. LG—01-07/2023-8957 (November 17, 2023)

introduced to Section 2. These amendments included clarifying the meaning of “online gaming” to include specifically also “online money gaming.” It also clarifies the domain of “specified actionable claim” involved with online money gaming inter alia betting, casinos, gambling, horse- racing, and lottery. Amendment to this section also discusses the role, responsibilities, and obligations of the supplier. Amendment to Section 24 discusses the compulsory registration of suppliers of online money gaming from outside India supplying it to someone in India. Amendment to Schedule III introduces one of the most significant changes by replacing “lottery, betting, and gambling” with “specified actionable claims” which is a broader category that also includes horse-racing, casinos, and online- gaming. This was also in compliance with the revision introduced by the GST Council at the central level to increase the taxation on online gaming from the earlier 18% to 28%.[62]

Apart from these two acts, there were two appropriation acts that were passed in the months of March and November respectively. The Bihar Appropriation Act, 2023 enacted in March authorized the payment and appropriation of a total sum of Rs. 10321.05 crore. The Bihar Appropriation (No.- 4) Act, 2023 enacted in November authorized the usage of a total fund of Rs. 26086.35 crores.

Business and Infrastructure

The Bihar State Infrastructure Development Enabling (Amendment) Act, 2023[63] was enacted to amend the Bihar State Infrastructure Development Enabling Act, 2006. It amends Schedule-V (ii) (a) of the Bihar State Infrastructure Development Enabling Act, 2006 shall be substituted by the following "Government owned land would be provided at concessional lease charges for projects where ownership would revert to the Government, within the period fixed by Infrastructure Development Authority from the date of grant of land.”

The Amendment omits Section 49 of the Bihar Sugarcane (Regulation of Supply and Purchase) Act, 1981. The introduction of GST in 2016 resulted in states losing power to collect taxes on the entry of goods into states. This was made possible through the 101st Amendment to the Indian Constitution that deleted entry 52 from the state list. Entry 52 read: Taxes on the entry of goods into a local area for consumption, use or sale therein. The logic behind this move was the following: “Any kind of entry tax will restrict the free flow of goods and services and defeat the purpose of making India a common market. It is a cause

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[62] Deccan Hearld, *Bihar govt tables bill to replace ordinance to levy 28% GST on online gaming,* November 6, 2023, available at https://www.deccanherald.com/india/bihar/bihar-govt-tables-bill-to-replace-ordinance-to-levy-28-gst-on-online-gaming-2758800 (last visited February 12, 2024).
[63] Govt. of Bihar, Department of Law, No. LG—01-04/2023-2896 (April 19, 2023)

for protracted litigation".[64] Originally introduced as a substitute for octroi, entry tax eventually became a tool for states to safeguard local businesses and industries from the unrestricted import of goods from other states, effectively mitigating the negative effects of competitive tax rate reductions among states. In the context of the GST system, where entry tax will not be applicable, it is crucial to maintain consistent GST rates to prevent the uncontrolled entry of goods into a state and avoid the redirection of trade.[65] As a result of this amendment, Bihar cannot collect entry taxes on sugarcane any longer.

Bihar's Sugarcane industry contributed to 40 percent of the sugar production in India in the 1980's but has collapsed to less than 4 percent due to the apathy of the government to revive the industry after a bad season in 1996-97.[66] The union government's integration of all types of entry taxes into the proposed Goods & Services Tax (GST), including those designated for local authorities, delivers a further setback to the already declining sugarcane sector in Bihar. On an average, entry taxes account for 14 per cent of states' total tax collection. By folding these taxes into GST, an effort to streamline the tax system and promote a seamless market nationwide, Bihar's government loses a vital source of revenue previously generated from the sector. With entry taxes on various commodities, including sugarcane, being a key financial contributor at rates from 2% to 16%, the new GST framework's exclusion of these taxes signals a loss of revenue for the state. Consequently, this shift not only reduces the state's fiscal benefit from the sugarcane industry but also intensifies the strain on an industry facing downturns, potentially pushing it towards an economically more precarious situation.[67]

The introduction of GST has also affected small-scale sugar mills, especially those situated in rural regions, which often lack the means or expertise to adapt to the new tax framework. The rise in both compliance and transportation expenses has heightened the challenge for these smaller entities to remain competitive against their larger counterparts. Consequently, numerous small-scale sugar mills have either ceased operations or have consolidated with

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[64] Business Standard, GST may subsume all entry taxes, November 24, 2014, available at https://www.business-standard.com/article/economy-policy/gst-may-subsume-all-entry-taxes-114112400012_1.html (last visited February 12, 2024).

[65] Gopakumar, K. "MULTIPLICITY OF TAXES AND EXCLUSION OF REVENUE-POTENTIAL COMMODITIES: HIGHLIGHTING TWO CRUCIAL ISSUES OF GST IN INDIA." Journal of the Indian Law Institute, vol. 58, no. 4, 2016, pp. 393–420.

[66] Newsclick, *Bihar Sugar Industry: Long Tale of Sweet Memories, Bitter Truth,* August 26, 2020, available at https://www.newsclick.in/Bihar%27s-Sugar-Industry-Long-Tale-of-Sweet-Memories-Bitter-Truth (last visited on February 12, 2024).

[67] *id 23.*

bigger mills.[68] A decrease in the sugar tax rate has led to lower sugarcane prices, impacting the earnings of farmers facing the dual challenge of depressed prices and elevated production expenses. Conversely, the introduction of input tax credits under GST has decreased the cost of inputs for these farmers, offering some financial relief.[69]

The Bihar Ferryghat Settlement and Management Act, 2023[70] was enacted for settlement and management of the public ferry ghats in the State of Bihar to ensure the devolution and delegation of powers to the authorities of rural and urban local bodies as vested in the local self-government institutions established under the Constitution as well as to streamline and regulate the public ferry-ghats.

The Act replaced the 138 years old Bengal Ferries Act, 1885 enabled District Magistrates, with the involvement of Circle Officers, to allocate ferry-ghats to private parties for revenue collection under the supervision of the state's revenue and land reforms department. It addresses the settlement and control of public ferry-ghats, granting powers to the District Collector. The Act encompasses toll collection, management responsibilities, and penalties for violations. It emphasizes local body involvement, toll imposition, and regulatory measures for ensuring public safety and order. Appeals and remission provisions are also included, reinforcing governance and addressing concerns related to natural calamities or rule breaches.

The Act represents a move towards decentralisation. It aligns with the constitutional amendments 73 and 74, which strengthen the governance capabilities of local bodies including panchayati raj institutions and urban local bodies. This decentralization extends to revenue generation and collection under guidelines established by the government. Furthermore, the act mandates the registration of boats engaged in the ferry service, specifying their carrying capacity and operational schedules, and requires the presence of safety equipment on both the ghats and boats to ensure passenger safety. This legislation grants local government bodies, including panchayats and urban municipalities, the authority to oversee, organize, and administer the operation of ferry-ghats along rivers and waterways, in addition to allowing these bodies to form partnerships with private entities for the same purpose.

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[68] MARG ERP, Understanding the Impact of GST on Sugar Industry in India, March 4, 2023, available at margcompusoft.com/m/gst-on-sugar-industry/ (Last visited on February 12, 2024).
[69] MARG ERP, *Understanding the Impact of GST on Sugar Industry in India,* March 4, 2023, available at margcompusoft.com/m/gst-on-sugar-industry/ (Last visited on February 12, 2024).
[70] Govt. of Bihar, Department of Law, No. LG—01-03/2023-2742 (April 12, 2023)

Service Recruitments and Education

The Bihar Secretariat Service (Amendment) Act, 2023[71] changes the nomenclature of Assistant in Bihar Secretariat Service from 'Assistant' to 'Assistant Section Officer'. The Bihar Technical Service Commission (amendment) Act, 2022[72] provides that the Bihar Technical Staff Selection Commission may select and recommend for appointment to all posts of specialist medical officers of Bihar Health Service Cadre and Bihar Medical Education Service Cadre.

The legislative assembly also passed the Bihar Reservation of Vacancies in Posts and Services (for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Amendment Act-2023[73] and the Bihar (in admission in educational institutions) Reservation Amendment Act, 2023[74]. After the passing of the Act, the state has set a record for the highest reservation rate among the major states in India, totalling 75%. This includes 10% reservation to the economically weaker sections within the unreserved castes. As per the details shared in the gazette notice, the updated reservation percentages are allocated as follows: 20% for scheduled castes, 2% for scheduled tribes, 18% for backward classes, 25% for the most backward classes, alongside a maintained 10% quota for the EWS within the state. These modifications mark an uplift in the reservation for scheduled castes from 16% to 20%, for scheduled tribes from 1% to 2%, for the most backward classes from 18% to 25%, and for backward classes from 15% to 18%.

A direct correlation between social and economic indicators was made in the caste census report. It indicates that approximately 34.13% (nearly 95 lakh) of all families in the state live in poverty, with a monthly income of just Rs 6,000. Most of these families belong to Dalits, Adivasis, OBCs, and EBCs. As per the data, 42.93% of SC and 42.70% of ST families live in poverty, whereas 33.16% of OBC and 33.58% of EBC families also face poverty. Among the SCs, the Musahar community, considered one of India's most marginalized in the caste hierarchy, has the highest poverty rate, with approximately 54% of Musahar families struggling with poverty, followed by 53% Bhuiyans and 42% Chamars or Mochis. Within the OBCs, 35.87% of Yadav families face poverty, followed by 34.32% Kushwahas and 29.9% Kurmis. Conversely, only 25.09% of General Category (Upper Castes) families live in

[71] Govt. of Bihar, Department of Law, No. LG—01-08/2023-8951 (November 17, 2023)
[72] Govt. of Bihar, Department of Law, No. LG—01-19/2022-372 (January 13, 2023)
[73] Govt. of Bihar, Department of Law, No. LG—01-11/2023-8974 (November 21, 2023)
[74] Govt. of Bihar, Department of Law, No. LG—01-11/2023-8971 (November 21, 2023)

poverty, significantly lower compared to others. Among the upper castes, poverty is most prevalent among Bhumihars at 27.58%, followed by Brahmins.[75][76]

The state administration has also appealed to the central government to incorporate the increase in reservation quotas for public sector employment and educational institutions into the Constitution's 9th Schedule to protect it from judicial examination. The Ninth Schedule of the Constitution includes a list of Central and state laws that cannot be challenged in courts.

The BJP in Bihar has supported the caste census, despite the union government arguing against it in court by saying that such a caste census is administratively not feasible. The BJP led government in UP is under tremendous pressure from its OBC allies to conduct a caste survey which led to a report, the findings of which were never executed. Many OBC allies severed ties with the BJP in UP due to this decision.[77] All of these developments need to be viewed is in the context of the union government not releasing the caste census that was held in 2011.[78]The Bihar caste census has not been without challenge. Shortly after initiating its second phase on April 15, the Patna High Court temporarily halted the survey in May, stating that the state lacked the authority to carry out the caste census. Approximately three months following this decision, the court reversed its stance, declaring the survey to be “completely legitimate.”

The caste survey was challenged under two significant grounds: that it violated a citizen’s fundamental right to privacy (due to the queries concerning their religion, caste, and monthly income) and that the state had no power to carry out such a survey. Responding to the privacy challenge, the court referenced the three-pronged criteria established in the 2017 *Justice KS Puttaswamy v. Union of India* case, emphasizing that limitations on fundamental rights are acceptable if they serve the state's legitimate interests and are both proportional and justified. Addressing the security worries mentioned in the temporary order (which had paused the survey), the court acknowledged the Bihar government's detailed response, affirming that the survey employs a secure system, eliminating the risk of data breaches.

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[75] Newsclick, *Bihar Governor at Last Gives nod to Bills Hiking Reservation*, November 21, 2023, available at https://www.newsclick.in/bihar-governor-last-gives-nod-bills-hiking-reservation (last visited on February 12, 2024).

[76] See also, Ajoy Ashirwad Mahaprashasta, *Bihar's Caste Census Is a Bold Move Sure to Have Implications Beyond the State*, The wire, January 10, 2023. (RJD’s Rajya Sabha MP Manoj Kumar Jha justifying the breach of ceiling set by the Supreme Court).

[77] Mayank Kumar, *BJP’s allies in U.P. join the Opposition in demanding caste census*, The Hindu, October 4, 2023.

[78] Ajoy Ashirwad Mahaprashasta, *Bihar's Caste Census Is a Bold Move Sure to Have Implications Beyond the State*, The Wire, January 10, 2023, available at https://thewire.in/caste/bihars-caste-census-nitish.

Raising questions of federalism and right to privacy, Akhilesh Kumar and Vishnu Gupta, National President of Hindu Sena (separate PIL), approached the Supreme Court arguing that the authority to conduct a "census" resides solely with the federal government. The distribution of legislative and executive powers between the Centre and the states is outlined in the Seventh Schedule of the Constitution, where Entry 69 of the Union List grants the central government exclusive rights to carry out a "census", as highlighted by the petitioners. They also cited Article 246, which specifies the Parliament's exclusive jurisdiction to legislate on items listed in List I of the Seventh Schedule. Furthermore, they noted that Entry 45 of the Concurrent List, which allows both the Centre and states to legislate, mirrors Entry 94 of the Union List. Both entries authorize the collection of statistics to support the verification of information necessary for the economic and social planning objectives outlined in Entry 20 of the Concurrent List. It was also contended that the Census Act of 1948 does not contemplate the caste-based census.

The Supreme Court refused to entertain the petition and directed the petitioners to approach the Patna High Court. In April, 2023, Youth for Equality, an organisation that campaigns against caste-based reservation, approached the Supreme Court seeking an early hearing in the Patna High Court, while the second phase of the census had started. This request was allowed by a two-judge bench of the Supreme Court. After hearing, the Patna High Court stayed the census followed by a Special Leave Petition by the Bihar Government challenging the stay. They contended that the states have the power to carry out a survey under various entries of the Concurrent List, Fundamental Rights and the Directive Principles of State Policy.

In May 2023, a two-judge bench of the Supreme Court decided not to intervene in the matter as it was pending before the Patna High Court. In August, 2023 the Patna High Court upheld the validity of the survey. The High Court relied on *Indra Sawhney v Union of India*[79], which recognised that there can be a reasonable method and procedure for the identification of backwardness in society. The judgement had confirmed that these methods could be based on caste. The Patna High Court underscored that the state government cannot wait on their "haunches" while waiting for the Union government's census to implement proactive measures in its services, in accordance with Articles 15 and 16. Those articles, which prevent discrimination based on religion, race, caste, sex, or place of birth, and ensure equal opportunities in public employment, inherently include provisions for advantageous programs benefiting socially and educationally disadvantaged groups. On 3 August 2023, the Patna High Court decision was challenged in the Supreme Court by multiple petitioners

[79] Indra Sawhney v Union of India, AIR 1993 SC 477

including Youth for Equality, Ek Soch Ek Prayas and Akhilesh Kumar. The petitions claimed that the survey was an attempt by the Bihar government to "usurp" the powers of the Union government. The Supreme Court listed the case for final hearing in April 2024.[80]

The petition claimed that the state's caste survey lacked integrity due to the absence of vital information on agricultural and land ownership making it arbitrary. It contended that such an approach by the Bihar government violated the Supreme Court's established standards, which emphasize the importance of thorough and impartial data before making policy decisions related to quotas. Moreover, the petition challenged the justification of expanding quotas for OBC/EBC/SC/ST beyond 50% on the basis of introducing a 10% reservation for the Economically Weaker Section (EWS).[81] The challengers also argue that the Constitution, specifically through Article 16(4), mandates that quotas should be allocated based on the insufficient representation of socially and educationally disadvantaged groups, rather than mirroring these groups' proportionate presence within the state.[82]

Affirming the validity of the caste census, the Patna High Court has observed that "We find the action of the State to be perfectly valid, initiated with due competence, with the legitimate aim of providing 'Development with Justice'; as proclaimed in the address to both Houses and the actual survey to have neither exercised nor contemplated any coercion to divulge the details and having passed the test of proportionality, thus not having violated the rights of privacy of the individual especially since it is in furtherance of a 'compelling public interest' which in effect is the 'legitimate State interest'".[83]

Conclusion

Statistically, Bihar's legislative output increased in 2023. Compared to 2022, during which merely two bills were passed, a total of 15 bills were passed in 2023. These bills could be

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[80] Supreme Court Observer, *Validity of the Bihar Caste "Census."*, available at www.scobserver.in/cases/validity-of-the-bihar-caste-census/#:~:text=On%203%20August%202023%2C%20the (last visited on February 12, 2024).

[81] India Today, *Plea at Patna High Court challenges increase of caste quota to 65% in Bihar*, November 27, 2023, available at https://www.indiatoday.in/law/story/plea-at-patna-high-court-challenges-increase-of-caste-quota-in-bihar-2468156-2023-11-27 (last visited February 12, 2024).

[82] The Indian Express, *PIL in Patna HC challenged Bihar law increasing reservation to 65 per cent*, November 27, 2023, available at https://www.newindianexpress.com/nation/2023/Nov/27/pil-in-patna-hc-challenged-bihar-law-increasing-reservation-to-65-per-cent-2636640.html#:~:text=PATNA%3A%20A%20Public%20Interest%20Litigation,cent%20to%2065%20per%20cent, (last visited February 12, 2024).

[83] The Indian Express, *Bihar caste survey data out: Why it was legally challenged — and why the court found it 'perfectly valid'*, October 3, 2023, available at https://indianexpress.com/article/explained/explained-law/bihar-caste-survey-legal-challenged-8965424/ (last visited February 12, 2024).

categorized into four broader categories of governance, taxation and fiscal, business and infrastructure, and service recruitments and education. Notably, the earlier occurring categories of land and labour under which frequent legislation would be passed, were attended to in this year. The state focused attention away from issues relating to those categories. Further, it may also be noted that despite the fact that each bill was discussed for nearly 57.5 days on average, as many as nine out of fifteen bills were passed after less than twenty days of discussion.

A significant observation here is that most of the bills from the taxation, fiscal, business and infrastructure categories involved routine changes aimed at making the procedure and ambit of those laws clear and updated . Apart from this, there were changes in laws that had to be made in accordance with the provisions of law at the level of the union government. The changes made to Bihar Goods and Services Tax Act serve as examples. There were also substantial legislations introduced to other laws only to reflect the union provisions of the GST laws. For instance, changes made to Bihar Sugarcane Act, 1981 were enacted to maintain compliance with the union GST laws.

Of the bills passed under the category of governance, The Bihar Municipal (Amendment) Act, 2022[84] was significant since it shifted the responsibility of demolishing encroached structures from the jurisdiction of the district administration to the local body of the municipality. This legislative change has drawn scrutiny, as it transfers significant power to municipal bodies, whose enforcement methods are sometimes perceived by civil rights groups to have less procedural oversight than those of the district administration. The timing of this amendment has raised concerns among legal observers, who note that similar municipal powers in adjoining states have led to controversial demolition drives, prompting legal challenges ,

In the service recruitment and education category, the state made some changes by surpassing the upper ceiling of reservation upheld by the Supreme Court. With the changes introduced in these acts, the state has now made provisions for implementing 75% reservation in total, which includes 20% SC, 2% ST, 18% BC, 25% for MBC, and 10% EWS reservations. The increase in reservation provisions was argued to be due to the introduction of EWS reservation which would benefit the already privileged castes. The state's decision to increase caste-based reservations can be viewed in the political context of balancing the 10% EWS reservation, which was introduced for economically weaker sections within the general category. Another reason cited was the absence of accurate caste data by the centre. Access to caste data may help states make amendments to reservation provisions

[84] Govt. of Bihar, Department of Law, No. LG—01-01/2022-2829 (January 13, 2023)

proportionately. These changes should also be read in the light of the caste census data that was released by Bihar, making it the first state to release such data and thereby questioning the exclusive power of the union to conduct a census.

CHHATTISGARH

AURIF MUZAFAR*

Introduction

The year 2023 marked the end of the Congress government in Chhattisgarh. It ran its term of five years after being elected to power in 2018. The end of 2023 also saw the Bharatiya Janata Party (BJP) coming to power in Chhattisgarh after registering a stunning performance in the assembly elections.

In the poll year, therefore, little activity was observed in the Chhattisgarh Assembly, apart from issues such as enhanced reservation for various disadvantaged groups and the bill for the protection of media persons, which had previously been discussed with much passion by the Congress party and equally strong opposition from the BJP. Social justice issues, including reservation in the education sector and public services for the citizens of the tribal state, occupied the centre stage of the discussions. The ruling Congress party alleged that the Governor had been sitting on the reservation amendment bills by not signing them even days after passing them in the assembly.[1] The Assembly also passed a law for the protection of media persons in Chhattisgarh. In a state marred by conflict and counterinsurgency, reporting and truth-telling often become challenging, thereby taking a toll on press freedom.

The Quantitative Survey

The year 2023 was eventful, as it witnessed incidents ranging from the assembly being adjourned *sine die* to a discussion on a no-confidence motion that lasted a record 14 hours. Over the course of the year, the Assembly held a total of 23 sittings across three sessions.

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[1] The Indian Express, *Chhattisgarh governor shouldn't sit over quota Bills 'for eternity', govt ready for court fight: CM Baghel*, December 28, 2022, available at https://indianexpress.com/article/india/chhattisgarh-governor-quota-bills-eternity-govt-ready-court-fight-bhupesh-baghel-8349220/ (Last visited on May 18, 2025).

The first session (15th overall), however, was a continuation of the December sitting of the previous year in which bills relating to reservations were passed. When the ruckus was created over the Governor's indifference to the bills, the Assembly was finally adjourned in the first session of 2023.

The Assembly sat for a total of 136.4 hours during the three sessions, making the year 2023 one in which the Assembly ran for more than 172 hours.[2] The time spent in the Assembly in 2023 was also higher than the Assembly's annual average of almost 121 hours in its five-year tenure. The 15th, 16th and 17th sessions of the Chhattisgarh Assembly ran from January 2-6, March 1-24, and July 18-21, respectively. This period saw the introduction of 19 bills, all of which were passed in the Assembly. However, the 15th session of the Assembly was cut short after the speaker, Dr Charan Das Mahant, adjourned the Assembly *sine die*. The adjournment followed the suspension of 12 BJP members when they entered the well of the House, disrupting the proceedings.[3] It is pertinent to note that no ordinances were promulgated during the year.

The Application of Central Laws

In the exercise of its powers under Article 341(2) of the Constitution of India,[4] Parliament amended the Constitution (Scheduled Castes) Order, 1950, to include the 'Mahra' and 'Mahara' communities of Chhattisgarh in the list of Scheduled Castes(SCs).[5] The 'Mahra' community had not previously been recognised alongside the already existing castes — namely the 'Mahar', 'Mehar', and 'Mehra' communities — and was consequently deprived of the constitutional benefits accorded to the SCs in Chhattisgarh. The various caste surnames are taken to be synonymic variations of the 'Mahar' community, and the Amendment Act is said to benefit thousands of people in the State.[6] These groups enjoyed the benefits of reservation before Chhattisgarh was carved out from Madhya Pradesh in 2000, but were

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[2] PRS Legislative Research, *5th Chhattisgarh Legislative Assembly (2018-2023)*, available at https://prsindia.org/legislatures/states/functioning-of-chhattisgarh-5th-assembly-2019-2024 (Last visited on January 25, 2024).

[3] Daily Pioneer, *BJP legislators tear bills, House adjourned sine die*, January 5, 2023, available at https://www.dailypioneer.com/2023/state-editions/bjp-legislators-tear-bills--house-adjourned-sine-die.html (Last visited on May 18, 2025).

[4] Article 341(1) empowers the Parliament to add or remove any caste, race or tribe or part of or group within any caste, race or tribe from the list of Scheduled Castes with respect to any State or Union Territory.

[5] The Constitution (Scheduled Castes) Order (Amendment) Act, 2023.

[6] The Hindu, *Bill in Lok Sabha to add two synonyms for Mahar community in Chhattisgarh to State's Scheduled Castes list*, July 24, 2023, available at https://www.thehindu.com/news/national/other-states/bill-in-lok-sabha-to-add-two-synonyms-for-mahar-community-in-chhattisgarh-to-states-scheduled-castes-list/article67116284.ece (Last visited on December 15, 2023).

excluded from the purview of reservation in the newly founded state. These demands were turned down in 2008, 2013, and 2016. The redressal of deprivations caused by "mere phonetic variations" was carried out by the Union government at the recommendation of the Chhattisgarh government. The recommendation was based on a socio-economic survey conducted across the state.[7] The Act received presidential assent on August 12, 2023, after being passed in the Lok Sabha and Rajya Sabha on August 1 and August 9, respectively.

Qualitative Analysis

The Legislative Assembly of Chhattisgarh passed laws aimed at social reform, the upliftment of the homeless persons, the protection of media personnel, and affirmative action. However, not all the laws received the governor's assent, sparking controversy and even leading to the suspension of the assembly business. The following sections analyse the implications of the enacted laws for the state of Chhattisgarh.

On Matters Controversial

The winter session of the Chhattisgarh Assembly ran from January 2 to January 6, 2023. It was an extension of the 15th session of the Assembly. The 15th session was a two-day special session held on December 1 and 2, 2022, in which the Chhattisgarh Public Service (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) (Amendment) Bill, 2022 and the Chhattisgarh Educational Institutions (Reservation in Admission) (Amendment) Bill, 2022 were unanimously passed in the House. Chief Minister of Chhattisgarh, Bhupesh Baghel, tabled the bills on the second day of the special session, demanding an increase in the quota to 76% in the State. The two bills aimed to increase the reservation quotas to 32% for Scheduled Tribes (STs), 27% for Other Backwards Classes (OBCs), 13% for Scheduled Castes (SCs), and 4% for the Economically Weaker Section (EWS) category in public employment and admissions to educational institutions. It may be noted that the population of OBCs in Chhattisgarh is an overwhelming 43.5 per cent, while the SCs and STs stand at around twelve and thirty-one per cent of the total population.[8] The

[7] Sumi Rajappan, India Today, *Hope for Chhattisgarh's Mahra and Mahara communities as bill advances in Parliament*, July 28, 2023, available at https://www.indiatoday.in/elections/chhattisgarh-assembly-polls-2023/story/history-of-the-struggles-of-chhattisgarh-mahar-community-mahra-mahara-bill-sc-list-2413210-2023-07-28 (Last visited on December 15, 2023).

[8] Abhay Regi, The Caravan, *The 2023 Chhattisgarh Election Explained*, November 29, 2023, available at https://caravanmagazine.in/politics/explainer-chhattisgarh-2023-assembly-election (Last visited on December 15, 2023)

existing cap of reservations is fourteen per cent for the OBCs, twelve per cent for the SCs and thirty-two per cent for the STs.[9]

The bills were met with fierce opposition from members of the BJP in the Assembly, who questioned the timing of the bills and raised the query that the matter was already pending before the Supreme Court of India. It was in May 2023 that the Supreme Court (SC) stayed a 2020 decision of the Chhattisgarh High Court invalidating the Chhattisgarh government's decision of 2012 seeking to raise the reservation quota to 58% in government jobs and admissions in educational institutions.[10] The Chhattisgarh High Court had called the 2012 amendment unconstitutional for breaching the fifty per cent ceiling limit.[11] As of now, the Chhattisgarh High Court order has been stayed, and the matter is pending before the Supreme Court.

Continuing from where the Assembly's functioning had left off in December of the previous year, the reservation issue again rocked the Chhattisgarh Assembly, leading to the suspension of eleven opposition BJP members after they attempted to enter the Well of the House. While the Congress party members raised the matter of delay in signing the bills during Zero Hour, the opposition members called it a "constitutional breakdown", criticising the ruling party for "making derogatory remarks against the Governor." This was followed by a writ petition before the High Court of Chhattisgarh by the government alleging delay in assent to two bills related to reservation by the office of the Governor, resulting in the High Court seeking a reply from the governor's secretariat on the issue.[12] The High Court later stayed its own order after the governor's office demanded that the previous order be recalled, citing Article 361 of the Constitution of India, which protects the governor from appearing in the court. In its letter to the Court, the governor's office also claimed a breach of rules, stating that the government is itself supposed to represent a governor in the court.

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[9] Ritesh Mishra, Hindustan Times, *Is governor waiting for 'muhurat' to sign reservation bills, asks Chhattisgarh CM*, January 24, 2023, available at https://www.hindustantimes.com/cities/others/is-governor-waiting-for-muhurat-to-sign-reservation-bills-asks-ch-garh-cm-101674537733453.html (Last visited on December 15, 2023)

[10] The Wire, *SC Stays Chhattisgarh HC Order Squashing 58% Reservation In Jobs, Educational Institutes*, May 2, 2023, available at https://thewire.in/law/chhattisgarh-58-percent-reservation-supreme-court (Last visited on December 15, 2023).

[11] The Wire, *'Unconstitutional': Chhattisgarh HC Sets Aside 58% Reservations in Jobs, Education*, September 20, 2022, available at https://thewire.in/law/unconstitutional-chhattisgarh-hc-sets-aside-58-reservations-in-jobs-education (Last visited on December 15, 2023).

[12] Ritesh Mishra, Hindustan Times, *Chhattisgarh governor expresses displeasure over writ petition on reservation bills*, February 10, 2023, available at https://www.hindustantimes.com/cities/others/chhattisgarh-governor-expresses-displeasure-over-writ-petition-on-reservation-bills-101676015960480.html (Last visited on December 15, 2023).

Of Matters Political

The Assembly passed the Chhattisgarh Protection of Media Persons Act, 2023, on March 23, 2023. In his poll promise in 2018, Bhupesh Baghel hinted at bringing about legislation for the protection of journalists in Chhattisgarh.[13] The legislation was finally passed in 2023.[14] The Act provides for the "prevention of violence against media persons while carrying out their duties as media persons…" It also provides for the prevention of "damage or loss of property of media persons or media institutions…" The Act defines a "media person who requires protection" as a "registered media person facing threats of harassment, intimidation or violence while discharging his professional duties…"

According to the Act, a person who is a resident of Chhattisgarh and is practising journalism in the state with experience of one year with at least six published articles or three photographs in a given time or has received three payments in the preceding six months for covering news or is accredited by the Government as a journalist is eligible to register as a media person in the register of media persons maintained by the government. The decision on the registration applications is to be made by a committee constituted by the government, which will also have the power to cancel such registrations. The Act also provides for the establishment of a committee known as the Chhattisgarh Media Freedom, Protection and Promotion Committee to address complaints of harassment, intimidation, violence, or unfair prosecution or arrest. Interestingly, the committee will comprise retired policemen, bureaucrats, a prosecuting officer, and three media persons, aiming to "improve the standard of mass media by providing protection to media persons."

The movement of the people of Chhattisgarh to protect their lands from the spectre of "development" and corporatisation has been met with brute force by the Indian state.[15] Being rich in mineral resources makes Chhattisgarh vulnerable to the cultural imaginations of the "centre", which has its own justifications for carrying out the destruction of resources and displacement of the indigenous people in the name of development. The expansionist policies of the state have been met with great resistance from the indigenous people,

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[13] Ritesh Mishra, Hindustan Times, *Chhattisgarh plans law to protect scribes*, December 22, 2018, available at https://www.hindustantimes.com/india-news/chhattisgarh-plans-law-to-protect-scribes/story-KRVaMKVrvbcKcF7ZvpcbdO.html (Last visited on December 15, 2023).

[14] The Chhattisgarh Protection of Media Persons Act, 2023, Act No. 14 of 2023.

[15] Manjusha Nair, *Between land and the market: farmers' mobilizations in Chhattisgarh and western Uttar Pradesh* in GLOBALIZATIONS, October 20, 2022, https://doi.org/10.1080/14747731.2022.2131287 ; See also, Aritra Bhattacharya & Ajeet, Article 14, In Chhattisgarh, *Adivasis Allege State Coercion, Demand Lawful Mining At One Of India's Richest Iron-Ore Mines*, December 5, 2022, available at https://www.article-14.com/post/in-chhattisgarh-adivasis-allege-state-coercion-demand-lawful-mining-at-one-of-india-s-richest-iron-ore-mines-638d843756fb8 (Last visited May 19, 2025).

triggering a violent response from the machinations of the state.[16] The counterinsurgency grid of Chhattisgarh has created an epidemic of human rights violations in the past, sometimes by even arming marginalised civilians to kill each other.[17] Carrying out the war discreetly and avoiding media attention has pitted the state against even journalists and media personnel reporting on the war. To curtail freedom of speech and fair reporting on the larger political issue and human rights violations, the government expects media persons to treat the fight with Maoists as a "national security issue, and not raise any questions about it."[18] In this context, the Chhattisgarh Protection of Media Persons Act, 2023, passed by the Chhattisgarh Assembly in 2023, assumes significant importance.

While the law for the protection of media persons may have some significance in a conflict zone, considering the incidents of attacks on journalists, it is baffling to observe how the state, opposed to critical reportage, can protect media persons.[19] The Congress government that brought about the law has consistently threatened journalists and arrested them for criticising the government during its tenure.[20] In his analysis of the Act, Paarth Pande explains its flaws, given that India ranks poorly in the World Press Freedom Index.[21] The Act also has provisions of punishment for journalists who engage in "wrongdoings" and those responsible for spreading "fake news". This gives the state the power to arrest reporters for information it does not desire to become public.[22] It is difficult to say, therefore, whether the law will enhance the free speech guarantee and protect the media persons engaged in reporting in the restive state.

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[16] See generally Arundhati Roy, WALKING WITH THE COMRADES (Penguin: 2011).

[17] Salwa Judum was a counterinsurgency movement started by the government in 2005 by arming civilians to counter the Naxalist insurgency and resulted in gross human rights violations in Chhattisgarh. See, *Nandini Sundar vs State of Chhattisgarh,* AIR 2011 SC 2839.

[18] Scroll, *'Not a single journalist working without fear or pressure': Editors Guild on Bastar*, March 29, 2016, available at https://scroll.in/article/805866/not-a-single-journalist-working-without-fear-or-pressure-editors-guild-on-bastar (Last visited on December 15, 2023).

[19] Jayprakash S Naidu, The Indian Express, *Mukesh Chandrakar murder: A 2023 Chhattisgarh law to protect journalists remains unimplemented*, January 10, 2025, available at https://indianexpress.com/article/political-pulse/mukesh-chandrakar-murder-chhattisgarh-law-journalists-unimplemented-9771976/ (Last visited May 18, 2025).

[20] Ayush Tiwari, Newslaundry, *Is it harder to do journalism under Congress than BJP in Chhattisgarh?* July 20, 2022, available at https://www.newslaundry.com/2022/07/20/is-it-harder-to-do-journalism-under-congress-than-bjp-in-chhattisgarh (Last visited on December 15, 2023).

[21] Paarth Pande, The Leaflet, *Chhattisgarh's new law for safeguarding journalists' rights: Does it do enough?*, June 9, 2023, available at https://theleaflet.in/chhattisgarhs-new-law-for-safeguarding-journalists-rights-does-it-do-enough/ (Last visited on December 15, 2023).

[22] Newslaundry, *Two journalists arrested in Raipur after complaint from Congress MLAs*, October 27, 2021, available at https://www.newslaundry.com/2021/10/27/two-journalists-arrested-in-raipur-after-complaint-from-congress-mlas (Last visited on December 2023).

Towards Curbing "Social Evils"

The first session of the Chhattisgarh Assembly in 2023 also saw the passage of a law prohibiting gambling and online betting. The Act is aimed at curbing physical and online gambling "to prevent the consequential financial trouble on the families in the State of Chhattisgarh..." 'Betting and gambling' is a state subject under the Constitution of India.[23] Therefore, in the exercise of this power, the Chhattisgarh Assembly enacted the law to prohibit gambling.[24]

The Act defines gambling as wagering or betting, or wagering or betting, through online modes for financial gain and excludes lottery from its definition. Gambling includes the transactions to wager or bet and the collection of such bets intended to aid or facilitate wagering or betting. It defines "online gambling" as the involvement of online gaming in any form or of digital combination through mobile, computer or online systems.

"Game of skill" and "game of chance" are differentiated as the outcome of the former being determined by the "knowledge, training, expertise and experience of the participant," while the latter being determined by chance and luck. The Act gives the police power to search or apprehend without any warrant any person found gambling, suspected of gambling, or aiding or abetting gambling in a public place. Gambling in public places shall be liable to imprisonment for any term of up to six months, or a fine of not less than three thousand rupees but not exceeding ten thousand, or both. The penalty for owning, keeping, or having charge of a gambling house shall be a term of up to three years and a fine that may extend to fifty thousand rupees. For a subsequent offence, the imprisonment may extend to five years, and a fine of up to one lakh rupees may be imposed. The presence in a gambling house is made punishable with imprisonment, which may extend to six months, or a fine of ten thousand rupees or both. The Act also punishes the printing or publishing of digits, signs, symbols or pictures relating to Worli, Matka and Satta. Similarly, online gambling is made punishable by imprisonment of up to three years and a fine, which may extend to five lakh rupees. A second offence shall make a person liable for imprisonment, which may extend to seven years, and a fine, which may extend to one million rupees. Advertisements of gambling games on print and electronic media are prohibited under the Act and may invite a punishment of up to three years and a fine of fifty thousand rupees.

The legislation was enacted following a report by the 21st Law Commission in 2018, which recommended regulating betting and gambling. The Commission undertook the task in

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[23] The Constitution of India, 1950, Schedule VII, List II, *State List*, Item 34 (Betting and Gambling).
[24] The Chhattisgarh Gambling (Prohibition) Act, 2022, Act No. 4 of 2023.

pursuance of a 2016 directive of the Supreme Court of India asking it to examine the possibility of such a law.[25] Noting that it is the state's prerogative to enact such laws, the Law Commission recommended that the Union formulate a model law, which the states could then adopt.

The Assembly also passed The Cigarettes and Other Tobacco Products (Prohibition of Advertising and Regulation of Trade and Commerce, Production, Supply and Distribution) (Chhattisgarh Amendment) Act, 2021, to amend the original legislation. Aiming to curb drug addiction among youth, the amendments to the Act originally passed in 2003 now criminalise the setting up of hookah bars in Chhattisgarh. A "hookah bar" was defined to mean such places where people gather to smoke tobacco or other flavours from community hookahs or narghile, provided individually or in groups. As a result, the amended legislation prohibits the opening and operation of hookah bars in all places, including restaurants and bars. The police and excise officers are authorised to seize any material used for the purpose of setting up or running hookah bars. The running of a hookah bar is a cognisable and non-bailable offence and may invite a punishment of up to three years and a fine of fifty thousand rupees. Smoking through a hookah in a hookah bar is punishable with a fine of up to five thousand rupees.[26]

On Social Justice and Land Laws

The Chhattisgarh Assembly, in 2023, sought to remove certain difficulties in applying its land revenue laws to the urban areas of Chhattisgarh by virtue of the Chhattisgarh Leasehold Rights to the Homeless Person of Urban Areas Act, 2023.[27]

Section 4(1) of the Act allows for the ejection of homeless people in possession of land in any public park or road or places of public interest, and in lieu of such ejection, to obtain the rights of a government lessee, provided they are covered by the Act's definition of an "eligible person". An "eligible person" under the Act is a domicile of Chhattisgarh, registered in the urban bodies electoral roll and homeless. Besides, their annual income must not surpass 2,50,000 rupees, and they should not have any family members in government or professional services. The right over the land is not heritable and does not pass on the death of the possessor by inheritance or survivorship. Thus, a government lessee is not entitled to

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[25] Law Commission of India, *Legal Framework: Gambling And Sports Betting Including In Cricket In India*, Report No. 276, (July 2018).

[26] Section 21B, The Cigarettes and Other Tobacco Products (Prohibition of Advertising and Regulation of Trade and Commerce, Production, Supply and Distribution) (Chhattisgarh Amendment) Act, 2021, Act No. 1 of 2023.

[27] The Chhattisgarh Nagariya Kshetron Ke Awasheen Vyakti Ko Pattadhriti Adhikar Adhiniyam, 2023, Act No. 7 of 2023.

hold land as a *Bhumi swami*.[28] Consequently, a hamlet or house where such homeless persons are settled may be shifted in the interest of the public, and their pattadhriti right cancelled.[29]

The Act provides for appeal, review or revision against an order of dispossession. A government lessee is prohibited from making a partial or complete transfer of the land. Any transfer of the land in contravention of the terms under the Act will make the person effecting the transfer lose rights over the land from the date of the transfer of the land. After a period of ten years of acquiring the right to become a government lessee, a person may acquire a free-hold right over the property. While the legislation has paved the way for homeless people in urban areas to claim a right to property after being displaced, by linking the entitlement with displacement, it has also legalised displacement.

The Chhattisgarh Municipal Corporations Act, 1956, was amended to direct municipal corporations to construct plots and houses for the economically weaker and lower classes. The Act reserves a certain percentage of homes for the weaker sections of society in all residential colonies developed by builders.[30]

On Taxation Matters

The Assembly passed the Chhattisgarh Settlement of Arrears of Tax, Interest and Penalty Act, 2023, to provide for the settlement of arrears of tax, interest and penalty levied, payable or imposed under various major tax laws, such as the Chhattisgarh General Sales Tax Act, 1958, Chhattisgarh Commercial Tax Act, 1994, Central Sales Tax Act, 1956, Chhattisgarh Value Added Tax Act, 2005, Chhattisgarh Professional Tax Act, 1995, and other minor laws.

The Act makes both registered and unregistered persons eligible to apply for the settlement of tax arrears, as well as the interest or penalty thereon. Subsequently, the designated committee may issue an order of settlement after verifying the application. It may also dismiss the application after verification of the particulars of such an application. This shall follow the settlement of the prescribed amount within fifteen days of the issue of such an order. The settlement of the amount determined by the committee shall make the applicant eligible for the issuance of a settlement certificate, which shall clearly indicate that the applicant is not liable to pay any tax, interest, or penalty and is not subject to prosecution. The Act provides for an appeal to the Commissioner of the Commercial Tax in the State

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[28] Section 181, The Chhattisgarh Land Revenue Code, 1959.

[29] Pattadhriti right is the right of a government lessee and is not heritable.

[30] The Chhattisgarh Municipal Corporation (Amendment) Bill, 2023. Available in Hindi at: https://prsindia.org/files/bills_acts/bills_states/chhattisgarh/2023/BillNo.1of2023CHG.pdf (last accessed on 29 December 2025).

against the order of the "designated committee", which shall settle such arrears of tax, interest, or penalty under the Act.

The Chhattisgarh Goods and Services Tax (Amendment) Act, 2023, was also passed to amend the provisions regarding input tax credit. Input tax credit refers to the Goods and Services Tax paid by a registered taxable person on any purchase of goods and services for the purpose of carrying out business. To prevent incorrect input tax credits, the time limit has been extended by the amendment. Even a registered person shall not be entitled to input tax credit if they do not possess a tax invoice, debit note, or a document issued by a registered supplier. The registration clause has been amended to authorise the "appropriate officer" to cancel the registration of a person on the contravention of any of the provisions and rules of the Act. Where the return has not been furnished for three consecutive tax periods in case of composition levy and other than composition levy for a continuous period of six months, or where a voluntarily registered person has not commenced business within six months from the date of registration, or registration has been carried out by wilful falsification and fraudulent means, the appropriate officer may cancel their registration.

Other Issues

The Assembly also passed the Chhattisgarh Legislative Assembly Member Salary, Allowance, and Pension (Amendment) Act, 2023[31], to enhance the salaries of retired members of the elected body. The pensions were raised from ₹35,000 to ₹58,300, with an additional increase of ₹ 1,000 per month after completion of one year of their term. The former legislators also saw a hike in their travel expenditure, telephone use and other personal services. The state government will bear an additional financial burden of Rs 169600000 annually for this salary hike of the ex-legislators.[32]

The Indian Stamp Act, 1899, as applicable to the State of Chhattisgarh, was amended to include the definition of e-stamp or electronic stamp to mean "any electronic or digital record or its impression on paper created to specify the payment of stamp duty."[33] Similarly, the definitions of terms like "stamp", "market value", "capped", and "market value guidelines" were defined to usher in greater accuracy in the use of terminology. In other changes, the Amendment Act has enhanced the penalties payable in the event of a shortfall in stamp

[31] Act No. 9 of 2023.
[32] Nidhi Sharma, The Economic Times, *Poll-bound Chhattisgarh announces salary hikes, Rajasthan pension hikes & jobs*, July 21, 2023, available at https://economictimes.indiatimes.com/news/politics-and-nation/poll-bound-chhattisgarh-announces-salary-hikes-rajasthan-pension-hikes-jobs/articleshow/101995879.cms?from=mdr, Last visited on May 19, 2025.
[33] The Indian Stamp (Chhattisgarh Amendment) Act, 2023.

duty payment and also made provision for charging interest on the shortfall. The State could make the amendment because the entry on stamp duties is included in the Concurrent List.[34]

The Budget Analysis

The 2023 budget was expected to be poll-centric, and on the lines of winning the voters of Chhattisgarh for the ruling party, and so it was. While the Congress called it a "budget of trust", the opposition said it was a "hypocritical budget", raising issues of unemployment and the state going into what they called a "loan economy". The annual state budget of Rs 1,21,500 crore for 2023-24 was tabled in the Assembly on March 6, 2023. The "budget of trust" saw an increase in the honorarium for Anganwadi workers, helpers, home guards, and Mitanin community health workers. An unemployment allowance of Rs 2500 was sanctioned for the educated unemployed youth of the state. Light metro service was announced to be introduced from New Raipur to Durg. The Rajiv Gandhi Rural Landless Agricultural Labourers Nyay Yojana was set to be extended from rural areas to Nagar panchayat areas, benefitting the landless labourers of the state with annual financial assistance of Rs 6,000. In the education sector, an announcement was made for the opening of more than a hundred schools, with an overall budget of Rs 870 crore.

Delegated Legislation

Data suggest that no ordinances were promulgated in Chhattisgarh during 2023.[35] The Chhattisgarh Nagariya Kshetron Ke Awasheen Vyakti Ko Pattadhriti Adhikar Niyam, 2023 or the Chhattisgarh Leasehold Rights to the Homeless Person of Urban Areas Rules, 2023, were passed to authorise the officers of the state government to work towards the implementation of the Act.[36] The authorised officers shall be responsible for registering homeless persons after granting them leasehold rights. The authorised officer has the power to determine the leasehold rights in all disputed and undisputed matters. The rules provide for documents, including the voter card, the Aadhaar card, the driving license, and other government-issued documents required for verification regarding the possession of land by homeless persons. The rules thus serve as a bureaucratic rule book for the officers

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[34] The Constitution of India, 1950, Schedule VII, List III, *Concurrent List*, Item 44 (Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty).

[35] PRS Legislative Research, The Wire, I*n Charts: How the Chhattisgarh, MP, Mizoram, Rajasthan, Telangana Assemblies Functioned*, October 10, 2023, available at https://thewire.in/politics/in-charts-how-the-chhattisgarh-mp-mizoram-rajasthan-telangana-assemblies-functioned (Last visited on December 8, 2025).

[36] Act refers to the Chhattisgarh Nagariya Kshetron Ke Awasheen Vyakti Ko Pattadhriti Adhikar Adhiniyam, 2023 or the Chhattisgarh Leasehold Rights to the Homeless Person of Urban Areas Act, 2023.

of the state government to determine the implementation of the Act granting leasehold rights to homeless persons in the State of Chhattisgarh.

Conclusion

The year 2023 was eventful, marked by the installation of a new government in Chhattisgarh on December 13, 2023. The BJP won the assembly elections by a vast majority and will run the state for the next five years. The laws passed in the preceding year had many different inclinations but were hardly geared towards the welfare of the poor and the dispossessed in the state. An analysis of the 2023 budget is a good indication of how policies are designed to achieve short-term returns. The policy of Mukhyamantri Gramin Awas NYAY Yojana, aimed at providing houses to poor people, was not announced until the elections were near, even though the Chhattisgarh government claimed that the centre was not releasing funds to Chhattisgarh in the central government scheme of Pradhan Mantri Awas Yojana (PMAY).[37] Interestingly, the first decision of the newly installed BJP government in Chhattisgarh was the announcement of the Pradhan Mantri Awas Yojna, the funding of which had not been released for the poor people of the state during the Congress rule..[38] Being a non-BJP government, the ruling government had often cited the indifference of the centre towards the state even when the state was contributing more to the country in terms of coal and steel production.[39] Even laws like the Chhattisgarh Protection of Media Persons Act, 2023, which were promised to a certain section of society, placed more restrictions on journalists in the restive state than enhanced the freedom of speech and expression guaranteed in the Constitution. Similarly, no legal protection has been extended to protect the vulnerable Adivasis as corporations eye more extraction and dispossession.[40] Following the enactment of the Mineral Laws (Amendment) Act, 2020, the central

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[37] Jayprakash S Naidu, The Indian Express, *Chhattisgarh government launches own housing scheme for state's homeless families*, September 26, 2023, available at h t t s://indianexpress.com/article/india/chhattisgarh-government-housing-scheme-homeless-families-8956467/ (Last visited on December 15, 2023).

[38] The Indian Express, *CM Sai-led Cabinet's first decision: 18 lakh poor to get PM Awas*, December 15, 2023, available at https://indianexpress.com/article/india/cm-sai-led-cabinets-first-denhancedecision-18-lakh-poor-to-get-pm-awas-9068928/ (Last visited on January 15, 2024).

[39] The Indian Express, *Chhattisgarh is contributing more, but not getting as much in return: Baghel*, January 18, 2023, available at https://indianexpress.com/article/india/chhattisgarh-is-contributing-more-but-not-getting-as-much-in-return-baghel-8387891/ (Last visited on December 15, 2023).

[40] Natasha Trivedi, IndiaSpend, *Chhattisgarh Adivasis Rue Loss Of Land*, October 28, 2023, available at https://www.indiaspend.com/adivasi/chhattisgarh-adivasis-rue-loss-of-land-879971 (Last visited on December 20, 2023).

government has authorised itself to auction coal mines in the state, with deleterious consequences on the poor and dispossessed in the State.[41]

In its promises and schemes, the new government feels obligated to fulfil the promises the prime minister has made for the State. Apart from giving houses to the poor under PMAY, the government has approved the free annual visit of 20,000 people to Ayodhya for darshan at the Ram Temple.[42]

The allocation of federal powers in the Constitution is political party neutral. The powers need to be exercised in the same way irrespective of whether the political party in power at the centre are same or different. However, as Chhattisgarh demonstrates, this is not the situation on the ground, whether in the allocation of resources from the Centre or in the ease with which legislative proposals obtain approval from the Union government, states who are administered by the same party as the party at the Centre are treated differently who are ruled by political parties who are in the opposition at the Centre.

[41] Nikita Agarwal, *Chhattisgarh*, THE ANNUAL SURVEY OF STATE LAWS IN INDIA, 35 (2022).

[42] Hamza Khan & Anand Mohan J, The Indian Express, *Lok Sabha polls on the horizon, new CMs focus on welfare push: All that they have announced*, January 29, 2024, available at https://indianexpress.com/article/political-pulse/lok-sabha-polls-on-the-horizon-new-cms-focus-on-welfare-push-all-that-they-have-announced-9132603/ (Last visited on January 31, 2024).

GOA

ANINDITA MUKHERJEE*

The Goan legislature is unicameral, consisting of a Legislative Assembly (Vidhan Sabha) with 40 members. In 2023, the ruling coalition in the state—the Bhartiya Janata Party led National Democratic Alliance—had 33 members, while the opposition had seven members in the House.

The Assembly met for a total of 26 days, over three sessions; a paltry number, but a 100% increase over its performance in 2022, when it met for 13 days.[1] As is typical, the Budget session was the longest, with 18 working days, while the other two sessions were for four days each. The House records indicate that most members attended all of the 26 days.

Given that the State and the Union were governed by the same alliance during this period, there was little friction in relation to the powers of the Governor and the President. Bills passed by the House received assent without inordinate delays. The substantive matter of contention in the Assembly, reflected in the debates on Bills introduced and in the discussions in general, was on the question of land and its governance. A vast majority of the legislative output of the Assembly involved the categorization of land and the control of different authorities over property and land revenue. These legislative interventions have to be read in the context of the ongoing conflicts between long-time residents of Goa and the real-estate industry, and between ecological concerns and the development of infrastructure and heavy industries in the state.

Quantitative Analysis

Despite sitting for a limited number of days, Goa's legislative output in 2023 was substantial. Forty Government Bills were introduced and passed over the course of the 26

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[1] Manas Gubbi, Niranjana S Menon & Siddharth Mandrekar Rao, *Annual Review of State Law 2022*, PRS LEGISLATIVE RESEARCH, May 2023, 1.

days that the Assembly functioned. In the first session (four days), 12 Bills were passed, of which 11 were introduced on one day and passed the next, while one was introduced and passed on the same day. From the time-data available on the discussions, 10 substantive Bills were passed on January 18, in 148 minutes, averaging under 15 minutes of discussion per statute. In the second session (four days), seven Bills were introduced over two days and passed on one day. 137 minutes were devoted to the discussion of these Bills, averaging just under 20 minutes per statute.

The last session for the year was the Budget session that spanned 18 days. Nineteen Bills were introduced, considered and passed by the Assembly in this period. Of these, eight were passed on one day, in 52 minutes, averaging 6.5 minutes of discussion per statute. Time-data is available in the Report of Business for some days, not all, as a consequence of which these numbers are not comprehensive. Nevertheless, they indicate a lack of interrogation of statutes before enactment.

Of the 35 substantive bills passed, 30 amended or repealed existing statutes, while five were entirely new enactments. Over the course of the year, 45 Acts received assent and were published in the State Gazette. Of these, one was passed in 2019,[2] six in 2022[3] and 38 in 2023. Two bills passed by the Assembly were reserved for the President's consideration by the Governor and did not receive assent in 2023.[4] Four Ordinances were promulgated in the year.[5]

Thematic Analysis

In this section, I shall focus on the 35 substantive bills that were introduced and passed by the Legislative Assembly in 2023 alongside the 4 ordinances that were promulgated by the Governor in that year. Within these, greater space has been devoted to enactments that

[2] The Factories (Goa Amendment) Act, 2019 (Goa Act 17 of 2023).

[3] The Goa Ferries (Amendment) Act, 2022 (Goa Act 8 of 2023); The Goa Public Health (Amendment) Act, 2022 (Goa Act 23 of 2023); The Goa Irrigation (Amendment) Act, 2022 (Goa Act 24 of 2023); The Goa Tillari Irrigation Development (Amendment) Act, 2022 (Goa Act 25 of 2023); The Goa Ground Water Regulation (Amendment) Act, 2022 (Goa Act 26 of 2023); The Goa Command Area Development (Amendment) Act, 2022 (Goa Act 27 of 2023).

[4] The Societies Registration (Goa Amendment) Bill, 2023 received Presidential assent in 2024, while the Goa Highways Law (Revival of Operation, Amendment and Validation) Bill, 2023 has not, as of the date of publication, received assent.

[5] The Goa Regularisation of Unauthorized Construction (Amendment) Ordinance, 2023 (Ordinance No. 1 of 2023); The Goa Staff Selection Commission (Amendment) Ordinance, 2023 (Ordinance No. 2 of 2023); Goa Goods and Services Tax (Amendment) Ordinance, 2023 (Ordinance No. 3 of 2023); The Goa Staff Selection Commission (Second Amendment) Ordinance, 2023 (Ordinance No. 4 of 2023).

were hotly contested (whether in the Assembly or in the public sphere generally), have significant impact, or stand out for particular reasons.

The following table shows the thematic break-up of the bills passed by the Assembly in 2023.

Substantive Area	Number of Statutes
Appropriation Acts[6]	5
Administration[7]	3
Bodies Incorporated[8]	3
Land Use and Planning[9]	10
Local Government[10]	1
Local Government + Land Use and Planning[11]	3
Property[12]	3

[6] The Goa Appropriation Act, 2023 (Goa Act 1 of 2023); The Goa Appropriation (Vote on Account) Act, 2023 (Goa Act 14 of 2023); The Goa Appropriation (No. 2) Act, 2023 (Goa Act 15 of 2023); The Goa Appropriation (No. 3) Act, 2023 (Goa Act 28 of 2023); The Goa Appropriation (No. 4) Act, 2023 (Goa Act 29 of 2023).

[7] The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Act, 2023 (Goa Act 30 of 2023); The Goa Staff Selection Commission (Amendment) Act, 2023 (Goa Act 41 of 2023); The Goa Scheduled Castes, Scheduled Tribes and Other Backward Classes Category (Regulation of Issuance and Verification of Caste Certificate) Act, 2023 (Goa Act 45 of 2023).

[8] The Goa Co-operative Societies (Amendment) Act, 2023 (Goa Act 16 of 2023); The Goa Co-operative Societies (Second Amendment) Act, 2023 (Goa Act 42 of 2023); The Societies Registration (Goa Amendment) Bill, 2023 (Bill No. 37 of 2023).

[9] The Goa Regularisation of Unauthorized Construction (Amendment) Act, 2023 (Goa Act 2 of 2023); The Goa Town and Country Planning (Amendment) Act, 2023 (Goa Act 4 of 2023); The Goa (Regulation of Land Development and Building Construction) (Amendment) Act, 2023 (Goa Act 5 of 2023); The Goa Land Revenue Code (Amendment) Act, 2023 (Goa Act 6 of 2023); The Goa (Mopa Airport Development Authority) (Amendment) Act, 2023 (Goa Act 12 of 2023); The Goa Restriction on Transfer of Agricultural Land Act, 2023 (Goa Act 18 of 2023); The Goa Regularisation of Unauthorised Construction (Amendment) Act, 2023 (Goa Act 19 of 2023); The Goa Town and Country Planning (Second Amendment) Act, 2023 (Goa Act 20 of 2023); The Goa Regularisation of Unauthorised Construction (Third Amendment) Act, 2023 (Goa Act 36 of 2023); The Goa Information Technology Development (Amendment) Act, 2023 (Goa Act 40 of 2023).

[10] The Goa Municipalities (Amendment) Act, 2023 (Goa Act 10 of 2023).

[11] The Goa Panchayat Raj (Amendment) Act, 2023 (Goa Act 13 of 2023); The Goa Municipalities (Amendment) Act, 2023 (Goa Act 21 of 2023); The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2023 (Goa Act 22 of 2023).

[12] The Goa Public Premises (Eviction of Unauthorised Occupants (Amendment) Act, 2023 (Goa Act 33 of 2023); The Goa Succession, Special Notaries and Inventory Proceeding (Amendment) Act, 2023 (Goa Act 35 of 2023); The Goa Highways Law (Revival of Operation, Amendment and Validation) Bill, 2023 (Bill No. 22 of 2023).

Substantive Area	Number of Statutes
Records[13]	2
Revenue – Industry[14]	4
Revenue – Land[15]	2
Miscellaneous[16]	4
Total	**40**

Administration

The most significant development in this substantive area was the enactment of the Goa Scheduled Castes, Scheduled Tribes and Other Backward Classes Category (Regulation of Issuance and Verification of Caste Certificate) Act, 2023, along the lines of a similar statute in Maharashtra.[17] It was enacted to ostensibly give effect to the directions of the Supreme Court asking governments to ensure that caste certificates are verified to protect against the use of false certificates to corner the benefits of affirmative action.[18]

Like in Maharashtra, the statute sets up a two-pronged process for the issuance and verification of caste certificates. It defines the competent authority to issue certificates, an appellate authority for individuals to contest the decision of the issuing authority, and a scrutiny committee to verify certificates issued. The Goan statute goes further than its Maharashtra counterpart, in that it requires individuals to get their certificates verified within

[13] The Goa Public Records Act, 2023 (Goa Act 39 of 2023); The Goa Ancient and Historical Records, Acquisition and Preservation Act, 2023 (Goa Act 43 of 2023).
[14] The Goa Value Added Tax (Amendment) Act, 2023 (Goa Act 9 of 2023); The Goa Goods and Services Tax (Amendment) Act, 2023 (Goa Act 31 of 2023); The Goa (Recovery of Arrears of Tax, Interest, Penalty, Other Dues through Settlement) Act, 2023 (Goa Act 34 of 2023); The Goa Value Added Tax (Second Amendment) Act, 2023 (Goa Act 38 of 2023).
[15] The Indian Stamp (Goa Amendment) Act, 2023 (Goa Act 7 of 2023); The Indian Stamp (Goa Second Amendment) Act, 2023 (Goa Act 32 of 2023).
[16] The Goa Appropriation Acts (Repeal) Act, 2023 (Goa Act 3 of 2023); The Goa Private Universities (Amendment) Act, 2023 (Goa Act 11 of 2023); The Goa Waste Management (Amendment) Act, 2023 (Goa Act 37 of 2023); The Goa Non-Biodegradable Garbage (Control) (Amendment) Act, 2023 (Goa Act 44 of 2023).
[17] The Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act 23 of 2001).
[18] Kumari Madhuri Patil v. Additional Commissioner, Tribal Development, 1994 (6) SCC 241.

three months of issuance, failing which their certificates will be automatically deemed to be invalid.[19]

While the desire to root out false certificates is, in itself, laudable, the process the Act sets in place is questionable for two reasons: first, that it increases bureaucratic entanglement and places greater burdens on individuals whose ability to navigate such procedures may, in the first instance, be limited. This is especially the case for first generation students. The statute could well have placed the burden of verification on institutions that enrol or employ, but has chosen to make it a purely individual exercise.[20]

Given that the consequences of failing to validate certificates is the loss of the seat/job in question, this failure to account for differential ability to meet the statute's requirements is worrisome. Second, while the responsibilities of the individual are statutorily encoded—the timelines within which they must act, in particular—the same cannot be said of the responsibility placed on the scrutiny committee. There, the statute simply leaves the entire procedure to the executive to determine,[21] thus giving the government a free hand in defining its own duties. The law appears to have been passed with little debate, however.

The Goa Staff Selection Commission Act, 2019[22] was amended twice through Ordinances. An amendment made to the parent Act in 2022 had allowed for government departments to follow their own procedures for hiring announced before January 2022, and required that these selections be completed within a year of the amendment coming into force. With the 2023 amendments, this timeline stood extended to January 2024.

In what was possibly the least contentious enactment of the year, the Goan legislature also increased daily allowances, travel allowances, pensions, fuel allowance, advances for cars

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[19] The Goa Scheduled Castes, Scheduled Tribes and Other Backward Classes Category (Regulation of Issuance and Verification of Caste Certificate) Act, 2023 (Goa Act 45 of 2023), §8.

[20] Even Section 8 (2) which speaks of the institutional responsibility, limits it to directing "the person(s) so concerned to get his Caste Certificate verified by the Scrutiny Committee and obtain the validity certificate from the Scrutiny Committee within a period of 6 months."

[21] The Goa Scheduled Castes, Scheduled Tribes and Other Backward Classes Category (Regulation of Issuance and Verification of Caste Certificate) Act, 2023, §8(3): The Scrutiny Committee shall upon receipt of application under sub-section (1) and (2) shall seek a report from the Vigilance Cell and follow such procedure for verification of the Caste Certificate and adhere to such time limit for verification and grant of validity certificate, as prescribed.

[22] Goa Act 11 of 2019.

and houses for its members.[23] The stated cost to the exchequer is INR 19 crore and 46 lakh, per annum.[24]

Bodies Incorporated

2023 was a busy year for the law on co-operative societies[25] in the state. A 2021 amendment pertaining to the preparation of balance sheets, audit reports, holding of Annual General Body Meetings, etc. was made effective from April 2023,[26] and the law was further amended twice. The first amendment sought to clarify a 2014 amendment to the parent statute. In 2014, an amendment was made to Section 59 regarding the disqualification of directors in case of illegalities found during audits. The current amendment adds an explanation that such disqualification is for life.[27] Opposition members raised the concern that this amounts to inordinate power being handed to the Registrar with little to no safeguards in place to protect the interests of co-operatives and their freedom to function independently. The fact that most laws have in place disqualifications for limited periods of time, in contrast to this lifetime disqualification, was also raised. Nevertheless, the Bill passed without being sent to a select committee (as was demanded) and without any amendments.

The second amendment[28] was less contentious. It provided for a procedure for the resignation of members, set out certain conditions (like limits on interest rates) for societies that are in the business of lending money, in the interest of individuals seeking credit, and provided for consequences should societies fail to comply with these conditions. The amendment also added a provision empowering the government to appoint auditors if the society is unable to do so.

Finally, an amendment to the Societies Registration Act, 1860[29] was passed by the Legislative Assembly and referred to the President, by the Governor. The amendment allows the government to appoint an administrator for a society on a variety of widely-worded grounds, such as: there is a need to secure proper management of the business of the society generally; there is apprehension that the affairs of the society are being

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[23] The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Act, 2023 (Goa Act 30 of 2023).
[24] *Financial Memorandum* of The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 2023 (Bill No. 43 of 2023).
[25] The Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001).
[26] Department of Co-operation, Notification No. 60/137/Amendment/2020/TS-I/RCS/4579, dated 28 February, 2023.
[27] The Goa Co-operative Societies (Amendment) Act, 2023 (Goa Act 16 of 2023).
[28] The Goa Co-operative Societies (Second Amendment) Act, 2023 (Goa Act 42 of 2023).
[29] Act 21 of 1860.

conducted in a manner that defeats the objects of the society. The Government can appoint an administrator in tranches of six months, up to four years. Any administrator so appointed is also indemnified, alongside other functionaries under the statute.[30]

In sum, each of the amendments in this segment served to increase the power of the government to intervene in the functioning of bodies that are otherwise expected to be self-governing.

Property, Land Use and Planning

As is apparent from the table of bills introduced, about a third of all legislative activity in the state dealt with property (land in particular), its acquisition and zoning. These were the most hotly contested legislative interventions in the Assembly and outside. The most contentious of these, was a seemingly innocuous amendment to the town and country planning statute introducing a provision on the 'rectification of errors' in the Regional Plan.[31] The provision allowed plot-specific alterations to the status of a parcel of land, based on applications made to the government. The absence of any limits on the executive's power to 'rectify' errors led to the reading that the provision would be used as a backdoor tool for land-use conversion. The fear bore out almost immediately, with the government beginning to recategorize large parcels of land in the interest of real-estate developers.[32] The amendment along with the rules made thereafter is the subject of a constitutionality challenge.

Vying for second place for the most controversial law enacted by the Assembly, is the Goa Restriction on Transfer of Agricultural Land Act, 2023.[33] Enacted, ostensibly to safeguard the acquisition of agricultural land and its diversion towards non-agricultural use, the statute has come under fire from all quarters. Free-marketeers protest its protectionism. On the other hand, those who see value in the regulation of the use and sale of agricultural land contend that the statute is riddled with loopholes so large as to render it worthless. It defines agriculture narrowly as just the cultivation of paddy, makes exceptions for industries and government projects. The statute also mandates that if a District Collector inquires and finds that the transfer of a parcel of land has been made in contravention of the Act, the land in question would be forfeited to the Government, raising questions about the extent of power granted to the executive.

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[30] The Societies Registration (Goa Amendment) Bill, 2023 (Bill No. 37 of 2023).
[31] The Goa Town and Country Planning (Amendment) Act, 2023 (Goa Act 4 of 2023).
[32] Ayaskant Das, *Land Use of Large Goa Orchards Changed at the Behest of Real Estate Developers?*, NEWSCLICK, May 6, 2023, https://www.newsclick.in/land-use-large-goa-orchards-changed-behest-real-estate-developers (last visited on 25 December 2025).
[33] Goa Act 18 of 2023.

Several amendments were made to the Goa Regularisation of Unauthorized Construction Act, 2016.[34] Two simply extended the period within which applications for regularisation could be made under the law.[35] Each was met with opposition on the ground that a law that was meant to be a one-time amnesty has seen endless extensions of deadlines and is effectively rewarding illegality. A substantive amendment was brought through an Ordinance[36] and later absorbed into an enactment,[37] which, *inter alia*, put in place an appeal process, barred regularisation in cases where the ownership/title is disputed and before any authority, and gave the officer authorised under the statute the power to regularise constructions notwithstanding "anything contained in the relevant Act or in any contract, judgment, decree or order of any Court or any Statutory Authority or any instrument having the force of law."[38]

A series of amendments carved out exceptions to existing norms. The Mopa Airport Planning Area was exempted[39] from the ambit of the town and country planning law, as was land demarcated for the development of for IT/Electronics Manufacturing industries.[40] The requirement of the District Collector's permission for the conversion of agricultural land was removed for activity undertaken under the Mines and Minerals Act, and basalt and stone-crusher units operative as of December 31, 2007 were also exempted from the application of the section in question (Section 30).[41]

Section 8 of the Goa (Regulation of Land Development and Building Construction) Act, 2008,[42] was amended so as to enable the Government to relax any provision of regulations framed under the Act to the extent as may be prescribed by rules for the purpose of implementation of Government policies including land development for affordable housing. Remarkably, both the making of the regulations, as well as the extent of their relaxation is left entirely to the executive.[43]

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[34] Goa Act 20 of 2016.
[35] The Goa Regularisation of Unauthorized Construction (Amendment) Act, 2023 (Goa Act 2 of 2023); The Goa Regularisation of Unauthorised Construction (Third Amendment) Act, 2023 (Goa Act 36 of 2023).
[36] The Goa Regularisation of Unauthorized Construction (Amendment) Ordinance, 2023 (Ordinance No. 1 of 2023).
[37] The Goa Regularisation of Unauthorised Construction (Amendment) Act, 2023 (Goa Act 19 of 2023).
[38] The Goa Regularisation of Unauthorized Construction Act, 2016, §3(8), *substituted vide* The Goa Regularisation of Unauthorised Construction (Amendment) Act, 2023 (Goa Act 19 of 2023).
[39] The Goa (Mopa Airport Development Authority) (Amendment) Act, 2023 (Goa Act 12 of 2023).
[40] The Goa Information Technology Development (Amendment) Act, 2023 (Goa Act 40 of 2023).
[41] The Goa Land Revenue Code (Amendment) Act, 2023 (Goa Act 6 of 2023).
[42] Goa Act 6 of 2008.
[43] The Goa (Regulation of Land Development and Building Construction) (Amendment) Act, 2023 (Goa Act 5 of 2023).

On the property front, properties under the administration of Comunidades (North, South, Central) were brought under the ambit of 'public premises' to allow for 'speedy' eviction[44] under the Goa Public Premises (Eviction of Unauthorised Occupants) Act, 1988.[45] A Bill was also passed seeking to revive the operation of a land acquisition law for highways that was repealed by the LARR, on the ground that the LARR has made acquisition of land for roads "extremely difficult." The Bill aims to retain the procedure under the old law, while accepting the compensation calculation under the LARR, akin to a similar intervention in Tamil Nadu. While it was passed by the Assembly, it has yet to receive the President's assent.[46]

Local Government

The Goan Assembly amended both the Panchayat and Municipality laws to streamline the grant of building/construction permits. The amendment to the Panchayat Raj Act gives the Panchayat 30 days to accept or decline permission, failing which the file is moved to the Block Development Officer. This provision has been criticised for moving power from local government to a centralised executive. Should the BDO fail to respond within 30 days, consent for construction shall be deemed to have been granted.[47] The deemed consent provision has been criticised for being unmindful of realistic timelines, thereby setting the stage for illegal construction in ecologically sensitive regions.[48] A similar amendment to the Municipalities law reduces the timeline for building permits from 60 to 15 days, along with the deemed consent provision.[49] The Municipalities Act was also amended, amidst opposition uproar, to remove secret ballot in election of Chairpersons and Vice-Chairpersons of councils, mandating, instead, a show of hands.[50]

The Code of Comunidades was amended to, amongst other things, enable the government to lease comunidade land for public purposes (as defined by the LARR) with the prior consent of the concerned comunidade and enable financially insecure comunidades to entrust land development work to private developers. It also amends Article 70 to allow the

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[44] The Goa Public Premises (Eviction of Unauthorised Occupants (Amendment) Act, 2023 (Goa Act 33 of 2023).
[45] Goa Act 22 of 1988.
[46] The Goa Highways Law (Revival of Operation, Amendment and Validation) Bill, 2023 (Bill No. 22 of 2023).
[47] The Goa Panchayat Raj (Amendment) Act, 2023 (Goa Act 13 of 2023).
[48] TGN, *Three Amendment Bills Passed despite Oppn Protests in House*, THE GOAN EVERYDAY, Jan. 19, 2023, //www.thegoan.net/goa-news/%EF%BB%BFthree-amendment-bills-passed-despite-oppn-protests-in-house/94122.html (last visited on 25 December 2025); Team Herald, *Will the Recent Amendment to the Goa Panchayati Raj Act Push or Curb Illegal Constructions in Goa?*, O HERALDO, Mar. 26, 2023, https://www.heraldgoa.in/review/will-the-recent-amendment-to-the-goa-panchayati-raj-act-push-or-curb-illegal-constructions-in-goa/98802/ (last visited on 25 December 2025).
[49] The Goa Municipalities (Amendment) Act, 2023 (Goa Act 21 of 2023).
[50] The Goa Municipalities (Amendment) Act, 2023 (Goa Act 10 of 2023).

government to suspend a comunidade's managing committee pending inquiry, and appoint a government officer to take charge.[51] These amendments have been criticised for having bypassed the Code mandated adoption at a comunidade convention, aside from eroding the freedom of the traditional self-governing collectives.[52]

Records

Two of the five entirely new statutes enacted in the year dealt with the maintenance of records. From news reports, it appears that need for these laws was felt on account of a number of land scams in the state, in which revenue and land documents had been withdrawn from archives and destroyed or altered.[53] The Goa Public Records Act,[54] drafted in line with the union law on the subject and in keeping with a longstanding demand that states enact such statutes,[55] seeks to streamline the maintenance of public records by state authorities. The statute creates a system by which every public body is required to have a records officer whose job is to keep track of public records and ensure that they're in order. Taking public records outside the state or destroying them without following due process is prohibited and punishable.

The Goa Ancient and Historical Records, Acquisition and Preservation Act, 2023[56] is similar to the Public Records Act in form and substance but is directed towards historical documents and images and creates the position of an archivist towards this end. The proscriptions on treatment of records are the same. Both statutes also contain a provision for destruction of records that has no statutory safeguards built in (left to the executive),[57] thus giving the government the freedom to legally destroy public records.

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[51] The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2023 (Goa Act 22 of 2023).

[52] TNN, *'Will Oppose Changes to Comunidade Law,'* THE TIMES OF INDIA, Apr. 3, 2023, https://timesofindia.indiatimes.com/city/goa/will-oppose-changes-to-comunidade-law/articleshow/99194563.cms (last visited on 25 December 2025); Team Herald, *'Arbitrary' Amendments to Code of Comunidades Spark Widespread Opposition amongst Gaunkars*, O HERALDO, July 5, 2023, https://www.heraldgoa.in/goa/arbitrary-amendments-to-code-of-comunidades-spark-widespread-opposition-amongst-gaunkars/54705/ (last visited on 25 December 2025).

[53] Jayashree Nandi, *Goa Brings New Law to Curb Destruction of Public Records*, HINDUSTAN TIMES, Aug. 9, 2023, https://www.hindustantimes.com/cities/others/goa-government-introduces-bill-to-curb-land-fraud-by-regulating-public-records-imposing-strict-punishment-101691567473527.html (last visited on 25 December 2025).

[54] Goa Act 39 of 2023.

[55] TNN, *Law Proposed to Regulate Mgmt of Public Records*, THE TIMES OF INDIA, Aug. 2, 2023, https://timesofindia.indiatimes.com/city/goa/law-proposed-to-regulate-mgmt-of-public-records/articleshow/102328109.cms (last visited on 25 December 2025).

[56] Goa Act 43 of 2023.

[57] Section 8 of both Acts. §8(1) No public record/historical document shall be destroyed or otherwise disposed of except in such manner and subject to such conditions as may be prescribed.

Revenue

The most significant legislative intervention in this area was the Goa (Recovery of Arrears of Tax, Interest, Penalty, Other Dues through Settlement) Act, 2023.[58] The statement of objects and reasons notes: "As sizeable portion of the recovery is locked under litigation, in order to unlock the amount involved in the outstanding dues and reduce the old pending litigation, the Government considers it expedient to provide for a scheme for settlement of arrears of tax, interest, penalty or late fees under various tax laws, for the period upto 30th June, 2017."[59] The law offers a waiver on interest and penalties and a 20-50% rebate on tax owed (at different rates based on the nature of the case) alongside a full waiver for individuals/enterprises who owe a sum less than INR 10,000, for tax assessed under six state tax laws in force before the GST regime was introduced. A similar law was passed in 2009,[60] and those whose claims were rejected under that law are permitted to reapply. The financial memorandum, strangely, does not attempt to approximate what the cost/gain of this move would be. Per news reports, the write-off amounted to INR 48 crore and impacted 16000 business owners.[61]

The government amended the Goa Value Added Tax Act, 2005[62] twice in 2023. The amendments served to enable the refund of excess input tax credit up to 31 March, 2017, in cases where such an excess has been determined by relevant authorities or judicially ordered. The first amendment, *inter alia*, also altered registration and re-registration requirements, in that it included a range of documents required for registration (PAN card, phone number, etc.) and waived renewal requirement, in order to provide the benefit of valid registration to dealers who failed to renew registration on its expiry from 1 April, 2017.[63] This waiver is expected to cost the exchequer INR 70 lakh per annum.[64] The second amendment fine-tuned the first, and made registration mandatory for dealers selling certain petroleum products and alcohol for human consumption.[65]

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(2) No record created before the year 1961 shall be destroyed except where in the opinion of the Director, it is so defaced or is in such condition that it cannot be put to any archival use.

[58] Goa Act 34 of 2023.

[59] *Statement of Objects and Reasons* of The Goa (Recovery of Arrears of Tax, Interest, Penalty Other Dues through Settlement) Bill, 2023 (Bill No. 31 of 2023).

[60] The Goa (Recovery of Arrears of Tax through Settlement) Act, 2009 (Goa Act No. 17 of 2009).

[61] TGN, *Govt Waives Rs 48 Cr Pre-GST Arrears of over 16,000 Traders*, THE GOAN EVERYDAY, Mar. 1, 2024, //www.thegoan.net/goa-news/govt-waives-rs-48-cr-pregst-arrears-of-over-16000-traders/110355.html (last visited on 25 December 2025).

[62] Goa Act 9 of 2005.

[63] The Goa Value Added Tax (Amendment) Act, 2023 (Goa Act 9 of 2023).

[64] *Financial Memorandum* of The Goa Value Added Tax (Amendment) Bill, 2023 (Bill No. 8 of 2023).

[65] The Goa Value Added Tax (Second Amendment) Act, 2023 (Goa Act 38 of 2023).

The state's GST law was also amended twice. The first amendment was wide-ranging, but it largely mirrored the 2023 CGST amendments and was not contentious.[66] A second amendment through an Ordinance promulgated in September sought to tax online gaming and casinos.[67] Two minor amendments to the Indian Stamp Act extended the benefit of reduction in stamp duty towards gift deeds made to brothers or sisters in law, niece, nephew, son-in-law, daughter-in-law (alongside the existing provision for direct family).[68]

Miscellaneous

Two amending acts enacted in 2023 dealt with waste-management. One imposed a duty upon importers and brand owners (alongside existing duties) to dispose of non-biodegradable waste per procedure set out in rules and added aluminium and glass to the list of non-biodegradable substances.[69] The second enables the Goa Waste Management Corporation to take on consultancy work and set up a Goa Waste Management Institute.[70]

The law regulating private universities was amended to relax the requirements for setting up a private university in the state. In order to establish one, it is now sufficient for parties to have land on lease, property needn't be owned to set up a university; the amount that must be invested in a library has been reduced; and the period within which compliance must be reported has been increased, with provision to increase it further. However, the amendment also made starting of operations contingent on conditions being fulfilled as opposed to the previous self-declaration system.[71]

And finally, in order to de-clutter the statute books, all old Appropriation Acts that no longer have any relevance were repealed.[72]

Executive Law-Making

Given that the ruling party in the state enjoys a comfortable majority, and has no friction with the Governor, there are no egregious cases of the government seeking to bypass the Legislative Assembly while making law. All Ordinances promulgated were laid before the House as required, none were repromulgated. That said, it is evident from the substantive legislative interventions discussed prior that the laws being made consistently gave the

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[66] The Goa Goods and Services Tax (Amendment) Act, 2023 (Goa Act 31 of 2023).
[67] The Goa Goods and Services Tax (Amendment) Ordinance, 2023 (Ordinance No. 3 of 2023).
[68] The Indian Stamp (Goa Amendment) Act, 2023 (Goa Act 7 of 2023); The Indian Stamp (Goa Second Amendment) Act, 2023 (Goa Act 32 of 2023).
[69] The Goa Non-Biodegradable Garbage (Control) (Amendment) Act, 2023 (Goa Act 44 of 2023).
[70] The Goa Waste Management (Amendment) Act, 2023 (Goa Act 37 of 2023).
[71] The Goa Private Universities (Amendment) Act, 2023 (Goa Act 11 of 2023).
[72] The Goa Appropriation Acts (Repeal) Act, 2023 (Goa Act 3 of 2023).

executive wide-ranging powers with few, if any, statutorily articulated limits on those powers. This is true of both the delegated power of legislation and powers granted statutorily to executive functionaries.

Several policies were approved by the Cabinet and notified in 2023. Particularly noteworthy are the Policy for regulating iron ore dump handling in the State of Goa,[73] Goa Logistics and Warehousing Policy[74] and the Goa State Shack Policy (2023-26).[75] Noticeably, the policy interventions appear to be predominantly aimed at increasing industry investment in the state by increasing ease of doing business, and encouraging tourism.

Note-Worthy Resolutions

The House adopted a resolution recommending to the government that provision be made for political reservation in the Assembly for members of the Scheduled Tribes of Goa, who constitute 10.23% of Goa's population.[76] It also adopted a resolution requesting the Central Government to take "strict action against the whimsical findings shown in the BBC documentary" that discussed the 2002 pogrom in Gujarat.[77] A motion to introduce a resolution on the violence in Manipur was disallowed.

General Observations

Taking a birds-eye-view of the functioning of the Goan legislature in the year, it becomes apparent that law-making was undertaken in a piece-meal fashion without adequate preparation and discussion. Bills were passed, for the most part, in a matter of minutes and not a single Bill was referred to a committee. Several laws were amended multiple times in one year, either through the legislature or via ordinances. Of these, the law on regularization of unauthorized constructions (which was, as such, very contentious) was amended thrice within an eight-month period.

The absence of application of mind is also apparent in the number of amendments that were ostensibly corrective and were, therefore, retrospective in their effect. Apart from three bills that were repealing ordinances and were retrospective to that extent, five others too had retrospective effect (that's one-seventh of the total number of bills passed). A particularly egregious case, on the matter of retrospectivity, is the Goa Goods and Services Tax

[73] Department of Mines, DMG/34/AUCTION CELL/DUMPPOLICY/2023/2044 dated 13 September 2023.
[74] Department of Industries, 3/10/2023-IND/119 dated 30 May 2023.
[75] Department of Tourism, 7/7(906)/2023/DT dated 19 October 2023.
[76] Private Member Resolution, raised by Ganesh Gaunker on 21 July 2023.
[77] Private Member Resolution, raised by Krishna Salkar on 21 July 2023.

(Amendment) Act, 2023, which states that the Act will come into force when notified by the government.[78] This Act received the Governor's assent on 5 September 2023. The notification, dated 13 September 2023, published in the Gazette the next day, deems itself to have come into force with effect from 31 July 2023, in order to bring certain provisions of the Act into force from 1 August![79]

And, finally, note must be made on the manner in which information about the legislative process is maintained by the state. The Goan Gazette is, unlike those of many other states, updated online regularly and comprehensively. Thus bills, ordinances, acts that receive assent and notifications bringing statutes into force are easily accessible. That said, the proceedings within the House are difficult to access: amendments are not listed, there is no publicly available written record of the debates in the House (only a live-stream of the proceedings on YouTube), the reports of business have a different format every second day and do not all contain the same standardized information. There is much more information about questions, resolutions and the like, than there is on legislative debates. This makes studying legislative activity in a manner that takes process of law-making as seriously as output onerous, if not downright impossible.

[78] Act 31 of 2023. Section 1(2): Save as otherwise provided in this Act, the provisions of this Act shall come into force on such date as the Government may, by notification in the Official Gazette appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

[79] Department of Finance, Notification 38/1/2017-Fin (R&C)(256)/3241, dated 13 September, 2023.
In exercise of the powers conferred by sub--section (2) of section 1 of the Goa Goods and Services Tax Act, 2023 (Goa Act 31 of 2023), the Government of Goa hereby appoints,—
(a) the 1st day of October, 2023, as the date on which the provisions of sections 2 to 23 (except sections 14 to 18) of the said Act shall come into force;
(b) the 1st day of August, 2023, as the date on which the provisions of sections 14 to 18 of the said Act shall come into force.
2. This notification shall be deemed to have come into force with effect from the 31st day of July, 2023.

GUJARAT

SHILPI SHARMA*

Introduction

After Bhartiya Janta Party returned to power for its seventh term, the 15th Gujarat State Assembly became operational in December 2022 and held its first session on 20th of December 2022. Since the survey focuses on the year 2023, the first session has not been taken into consideration in this report. In the year 2023, the BJP government focussed primarily in the areas, in which it promised to take actions in their election manifesto. Some major promises in the manifesto were: development in the education sector, specifically girl education, uniform civil code, infrastructure & urban development.

Legislative Summary

The assembly worked for 29 days in 2023. It spent more hours in discussion (143 hours) in comparison to the year 2022 (110.7 hours). In 2023 the legislative output of the assembly was also greater than 2022. In 2023, 26 Bills were presented and debated.

Government Bills

The Government presented 16 Bills in the survey year. Out of these 16 bills, one Bill 'The Champaner-Pavagadh Archaeological Park World Heritage Area Management Authority (Repeal) Act'[1] was introduced only to repeal Champaner-Pavagadh Archaeological Park World Heritage Area Management Authority Act 2006 because it had become redundant after the Gujarat government constituted the Pavagadh Area Development Authority in order to develop and conserve prehistoric the archeological site in the Panchmahal District of Gujarat. The other bills presented and passed are thematically classified as follows.

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[1] Gujarat Bill No 20 of 2023, Act No. 11 of 2023.

Education: Priority for the Year

The State enacted seven Statutes with regard to higher education institutions and education reforms. Out of the seven statutes, four are Amendment Acts, two statutes were enacted to implement the National Education Policy 2020 and one to prevent unfair practices in examinations. Three amendment statutes were only concerned with introducing modifications in the names of the concerned Universities namely the Children's University (Amendment) Act, 2023, modified the name of the Children's University to Children's Research University, The Gujarat Natural Farming and Organic Agricultural University (Amendment) Act, 2023, altered the name of The Gujarat Natural Farming and Organic Agricultural University to "the Gujarat Natural Farming Science University" and the Gujarat Private Universities (Second Amendment) Act 2023 modifies the names of some existing private universities. Thus, AURO University of Hospitality and Management and Swaranim Startup and Innovation University altered their names to AURO University, Surat and Swarrnim Startup and Innovation University respectively. In addition, four more private universities were established with this amendment to the Gujarat Private Universities Act. The Gujarat Public University Act 2023 unified 11 public universities in the State with the objective of enhancing the quality of education and better governance in all public universities other than agricultural, medical and sectorial universities.

The National Education Policy 2020 laid stress on teaching at the elementary level in the language spoken at home by the child.[2] The Gujarat assembly enacted the Gujarat Compulsory Teaching and Learning of Gujarati Language Act, 2023[3] which required elementary level education to be compulsorily imparted in Gujarati. A penalty for the contravention of the condition has also been prescribed. The Act is applicable to all schools whether run by the government, local bodies, a private agency or a minority organisation. All schools are required to introduce Gujarati as an additional language from academic year 2023-24. However, section 6 allows schools to exempt persons whose domicile is not in Gujarat even as they are studying in a school in Gujarat, if the parent or guardian of such student seek an exemption from the provisions of the Act with valid reasons. The school is required to send the list of such students with necessary details to the District Education Officer. Section 7 authorises the education department, Government of Gujarat to exempt

[2] National Education Policy, 2020, ¶ 4.11, 4.12, available at https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf (Last visited on October 10, 2025).

[3] Act No. 04 of 2023.

any school or category of students from all or any of the provisions of the Act by notifying the same by a general or special order in the official gazette.

The Gujarat Public Examination (Prevention of Unfair Means) Act, 2023[4] was enacted to improve the quality of education by preventing the use of unfair means by any person in any public examination. The legislation was introduced in the Assembly a few days after the question paper of the panchayat junior clerk examination leaked.[5] The legislation provides an elaborate definition of unfair means and also recognises that such unfair means could be practised by a person or a group of persons in connivance with the examination authority which it categorises as an organised crime. The practice of unfair means, aiding and abetting such wrongful conduct and obstructing supervisory and inspection staff from doing their duty as also practising unfair means as an organised crime have been rendered punishable by the Act. The years of imprisonment and amount of fine rising alongwith the gravity of the crime. At the lower end of the scale, any examinee using unfair means can be punished with imprisonment up to three years along with a fine not less than rupees one lakh. When practised as organised crime the imprisonment would be at least for a period of 7 years with a minimum fine of rupees one crore.

Land, Agriculture & Natural Resources

An amendment was brought in the legislation on promotion of agricultural produce in Gujarat and its marketing by enacting the Gujarat Agricultural Produce and Marketing (Promotion and Facilitation) (Amendment) Act, 2023.[6] The amendment Act promotes inter-state trade by opening the possibility of the traders of other States to trade in the agricultural produce of Gujarat in case they either have a license from any other State or are entitled as per any Memorandum of Understanding signed between the States.

Urban Development and Local Governance

The Gujarat Regularisation of Unauthorised Development Bill 2022 was notified in January 2023[7] and deemed to come into force from October 2022. A legislation to further amend the Act was passed as Gujarat Regularisation of Unauthorised Development (Amendment) Act, 2023, which authorises the State government through a notification in the official

[4] Act No. 02 of 2023.
[5] NDTV, *10 Years Jail, Rs 1 Crore Fine: Bill To Curb Paper Leak Passed In Gujarat*, February 24, 2023, available at https://www.ndtv.com/india-news/gujarat-assembly-passes-bill-aimed-at-curbing-paper-leak-in-recruitment-exams-10-years-jail-rs-1-crore-fine-proposed-3809705 (Last visited on April 27, 2024)
[6] Act No.16 of 2023.
[7] Act No. 1 of 2023.

gazette to extend the period for making an application for regularisation of the unauthorised development.

A noteworthy legislation of this year with reference to the local governance is the Gujarat Local Authorities Laws (Amendment) Act, 2023.[8] The legislation increases the reservation for the OBC members in the local bodies from 10% to 27%. This percentage of 27% of reservation will be applicable to Municipalities, Municipal Corporations, Gram Panchayats, Taluka Panchayats and District Panchayats in the State but not to the areas under the Panchayats (Extension to Scheduled Areas) Act where the Scheduled Tribe population is more than 50%. The legislation is passed based on the recommendations of the Zhaveri Commission which was appointed in the year 2022 by the state government to fix quotas of OBC reservation.

Finance and Taxation

Other than the Appropriation Acts, the Gujarat assembly passed two taxation laws in the year. The Gujarat Goods and Services Tax (Amendment) Act 2023 imposed 28% of GST on the full face-value of bets in online gaming, casinos, and horse racing. The Act also established an appellate authority in the State for GST related matters. Further the Gujarat Taxation Laws (Amendment) Act 2023 made amendments in many taxation laws of the state such as: Gujarat Value Added Tax Act 2003; Gujarat Motor Spirit Cess Act, 2001; Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976; Gujarat Electricity Duty Act, 1958 and Gujarat Stamp Act, 1958. The amendments provide that, the rate of interest on non-payment of dues should not be more than 18%.

Private Member Bills

Gujarat had as many as 10 private member bills tabled for discussion. The Gujarat Prevention of Water Pollution and Purification of Rivers Bill, 2023;[9] the Gujarat Prohibition on holding Protest in a Public Places Bill, 2023;[10] the Gujarat Promotion of Small Family (Incentive) Bill, 2023;[11] the Gujarat Prevention of people from illegally pulling out water from Government Network of Water Supply Bill, 2023;[12] the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises

[8] Act No. 17 of 2023.
[9] The Gujarat Prevention of Water Pollution and Purification of Rivers Bill, 2023, Gujarat Bill no. 9 of 2023.
[10] The Gujarat Prohibition on holding protest in a Public Places Bill, 2023, Bill no. 8 of 2023.
[11] The Gujarat Promotion of Small Family (Incentive) Bill, 2023, Bill no. 7 of 2023.
[12] The Gujarat Prevention of people from illegally pulling out water from Government Network of Water Supply Bill, 2023, Bill no. 6 of 2023.

in Disturbed Areas (Repeal) Bill, 2023;[13] The Gujarat Employment Guarantee Bill, 2023;[14] The Gujarat Payment of Unemployment Allowance to Unemployed Bill, 2023;[15] the Gujarat Devasthan Area Development Authority Bill, 2023;[16] the Gujarat Prohibition on Burning of waste by citizens and sanitary workers in Public Places Bill, 2023[17] and the Gujarat Compulsory Registration and Regulation of Drivers of Private Vehicles Bill, 2023.[18]

Private member bills are generally means of discourse creation. They can become law only if the government lends its support to the proposal of the legislator. It is generally found that private member bills attempt to give voice to the aspirations of the people instead of being instruments which enhance the authority of the government. Interestingly, other than the two bills which aim to guarantee employment and provide for an unemployment allowance all other bills are seeking an enhancement of the regulatory power of the government and press for the prohibitory use of the law, be it by prohibiting the use of public places for protest or burning waste by citizens and sanitation workers.

Conclusion

The Gujarat legislature, in the survey year, dedicated itself to the development in infrastructure, establishment of research and educational institutions and social justice. It also had in 2023, more sitting hours and legislative actions in comparison to the previous year. Focussing primarily on the education sector, the public Universities are streamlined. Steps towards strengthening qualitative aspects of education by adoption of home language at the elementary level and criminalising the use of unfair means are taken in the year. The legislature generated resources by widening the scope of Inter-State trade of agricultural produce and enactment of various State taxation laws. Inclusive development strategies are adopted while regularising the unauthorised constructions and ensuring 27% reservation for OBC members in the local governance. The assembly also deliberated on a range of private member Bills which both pressed for entitlements and sought curtailment of liberties.

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[13] The Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas (Repeal) Bill, 2023, Bill no. 5 of 2023.
[14] The Gujarat Employment Guarantee Bill, 2023, Bill no. 4 of 2023.
[15] The Gujarat Payment of Unemployment Allowance to Unemployed Bill, 2023, Bill no. 13 of 2023.
[16] The Gujarat Devasthan Area Development Authority Bill, 2023, Bill no. 12 of 2023.
[17] The Gujarat Prohibition on Burning of waste by citizens and sanitary workers in Public Places Bill, 2023, Bill no. 11 of 2023.
[18] The Gujarat Compulsory Registration and Regulation of Drivers of Private Vehicles Bill, 2023, Bill no. 10 of 2023.

HARYANA

GEETA*

Introduction

The State of Haryana has exhibited a proactive and progressive stance, advancing reforms in urban governance, higher education, environmental regulation, tax policy, and inclusive representation. To ensure sustainable and inclusive urban development the State has adopted technology-based solutions.

The 14th State Legislative Assembly was constituted in November 2019. The government was formed by an alliance between the Bharatiya Janata Party (BJP, 40 seats) and the Jannayak Janata Party (JJP -10 seats). The opposition parties included the Indian National Congress (INC-31 seats), Independents (7 seats) and Indian National Lok-Dal (INLD-1 seat), Haryana Lokhit Party (1 seat).[1]

In 2023, a total of 18 legislative committees were in operation. Across the three sessions of the year—(i) Budget, (ii) Monsoon, and (iii) Winter—22 Bills were introduced. Of these, 18 Bills were passed, three (Bill No. 1, Bill No. 17, and Bill No. 19) were withdrawn, and one (Bill No. 7) remained pending in the Assembly.

During this period, two ordinances were also issued (both were later repealed), and 111 pieces of subordinate legislation were taken up, of which 33 sets of rules were finalised and notified by various departments of the State. Notably, while the official website recorded Bill No. 7 of 2023 (relating to organised crime) as having been passed on 22 March 2023, discussions with officials of the State Legislative Assembly confirmed that the Bill was still pending in the House.

Additionally, out of the 40 Bills passed in 2022, 15 received the Governor's assent in January 2023. These included five repealing Bills, one Appropriation Bill, six Bills on local self-

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[1] PRS Legislative Research, *MLA List*, July 23, 2023, available at: https://prsindia.org/mlatrack?state=Haryana&assembly_term=14 (last visited on 25 December 2025).

government and administration, one Bill relating to religion, one Bill on the promotion of enterprises, and one Bill concerning the salary, allowances, and pension of Members of the Legislative Assembly.

Figure 1. Depicts the Legislative and Executive Business of 14th Legislative Assembly.

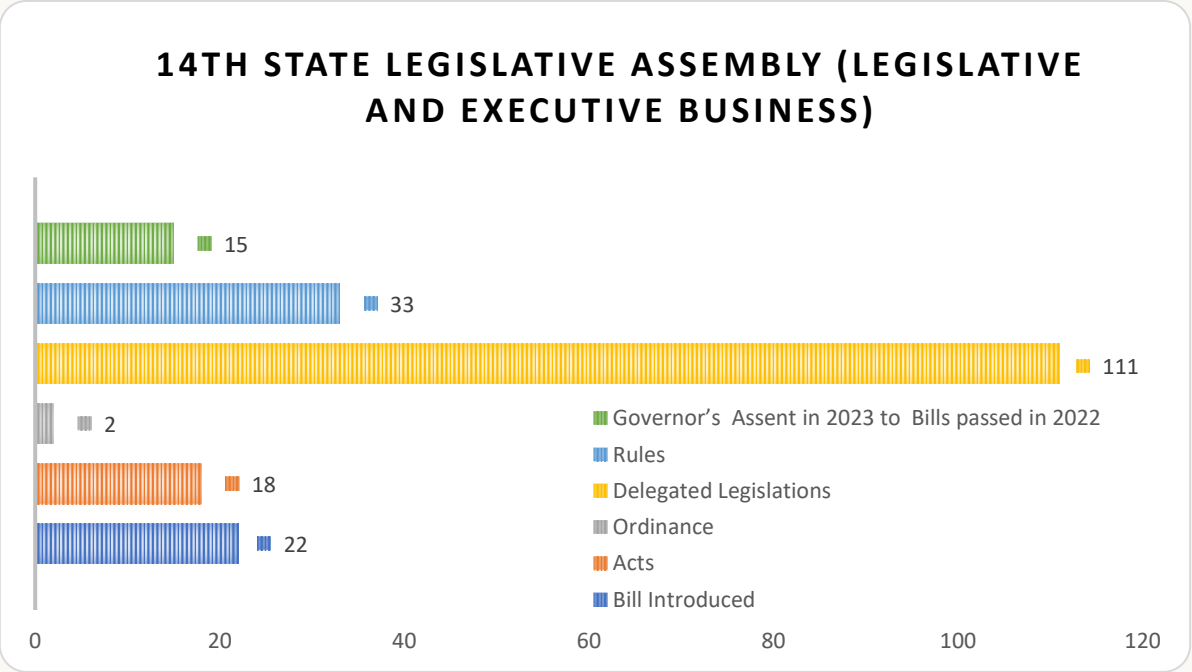

Figure 1.

Data for the figures and commentary in this survey was collected by physical visits to the State legislature Assembly, conversations with officials of the Assembly, and with the help of the official websites of the Haryana Government,[2] the Haryana Legislative Assembly[3] and PRS Legislative Research.

Quantitative Legislative Survey

Budget Session

The Budget Session began on February 20 and ended on March 22 with 100.79 percent work productivity. In this session total seven Bills were introduced and six Bills were passed.

The Monsoon Session

Monsoon Session was one of the longest sessions which started from 25 August to 29 August 2023 and spread over 19 hours and 36 minutes with 113.88 percent productivity. A

[2] Government of Haryana, https://www.haryana.gov.in/ (last visited on 25 December 2025).
[3] Haryana Legislative Assembly, https://haryanaassembly.gov.in/ (last visited on 25 December 2025).

total of nine Bills were passed after a discussion of two hours and 13 minutes. A proposal regarding the private member's Bill was also received by the secretariat of the legislative assembly, but it was rejected.

The Winter Session

The session of total 16 hours and 59 minutes began on the 15 of December and concluded on the 19th of December 2023 with 103.80 percent productivity. Four Bills were introduced and passed in this session.

Qualitative Analysis

This segment offers subject wise analysis of the Bills introduced, passed and withdrawn in the 14th State Legislative Assembly. In addition to the Bills the Assembly also adopted a resolution. This section also provides details of Bills passed in the 13th Assembly which received the assent of Governor in January 2023. Figure 2. depicts the subject-wise Legislative Business of 14th State Legislative Assembly.

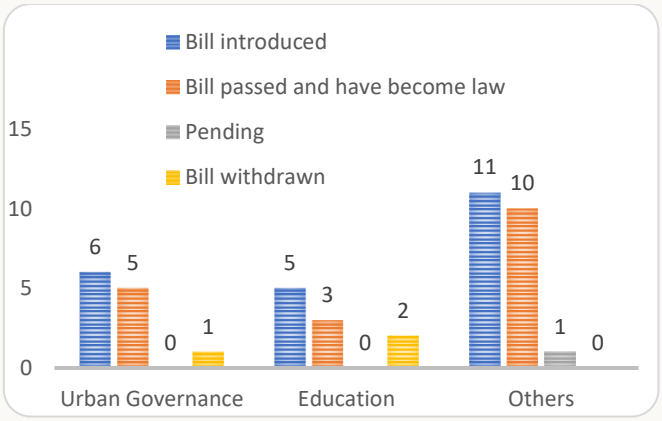

Figure 2.

With regard to urban governance, a total of six Bills were introduced, of which five were passed and enacted, while one was withdrawn. In the area of education, five Bills were introduced; three were passed and became law, and two were withdrawn. Under the 'Others' category, one Private Member's Bill relating to crime was introduced but remained pending in the House.

Two repealing Bills—one relating to the environment and another concerning the protection of children from tobacco smoke—were introduced, passed, and enacted. One Amendment Bill relating to the Goods and Services Tax Act was introduced, passed, and received the Governor's assent. Additionally, six Appropriation Bills were introduced, passed, and also received the Governor's assent. One Bill relating to the settlement of outstanding dues was introduced, passed, and enacted.

Urban Governance

The Assembly has been actively engaged in advancing urban governance through legislative amendments, institutional reforms, and the adoption of technology-based solutions to ensure sustainable and inclusive urban development in the State.

Municipal Corporation

The Haryana Municipal Corporation Act, 1994 was amended to provide statutory support for a shift towards technology-based governance and data-driven decision-making in urban administration in Haryana. The amendment replaced the earlier practice of determining the inclusion or exclusion of areas within a Municipal Corporation based on population figures physically verified on the ground or drawn from the latest census. Instead, the re-fixation of seats is now to be carried out using data from the Family Information Data Repository established under the Haryana Parivar Pehchan Act, 2021. This approach has been adopted to ensure adequate representation for Backward Classes, including the reservation of one-third of seats for women belonging to the Backward Classes in local governance bodies, by amending the Haryana Municipal Act 1973 with effect from 16 May 2023.[4]

This amendment aligns municipal governance with constitutional provisions and judicial directives concerning reservation for Backward Class 'A' and women. In accordance with Article 243T(6) of the Constitution, the directions of the Supreme Court in *Vikas Kishanrao Gawali v. State of Maharashtra* and *Suresh Mahajan v. State of Madhya Pradesh and Another*, as well as the interim order of the Punjab and Haryana High Court, the State was required to satisfy the 'triple test'. This required:

> (i) the establishment of a dedicated Commission to conduct an empirical inquiry into the nature and extent of backwardness in local bodies;
> (ii) determining appropriate proportions of reservation for each local body based on the Commission's recommendations; and
> (iii) ensuring that the total vertical reservation for Scheduled Castes, Scheduled Tribes, and Other Backward Classes does not exceed the 50 per cent constitutional ceiling.

Section 203 of the Haryana Municipal Act, 1973 and section 267 of Haryana Municipal Corporation Act, 1994 was amended to streamline urban development while removing the

[4] The Haryana Municipal Corporation Act 1994, § 6 (1), 11 (3), 11(4), 267(1) *substituted vide* The Haryana Municipal Corporation (Amendment) Act, 2023 (w.e.f. May 16, 2023).

requirements of mandatory resolution and public notice from private individuals or companies in order to promote faster approvals and to boost affordable housing.

With the statutory amendments obtaining approval the Haryana Municipal (Amendment) Ordinance, 2023 (Haryana Ordinance No. 1 of 2023)[5] and the Haryana Municipal Corporation (Amendment) Ordinance, (Haryana Ordinance No. 2 of 2023)[6] were repealed.

Metropolitan Development Authority

Sonipat Metropolitan Development Authority (SMDA) has been established to improve urban planning, infrastructure, transport, environmental sustainability, and social and economic development[7] on 22 December 2023.[8] The Authority has been established under the Sonipat Metropolitan Development Authority Act 2023.[9] The Authority will work in close coordination with local authorities to transform Sonipat into a fast-growing urban region with an appropriate system of urban governance and service delivery.[10]

Education

In the Assembly, five Bills were introduced on education including Higher and School education out of which three were passed, received the Governor's assent and two were withdrawn in the house.

Higher Education

The "Pandit Lakhmi Chand State University of Performing and Visual Arts Rohtak, Haryana" was renamed as "Dada Lakhmi Chand State University of Performing and Visual Arts Rohtak due to the popularity of Pandit Lakhmi Chand as Dada Lakhmi Chand[11].

The Haryana Private Universities (Amendment) Bill 20 of 2023 establishes the "Sanskaram University" in Jhajaar to provide adequate opportunity for higher education to the youth and to achieve the target of 50% gross enrolment ratio (GER) by 2030.[12] Further, the Haryana Backward Classes (Reservation in Services and Admission in Educational Institution) Bill

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[5] The Haryana Municipal (Amendment) Act, 2023, § 4(1)
[6] Haryana Municipal Corporation (Amendment) Act, 2023, § 5(1).
[7] *Statement of Objective & Reasons* of The Sonipat Metropolitan Development Authority Act, 2023.
[8] Haryana of Government, Town and Country Planning Department, No. 1/47/2023-1TCP (December 22, 2023).
[9] The Sonipat Metropolitan Development Authority Act, 2023 , § 2.
[10] *Statement of Objective & Reasons of* Sonipat Metropolitan Development Authority Act 2023.
[11] The Pandit Lakhmi Chand State University of Performing and Visual Arts Rohtak Act 2014, § 2(m), § 3(1) *substituted vide* The Pandit Lakhmi Chand State University of Performing and Visual Arts Rohtak (Amendment) Act, 2023, 10 of 2023.
[12] *Statement of Objectives & Reasons* of The Haryana Private Universities (Amendment) Bill, 2023, 20 of 2023.

2023 was introduced in order to remove the doubt that had arisen in relation to seven castes who were brought under the category of schedule castes while being removed from Haryana Backward Classes category by the Central government.[13] However, the Bill was withdrawn in the house.

School Education

About 220 state-aided schools had been established to address the shortage of government schools in providing education to the children in the State.[14] With the expansion of government schools in the State, the original purpose of aided schools for addressing the shortage of educational institutions has been fulfilled. Consequently, the Haryana School Education Act, 1995[15] was amended to phase out state-aided schools, Additionally, in order to reduce its financial burden, the State revised its funding commitments to these schools.[16]

Others

Apart from urban governance and education, environment, goods and services tax, settlement of outstanding dues, crime and appropriations are the other subjects that have attracted the attention of the house.

The Haryana Goods and Services Tax (Amendment)Act of 2023

Significant changes have been introduced to the Haryana Goods and Services Tax Act of 2017 in line with the recent amendment in Central Goods and Service Tax legislations and GST council's recommendations. The Haryana Goods and Services Tax (Amendment) Bill, 2023 passed and received the Governor's assent aligning with digital economic activities, and addressing emerging challenges in the GST framework.[17] Definitions such as "online gaming,"[18] "online money gaming,"[19] specified actionable claim,"[20] and "virtual digital asset"[21] have been incorporated to bring digital transactions within the ambit of Act. It also introduced mandatory registration for foreign suppliers engaged in online gaming services,

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[13] *Statement of Objective & Reasons* of The Haryana Backward Classes (Reservation in Services and Admission in Educational Institutions) Amendment Bill, 2023, 19 of 2023.
[14] Haryana School Education Act, 1995.
[15] Haryana School Education Act, 1995, § 2 (1), 2 (2), 7(1) , 7 (2), 8, 9, 10, 11, 16(1),16(2), 18 *omitted vide* The Haryana School Education (Amendment) Act, 2023 (w.e.f. April 12, 2023).
[16] *Statement of Objective & Reasons* of The Haryana School Education (Amendment) Act, 2023.
[17] The Haryana Goods and Services Tax (Amendment) Act, 2023, 2 of 2023.
[18] The Haryana Goods and Services Tax Act of 2017, § 2(80 A) *inserted vide* The Haryana Goods and Services Tax (Amendment) Act, 2023 (w.e.f. September 13, 2023).
[19] *Id*, § 2(80 b).
[20] *Id*, § 102(A).
[21] *Id*, § 117(A).

while excluding them from the benefits of the composition scheme. The amendments impose stricter compliance timelines, including a three-year limit for filing various returns and statements, disallow the availing of input tax credit on corporate social responsibility (CSR) activities, and clarify the treatment of wrongly availed input tax credit. In addition, the State has been empowered to exempt certain persons from registration and to retrospectively notify conditions for the revocation of cancelled registrations.

Further procedural changes have been introduced to strengthen the regime, such as a sixty-day settlement period and a requirement to pay interest at the rate of 6 per cent for delays in processing tax refunds, with calculations to be made in accordance with the prescribed rules.[22]

Settlement of Outstanding Dues

The Haryana Settlement of Outstanding Dues (Amendment) Act 2023[23] extended the time period within which outstanding dues could be settled under a one-time settlement scheme from 31st March 2017 to 30th June 2017 and thus has chosen to utilise the entire six-month period in which the GST Act was not in force. The GST Act 2017 came into force from 1st July 2017.

Repeal of Redundant Statutes

Punjab Instruments (Control of Noise) Act, 1956 was repealed as redundant.[24]The matter of noise pollution was already being addressed by the Union's Environment (Protection) Act 1986 and Noise Pollution (Regulation and Control) Rules, 2000. On a similar reasoning of duplication The Haryana Juvenile Smoking Act, 1918 (Punjab Act No. 7 of 19 I 8) was repealed. As matters addressed by this statute were taken care of by the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003

Statutes Passed in 2022 Receiving Assent in 2023

In 2022, 40 Bills were passed out of which 15 Bills received the assent of the Governor in January 2023. A detail of which is as follows:

Haryana Statute Review Committee & Repealed Legislations

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[22] The Haryana Goods and Services Tax Act of 2017, *Supra* note *30*.
[23] Haryana Settlement of Outstanding Dues Act, 2017, § 2 (ii) *substituted vide* The Haryana Settlement of Outstanding Dues (Amendment) Act, 2023 (w.e.f. December 21, 2023).
[24] The Haryana Instruments (Control of Noises) Repeal Act, 2023, § 2.

The Punjab State Tube Well Act 1954[25], Haryana Urban Immovable Property Tax (Validation of Lists) Act 1943,[26] the Haryana Small Towns (Tax Validating) Act, 1934,[27] the Haryana Municipal (Tax Validating) Act 1934, the Haryana (Tax Validating) Act 1956[28] and Haryana Minor Canals Act 1905[29] were repealed on the recommendation of Haryana Statute Review Committee for being outdated and non-operative in the State.

Sikh Gurudwaras Management (Amendment) Act

In 2014, the Haryana Sikh Gurudwaras (Management) Act was enacted for autonomous management and effective supervision of Sikh Gurdwaras and Gurdwara properties and matter related thereto in the State[30]. In 2022, an Ordinance was also promulgated[31] and repealed in the same year. [32] The validity of the Act of 2014 was challenged before the apex court in *Harbhajan Singh v/s State of Haryana*. However, the status quo of the Gurdwara was maintained by the apex court with certain directions on August 14, 2022.[33] As a result thereto, from October 24, 2022, the State government was empowered through the amendment to nominate key office bearers of Gurdwara Management Committee for proper management of the committee. Further, it is provided that on the failure of conducting election within 18 months, an Adhoc Committee to be nominated by the State for further 18 months which immediately after the election will hand over charge to the elected Gurudwara Management Committee[34] Additionally, the State has been empowered to nominate a Patron as a member of the elected Executive Board out of members of the Gurdwara Management Committee or Adhoc Committee for the efficient management of the Gurdwaras in the State.[35]

Metropolitan Development Authorities (Amendment) Act

In 2022 in a move to streamline administration a Chief Executive officer not below the rank of Secretary was put in charge of the Faridabad Metropolitan Development Authority

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[25] The Haryana State Tube Well (Repeal) Act 2022, § 2.
[26] The Haryana Urban Immovable Property Tax (Validation of Lists) Repeal Act 2022, § 2.
[27] The Haryana Small Towns (Tax Validating) Repeal Act, 2022, § 2.
[28] The Haryana Municipal (Tax Validating) Act 2022, § 2.
[29] The Haryana Minor Canals (Repeal) Act, 2022, § 2.
[30] The Haryana Sikh Gurudwaras (Management) Act, 2014.
[31] The Haryana Sikh Gurudwaras (Management) Amendment Ordinance, 2022, 2 of 2022.
[32] The Haryana Sikh Gurudwaras (Management) Amendment Act , 2022 § 3(1).
[33] *Statement of Objective & Reasons* of the Haryana Sikh Gurudwaras (Management) Act, 2014.
[34] The Haryana Sikh Gurudwaras (Management) Act, 2014 § 16(8) *substituted vide* The Haryana Sikh Gurudwaras (Management) Amendment Act , 2022 (w.e.f. October 24, 2022).
[35] *Id*, § 9 *inserted*.

(FMDA)[36] and Gurugram Metropolitan Development Authority (GMDA)[37] and the Principal Secretary was relieved from these managerial duties. Director of the Town and Country Planning Department will act as an ex–officio member of the FMDA[38] and GMDA[39] for better administration in the state.

Rural Development (Amendment) Act

Haryana Rural Development Act of 1986 amended in 2022 to usher clarity and flexibility in the levy of the Haryana Rural Development (HRD) fee. The said amendment empowered the State Government to revise the fee rate from time to time on sale proceeds of agricultural produce bought, sold, or brought for processing by any dealer in a notified market area. Such fee could be levied upon the actual delivery of the produce and non- delivery transactions and transactions involving produce brought solely for processing purpose[40] were excluded. These changes aimed to align the application of the HRD Fee with the evolving agricultural trade and rural development in Haryana.

Municipal Laws

For coherent and efficient urban development, the State has amended both the Haryana Municipal Corporation Act, 1994 and the Haryana Municipal Act, 1973 to ensure effective governance in municipal towns, while adopting a standardised approach for controlled areas and core areas.[41] Under these amendments, a *"Core Area"* has been defined as *"a built-up zone developed at least fifty years prior to the enforcement of this Amendment, including old townships and village abadis falling within municipal limits"*[42] This definition enables the formal recognition and distinct treatment of such areas in development plans.

The amendment to the Haryana Municipal Corporation Act requires the Director, after the declaration of any such areas, to prepare and submit a plan for both controlled and core areas—specifying applicable restrictions and conditions—within six months, or within an

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[36]Faridabad Metropolitan Development Authority, 2018, § 9(1) substituted vide the Faridabad Metropolitan Development Authority (Amendment) Act, 2022 (w.e.f. January 16, 2023).
[37] The Gurugram Metropolitan Development Authority 2017 § 9(1) substituted vide the The Gurugram Metropolitan Development Authority (Amendment) Act, 2022 (w.e.f. January 16, 2023).
[38] The Faridabad Metropolitan Development Authority, *Supra* Note 65, § 5(ma*) inserted*.
[39] The Gurugram Metropolitan Development Authority, *Supra* Note 66 § 5(ma*) inserted*.
[40] The Haryana Rural Development Act, 1986, § 5(1) *substituted vide* The Haryana Rural Development (Amendment) Act, 2022 (w.e.f. October 1, 2022).
[41]*Statement of Objective and Reasons* of the Haryana Municipal (Second Amendment) Act, 2022 and the Haryana Municipal Corporation (Second Amendment) Act, 2022.
[42] Haryana Municipal Corporation Act, 1994, § 2 (4B) *inserted vide* The Haryana Municipal Corporation (Second Amendment) Act, 2022 (w.e.f. January 16, 2023). Haryana Municipal Act, 1973, § 2 (7B) *inserted vide* The Haryana Municipal (Second Amendment) Act, 2022 (w.e.f. January 16, 2023).

extended period as approved by the Government.[43] Additionally, the amendment permits mixed land use in core areas, subject to planning norms and the payment of charges notified by the Government. This measure addresses long-standing ambiguities and facilitates more structured and context-sensitive urban development.[44]

Panchayati Raj

The Haryana Panchayati Raj Act, 1994 was amended to ensure fair and proportionate representation for individuals belonging to Backward Class (A) in Panchayati Raj Institutions, including Gram Panchayats and Gram Sabhas, Panchayat Samitis, and Zila Parishads,[45] based on the recommendations of the Haryana Backward Classes Commission.

The amendment also mandates that the Director or Deputy Commissioner assess any loss caused by Panches or Sarpanches who are removed from office on allegations of misusing or wasting village funds or property through negligence or misconduct.[46] The assessed loss is to be recovered within three months of the order; if the amount is not paid within this period, it will be recovered as arrears of land revenue.

Further, the role of the Block Development and Panchayat Officer in assessing such losses has been replaced by the Sub-Divisional Officer (SDO). The SDO is required to assess the amount of loss incurred by a Sarpanch or Panch due to any loss, waste, or misapplication of Gram Funds or property belonging to the Gram Panchayat, after providing the concerned individual an opportunity to explain.[47] The Deputy Commissioner is then responsible for ensuring recovery of the amount assessed by the SDO within three months of the order, failing which it will be recovered as arrears of land revenue.[48]

Allowances for Assembly Members

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[43] Haryana Municipal Corporation Act, 1994, *supra* note 72, § 346 (2) *substituted*.
[44] Haryana Municipal Act, 1973 *Supra* note 73, § 203C (2 i, iii) inserted and § 203C (2 ii) *substituted*.
[45] The Haryana Panchayati Raj Act, 1994, § 9(4) and § 9(7) *substituted vide* The Haryana Panchayati Raj (Amendment) Act, 2022 (w.e.f. September 2, 2022).
[46] *Id*, § 51(3 A) *inserted*.
[47] *Id*, § 53(2 a) *substituted*.
[48] *Id*, § 53(4 A) *inserted*.

Secretarial allowance for the Members of the Assembly was increased from fifteen thousand to twenty thousand per month[49] because it had not increased in a long time. In addition, an allowance of twenty thousand rupees per month was fixed for drivers.[50]

Executive Functioning

In 2023, two ordinances, one hundred and eleven delegated legislations, including thirty-three rules and regulations have been issued by the various departments of the State.[51] The details of the significant executive work are as follows.

Ordinances

The Haryana Municipal (Amendment) Ordinance, 2023 (Haryana Ordinance No. 1 of 2023) and The Haryana Municipal Corporation (Amendment) Ordinance, (Haryana Ordinance No. 2 of 2023) were promulgated which were repealed by section 4 (1) of The Haryana Municipal (Amendment) Act, 2023 and section 5(1) of Haryana Municipal Corporation (Amendment) Act, 2023 respectively.

Urban Governance

The Panchkula Metropolitan Development Authority Rules, 2023, were issued under Act of 2021[52] for governing the administrative functions of the Panchkula Metropolitan Development Authority. These rules articulate procedural guidelines for the Authority's, financial management, and urban development initiatives within the Panchkula Metropolitan Area. Financial oversight addressed through detailed schedules encompassing budget estimates, revenue receipts, expenditure, investments, and balance sheets. The rules attempt to ensure transparency by requiring a mandatory annual report of progress on infrastructure development, mobility management, and sustainable urban environmental practices. The rules promote sustainable urban development, effective administration, and accountability within the Panchkula Metropolitan Area, aligning with long-term regional objectives.[53]

Panchayati Raj

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[49] Haryana Legislative Assembly (Salary, Allowances, and Pension of Members) Act, 1975, § 3D *substituted vide* The Haryana Legislative Assembly (Salary, Allowances and Pension of Members) Second Amendment Act, 2022 (w.e.f. January 16, 2023).
[50] Id, § 3E *inserted*.
[51] Delegated Legislations, Haryana Government Gazette, January 12, 2024, available at https://egazetteharyana.gov.in/home.aspx
[52] The Panchkula Metropolitan Development Authority Act, 2021, § 57(2)(1).
[53] Government of Haryana, Town and Country Planning Department, No. S.O.61/H.A.23/2021/S.57/2023 (October 5, 2023).

The Haryana Panchayati Raj (Amendment) Rules, 2023 introduced Rule 28A to the Haryana Panchayati Raj Rules, 1995 for the purpose of regulating the use of funds by Gram Panchayats, Panchayat Samitis, and Zila Parishads. These local bodies were permitted to utilise their funds for performing such functions as assigned under the Act. The bodies were required to carry out specific development work if demands were raised by local residents and were deemed to be in the public interest.[54] Further, a tentative date[55] for the general elections for the Panches and Sarpanches of particular Gram Panchayats were specified.[56]

The Punjab Village Common Lands (Regulation) Rules, 1964 were also amended by the Punjab Village Common Lands (Regulation) Haryana Amendment Rules, 2023.[57]. The Panchayats were empowered to lease common village land for up to 20 years to charitable organisations for establishing gaushalas, biogas plants, veterinary hospitals, and fodder cultivation. It also provides for detailed eligibility criteria, land allotment norms based on cattle population, minimum lease rent, and strict conditions to ensure animal welfare and land use compliance. It mandates bi-annual cattle counts, audited financial reporting, and prohibits sub-leasing or commercial use of such land with cancellation of lease and dispute resolution.[58]

[54] Government of Haryana, Development and Panchayats Departments, No. S.O. 52/H.A. 11/1994/S. 209/2023 (August 18, 2023).
[55] Id, No. S.O. 43/H.A.11/1994/S.211/2023 (August 18, 2023).
[56] *Id*, No. S.O. 32/H.A. 11/1994/S. 211/2023 (May 23, 2023). *Id*, No. S.O. 43/H.A.11/1994/S.211/2023 (August 18, 2023).
[57]. No. S.O. 20/P.A. 18/1961/S. 15/2023 (May 9, 2023)
[58] *Id*.

Environment

In Districts, Nuh (Tehsils Firozpur,[59] Tauru, Nagina, Indri),[60] Mahendergarh (Narnaul),[61] Hisar (Hisar),[62] Gurugram (Manesar,[63] Sohna and Badshahpur)[64] and Rewari (Rewari),[65] the forest-land or waste-land was declared as protected forest[66] for ecological preservation, restriction of unregulated activities, ensuring sustainable management and preserving forest ecosystems for future generations. All the private rights pertaining to the standing and planted trees in the designated protected forests have been suspended while closing such areas for the period of 30 years. Activities like quarrying, burning, collecting forest produce, cultivation, construction, and grazing have been prohibited to ensure forest conservation.[67] To ensure compliance, the Forest officer was empowered to inspect the produce passing out of such forest.[68]

However, in Hisar,[69] Firozpur,[70] Rewari, [71] Manesar, Sohna and Badshahpur,[72] such activities were allowed with the written permission from the Divisional Forest Officer. Additionally, a state-wide ban was imposed on the sale, production, storage, supply, import, and use of plastic, nylon, and synthetic kite-flying threads, including "Chinese manja" and those coated with glass or metal. It was to prevent injuries and fatalities to humans and migrant birds and environmental pollution caused by non-biodegradable materials. Only cotton thread without any sharp or metallic additives was permitted for kite flying. Designated officers from the Revenue, Disaster Management Department not below the rank of Naib Tehsildars, the officials of Environment, Forest and Wildlife Department not below the rank of Wildlife Inspectors, Police not below the sub-inspector, and Urban Local Bodies (Executive Officer, Secretary, Municipal Engineer, Junior Engineer and Sanitary Inspectors of the Municipal

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[59] Government of Haryana, Environment, Forests and Wildlife Department, No. S.O. 73/C.A.16/1927/S.29/2023 (December 21, 2023)
[60] *Id*, No. S.O. 16/C.A. 16/1927/S. 29/2023 (April 11, 2023).
[61] *Id*, No. S.O. 74/C.A.16/1927/S.29/2023 (December 21, 2023).
[62] *Id*, No. S.O. 64/C.A. 16/1927/S.29/2023 (November 24, 2023).
[63] *Id*, No. S.O. 57/C.A. 16/1927/S. 29/2023 (September 1, 2023) and No. S.O. 47/C.A.16/1927/S.29/2023 (August 1, 2023).
[64] *Id*, No. S.O. 10/C.A. 16/1927/S. 29/2023 (April 11, 2023) and No. S.O. 10/C.A. 16/1927/S. 29/2023 (April 11, 2023)
[65] *Id*, No. S.O. 13/C.A. 16/1927/S. 29/2023 (April 11, 2023).
[66] The Indian Forest Act, 1927, § 29 (1), (2).
[67] The Government of Haryana, Environment, Forests and Wildlife Department, No. S.O. 75/C.A.16/1927/S.30/2023, No. S.O. 76/C.A.16/1927/S.30/2023 (December 21, 2023).
[68] *Id*, No. S.O. 66/C.A. 16/1927/S.32/2023 (October 24, 2023).
[69] *Id*, No. S.O. 66/C.A. 16/1927/S.32/2023 (October 24, 2023).
[70] *Id*, No. S.O. 77/C.A.16/1927/S.32/2023 (December 21, 2023).
[71] *Id*, No. S.O. 15/C.A. 16/1927/S. 32/2023 (April 11, 2023).
[72] *Id*, No. S.O. 11/C.A. 16/1927/S. 30/2023 and No. S.O. 12/C.A. 16/1927/S. 32/2023(April 11, 2023).

Committees/Municipal Councils and Municipal Corporations) were authorised to enforce these directions. Sub-Divisional Magistrates and the Haryana State Pollution Control Board were responsible for monitoring and taking actions against the violation of the directions.[73]

Alteration in the Limits of Sub-Divisions in Districts

The State revised the boundaries of certain administrative sub-divisions to improve local governance. In several districts, specific tehsils and sub-tehsils were separated from their existing jurisdictions to form new sub-divisions, each with its own headquarters. These changes included the creation of new sub-divisions in areas such as Julana, Manesar, Nilokheri, Nangal Chaudhary, Israna, and Chhachhrauli, each designated with administrative headquarters in the same locality.[74]

Establishment of Fast Track Special Courts

As per the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985[75], six exclusive Fast Track Special Courts have been established in Ambala, Hisar, Kaithal, Karnal, Kurukshetra, and Panipat to ensure speedy trials of NDPS-related offences.[76]

The Haryana Sikh Gurdwara Management Committee

The Haryana Sikh Gurdwara Management Committee (Delimitation of Wards and Election) Rules, 2023, were issued under the Haryana Sikh Gurdwaras (Management) Act, 2014 providing framework for delimitation of wards and conduct of elections for the Haryana Sikh Gurdwara Management Committee. The Rule outlines the process of delimitation of wards based on geographical compactness and population uniformity. The Keshadhari Sikhs adhering to specific religious practices were eligible for election. It also provided for procedure for electoral roll preparation, nomination, scrutiny, voting, and result declaration of the election. The Commissioner, Gurdwara Elections was empowered to handle all the election petitions, including corrupt practices, bribery and undue influence for ensuring transparency and fairness in the electoral process of the committee.[77]

Service Rule Amendments

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[73] *Id*, No. S.O. 5/C.A. 29/1986/S.5/2023 (March 11, 2023).
[74] Government of Haryana, Administration of Justice Department, No. S.O. 67/C.A. 2/1974/S. 7/2023(December 7, 2023).*Id*, No. S.O. 68/C.A. 2/1974/S. 7/2023(December 7, 2023). *Id*, No. S.O. 69/C.A. 2/1974/S. 7/2023. *Id*, No. S.O. 70/C.A. 2/1974/S. 7/2023.
[75] The Narcotic Drugs and Psychotropic Substances Act, 1985, § 36(1).
[76] Government of Haryana, Administration of Justice Department, No. S.O. 1/C.A. 61/1985/S. 36/2023 (January 23, 2023).
[77] Government of Haryana, Home Department, No. S.O. 42/H.A.22/2014/Ss.6 and 52/2023 (July 17, 2023).

Service rules of the various services have been amended in 2023. Generally, for the Group (C) Services, the minimum qualification was increased from matric to 10+2 in different departments. Group B services rules were also amended for direct recruitment in various departments. The Haryana Local Audit (Group B) Service (Amendment) Rules, 2023 increased minimum age from 18 to 21 years and reduction in maximum age from forty two to forty years for direct recruitments,[78] the Haryana State Accounts Service (Group B) Amendment Rules, 2023[79] and the Haryana Finance Department Treasuries (Group B) Service (Amendment) Rules, 2023[80] reduced the minimum age from twenty one to eighteen years and maximum age forty two to forty years for direct recruitment.[81]

The Haryana Skill Development and Industrial Training (Group B) Directorate and Field Offices Service Rules, 2023 provide for appointment of Directorate and Field Offices Service in Haryana Skill Development and Industrial Training.[82] The Haryana Public Relations Department (Group A) Service (Amendment) Rules, 2023 reduced minimum age from thirty to eighteen years and maximum age forty-five to forty-two years for direct recruitment.[83] Further, the confusion regarding age as an eligibility criterion under Act of 1998 and the Haryana Group D Employees (Recruitment and Conditions of Service) Act, 2018[84] has been removed by uniformly fixing the minimum age at not less than eighteen years and not more than forty-two years as prescribed in Act of 2018.[85]

Evaluation Norms for Civil Service and Selection of Civil Judges

The Haryana Civil Service (Executive Branch) Rules, 2008 were amended by introducing negative marking for not attempting a question in the preliminary examination . Further a candidate would be disqualified if they did not attempt more than ten percent of the questions[86]. Additionally, the Punjab Civil Service (Judicial Branch) Rules, 1951 were amended to introduce a special recruitment process for existing and unforeseen vacancies

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[78] Government of Haryana, Finance Department, No. G.S.R. 9/Const./Art. 309/2023 (April 11, 2023).
[79] *Id*, No. G.S.R. 6/Const./Art.309/2023 (January 25, 2023).
[80] *Id*, No. G.S.R.1/Const./Art.309/2023.
[81] *Id*, No. G.S.R. 6/Const./Art.309/2023.
[82] Government of Haryana, Youth Empowerment and Entrepreneurship Department (May 12, 2023).
[83]Government of Haryana, Information, Public Relations and Language Department, No. G.S.R. 8/Const./Art.309/2023 (March 17, 2023).
[84] Government of Haryana, Finance Department, No. G.S.R. 5/Const./Art. 309/2023 (January 20, 2023).
[85] *Id*, No. G.S.R.4/Const./Art.309/2023 (January 05, 2023).
[86] Government of Haryana, Personnel Department, No. G.S.R. 10/Const./Art. 309/2023(April 12, 2023).

of Civil Judges (Junior Division) in the State. The amendment, also established a high powered Selection Committee to make the selection[87].

In addition to this, the Haryana Voluntary State Education Service (Amendment) Rules, 2021 were made effective from August 9, 2017 in the State.[88] Certain properties in District Charkhi,[89] Bhiwani,[90] Panchkula,[91] Ambala,[92] Kurukshetra,[93] Karnal,[94] Panipat,[95] Kaithal,[96] Fatehabad,[97] Sirsa[98] and Jhajjar[99] have been notified as Sunni property in the State while exercising powers conferred under sub-section (2) of section 5 of the Waqf Act, 1995 read with rule 5 of Haryana Waqf Rules, 2021.

Conclusion

The Assembly distinguished itself by significantly reducing paper use—saving nearly 95 per cent—through digital tabling of documents on the NeVA portal and by extending daily working hours. It introduced a range of reforms aimed at inclusive urban development, improved education, good governance, and economic growth. In line with the National Education Policy (NEP) 2020, a new private university was established in Jhajjar to help raise the Gross Enrolment Ratio to 50 per cent by 2030. Urban development was prioritised through the creation of a new metropolitan development authority in Sonipat and by further strengthening those in Faridabad and Gurugram. The definition of "core areas" was clarified to resolve long-standing issues in land-use planning and municipal administration. Representation of marginalised groups was expanded to support greater social equity and grassroots participation.

The 14th Legislative Assembly was comparatively less active than the 13th, introducing 22 Bills, of which 18 were passed, three were withdrawn, and one remained pending. Fifteen

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[87] *Id*, No. G.S.R.25/Const./Art.234 and 309/2023 (November 7, 2023).
[88] Government of Haryana, School Education Department, 2023 No. G.S.R. 11/Const./Art.309/2023 (May 1, 2023).
[89] Government of Haryana, Administration of Justice Department, No. S.O. 55/C.A. 43/1995/S.5/2023 (August 24, 2023).
[90] *Id*, No. S.O. 56/C.A. 43/1995/S.5/2023.
[91] *Id*, No. S.O. 56/C.A. 43/1995/S.5/2023.
[92] *Id*, No. S.O. 23/C.A. 43/1995/S. 5/2023.
[93] *Id*, No. S.O. 24/C.A. 43/1995/S. 5/2023.
[94] *Id*, No. S.O. 25/C.A. 43/1995/S. 5/2023.
[95] *Id*, No. S.O. 26/C.A. 43/1995/S. 5/2023.
[96] *Id*, No. S.O. 27/C.A. 43/1995/S. 5/2023.
[97] *Id*, No. S.O. 28/C.A. 43/1995/S. 5/2023.
[98] *Id*, No. S.O. 29/C.A. 43/1995/S. 5/2023.
[99] *Id*, No. S.O. 30/C.A. 43/1995/S. 5/2023.

Bills passed by the previous Assembly received timely assent from the Governor during this period, with the Governor consistently approving legislation without delay, reinforcing cooperative federalism. Meanwhile, the executive issued new rules and notifications relating to environmental protection, urban and rural development, the establishment of fast-track courts for NDPS cases, and updates to civil service norms, including steps to fill vacancies in the judicial services.

HIMACHAL PRADESH

SACHIN SHARMA*

Introduction

The state of Himachal Pradesh was initially formed on 15th April 1948 by integration of thirty erstwhile princely states. The first legislative assembly of Himachal Pradesh was held during 1962-67. Since then, there have been fourteen assemblies and currently the fourteenth assembly is in term. The last assembly election, held in November 2022 led to a massive win for Indian National Congress, which secured 40 seats out of 68 and BJP emerged as second largest party, managing to get 25 seats. Unfortunately, the fourteenth legislative assembly has only one woman member, in comparison to the four women members in the 13th legislative assembly. During 2017-2022, the state legislative assembly sat for thirty days a year, which was higher than the national average of 25 days between 2016-21. The average duration of one sitting of the Himachal Pradesh assembly was 4.2 hours.[1]

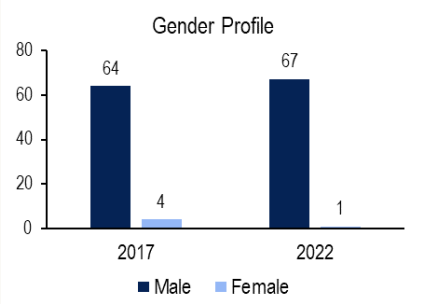

Figure 1: Gender diversity of Himachal Pradesh Legislative Assembly in 13th and 14th term. [2]

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[1] PRS Legislative Research, *Functioning of 13th Himachal Pradesh State Legislative Assembly*, (2023), https://prsindia.org/files/legislature/legislature_state_vital_stats_/Vital_Stats_13th_HP_Vidhan_Sabha.pdf (Last visited on December 13, 2023).

[2] Source: Election Commission of India results available at: results.eci.gov.in. The position of women representation at important places in governments continues to be disappointing. Data compiled by UN Women shows women represent 22.8% of Cabinet members heading ministries. Available at: https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures (Last

The 14th assembly, met in four sessions during 2023. The first session took place in the month of January 2023. There were three sittings during this session. In the first session oaths were administered to the newly elected members and the Governor delivered their address. The legislative business was transacted mainly during the second, third and fourth sessions. There were sixteen sittings for the second session, the highest in the year 2023, and seven and five for third and fourth sessions respectively.

The second session of 76 hours recorded the highest working hours for the assembly, which was followed by the third and fourth sessions.

Legislative Activity in 2023

Sixteen bills along with two ordinances were introduced in the four sessions of the 14th legislative assembly. These bills are primarily related to civil and revenue matters including land ceiling non-biodegradable garbage control, tourism development, Fiscal Responsibility and Budget Management and Municipal Services. Two bills dealt with the rights of children and women to hold landed property. A majority of the bills(ten), were passed on the very next day after being introduced and three were passed in the same sitting of the assembly. The following chart depicts the bills introduced in Himachal Pradesh State Legislative assembly in the year 2023.

	Name of the Bill	Introduced On	Passed On
01	Himachal Pradesh Fiscal Responsibility and Budget Management (Amendment) Bill, 2023	05/01/2023	06/01/2023
02	Himachal Pradesh Goods and Services Tax (Amendment) Bill, 2023	05/01/2023	06/01/2023
03	The Himachal Pradesh Water Cess on Hydropower Generation Bill, 2023	14/03/23	16/03/2023
04	The Himachal Pradesh Appropriation Bill, 2023	15/03/2023	15/03/2023
05	The Himachal Pradesh Appropriation (Number 2) Bill, 2023	29/03/2023	29/03/2023
06	Himachal Pradesh Ceiling on Land Holdings (Amendment) Bill, 2023	29/03/2023	03/04/2023
07	The Himachal Pradesh Loktantra Prahri Samman (Repealing) Bill, 2023	03/04/2023	03/04/2023
08	The Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Amendment Bill, 2023	05/04/2023	06/04/2023
09	The Himachal Pradesh Sukhashraya (Care, Protection and Self-Reliance of Children of the State) Bill, 2023	05/04/2023	06/04/2023

visited on January 12, 2024) Also see: SS Sree Kumar, *Representation of Women in Legislature: A Sociological Perspective in the Indian Context*, The Indian Journal of Political Science, Vol. 67, No. 3, pp. 617-628.

10	Himachal Pradesh Goods and Services Tax (2nd Amendment) Bill, 2023	21/09/2023	22/09/2023
11	Indian Stamp (Himachal Pradesh Second Amendment) Bill, 2023	21/09/2023	22/09/2023
12	Himachal Pradesh (on Certain Goods Carried by Road) Amendment Bill, 2023	21/09/2023	22/09/2023
13	Himachal Pradesh Municipal Services (amendment) Bill, 2023	21/09/2023	22/09/2023
14	The Himachal Pradesh Repealing Bill, 2023	20/09/2023	21/09/2023
15	Himachal Pradesh Non-Biodegradable Garbage (Control) Amendment Bill, 2023	22/12/2023	Pending
16	Himachal Pradesh Tourism Development and Registration (Amendment) Bill, 2023	21/12/23	Pending

All the sixteen bills were introduced by the government. A majority of these bills were introduced by the chief minister and the deputy chief minister with the finance minister, who primarily introduced the tax and cess bills. Two bills were passed between two to five days of the same session. Not a single private member bill was introduced during the four sessions of 14th legislative assembly.[3] In order to make the draft bills accessible to the public, the legislative handbook for the State of Himachal Pradesh provides for the preparation and drafting of the bills in Hindi.[4]

In order to fulfil one of their main election promises, the government also provided for implementation of the 'Old Pension Scheme' during the budget deliberations. During the third and the fourth session of 14th legislative assembly special deliberations on natural disasters took place due to the extremely heavy rainfall during the monsoon in 2023. The government declared the state a 'natural calamity affected area'. In his address in the assembly, the Chief Minister stated that Himachal Pradesh has incurred a loss of over 10,000 crores rupees and sought support and cooperation from all stakeholders.[5] In addition to the bills, there were two Ordinances; Himachal Pradesh Municipal Corporation (Amendment) Ordinance, 2023 (No. 1 of 2023); Himachal Pradesh Water Cess on Hydropower Generation Ordinance, 2023 (No. 2 of 2023). These ordinances were repealed

[3] In fact, while looking into the history of introduction of private member bill to the state legislative assembly, I was unable to find any record of the same.

[4] See *Handbook on The Preparation and Passing of Bills in the State of Himachal Pradesh, 2005-2006, Ch. 3, Rule 8.*, Available at: https://himachal.nic.in/WriteReadData/l892s/10_l892s/HBonPrenPassinigofbillsinHp-11690104.pdf (last visited on January 21, 2024)

[5] Daijiworld Media Network, *Himachal suffered loss worth Rs 10,000 cr, it will take one yr to rebuild state: CM Sukhu*, August 19, 2023, available at https://www.daijiworld.com/news/newsDisplay?newsID=1111739 (Last visited on May 27, 2024).

within a couple of weeks after enactment of statute on the same subjects.[6] Further, during the year 2023, the government also notified the Town and Country Planning (Tenth Amendment) Rules 2023.[7]

Qualitative Analysis of Bills

Himachal Pradesh Goods and Services Tax (Amendment) Bill, 2023 (Bill no. 2 of 2023) has introduced changes with regard to input tax credit in the law. Thus, a person registered under the law can claim input tax credit only if the supply communicated to such registered person is not restricted. The amendment also specifies the time period within which such input credit can be claimed. Other amendments made to the Act address the matter of online money gaming. The legislation also clarifies the scope of specified actionable claim in relation to betting, gambling, lottery etc.

Himachal Pradesh Fiscal Responsibility and Budget Management (Amendment) Bill, 2023 (Bill no. 1 of 2023) was introduced to amend Himachal Pradesh Fiscal Responsibility and Budget Management Act, 2005.[8] The Act aims to ensure prudent fiscal management by the state government. The Act requires that the state government must eliminate the revenue deficit by 2011-12 and maintain a revenue surplus in subsequent years. The 2023 amendment bill specifies that the state must eliminate deficit and maintain revenue surplus.[9]

The amendment revised the limit for fiscal deficit. The fiscal deficit is the excess of total expenditure over total receipts. It is measured as a percentage of the state gross domestic product (GSDP). Earlier, the Act specified the following targets for fiscal deficit as % of GSDP: i) 3.5% or less by 2011-12, ii) 3% or less in subsequent years. The bill amends this to maintain the fiscal deficit as % of GSDP at i) 6% or less in 2022-23, ii) 3.5% or less in 2023-24, and iii) 3% or less in subsequent years.

The bill specifies via amendment to section 5 (1)(ii) that 50 years interest-free loans received from the central government, under the scheme for 'special assistance to states for Capital Expenditure' will not be accounted as borrowing for enforcing fiscal deficit and outstanding

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[6] See, Act No. 10 of 2023 and Act No. 7 of 2023 respectively.

[7] The said amendment rules were the outcome of the power conferred on the Governor by section 87 of Himachal Pradesh Town and Country Planning Act, 1997. Available at: https://legalitysimplified.com/wp-content/uploads/2023/06/Himachal-Pradesh-Town-and-Country-Planning-Tenth-Amendment-Rules-2023.pdf (last visited on January 11, 2024)

[8] Available at: https://prsindia.org/files/bills_acts/bills_states/himachal-pradesh/2023/BillNo-1of2023HP.pdf

[9] Available at: https://prsindia.org/files/bills_acts/bills_states/himachal-pradesh/2023/BillNo-1of2023HP.pdf, last accessed on March 22, 2024)

debt limit, if any unutilised borrowing of the previous year is carried forward to subsequent years.[10]

The Himachal Pradesh Water Cess on Hydropower Generation Bill, 2023 (Bill no. 5 of 2023) was introduced on March 14 2023 and passed on March 16 2023. It replaced the Himachal Pradesh Water Cess on Hydropower Generation Ordinance, 2023, promulgated on February 15th 2023.[11] The bill seeks to levy cess on hydropower generation in the state. Accordingly, cess will be levied on the amount of water drawn during the process of hydropower generation. This bill applies to hydropower projects operated by government departments, local bodies and companies. The volume of water drawn will be measured based on the difference in the water level at the entry and exit points of the project. The rate of cess will be notified by the state government. The bill establishes a water cess commission to administer the levy of the cess. The commission will adjudicate the disputes related to the cess. The bill further states that if any installed devices are damaged, the user will be responsible for replacing them. Failure to do so will attract a penalty of Rs. 50,000/-. If a user fails to pay the cess, the water cess commission has been authorised to impose such a penalty as it deems fit. In the event of the user contravening a decision of the commission, a penalty of up to Rs.10 lakh may be imposed. If the default continues an additional penalty of up to Rs. 5000 per day may also be imposed.

Himachal Pradesh Ceiling on Land Holdings (Amendment) Bill, 2023 (Bill no. 8 of 2023) amends the 51-year-old Himachal Pradesh Ceiling on Land Holding Act, 1972. The amendment brings gender equality by providing equal rights in landholding to the adult daughter (married and unmarried). The Act limits and regulates the maximum amount of land that can be owned by an individual, family or entity.

In the Act, to calculate the maximum permissible land ceiling for families, sons were considered as separate units. The amount of land that a family can own is directly proportional to the number of 'units' in a family. Thus, families with a son could hold more land than families with daughters. According to the said amendment, the adult daughter will be permitted to have a separate independent unit up to 150 bighas of the land[12]. The state government has rectified the earlier mistake by inserting the word 'or daughter; after

[10] Id.

[11] Available at: https://prsindia.org/files/bills_acts/bills_states/himachal-pradesh/2023/BillNo-5of2023HP.pdf (last visited on January 13, 2024)

[12] Biswa is a traditional unit of measurement of land area and is equivalent to about 37.6 square meter in Himachal Pradesh.

the word 'son' in sub-section 4 of section 4.[13] The amendment is significant as it challenges the old patriarchal dominance in property rights[14]. And moves to realise the right to equality enshrined under the provisions of the Indian Constitution.[15] The amendment in the legislation is aimed to provide a relief to lakhs of families in the state having daughters, as it would enable the daughter to claim a unit of 150 bighas of land, equally with the son.[16]

The Himachal Pradesh Loktantra Prahri Samman (Repealing) Bill, 2023 (Bill no. 6 of 2023) was introduced in order to repeal the Himachal Pradesh Loktantra Prahri Samman Act, 2021.[17] The Governor of Himachal Pradesh has raised questions against the amendment bill. The original Act was related to provisions of 'dignity pension' or 'sammanrashi' and other facilities to Loktantra Prahris, who were detained in jails during the Emergency of 1975-77. It is pertinent to note that the original statute was enacted when the BJP was in power and the repealing bill was introduced when the Indian National Congress formed the government.

The Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Amendment Bill, 2023 (Bill no. 9 of 2023) was introduced in the legislative assembly on 5th April 2023. The bill amends The Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005. The Act provides for the regulation of groundwater usage, including requirement of registration and obtaining of permits to extract ground water. The Act provides for penalties for offences like obstructing

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[13] The Himachal Pradesh Ceiling on Land Holdings (Amendment) Bill, 2023 (last visited on December 29, 2023).

[14] Working Group on the Issue of Discrimination against Women in Law and in Practice, *Insecure Land Rights for Women Threaten Progress on Gender Equality and Sustainable Development*, United Nations Human Rights Special Procedures, available at : https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/Womenslandright.pdf (last visited on January 11, 2024).
Also see: USAID, *Land Tenure, Property Rights and Gender, Challenges and Approaches for Strengthening Women's Land Tenure and Property Rights* available at: https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_2012_Washington_Course_Module_3_Land_Tenure_Gender_Brief.pdf (last visited on January 08, 2024).

[15] Article 14, Article 15, Article 16 of The Indian Constitution. VN SHUKLA, CONSTITUTION OF INDIA (MP Singh ed., 2016) Also see: Food and Agriculture Organization of the United Nations, *Gender Gap in Land Rights*, available at: https://www.fao.org/3/I8796EN/i8796en.pdf (last visited on January 08, 2024).

[16] Anand Bodh, *Himachal Pradesh amends Ceiling on Land Holdings Act to provide equal property rights to daughters*, The Times of India, April 24, 2023, available at https://timesofindia.indiatimes.com/city/shimla/himachal-pradesh-amends-ceiling-on-land-holdings-act-to-provide-equal-property-rights-to-daughters/articleshow/99244227.cms (Last visited on December 09, 2023).

[17] Available at: https://hpvidhansabha.nic.in also see: https://prsindia.org/files/bills_acts/bills_states/himachal-pradesh/2021/5of2021_HP.pdf (last visited on January 11, 2024).

or failing to supply required information to the Himachal Pradesh Ground Water Authority. All contraventions of the Act are punishable with imprisonment of up to five years, or a fine of up to 10 lakh, or both for the first offence. The bill removes imprisonment as a punishment, whilst retaining the fine.[18]

The Himachal Pradesh Sukhashraya (Care, Protection and Self-Reliance of Children of the State) Bill, 2023 (Bill no. 10 of 2023) was introduced in the Himachal Pradesh Legislative Assembly on April 5th 2023.[19] The bill establishes childcare institutions for care, protection and development of children. These institutions have been charged with the responsibility to take care of food, clothing, shelter, higher education, and the skill development of unmarried orphans between the ages of eighteen and twenty-seven, who don't have any means of livelihood and have no place to live. Residents of child care institutions and after care institutions will be eligible for certain benefits including clothing allowance; festival allowance etc. Furthermore, the state government will provide for the education of ex-residents of childcare institutions till the age of 21 years (or in exceptional cases 23 years) and orphans (up to the age of 27 years).[20] The Bill also provides for three biswa of government land and grants for constructing houses during their lifetime. The Governor of Himachal Pradesh sent the Sukhashraya Bill for the President's assent.[21]

Himachal Pradesh Taxation (on Certain Goods Carried by Road) Amendment Bill, 2023 (Bill no. 13 of 2023)[22] was introduced in the assembly on September 21st, 2023. It seeks to amend the Himachal Pradesh (on Certain Goods Carried by Road) Act, 1999. The Act provides for levy of tax on certain goods carried by road in Himachal Pradesh. These goods include fruits, vegetables, minerals, seeds and timber. Under the said Act, tax is levied and paid to the state government on specified goods transported by road using a mechanical vehicle or cart. The tax is not levied on goods transported by railways and airways. The Act provides for a differential levy of tax depending on the distance covered for transporting goods. Transporting goods for more than 250 km is taxed at twice the rate as compared to goods transported for less than 250 km. schedule-I of the Act provides for the tax rate levied

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[18] Available at: https://hpvidhansabha.nic.in also see: https://prsindia.org/files/bills_acts/bills_states/himachal-pradesh/2023/BillNo-9of2023HP.pdf (last visited on January 13, 2024).

[19] Available At: https://prsindia.org/files/bills_acts/bills_states/himachal-pradesh/2023/Billno10of2023HP.pdf (last visited on January 11, 2024)

[20] The orphan children will be known as the children of the state. Moreover, Convention on the Rights of the Child makes it obligatory for the states to take measures for securing the freedom, justice, full development, an atmosphere of happiness, love and understanding. For details see: Convention on the Rights of the Child, available at: www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/crc.pdf

[21] Article 200 of the Constitution of India.

[22] Available at: https://prsindia.org/files/bills_acts/bills_states/himachal-pradesh/2023/BillNo-13of2023HP.pdf (last visited on January 21, 2024)

on various goods. The bill omits the differential taxation of goods. Transportation of goods will be taxed at a uniform rate as specified in schedule I of the Act.

Himachal Pradesh Municipal Corporation (Amendment) Bill, 2023 (Bill no. 7 of 2023) replaced the Himachal Pradesh Municipal Corporation (Amendment) Ordinance, 2023. The bill amends the Himachal Pradesh Municipal Corporation Act, 1994. The Act provides for the establishment of municipal corporations. For electing Councillors, the Act provides certain criteria for dividing a municipal area into wards. It specifies the total number of wards in municipal corporations should not be more than 41. The Bill reduces the said number to 34.[23]

Indian Stamp (Himachal Pradesh Second Amendment) Bill, 2023 (Bill no. 17 of 2023) was passed in the assembly. The stamp Act was revised after ten years.[24] According to the recent amendment, women have to now pay a 4% registration fee for property worth 80 lakhs rupees and an 8% fee if the value is greater than 80 lakhs rupees. The others have to pay a 6% registration fee for a property worth 50 lakh and 8% for property of higher value.

The Himachal Pradesh Repealing Bill, 2023 (Bill no. 11 of 2023) seeks to repeal thirteen laws, which have become obsolete and redundant. These include: the Himachal Pradesh Paramedical Council Act, 2003; the Himachal Pradesh Private Forest Act, 1954; the Punjab Labour Welfare Fund Act, 1965; Himachal Pradesh Preservation of forests and Maintenance of Supplies of Forest based Essential Commodities Act, 1984. The bill also seeks to repeal certain pre-independence laws including the Agriculturalist Loan Act, 1884; the Provincial Small Cause Court Act, 1887 etc.[25]

Himachal Pradesh Non-Biodegradable Garbage (Control) Amendment Bill, 2023 (Bill no. 22 of 2023)[26] was introduced to amend Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995. In definition, section 2 clause (ee) shall be substituted namely, 'non-biodegradable material means the material which cannot be decomposed or degraded by action of micro-organisms, sunlight or other natural actions and includes goods made or

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[23] Available at: https://prsindia.org/bills/states/the-himachal-pradesh-municipal-corporation-amendment-bill-2023. Also see: https://secure.evidhan.nic.in/SecureFileStructure/AssemblyFiles/14/3/20230922/Documents/6_2_2.pdf (last visited on January 11, 2024).

[24] Previously the legislation was revised in 2012. Available at: https://emerginghimachal.hp.gov.in/themes/backend/uploads/notification/Notification/rules-grant-of-incentives-concessions.pdf (last visited on 25 March 2024).

[25] Available at: https://prsindia.org/files/bills_acts/bills_states/himachal-pradesh/2023/BillNo-11of2023HP.pdf (last visited on January 15, 2024).

[26]Available at: https://prsindia.org/files/bills_acts/bills_states/himachal-pradesh/2023/BillNo-22of2023HP.pdf (last visited on January 23, 2024).

manufactured from Polythene, Nylon or other Plastic substances such as Poly-Vinyl-Carbohydrates (PVC), Poly- Propylene and Polystyrene and any material which is specified to be composed/biodegradable at a particular temperature of 35 to 40 Degree Celsius in open conditions for degradation in approximately six months' time or any other material which is not degradable on day to day basis in natural climatic conditions of State of Himachal Pradesh as specified in the Schedule approved to this Act.

Himachal Pradesh Tourism Development and Registration (Amendment) Bill, 2023 (Bill no. 19 of 2023) was introduced to amend Himachal Pradesh Tourism Development and Registration Act, 2002. According to the said Act, there was a provision of six-month imprisonment as well as a fine of 10,000 rupees for homestay operators running without registration. However, the government has proposed to abolish the six-month sentence in the amendment bill. As per the amendment bill there is an increase in fine from 10,000 rupees to 1 lakh. The amendment seeks to include homestays in the list of establishments of tourism development corporations. It will be mandatory for such homestays to get themselves registered as per the provisions of the Act, and they will be issued a license that will remain valid for a period of two years.

Observations and Conclusion

The year 2023 was a crucial year for Himachal Pradesh Legislative Assembly, as it witnessed the formation of the new government. Many of these bills/policies were based on the election manifesto of the Indian National Congress. One such major policy was the assurance about the implementation of the old pension scheme for the employees of the state government. But due to the poor fiscal condition of the state, implementation of the said policy has become a big challenge. According to the White paper on state finances, tabled in the Himachal Pradesh Assembly in the year 2023, revealed that every new child in the state of Himachal Pradesh is born with the debt burden of rupee 1,02,818, as the fiscal position of the state has become precarious and state become the fifth highest debt stressed state in India. The debt liability of the state increased from rupee 47,906 crore (in 2017-18) to rupee 76,630 crore in the year 2022-23. Moreover, the monsoon season of the year 2023 had witnessed a serious natural disaster in the hill state. This resulted in doubling the financial stress on the state. As per the chief minister’s statement, Himachal Pradesh has suffered over ten thousand crore loss during this year’s natural disasters caused due to extremely heavy rainfall. Though, there were deliberations about the reasons of the present disaster in the state but not many constructive measures were taken in this direction. In fact,

54% of forest area is still not demarcated, which resulted in encroachment of 9,545 hectares of forestland.[27]

Majority of bills introduced in the said year primarily focuses on revenue management[28] through cess, tax etc. For instance, Himachal Pradesh Fiscal Responsibility and Budget Management (Amendment) Bill, 2023; Himachal Pradesh Goods and Services Tax (Amendment) Bill, 2023; The Himachal Pradesh Water Cess on Hydropower Generation Bill, 2023; The Himachal Pradesh Appropriation Bill, 2023 etc. There are also bills related to public welfare concerning particularly gender equality (in reference to holding of landed property)[29] and children welfare (particularly focusing on orphans and developing institutions for their cultural, social and educational life including provision for allocating landed property etc.) This initiative is positive but much still needs to be done with respect to gender equality in the state, particularly when there is almost no representation of women in the legislative assembly of the state.[30] Further, here it is important to know that the law related to childcare is passed by the state assembly but still awaits the President's assent. Further, it is pertinent to note that the majority of these bills were passed immediately the day after their introduction. This indicates the absence of deliberation in the house. Further, I also came to know that the bills related to repealing certain laws, passed by the previous government had drawn the interest of the governor and his office called for an explanation from the government.[31] The practice is not very healthy for democracy.[32]

While talking about the accessibility to the information, it is important to note that Himachal Pradesh Legislative Assembly has up to date information and has a well-maintained website. All the information related to day-to-day proceedings of the sessions is duly uploaded on the website immediately after the completion of the particular day's proceeding; including starred and unstarred questions. The government has not addressed

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[27] Comptroller and Auditor General of India, *Social, General and Economic Sectors, Government of Himachal Pradesh*, Report No. 3 of 2017, (2017), available at https://cag.gov.in/webroot/uploads/download_audit_report/2017/Himachal_Pradesh_Report_No_3_of_2017_Social_General_Economic_Sectors_Non_PSUs.pdf (Last visited on September 14, 2024).

[28] The primary reason for the same is related to the weak financial condition of the state and through these newly introduced bills; the government is aiming at improving the economic status.

[29] Through Himachal Pradesh Ceiling on Land Holdings (Amendment) Bill, 2023, government tries to bring equal right to hold landed property in equal proportion for son and daughter.

[30] *Supra* at note 2.

[31] Gaurav Bisht, *Himachal Pradesh governor questions Bill to repeal Loktantra Prahari Samman Act*, July 5, 2023, available at https://www.hindustantimes.com/cities/chandigarh-news/himachal-pradesh-governor-questions-bill-to-repeal-loktantra-prahari-samman-act-101688577085793.html (Last visited on December 29, 2025).

[32] S. Susen, *Jurgen Habermas: Between democratic Deliberation and Deliberative Democracy* in R Wodak & B Forchtner (Ed.), THE ROUTLEDGE HANDBOOK OF LANGUAGE AND POLITICS 43-66, Routledge Publication, (2018).

the information rights of persons with disabilities.[33] Except for the increase of font size the accessibility needs of persons with visual disability have not been addressed.[34] In conclusion, it can be stated that in the survey year the legislative assembly has primarily focused on the financial condition of the state, with little deliberation on the laws relating to public welfare.

[33] Article 9 of UNCRPD provides to enable persons with disabilities to live independently and participate fully in all aspects of life. It puts state obligation in providing access to persons with disabilities on an equal basis with others, to physical environment, to information and communication (including information and communications technologies and systems). General Comment No. 2 (2014), Article 9, Accessibility, Available at: https://digitallibrary.un.org/record/812025?ln=en (Last visited on: 28 January 2024).

[34] Web Content Accessibility Guidelines (WCAG) outlines strategies and resources for creating accessible sites. Many WCAG recommendations echo the basic principles of good web design. This includes *making pages work well in landscape and portrait display orientations*; *promoting the use of auto fill forms* etc. Similarly, WCAG also has guidelines that are usually considered less significant. For example, it states that a web page should never contain anything that flashes more than three times per second. Over-flashing or rapid flashing of coloured graphics can induce *photosensitive epileptic seizures*. But people at large and ironically legislators are unaware about these guidelines or deliberately ignore to implement them because people with disabilities don't affect the vote percentile for the political parties.
Available at: https://www.w3.org/WAI/standards-guidelines/wcag/(last visited on December 09, 2024).

JHARKHAND

PRERNA*

Introduction

The current Legislative Assembly of the State of Jharkhand was constituted in 2019 as a coalition of the Jharkhand Mukti Morcha (JMM), the Indian National Congress (INC), Rashtriya Janata Dal (RJD), and the Communist Party of India (Marxist–Leninist) Liberation (CPI(ML)-L) and is led by CM Hemant Soren.[1]

For the survey, all the bills enacted, ordinances promulgated, and resolutions passed in 2023 were examined. Information relating to the reportage of legislative proceedings and documents of the Jharkhand legislative assembly was sourced from the Jharkhand Vidhan Sabha website.[2] To retrieve information pertaining to delegated legislation, like those containing circulars and notifications from different government departments, the State's official website was used.[3] Information which could not be sourced from the same was aggregated from other sources. Thus, secondary sources such as newspaper reports were also relied upon wherever primary data was unavailable.

Previous Developments That Have a Bearing on the Current Year

In 2020, the Sarna Code resolution was unanimously passed in a special session of the Jharkhand Legislative Assembly.[4] The demand was to recognise Sarna religion as a separate religious category for tribal communities in the upcoming census. Though such resolutions

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[1] The Hindu Net Desk, *Jharkhand Assembly election results live | Jharkhand votes for JMM-Congress alliance*, December 23, 2019, available at: https://www.thehindu.com/elections/jharkhand-assembly/jharkhand-assembly-election-results-2019/article62125584.ece (Last visited on February 28, 2024).

[2] *Jharkhand Vidhan Sabha,* available at https://jharkhandvidhansabha.nic.in/

[3] *Government of Jharkhand,* available at https://www.jharkhand.gov.in/

[4] Ishan Kukreti, *Jharkhand Assembly passes resolution for separate identity code for tribals*, November 11th 2020, available at: https://www.downtoearth.org.in/news/governance/jharkhand-assembly-passes-resolution-for-separate-identity-code-for-tribals-74189 (Last visited on February 26, 2024).

do not have the status of a law, resolutions like these can set the tone for a government's policy and legislative measures.[5] It is in the light of this development the assertion of a '*Jharkhandi*' identity that assumes importance.

Performance of the Legislative Assembly: A Quantitative Overview

In 2023, the Assembly met for a total number of 27 days over three sessions.[6] A total of 14 bills were introduced by the legislature.[7] Out of these, three were appropriation bills,[8] four were amendment bills and seven were new bills that were introduced and passed by the State legislative Assembly.[9] In this period only one Bill was sent to a Select Committee.[10] A total of 24 committees have been formed for the year 2023-2024. Whilst the details of the members constituting these committees have been provided on the website, no Committee Reports were found on the website of the legislative Assembly.

Qualitative Analysis of the Legislative Output of the State

Education

The maximum legislative activity was seen in the area of higher education. However, it is interesting to note that most of these bills pertaining to the establishment of private educational institutes got passed amidst protests by the opposition, the Bhartiya Janta Party.[11]

Two Acts relating to the area of higher education were notified in the Gazette in 2023. These included the Sona Devi University Act, 2022[12] and Babu Dinesh Singh University Act,

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[5] P.B. Mukherjee, *Resolutions of Parliament and State Legislatures—A study of their Legal and Constitutional Character*, Journal of the Indian Law Institute, July-Sept., 1962, Vol. 4, No. 3 (July-Sept., 1962), pp. 309-330.

[6] The information is based on the data available at Jharkhand Vidhan Sabha Website, available at: https://jharkhandvidhansabha.nic.in/ (Last visited on February 28th, 2024).

[7] The information is based on the data available on Jharkhand Vidhan Sabha Website, available at: https://jharkhandvidhansabha.nic.in/ (Last visited on February 28th, 2024).

[8] Jharkhand Appropriation Bill, 2023, Bill No. 1 of 2023, Jharkhand Appropriation Bill, 2023, Bill No. 2 of 2023, Jharkhand Appropriation Bill, 2023, Bill No. 3 of 2023.

[9] The information is based on the data available at Jharkhand Vidhan Sabha Website, available at: https://jharkhandvidhansabha.nic.in/ (Last visited on February 28th, 2024).

[10] This information is based on the data on 5th Jharkhand Legislative Assembly (2019-Present) prepared by PRS Legislative Research, available at: https://prsindia.org/legislatures/states/functioning-of-5th-jharkhand-assembly (Last visited on January 31, 2024).

[11] Jaideep Deogharia, *Govt gets nod for 2 more private varsities*, August 3, 2023, available at: http://timesofindia.indiatimes.com/articleshow/102370744.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst (Last visited on January 29th, 2024).

[12] The Sona Devi University Act, 2022.

2022.[13] Other bills established private universities in Jharkhand. These bills included the Durga Soren University Bill, 2023[14], the Jain University Bill 2023,[15] CV Raman Global University Bill 2023,[16] and the Aarogyam International University Bill, 2023.[17] The opposition demanded that the Bills be referred to the Assembly Committee that had been constituted to prepare a report on the infrastructure of the 16 private universities already functional in the state. The opposition wanted to await the report of the committee before the government took any further steps to establish new private universities in the state. In this context, Jharkhand Governor C P Radhakrishnan also returned the Jain University Bill, 2023, to the state government, questioning the rationale behind the permission being given to open a new private university in the state even as action was still pending against other private universities that were found violating the rules[18]. Additionally, the Governor had asked the state government to explain what action had been taken over the report prepared by the Special Committee of the higher education department, constituted in June 2022.[19] This report of the Special Committee was not available on the Assembly website.

These Bills also came at a time when the Hemant Soren-led Jharkhand Mukti Morcha government and the Raj Bhawan were at loggerheads over a host of issues, especially in relation to the enactment of bills. Another significant Bill in the area of higher education passed amid the opposition's protests was the Jharkhand Health Science University Bill, 2023.[20] This Bill aimed to streamline health education across different disciplines and institutions and establish a specialised autonomous body. One of the notable features of the Bill was that the Chief Minister of the State would serve as the ex-officio Chancellor of the University.[21] This provision was a major point of contention. The opposition claimed that the

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[13]The Babu Dinesh Singh University Act, 2022.

[14] The Durga Soren University Bill, 2023, Bill No. 2 of 2023.

[15] The Jain University Bill 2023, Bill No. 2 of 2023.

[16] CV Raman Global University Bill, 2023, Bill No. 10 of 2023.

[17] The Aarogyam International University Bill, 2023, Bill No. 11 of 2023.

[18] Satyajeet Kumar, *Setback for Hemant Soren as Jharkhand Governor returns Jain University Bill*, July 20, 2023, available at: https://www.indiatoday.in/india/story/setback-for-hemant-soren-as-jharkhand-governor-returns-jain-university-bill-2409027-2023-07-20 (Last visited on February 22, 2024).

[19] Vishal Kant, *Jharkhand: Guv returns Jain University bill to govt*, July 19, 2023, available at: https://www.hindustantimes.com/cities/ranchi-news/jharkhand-governor-returns-jain-university-bill-questions-opening-of-new-private-university-despite-violations-101689785759785.html (Last visited on February 22, 2024).

[20] Jharkhand Health Science University Bill, 2023, Bill No. 14 of 2023.

[21]Vishal Kant, *Jharkhand assembly clears Health Science University Bill, with CM as Chancellor*, August 4, 2023, available at: https://www.hindustantimes.com/cities/ranchi-news/jharkhand-government-tables-bill-to-set-up-health-science-university-chief-minister-to-be-chancellor-amidst-protests-101691164554319.html (Last visited on February 23, 2024).

Bill was against the federal structure of the Constitution as it interfered with the traditional powers of the office of the Governor.[22]

Employment and Labour

The legislative efforts on employment included the Factories (Jharkhand) Amendment Bill, 2023.[23] The amendment was passed through a voice vote and amended the Factories Act, 1948, in its application to Jharkhand. The 1948 Act imposes certain restrictions on the employment of women in factories. These restrictions include that no woman will be required or allowed to work by a factory or establishment between 7:00 PM and 6:00 AM.[24] The Central Act permits State governments to reduce the restricted hours; however, no state government could authorise women to work between 10:00 PM and 5:00 AM.[25] The Amendment Bill permits women workers to work between 7:00 PM and 6:00 AM in any factory with adequate safety and security measures.[26]

There was also the Jharkhand Advocates' Welfare Fund (Amendment) Bill, 2023.[27] It amended the Jharkhand Advocates' Welfare Fund Act, 2012 to constitute a welfare fund for the advocates enrolled in the state.[28]

The Jharkhand Competitive Examination (Measures for Prevention and Redressal of Unfair Means in Recruitment) Act [29] This Act seeks to curb cheating in competitive examinations conducted for recruitment in state government posts[30]. It is to be noted that the Jharkhand Conduct of Examinations Act, 2001[31] was already in force in the state. The 2001 Act provides for minor penalties in cases of paper leaks and cheating in examinations, with a maximum punishment extending up to six months of imprisonment and a fine of up to Rs

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[22] *Id*

[23] The Factories (Jharkhand) (Amendment) Bill, 2023, Bill No. 9 of 2023.

[24]PRS Legislative Research, *Bill Summary-The Factories (Jharkhand Amendment) Bill, 2023*, available at: https://prsindia.org/files/bills_acts/bills_states/jharkhand/2023/Bill_Summary_Factories_(Jharkhand_Amendment)_Bill_2023.pdf (Last Visited on February 29, 2024).

[25]The Factories Act, 1948, § 66(b).

[26] *Supra* note 24.

[27] The Jharkhand Advocates' Welfare Fund (Amendment) Bill 2023, Bill No. 8 of 2023.

[28]PRS Legislative Research, *Bill Summary-The Jharkhand Advocates' Welfare Fund (Amendment) Bill*, 2023 available at: https://prsindia.org/bills/states/the-jharkhand-advocates-welfare-fund-amendment-bill-2023 (Last visited on February 29, 2023).

[29] Jharkhand Competitive Examination (Measures for Prevention and Redressal of Unfair Means in Recruitment) Act No. 15 of 2023.

[30] PRS Legislative Research, *Bill Summary The Jharkhand Competitive Examination (Measures for Prevention and Redressal of Unfair Means in Recruitment) Bill, 2023*, available at: https://prsindia.org/files/bills_acts/bills_states/jharkhand/2023/Bill_Summary-Jharkhand_Competitive_Exams_Bill_2023.pdf (Last visited on February 15, 2023).

[31] Jharkhand Conduct of Examinations Act, 2001.

3,000.[32] The Jharkhand Public Service Commission (JPSC), responsible for conducting the Combined Civil Service Examination in the state has faced persistent allegations of irregularities, confusion, and corruption in the selection process since the formation of the State in 2000.[33] This statute was enacted in an effort to crack down on use of unfair means and irregularities in examinations and to plug incidents of question paper 'leaks' in recruitment exams for public services.

While the Act prohibits the use of 'unfair means' in competitive examination, its scope is not limited to just the examinees but also extends to various individuals and entities associated with the examination process[34]. Under this Act, an offender would be punishable with a one-year imprisonment and a fine of at least five lakh rupees. Repeat offenders would be punishable with imprisonment of at least three years and a fine of at least Rs 10 lakh.[35] An examinee prosecuted for any offence under the Act could be debarred from two to five years upon filing of a chargesheet, and for ten years if convicted.[36] A repeat offender, would be barred for life[37]. The Act also empowers the District Magistrate (DM) to confiscate property (movable or immovable) if the DM has reason to believe that any person had acquired such movable or immovable property by committing an offence under this Act. If the accused is convicted of the offence, the property would be transferred to the Jharkhand government. [38]

Notably, even though this is not the first state that has come out with such a legislation to prevent instances of cheating in competitive exams some of the provisions are notably different from other state legislations on this subject.[39] The Act contains a provision which allows for a candidate to be sent to jail without any preliminary investigation and registration of an FIR in case they are caught resorting to unfair means during competitive

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[32] Jharkhand Conduct of Examinations Act, 2001.
[33] Abhishek Angad, *Jharkhand's new anti-cheating Bill: Its purpose, provisions, and criticisms,* August 4, 2023, available at: https://indianexpress.com/article/explained/jharkhand-anti-cheating-bill-8876224/ (Last visited on February 15, 2024).
[34] Jharkhand Competitive Examination (Measures for Prevention and Redressal of Unfair Means in Recruitment) Act, § 11.
[35] Jharkhand Competitive Examination (Measures for Prevention and Redressal of Unfair Means in Recruitment) Act, § 12.
[36] Jharkhand Competitive Examination (Measures for Prevention and Redressal of Unfair Means in Recruitment) Act, § 13.
[37] Id
[38] Jharkhand Competitive Examination (Measures for Prevention and Redressal of Unfair Means in Recruitment) Act, § 16.
[39] PRS Legislative Research, *The PRS Blog- Anti-cheating laws for competitive examinations*, available at: https://prsindia.org/theprsblog/anti-cheating-laws-for-competitive-examinations?page=2&per-page=1 (Last visited on March 1, 2024).

examinations. This provision was strongly opposed by the opposition parties.[40] The provision for debarment upon the filing of a chargesheet, rather than upon conviction was also seen by opposition party members to militate against the presumption of innocence [41] Upon their objections not being accepted by the government, the Opposition members submitted a memorandum to the Governor seeking the issue of guidelines to guard against the misuse of the wide ranging power given to the executive under this Act.[42]

Health

Assaults on the medical service professionals have been quite common for a long time across various states in India. In 2017, the Union Ministry of Health and Family Welfare circulated a draft Bill provided by the Indian Medical Association to protect medical service persons and institutions from violence in all states.[43] In the letter, the Minister had requested state governments to either strictly enforce existing laws to protect medical service personnel or to enact a law as per the draft as the subject of 'health' falls under the State List.[44] Jharkhand had previously tried to make a law in 2013 and 2017.

The matter of protection of medical service personnel resurfaced during the COVID-19 pandemic. In the backdrop of the pandemic experiences when the state witnessed several cases of attacks by family members of patients on medical professionals in hospitals and on the repeated demands of the medical fraternity[45] the State introduced the Jharkhand Medical Service Personnel, Medical Service Institutions (Prevention of Violence and Property Damage) Bill, 2023[46] sought to protect doctors, healthcare staff and hospitals from attacks by patients and their families by prohibiting violence and attacks on medical personnel and on property of institutions providing medical services Here, 'medical service' was defined to include the provision of medical care, including pre-natal and post-natal care,

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[40] Jharkhand Competitive Examination (Measures for Prevention and Redressal of Unfair Means in Recruitment) Act, § 23(1).

[41] Abhishek Angad, *BJP submits a memorandum against anti-cheating Bill in Jharkhand*, August 4, 2023, available at:https://indianexpress.com/article/india/bjp-memorandum-against-anti-cheating-bill-jharkhand-government-8876376/ (Last visited on-March 1, 2024).

[42] *Id*

[43] PTI, *Harsh Vardhan wants states to bring in law to protect medical professionals from violence*, June 15, 2019, available at: https://theprint.in/india/governance/harsh-vardhan-wants-states-to-bring-in-law-to-protect-medical-professionals-from-violence/250526/ (Last visited on January 28, 2024).

[44] The Constitution of India, 1950, Schedule VII, List II, *State List*, Item 6 (Public health and sanitation; hospitals and dispensaries).

[45] Gayathri Kuppuswamy and Uma Warrier, *COVID-19 and Violence against doctors–Why a law is needed?*, Journal of family medicine and primary care, 10(1), p.35.

[46] The Jharkhand Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2023.

and care for any illness, injury, and disability.[47] The Bill also defined 'violent acts' to include acts causing harm, injury, endangering of life or causing obstruction to any medicare service person in discharge of their duty along with any damage caused to a medicare service institution.[48] The proposed legislation made any person who committed an act of violence as defined in the Bill, punishable with imprisonment up to two years and a fine of up to Rupees Fifty Thousand and additionally, they may also be liable to pay compensation for any damage caused to a medical establishment.[49] The offences had been made cognizable and would be investigated only by a police officer of the rank of deputy superintendent.[50]

The Bill was introduced to meet the repeated demands of the medical fraternity in the state. However, MLAs cutting across party lines opposed the Bill for not providing any security to patients.[51] Thus, the Bill was sent to a Select Committee to see how the demands of the Opposition could be incorporated in the bill.[52]

Agriculture

Legislative efforts in the area of agriculture saw the enactment of the Jharkhand State Agricultural Produce and Livestock Marketing (Promotion & Facilitation) Act, 2022,[53] which sought to allow farmers wider market options to sell their produce. The Act contained provisions on issuance of licenses to establish private markets '*mandis*' which can be used by farmers to sell their produce directly.[54] It also contained a provision which levied a two percent tax on all transactions at the '*mandis*' operated in the state by the Jharkhand State Agricultural Marketing Board.[55] Though the Act was passed by the Jharkhand Assembly on

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[47] The Jharkhand Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2023, § 2(a).

[48] The Jharkhand Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2023, § 2(d).

[49] The Jharkhand Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2023, § 5.

[50] The Jharkhand Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2023, § 4.

[51] PRS Legislative Research, *Bill Summary-Jharkhand Medical Service Personnel, Medical Service Institutions (Prevention of Violence and Property Damage) Bill*, 2023, available at: https://prsindia.org/files/bills_acts/bills_states/jharkhand/2023/Bill_Summary_Jharkhand_prohibition_of_violence_against_medical_personnel.pdf (Last visited on January 29, 2024).

[52] Jaideep Deogharia, Bill for protection of doctors referred to select panel again in Jharkhand, March 23, 2023, available at: https://timesofindia.indiatimes.com/city/ranchi/bill-for-protection-of-doctors-referred-to-select-panel-again-in-jharkhand/articleshow/98933489.cms (Last visited on- January 28, 2024).

[53] Jharkhand State Agricultural Produce and Livestock Marketing (Promotion & Facilitation) Act, 2022.

[54] Jharkhand State Agricultural Produce and Livestock Marketing (Promotion & Facilitation) Act, 2022, § 10.

[55] Jharkhand State Agricultural Produce and Livestock Marketing (Promotion & Facilitation) Act, 2022, § 65.

March 24, 2022, it only came into force in February, 2023 after receiving assent from the Governor.[56]

It is to be noted that Agriculture falls under the State List of the Constitution.[57] Agriculture marketing in most states is regulated by APMCs established by state governments under the respective APMC Acts.[58] The APMCs provide infrastructure for marketing of agricultural produce, regulate sale of such produce and collect market fees from such sale, and regulate competition in agricultural marketing. In 2017, the central government released the model Agricultural Produce and Livestock Marketing (Promotion and Facilitation) Act, 2017[59] to provide states with a template to enact new legislation and bring comprehensive market reforms in the agriculture sector. The 2017 model Act aimed to allow free competition, promote transparency, unify fragmented markets and facilitate flow of commodities, and encourage operation of multiple marketing channels.[60] The Jharkhand State Agricultural Produce and Livestock Marketing (Promotion & Facilitation) Act, 2022 aimed to rehaul the existing market structures to create a more competitive market environment.[61] As mentioned earlier, the Act proposed to levy a two per cent tax on the total price of the agricultural produce when purchased from the market committees which would be utilised by the market committees in the form of taxes would be used for acquisition, establishment, or improvement of market yards or for any other purposes connected with marketing of agricultural produce.[62]

Before the Bill got the Governor's assent last year, Jharkhand also witnessed state-wide protests from wholesale and retail traders and organisations such as the Federation of Jharkhand Chambers of Commerce and Industries, which is an umbrella body of traders and

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[56] TNN, *Foodgrain traders call bandh on Feb 8 to protest against agri bill*, February 7, 2023, available at: http://timesofindia.indiatimes.com/articleshow/97673861.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst (Last visited on- February 25, 2024).

[57] The Constitution of India, 1950, Schedule VII, List II, *State List*, Item 46 (Taxes on agricultural income).

[58] Prachi Kaur, *The PRS Blog- Changes in Agricultural Marketing laws across states*, PRS Legislative Research available at- https://prsindia.org/theprsblog/changes-in-agricultural-marketing-laws-across-states#:~:text=Agriculture%20marketing%20in%20most%20states,regulate%20competition%20in%20agricultural%20marketing. (Last visited on February 25, 2024).

[59] Press Release, Ministry of Agriculture & Farmers Welfare, February 4, 2023, Available at: https://pib.gov.in/PressReleasePage.aspx?PRID=1601897 (Last visited on February 24, 2024); MINISTRY OF AGRICULTURE & FARMERS WELFARE, GOVERNMENT OF INDIA, *Model Agricultural Produce and Livestock Marketing (Promotion and Facilitation) (APLM) Act, 2017,* available at https://dmi.gov.in/Documents/APLM_Act.pdf.

[60] Model APLM Act, *Id*., *Statement of Objects and Reasons*.

[61] Statement of Object & Reasons of Jharkhand State Agricultural Produce and Livestock Marketing (Promotion & Facilitation) Act, 2022.

[62] Jharkhand State Agricultural Produce and Livestock Marketing (Promotion & Facilitation) Act, 2022, § 83.

industrialists in the State.[63] These traders have put forth their concerns stating that while other states have done away with taxation schemes of these kind, the imposition of such an additional tax would levy an additional cost on farmers who would be tempted to sell their produce outside of Jharkhand, for instance in neighbouring states that did not impose such a tax, which would lead to corruption.[64]The trader associations asserted that the Bill was drafted without proper consultation with all concerned stakeholders and the imposition of an additional tax on traders/buyers would ultimately hike the price of consumables.

Taxation

In this sector, the Jharkhand legislative assembly enacted the Settlement of Arrears of Jharkhand Taxation Act, 2022[65] in order to generate revenue for the State, to grant relief to arrear holders by providing for the settlement of old arrears and disputes arising from proceedings under various legislations.[66] To this end, the Commercial Taxes Department of the State issued the Settlement of Arrears of Jharkhand Taxation Rules, 2023.[67] The Jharkhand government pitched this legislation as an amnesty scheme, as it is reported that there were nearly 5000 cases pending in Jharkhand and the total tax due including interest and penalties in these cases was roughly Rs. 3,690 Crores. The State Government aimed to collect Rs 500 Crores in three months through this scheme.[68]

Social Justice

Some of the most interesting legislative developments in the survey year were seen in this sector. Even as the legislative activity of the Jharkhand legislative assembly in the previous years had a significant bearing on what happened in 2023. In 2022, the Jharkhand Assembly ratified the Jharkhand Definition of Local Persons and for Extending the Consequential,

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[63] B. Sridhar, *Kolhan foodgrain traders threaten to stop buying from other states to protest agri Act*, February 8, 2023, available at: https://timesofindia.indiatimes.com/city/ranchi/kolhan-foodgrain-traders-threaten-to-stop-buying-from-other-states-to-protest-agri-act/articleshow/97713293.cms (Last visited on February 25, 2024).

[64] *Supra* note 56.

[65] The Settlement of Arrears of Jharkhand Taxation Acts Act, 2022.

[66] Prabhat Khabar, *90% of interest and penalty on outstanding tax will be waived, Taxation Act Bill passed in Jharkhand Assembly,* August 4, 2022, available at: https://www.prabhatkhabar.com/state/jharkhand/ranchi/jharkhand-assembly-news-taxation-act-bill-passed-90-of-interest-and-penalty-on-outstanding-tax-will-be-waived-srn (Last visited on February 24, 2024).

[67] The Jharkhand Karadhan Adhiniyamon Ki Bakaya Rashi Ka Samadhan Rules, 2023, March 6, 2023.

[68] Udit Vani, *Kar Samadhan Yojna- Here's all you need to know about settling your pending tax-related disputes*, February 24, 2023, available at: https://uditvani.in/jharkhand/kar-samadhan-yojna-heres-all-you-need-to-know-about-settling-your-pending-tax-related-disputes/ (Last visited on February 24, 2024).

Social, Cultural and other Benefits to such Local Persons Bill, 2022.[69] This Bill was returned by the Governor after a period of one year to reconsider certain provisions based on the constitutional law advice provided by the Attorney General.[70] The governor had made some suggestions while returning the Bill.[71] The Bill was tabled again and the objections of the Attorney General were read out in the assembly. However, the state government did not accept the governor's suggestions,[72]the bill was passed in the assembly without any amendments in 2023.[73]

One of the most contested features of this Bill was the definition of the term *'local person'* of Jharkhand. Section 2(a) of the Bill stated that it would keep 1932 as the cut-off year for *'proof of land records'* in order to define a local person.[74] The section further clarified that in the case of landless persons, a 'local person' shall be identified by the Gram Sabhas based on their culture, local customs, and tradition, among others. This Bill thus used land records from before 1932 as a criteria to recognise and verify an individual's *'Jharkhandi'* identity to develop the State's domicile and employment policy.[75] The rationale behind keeping the 1932 land survey records as the cut-off date was that the land settlement records after 1932 did not provide an elaborate account of community and forestland.[76] The *'moolavasis'* of the state considered the 1932 land survey records to be more authentic because it provided extensive title not only to the individual but also to the community as well as to forestlands.[77] Moreover, the land alienation faced by the *'moolavasis'* increased manifold in the 1970s and 1980s due to the industrialisation spree wherein land was acquired for

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[69] The Jharkhand Local People and the resulting Social, Cultural and other Benefits Bill, 2022, Bill No. 14 of 2022.

[70] Jaideep Deogharia, *Raj Bhavan returns '1932 khatiyan based locals' bill to Jharkhand,* December 16, 2023, available at: https://timesofindia.indiatimes.com/city/ranchi/raj-bhavan-returns-1932-khatiyan-based-locals-bill-to-jkhand-assembly-after-1-yr/articleshow/106037060.cms (Last visited on-February 24, 2024).

[71] Vishal Kant, *Jharkhand assembly passes 1932 Khatiyan bill again*, December 20, 2023, available at: https://www.hindustantimes.com/cities/ranchi-news/jharkhand-assembly-passes-1932-khatiyan-bill-again-101703090342559.html (Last visited on-February 24, 2024).

[72] *Id.*

[73] Abhishek Angad, *Who is a local? Bill ratified in Jharkhand assembly seeks to settle debate*, INDIAN EXPRESS, December 20, 2023, available at: https://indianexpress.com/article/india/jharkhand-assembly-bill-1932-cut-off-year-domicile-9076315/ (Last visited on- February 25, 2024).

[74] The Jharkhand Local People and the resulting Social, Cultural and other Benefits Bill, 2022, Bill No. 14 of 2022, § 2(a).

[75] *Jharkhand Assembly Passes Bill to Use 1932 Land Records to Determine Domicile Status*, THE WIRE, November 11, 2022, available at: https://thewire.in/government/jharkhand-1932-tribal-land-records-local-domicile-hemant-soren (Last visited on- February 25, 2024).

[76] Sujit Kumar, *Bringing 'Identity' Back in Reviving Nativism in Contemporary Jharkhand*, ECONOMIC AND POLITICAL WEEKLY, Vol 58, No. 40 (2023).

[77] Dayamani Barla, V Bhagat Ganguly, *Jharkhand's New Sthaniyata (Local Resident) Policy: The 1932 Khatiyan, Sociocultural Fabric, and Land Rights*, ECONOMIC & POLITICAL WEEKLY, Vol 58, No 18 (2023).

various projects. Therefore, the logic of keeping the land survey records from 1932 as a determinant of who gets to be termed a '*local person*' was based upon the fact that living conditions, customs, and the traditions and social development of the '*moolavasis*' and people from the tribal community had been negatively impacted due to migration of people from other states to Jharkhand.[78]

As the Bill intended to give opportunities to local persons from Jharkhand, it contained provisions to reserve grade 3 and grade 4 government jobs for 'locals'.[79] The Bill had been sent to the Governor of the State with a request for it to be sent to the President of India for seeking approval and be placed in the Ninth Schedule of the Constitution to avoid any judicial review.[80] What is all the more interesting is that in 2002, the then Chief Minister of the State, Babulal Marandi too, brought a similar domicile policy for the State which set 1932 land survey records as the basis for domicile but it was severely criticised by '*non-Jharkhandi*' residents of the State.[81] This policy was challenged before the High Court of Jharkhand through a PIL.[82] The Jharkhand High Court agreed with the plan of the State government to make a domicile policy for its residents, but advised the government to set a more recent cut-off date to determine domiciliary status.[83] This view point of the Jharkhand High Court explains the present State government's insistence on placing this Bill in the Ninth Schedule which would help them to sidestep the legal hurdle it expected to face through judicial review.

Interestingly, the Assembly was of one view on the cut-off date with even the leader of the Opposition in the Jharkhand Legislative Assembly lending support to the proposal and asking the ruling government to issue it as an executive order passed by the cabinet.[84] The opposition's rationale was that if the purpose of the domicile policy is to ensure job opportunities for the local persons of the State then why bring it as a law and send it to the

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[78] *Supra* note 76.
[79] The Jharkhand Local People and the resulting Social, Cultural and other Benefits Bill, 2022, Bill No. 14 of 2022, § 6.
[80] Vishal Kant, *Jharkhand assembly passes 1932 Khatiyan bill again*, HINDUSTAN TIMES, 20 December 2023, available https://www.hindustantimes.com/cities/ranchi-news/jharkhand-assembly-passes-1932-khatiyan-bill-again-101703090342559.html.
[81] *Supra* note 73.
[82] Sonali Das, *Jharkhand domicile order set aside*, TIMES OF India, November 28, 2002, available at: https://timesofindia.indiatimes.com/city/patna/jharkhand-domicile-order-set-aside/articleshow/29610427.cms (Last visited on February 25, 2024).
[83] Prashant Vidyarthy & Anr. vs State of Jharkhand & Ors., (2005) 1 JLJR 210 (HC).
[84] Amit Bhelari, *Jharkhand Assembly once again passes 1932 Khatiyan Bill*,December 20, 2023, available at: https://www.thehindu.com/news/national/other-states/jharkhand-assembly-once-again-passes-1932-khatiyan-bill/article67658409.ece (Last visited on February 25, 2024).

Ninth Schedule as it will only get into legal tangles and will not secure jobs.[85] The ruling government on the other hand was of the view that bringing it as a law instead of a policy (executive order) and placing it in the Ninth Schedule would ensure that it would not be later challenged and overturned by the courts.[86]

The state legislative assembly also passed the 'Jharkhand Reservation of Vacancies in Posts and Services (Amendment) Bill, 2022,' (herein after referred to as the OBC Reservation Bill)[87] in 2022. The OBC Reservation Bill increases the cumulative reservations in public employment and vacant posts in the state from 60 per cent to 77 per cent.[88] The Bill increased the percentage of reservations for OBCs from 14 to 27 per cent, for SCs from 10 to 12 per cent and for STs from 26 to 28 per cent in addition to the 10 per cent reservation introduced for the Economically Weaker Sections (EWS).[89] It is to be noted that OBCs and STs constitute more than 65 per cent of the state population.[90]

This Bill also comes with the caveat that it should come into force only after the Centre moves to include it in the Ninth Schedule of the Constitution.[91] The 77 per cent reservation proposed in the Reservation Bill breaches the 50 per cent ceiling set by the Supreme Court in the landmark judgment of *Indra Sawhney* v. *Union of India*.[92] However, placing a legislation in the Ninth Schedule shields it from judicial scrutiny. There have been instances where the 50 per cent ceiling had been breached. For example, Tamil Nadu[93] reserved 69 per cent of the total seats in colleges and jobs in the state government for Backward Classes, Scheduled Castes and Scheduled Tribes.[94] In order to deal with the fallout of the

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[85] *Id*

[86] *Supra* note 80.

[87] Jharkhand Reservation of Vacancies in Posts and Services (Amendment) Bill, 2022, Bill No. 13 of 2022.

[88] PTI, *Jharkhand assembly passes bill to raise reservations for categories to 77%*, November 11, 2022, available at: https://www.business-standard.com/article/current-affairs/jharkhand-assembly-passes-bill-to-raise-reservations-for-categories-to-77-122111100739_1.html (Last visited on Februray 29, 2024).

[89] *Id*

[90] Abhishek Angad, *Jharkhand Assembly raises quota to 77%, 1932 land records to fix domicile status*, November 12, 2022, available at: https://indianexpress.com/article/india/jharkhand-assembly-bill-raising-reservation-8262459/ (Last visited on February 29, 2024).

[91] *Id*.

[92] Indra Sawhney v. Union of India, AIR 1993 SC 477, Also see- The Indian Express, *Jharkhand wants new quota Bill placed in Ninth Schedule: What this section of Constitution is*, November 12, 2022, available at: https://indianexpress.com/article/explained/jharkhand-new-quota-bill-what-is-ninth-schedule-of-constitution-8265015/ (Last visited on February 29, 2024).

[93] Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of Appointments or Posts in the Services under the State) Act, 1993, Act No. 45 of 1994.

[94] Sanyukta Dharmadhikari, *How Tamil Nadu's reservation stands at 69% despite the 50% quota cap*, March 29, 2021, available at: https://www.thenewsminute.com/tamil-nadu/how-tamil-nadu-s-reservation-stands-69-despite-50-quota-cap-146116 (Last visited on February 29, 2024).

Indira Sawhney judgement, the legislation was included in the Ninth Schedule on the representation of the state's leadership.[95]

Executive Lawmaking

The Department of Panchayati Raj under the Jharkhand government also published the draft rules for initiating public consultation for the implementation of the provisions within the Panchayats (Extension to Scheduled Areas) Act of 1996 or PESA in the state.[96] The principal Act recognises the right of the people living in Scheduled Areas to use forest lands, minor water bodies, minor minerals, intoxicants and natural resources. The procedures for realising the rights are provided in the draft rules.[97] In Jharkhand, 13 out of 24 districts are governed by the 5th Schedule.[98] The draft rules state that all residents living in these Scheduled Areas shall have equal rights to fish and collect resources like fox nuts in natural water resources like ponds.[99] The draft PESA Rules envisage that the people living in Scheduled Areas in Jharkhand will be able to self-govern through the Gram Sabhas. This gives the Gram Sabhas significant powers to plan for the available minor minerals in these areas. Prior Gram Sabha permission is required for mining activity in these areas.[100]

The draft Rules also empowered the Gram Sabha to conduct hearings at the local level to resolve traditional and family disputes, to hear certain cases under the Indian Penal Code and to discharge the responsibility of maintaining peace and order in view of the principles of the Constitution.[101] While the Gram Sabhas were not conferred with the power to order imprisonment, they were empowered by the Draft Rules to impose fines up to Rs 5,000.[102]

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[95] *Id*.

[96] Department of Panchayati Raj, Jharkhand Panchayat (Extension to Scheduled Areas) (PESA) Rules, Notification No. 1784 (Notified on July 26, 2023).

[97] Raj Kumar, Soren government finalises much-awaited PESA rules in Jharkhand, September 26, 2023, available at: https://www.hindustantimes.com/cities/ranchi-news/soren-government-finalises-much-awaited-pesa-rules-in-jharkhand-101695744131708.html (Last visited on February 29, 2024).

[98] Abhishek Angad, Jharkhand issues PESA draft rules for consultations, July 27, 2023, available at: https://indianexpress.com/article/india/jharkhand-issues-pesa-draft-rules-for-consultations-8862282/ (Last visited on February 29, 2024).

[99] Department of Panchayati Raj, Jharkhand Panchayat (Extension to Scheduled Areas) (PESA) Rules, Notification No. 1784 (Notified on July 26, 2023), Rule 14.

[100] *Id*.

[101] Department of Panchayati Raj, Jharkhand Panchayat (Extension to Scheduled Areas) (PESA) Rules, Notification No. 1784 (Notified on July 26, 2023), Rule 8 (d).

[102] Department of Panchayati Raj, Jharkhand Panchayat (Extension to Scheduled Areas) (PESA) Rules, Notification No. 1784 (Notified on July 26, 2023), Rule 8 (f).

Despite the publication of the draft Rules by the ruling government, there have been doubts expressed on whether PESA would be implemented in the State of Jharkhand.[103]

PESA was enacted at the Central level in 1996. Jharkhand came into being 23 years ago — but to date, PESA has not been brought into force in Jharkhand. One of the biggest hurdles with regards to the implementation of PESA in the state has to do with a section of the tribal population who vehemently oppose Panchayat elections or Panchayati Raj in the Fifth Schedule areas.[104] There are concerns about how the elected Gram Panchayat and the traditional Gram Sabha would come together to work for the development of these marginalised regions.[105] One solution was to allocate the role of the legislature to the Gram Sabha which meant that the Gram Sabha would decide on where to implement a government scheme, who should be the beneficiaries. The responsibility of implementing the schemes was to be performed by the Gram Panchayat. However, experts fear that tussles may occur between the village heads and the panchayat heads.[106]

In addition to this, there was some executive action in the realm of taxation. In 2023, Jharkhand Commercial Taxes Department, through a notification dated 12th December, 2023, introduced amendments to the Jharkhand Goods and Services Tax Rules, 2017.[107] The objective of these amendments was to streamline processes, enhance compliance, and provide clarity on various aspects related to the Goods and Services Tax Act, 2017. The rules were made effective from 4th August, 2023.

Lastly some amendments were made to the Central Goods and Services Tax (CGST) Act, 2017 and Integrated Goods and Services Tax (IGST) Act, 2027 on the basis of recommendations made by the GST Council to bring in clarity in the area of taxation of supplies in casinos, horse racing and online gaming.[108] As per these amendments, the Centre was empowered to impose 28 per cent tax on the face value of all bets made in casinos,

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[103] Anand Dutt, Implementing PESA Act in Jharkhand is not an easy task, August 2, 2023, available at: https://www.downtoearth.org.in/news/governance/implementing-pesa-act-in-jharkhand-is-not-an-easy-task-90666 (Last visited on February 29, 2024).
[104] *Id.*
[105] Citizens for Justice and Peace, *PESA Act: Origins, Workings and Challenges,* August 24, 2022, available at: https://cjp.org.in/pesa-act-origins-workings-and-challenges/ (Last visited on March 1, 2024).
[106] *Supra* note 96.
[107] Department of Commercial Taxes, Notification No.- 38/2023 - State Tax, S.O. No. 49, (Notified on12th December, 2023).
[108] The Economic Times, Centre notifies amendments in CGST and IGST rules for online gaming cos; 28% GST rule to come into force on Oct 1, September 29, 2023, available at: https://economictimes.indiatimes.com/news/economy/policy/centre-notifies-amendments-in-cgst-and-igst-rules-for-online-gaming-cos-to-come-into-force-on-oct-1/articleshow/104051141.cms?from=mdr (Last visited on March 1, 2024).

horse-racing and online gaming.[109] However, even with the amendments brought to the CGST Act, 2017 and the IGST Act, 2017, State governments were still required to make legislative changes to their respective GST Acts for the 28 per cent levy to kick in.[110] Since the Legislative Assembly was not in session the changes in the CGST Act and the IGST Act, were effected through an ordinance by promulgating the Jharkhand Goods and Services Tax (Amendment) Ordinance, 2023.[111]

Conclusion

In 2023, the Jharkhand Legislative Assembly met for a total of 27 days.[112] In this period, a total of 14 bills were introduced and passed. However, only one Bill was sent to the Select Committee[113] while the majority was passed through a voice vote. Charges are traded between the Opposition and the ruling party on laws being passed without deliberation only on the strength of voice votes.[114] The rise in voice votes is something to be noted as a matter of concern as it reduces transparency and accountability in the process through which Bills are passed.

Another observed trend was that it took longer to receive the Governor's assent on bills passed by the Jharkhand Legislative Assembly than in other states. The Constitution does not provide any timeframe within which the Governor should give assent. It was found that the bills concerned with the assertion of the nativist *'Jharkhandi'* identity met with the slowest response from the Governor. The unnecessary delay in the legislative process, especially when relating to legislation concerned with social justice issues, due to the ideological differences between the state government and the Governor appointed by the Centre, is a cause of concern. It also raises important questions on the need to find ways to cooperate between the constitutional offices of the Chief Minister and the Governor. The ninth schedule request of the state government has also not received a positive response from the Union government. Such an absence of respectful deliberation marks the interaction between the State and the Centre.

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[109] *Id.*

[110] Parliament paves way for 28% GST on online gaming, THE HINDU, August 11, 2023, available at: https://www.thehindu.com/news/national/bill-to-levy-28-gst-on-online-gaming-casinos-introduced-in-lok-sabha/article67183494.ece (Last visited on March 1, 2024).

[111] Jharkhand Goods and Services Tax (Amendment) Ordinance, 2023, Ordinance No. 1 of 2023.

[112] *Supra* note 6.

[113] *Supra* note 10.

[114] PTI, Jharkhand assembly passes bill to prevent cheating in competitive exams, August 4, 2023, available at: https://indianexpress.com/article/jobs/jharkhand-assembly-passes-bill-to-prevent-cheating-in-competitive-exams-8875871/ (Last visited on March 1, 2024).

KARNATAKA

ANIKET R. SAWANT*

Introduction

The State of Karnataka is governed by a bicameral legislature, comprising the Karnataka Legislative Assembly (Vidhan Sabha) and the Karnataka Legislative Council (Vidhan Parishad). The Assembly exercises the primary legislative function, while the Council plays a revisory role. This bicameral structure is relatively uncommon among Indian states and often shapes the trajectory of statutory lawmaking by requiring the concurrence of both Houses.

The 16th Legislative Assembly was constituted in May 2023 following elections in which the Indian National Congress secured a clear majority, defeating the incumbent Bharatiya Janata Party. The elections marked a significant political transition, with the BJP losing substantial ground, the Congress making notable gains, and the Janata Dal (Secular) reduced to a marginal role. However, women's representation remained minimal, with only ten elected women MLAs.[1]

This chapter draws upon both primary sources (official websites of the Karnataka Legislative Assembly and Council, gazette notifications, and published statutes) and secondary sources (PRS Legislative Research, media reports, and committee outputs where available). While webcast archives of Assembly proceedings provided useful insights, they did not disaggregate time spent specifically on legislative debate. Further, discrepancies were observed between legislative and media reports, particularly regarding gubernatorial assent.

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[1] *Association for Democratic Reforms*, "Summary of Women Winners: Karnataka 2023 Assembly Elections," *MyNeta.info*, available at https://myneta.info/Karnataka2023/index.php?action=summary&sort=candidate&subAction=winner_women (Last visited on October 6, 2025).

A key limitation of this study was the inability to access Kannada-language materials with full confidence. As many statutes, notifications, and debates are published primarily in Kannada, reliance on secondary translations sometimes amplifies this gap. Where vernacular sources were decisive, the researcher's inability to assess them directly in the original language remained a constraint.

To ensure accuracy, the dates of enactment, assent, and notification of Bills and Acts have been cross-checked with official government sources and legal databases such as Manupatra. This triangulation was intended to minimise discrepancies and to establish the reliability of the quantitative data used in this chapter.

Routine legislation (such as appropriation and finance acts) is not discussed in detail. Instead, attention is directed towards statutes and ordinances that were exemplary (innovative, path-breaking, or of policy significance) or egregious (controversial, partisan, or constitutionally questionable). For example, education sector reforms, laws addressing examination fraud, and amendments relating to taxation are analysed for their broader implications. Ordinances promulgated under Article 213 of the Constitution are examined critically for their effect on legislative oversight.

Through this framing, the chapter aims to provide not only a descriptive survey of Karnataka's lawmaking in 2023, but also a critical account of legislative trends in the state within the broader canvas of Indian constitutional law.

Quantitative Legislative Survey

Data on the Working of the Legislature[2]

The Karnataka Legislature is bicameral, comprising the Legislative Assembly and the Legislative Council. In 2023, the Assembly met for 39 days, the third highest in the country (after Maharashtra and West Bengal). Although this figure places Karnataka among the more active state legislatures, it nevertheless fell short of the statutory mandate of 60 sitting days per year under the Karnataka Conduct of Government Business in the State Legislature Act, 2005. The Legislative Council, which usually mirrors Assembly sittings, met for approximately 30–36 days.

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[2] All quantitative data in this section has been drawn from the *Annual Review of State Laws* for the respective years: Mridhula Raghavan, Niranjana Menon & Saket Surya, *Annual Review of State Laws 2021* (PRS Legislative Research, July 2022); Manas Gubbi, Niranjana S Menon & Siddharth Mandrekar Rao, *Annual Review of State Laws 2022* (PRS Legislative Research, May 2023); and Manas Gubbi, Niranjana S Menon & Simranjyot Kaur, *Annual Review of State Laws 2023* (PRS Legislative Research, April 2024). The figures have been cross-checked with official records of the Karnataka Legislative Assembly and Council where available.

The average duration of sittings was around 5 hours per day, bringing the total working time of the Assembly to approximately 209 hours in 2023. For comparison, in 2022, the Assembly met for 45 days and worked for about 225 hours, highlighting a slight decline in legislative working time in 2023.

With respect to financial business, the Budget Session in 2023 involved 7 days of discussion, close to the national average but considerably less than the 15 days of budget scrutiny in 2022. A significant portion of grant demands continued to be passed without discussion through the guillotine process, reflecting the structural absence of subject-specific committees for detailed scrutiny of departmental allocations.

Table 1: Comparison across years

Indicator	2021	2022	2023
Assembly Sitting Days	40	45	39
Mandated Sitting Days	60	60	60
Total Hours Worked (approx.)	220–230 hrs	≈225 hrs	≈209 hrs
Average Sitting Duration	5–6 hrs/day	5 hrs/day	5 hrs/day
Bills Passed	48	29	32
Ordinances Promulgated	4	3	5
Bills Passed after 5+ Days	≈70%	59%	Mostly 2–5 days
Budget Discussion (days)	Longer scrutiny, detailed debate	15	7

On questions and oversight, Karnataka continues to maintain an active Question Hour, both in the Assembly and the Council. However, detailed disaggregated data for starred and unstarred questions in 2023 is not available in the public domain. In terms of committee functioning, Karnataka's Public Accounts Committee (PAC), Estimates Committee, and Public Undertakings Committee (PUC) met and submitted reports, though not as extensively as in states like Kerala or Himachal Pradesh. In 2023, the PAC tabled about 5 reports, the Estimates Committee about 3 reports, and the PUC about 2 reports. Notably, Karnataka has not yet adopted Departmentally Related Standing Committees (DRSCs), a reform which could have significantly deepened legislative scrutiny.

Statutory Legislation

In 2023, the Karnataka Legislature passed 32 Bills. The time taken for passage varied, with the majority enacted within 2–5 days of introduction, suggesting limited deliberation. By

contrast, in 2022, Karnataka stood out nationally, with 59% of its Bills passed after at least 5 days, reflecting relatively higher deliberative standards than in 2023. In sum, Karnataka's statutory output in 2023 was marked by breadth across sectors (education, law and order, taxation, agriculture, public recruitment), though the depth of deliberation declined compared to 2022, where more time was taken before passage of Bills.

Qualitative Analysis

Governance, Administration, and Local Bodies

During 2023, the legislation in Karnataka appeared to favour centralisation, with executive-controlled statutory bodies increasingly organised at the cost of constitutionally envisaged local self-governance. These reforms were argued to be advanced from time to time in the name of increasing efficiency and targeted development, but taken all together, all of them eroded the decentralised framework envisaged under Parts IX and IXA of the Constitution.

A classic example of the trend was the Bruhat Bengaluru Mahanagara Palike (Amendment) Act, 2023.[3] It broadened the BBMP's tax base by empowering it to levy property taxes even on buildings that did not have an occupancy certificate. At the same time, the law widened exemptions for educational institutions, thereby portraying itself as a social welfare measure.[4] However, the more profound implications were far from favourable. Taxing non-compliant structures would amount to tacit legitimisation of the said non-compliance, thereby eroding the deterrent purpose of urban planning laws; broad exemptions, meanwhile, would further erode the feeble revenue base. The considered rush with which this amendment was adopted indicates that urgent fiscal requirements drove it more than any vision of municipal finance.[5]

Another related enactment, the Bruhat Bengaluru Mahanagara Palike and Certain Other Law (Amendment) Bill, 2023, sought to harmonise existing municipal laws. Although ostensibly touching on a narrow area, its unstinting passage without any real debate pointed to a larger malaise in the legislative process, whereby air-tight reforms in urban governance

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[3] The Bruhat Bengaluru Mahanagara Palike (Amendment) Act, 2023.

[4] Summary of The Bruhat Bengaluru Mahanagara Palike (Amendment) Bill, 2023, available at https://prsindia.org/bills/states/the-bruhat-bengaluru-mahanagara-palike-amendment-bill-2023 (Last visited on October 3, 2025).

[5] Although the Bill remained pending for much of 2023, its eventual passage in December was carried out with little deliberation, suggesting that the driving concern was not a considered vision of municipal finance but the urgent need to legitimise prior collections and securing of BBMP's revenues. See Yamini C.S., *BBMP Amendment Bill Passed in Karnataka Legislative Assembly*, HINDUSTAN TIMES (Bengaluru), December 14, 2023, available at https://www.hindustantimes.com/cities/bengaluru-news/bbmp-amendment-bill-passed-in-karnataka-legislative-assembly-101702551912031.html (Last visited on October 3, 2025).

were pushed through without meaningful scrutiny, robbing the Assembly of its deliberative function.[6]

Rural governance reforms also reflected a similar pattern of limited democratic deliberation. The Karnataka Gram Swaraj and Panchayat Raj (Amendment) Ordinance, 2023,[7] which was later converted into law,[8] was promulgated in response to a High Court directive to hold local body elections.[9] The ordinance redrew constituency boundaries and detached certain taluks from the Shivamogga district and thereby deferred the conduct of the elections. While the Government said these changes were corrective measures, opposition parties found them to be blatant gerrymandering.[10] The question however is, could the ordinance making power be used to alter electoral architecture, concentrate powers in the executive, and thereby subvert electoral equity.

New statutory boards reinforced this centralising tendency. The Karavali Development Board Act[11] was conceived as a regional development act, yet a wide interpretation saw it as a political weapon to consolidate some influence in the coastal districts, areas marked by both economic disparity and communal tension.[12] Acting similarly was the Shree Renuka Yellamma Kshetra Tourism Development Board Act, which again brought specialised boards into existence for worship and tourism sites, raising concerns of state interference in

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[6] In *M/s Sapthagiri Shelters v. State of Karnataka* [WP No. 23086/2022, 2025 LiveLaw (Kar) 203], the Karnataka High Court struck down the Karnataka Municipal Corporations and Certain Other Law (Amendment) Acts, 2021 & 2023. These amendments retrospectively empowered the BBMP to collect various fees/penalties during building plan sanctions, including levies linked to "guidance value." The Court held that such imposts lacked quid pro quo, had no rational nexus with services rendered, and wrongly applied planning laws to all plots irrespective of size. The Court reiterated that retrospective legislation cannot be used to validate imposts earlier quashed as ultra vires without data or legal rationale. This reaffirmed limits on legislative validation and emphasised that judicial decisions cannot be neutralised through indirect amendments.

[7] The Karnataka Gram Swaraj and Panchayat Raj (Amendment) Ordinance, 2023.

[8] The Karnataka Gram Swaraj and Panchayat Raj (Amendment) Act, 2023.

[9] Ambarish B., *Panchayat polls: Delimitation notification in 10 days, govt tells Karnataka HC*, DECCAN HERALD (Karnataka), February 14, 2023, available at https://www.deccanherald.com/india/karnataka/panchayat-polls-delimitation-notification-in-10-days-govt-tells-karnataka-hc-1191232.html (Last visited on October 3, 2025).

[10] Kiran Parashar, *Amid Opposition uproar, Karnataka Assembly passes 5 Bills with no discussion or debate*, THE INDIAN EXPRESS (Belagavi), December 13, 2023, available at https://indianexpress.com/article/cities/bangalore/amid-opposition-uproar-karnataka-assembly-passes-5-bills-with-no-discussion-or-debate-9064631/ (Last visited on October 3, 2025).

[11] The Karavali Development Board Act, 2023, Act No. 27 of 2024 (April 5, 2024).

[12] HT Correspondent, *Assembly passes five bills even as Opposition holds day-long protest*, HINDUSTAN TIMES (Bengaluru), December 12, 2023, available at https://www.hindustantimes.com/india-news/assembly-passes-five-bills-even-as-opposition-holds-day-long-protest-101702323170432.html (Last visited on October 3, 2025) (noting that the BJP and JD(S) staged a day-long protest, yet the Speaker proceeded and four of the five Bills, including the Karnataka Gram Swaraj and Panchayat Raj (Amendment) Bill, 2023 and the Karavali Development Board Bill, 2023, were adopted without discussion).

religious affairs.[13] The Hampi World Heritage Area Management Authority further enhanced this trend by relaxing the conservation norms for tourism-led development, thereby subordinating the interests of heritage preservation to economic gain.[14] Taken together, these enactments reveal a clear trend of shifting power away from elected local bodies to executive-dominated boards and agencies. These mechanisms of formally announcing efficiency and targeted development barely helped disguise the deeper erosion of democratic decentralisation. Far from the empowerment of local self-government, the governance legislation in Karnataka in 2023 further entrenched a centralising structure. This inference is supported by the limited legislative debate recorded in the Assembly proceedings, as contemporaneous reports noted that several Bills were passed without discussion, and by the absence of any recorded consultations with municipal or panchayat institutions prior to their introduction.[15]

Taxation, Revenue & Financial Regulation

In 2023, fiscal legislation in Karnataka reflected the dual struggle of the State: to work within the centre's constraints towards the completion of the GST framework, and to boost its own limited revenue base. The enactments of the year thus went back and forth between working around nationally-dictated deadlines and slowly, sometimes regressive, strategies of raising revenue. Ordinances were often used, thus depriving the Legislature of any debate and underlining the increasingly limited financial governance of the State.

The Karnataka Tax on Profession, Trades, Callings and Employments (Amendment) Act, 2023 raised professional tax slabs.[16] The government rejected the criticism by suggesting that this was a necessary step to build revenues in a fiscally constrained post-pandemic scenario. However, its significance lies less in its quantum of the tax and much more in its symbolism, for professional tax levied under Entry 60 of the State List continues to be one of the very few taxes over which state governments have exclusive power. Such expansion speaks to the restricted fiscal manoeuvrability of states in a GST regime.[17] They were

[13] The Shree Renuka Yellamma Kshetra Tourism Development Board Act, 2023.
[14] The Hampi World Heritage Area Management Authority (Amendment) Act, 2023.
[15] *Supra* note 10 & 12.
[16] The Karnataka Tax on Profession, Trades, Callings and Employments (Amendment) Act, 2023.
[17] Ajith Athrady, *Karnataka seeks Constitution amendment to hike professional tax*, DECCAN HERALD (Bengaluru), December 20, 2024, available at https://www.deccanherald.com/business/karnataka-seeks-constitution-amendment-to-hike-professional-tax-3327319 (Last visited on October 3, 2025).

criticised for singling out smaller traders and service providers for tax increases, while big investors reaped benefits through a parallel universe of tax exemptions and concessions.[18]

The most consequential cluster of changes was brought about by amendments to the Karnataka Goods and Services Tax Act. The Karnataka GST (Amendment) Ordinance, 2023, and its subsequent legislative conversion,[19] along with a second amendment,[20] were brought into force to keep state law in conformity with the decisions of the GST Council, especially those relating to the taxation of online gaming and virtual digital assets.[21]

The Karnataka Stamp (Amendment) Act, 2023, was presented as a technical measure, but its distributive consequences were significant.[22] By revising stamp duty rates, it raised transaction costs in urban property markets already characterised by inflated prices. For many households, this translated into additional barriers to accessing housing and credit, demonstrating how ostensibly neutral fiscal changes can exacerbate structural inequities. The ordinance route was justified by invoking the Council's mandatory deadline of 1 October 2023. While formally defensible, the episode lays bare the erosion of state-level fiscal autonomy. Article 246A may confer concurrent powers over GST, yet in practice, Council decisions bind states so tightly that legislative discretion is reduced to ratification. Opposition members alleged that such far-reaching changes, having an overarching effect on Karnataka's digital economy, were passed without any meaningful discussion.[23]

Parallel changes to the Karnataka Motor Vehicles Taxation Act,[24] also passed twice during the year, looking to arrest revenue leakage in the transport sector.[25] By tinkering with exemptions and rates, the State sought incremental revenue mobilisation. However, the frequency of these amendments betrayed an absence of long-term fiscal design. Rather, the

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[18] For an analysis of the Act and further concerns, see Anshul Prakash, Deeksha Malik & Ajeta Anand, *Karnataka Professional Tax Amendment 2023: Major Changes Notified*, LEXOLOGY (Khaitan & Co., March 24, 2023), available at https://www.lexology.com/library/detail.aspx?g=5c6be4c3-edec-4071-8b06-7d7767db8c28 (Last visited on October 3, 2025).

[19] The Karnataka Goods and Services Tax (Amendment) Act, 2023.

[20] The Karnataka Goods and Services Tax (Second Amendment) Act, 2023.

[21] The *Karnataka Goods and Services Tax (Amendment) Ordinance, 2023,* was promulgated on 29 September 2023 to urgently align state law with central GST amendments on online gaming and related matters. Following the 51st GST Council meeting (2 August 2023) and the Council Secretariat's direction on 11 August 2023, states were required to adopt changes by 1 October 2023. As the Legislature was not in session, the Governor issued the Ordinance to ensure Karnataka's compliance within the strict deadline.

[22] The Karnataka Stamp (Amendment) Act, 2023.

[23] *Supra* note 12.

[24] The Karnataka Motor Vehicles Taxation (Amendment) Act, 2023.

[25] The Karnataka Motor Vehicles Taxation (Second Amendment) Act, 2023 (further revising the vehicle taxation framework, including updated slabs and compliance provisions to enhance state revenue collection).

pattern stood out more as ad-hoc measures taken to cater to immediate fiscal stress instead of a coherent taxation strategy.

If anything, the amendment to the Karnataka Transparency in Public Procurements Act was the most contested politically.[26] Originally promulgated as an ordinance but later ratified by the Assembly,[27]the amendment considered modernisation, as the way of streamlining procurement and aligning thresholds with digital platforms.[28] However, opposing parties and civil society organisations were concerned that the reforms increased executive discretion concerning pre-qualification criteria, opening channels for patronage and rent-seeking, hence corroding further confidence, since reliance on the ordinance route provided no scrutiny for an area that has, since time immemorial, been historically prone to corruption.[29]

Taken together, Karnataka's fiscal legislation in 2023 was good in numbers but stagnant in substance. Compliance with the directives of the GST Council showed a slow loss of fiscal autonomy by the states, while amendments to professional taxes and vehicle taxes revealed some regressive tendencies in revenue mobilisation. Some of the reforms in procurement, even though claimed to advance modernisation, earned criticism for diluting accountability. As such, the fiscal agenda that developed through these legislations was largely reactive: meeting external deadlines and plugging immediate gaps, without adequately resolving the larger questions of distributive justice and sustainable financial planning.

Judiciary, Legal System & Litigation

Legislative activity in Karnataka during 2023 also extended into the judicial and legal domain. Here, the State's interventions oscillated between pragmatic reforms designed to address systemic inefficiencies and measures that revealed the executive's desire to exercise greater influence over the judicial process. Together, these enactments illustrate the limitations of piecemeal statutory tinkering in the absence of deeper structural investment in judicial capacity.

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[26] The Karnataka Transparency in Public Procurements (Amendment) Act, 2023.
[27] The Karnataka Transparency in Public Procurements (Amendment) Ordinance, 2023.
[28] *KTTP Amendment Bill passed in Karnataka Assembly; quota in focus*, DECCAN HERALD (Bengaluru), March 5, 2024, available at https://www.deccanherald.com/india/karnataka/kttp-amendment-bill-passed-quota-in-focus-2811972 (Last visited on October 3, 2025) (reporting that Law and Parliamentary Affairs Minister H.K. Patil described the Bill as a proactive step to enhance employment opportunities for OBCs in Karnataka).
[29] Shruthi H.M. Sastry, *Karnataka Cabinet okays hike in exemption limit for SC/ST contractors to Rs 1 cr*, DECCAN HERALD (Bengaluru), June 29, 2023, available at https://www.deccanherald.com/india/karnataka/st-contractors-to-rs-1-cr-1232165.html (Last visited on October 3, 2025) (reporting that the Cabinet approved raising the exemption limit for SC/ST contractors to ₹1 crore, a measure earlier introduced by ordinance and now set to be replaced by a Bill).

The Code of Civil Procedure (Karnataka Amendment) Act, 2023, is an example of this approach.[30] The amendment sought to alter procedural time-limits in civil litigation, thereby curtailing the adjournments and interlocutory disputes that had become a characteristic clog in the wheel of trial courts.[31] Insofar as efficiency was the goal, critics in the bar were concerned that this might prove inadequate to address the issue: in fact, a far too stringent a schedule may unfairly prejudice litigants from rural areas where access to legal counsel is already very limited. The bigger question: can procedural reforms really cut arrears, or do they just transfer pressure instead of addressing the real shortage of judicial resources?

Although the Karnataka Conduct of Government Litigation Act, 2023 presents itself as a measure to streamline and rationalise the State's litigation practices, a closer reading reveals its limitations.[32] The statute primarily centralises litigation management by vesting control in designated law officers, the Law Secretary, and committees at the state and district levels. While this framework promises consistency and curbs departmental autonomy in initiating and pursuing cases, it stops short of altering the underlying incentives that drive excessive government litigation. The Act contains no provision mandating a reduction in the volume of appeals or prescribing substantive criteria for screening weak cases, nor does it embed institutional mechanisms to encourage mediation or alternative dispute resolution. Except for a narrow reference to the possibility of settlement in response to notices under Section 80 of the Civil Procedure Code, its thrust remains managerial rather than reformist.[33] In effect, the legislation restructures who manages litigation without addressing why the State litigates as frequently as it does.

Amendments to the Karnataka High Court Act[34] and the Karnataka Civil Courts Act[35] were more technical, raising the pecuniary jurisdiction of subordinate courts to ease the High Court's burden. The measure was intended to improve access to justice by bringing more disputes within the purview of lower courts. However, critics highlighted a familiar risk: subordinate courts, already strained by limited staffing and infrastructure, may struggle to

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[30] The Code of Civil Procedure (Karnataka Amendment) Act, 2023.

[31] Bharath Joshi, *Bill introduced in Karnataka Assembly to ensure speedy trials for farmers, poor*, DECCAN HERALD (Bengaluru), July 18, 2023, available at https://www.deccanherald.com/india/karnataka/bill-introduced-in-karnataka-assembly-to-ensure-speedy-trials-for-farmers-poor-1238382.html (Last visited on October 3, 2025)

[32] The Karnataka Conduct of Government Litigation Act, 2023.

[33] Ibid, Section 11(1)–(4), provides that upon receipt of a notice under Section 80 CPC, the Departmental Secretary must examine the claim, consider the possibility of settlement out of court, and if the claim is genuine, take immediate action to settle it.

[34] The Karnataka High Court (Amendment) Act, 2023.

[35] The Karnataka Civil Courts (Amendment) Act, 2023.

handle complex cases.[36] Without corresponding investments, jurisdictional adjustments risk displacing arrears rather than resolving them.

The Karnataka Prohibition of Violence Against Advocates Bill, 2023, was a targeted legislative response to a rise in attacks on lawyers.[37] It created stringent penalties for violence or intimidation against advocates. Its enactment acknowledged the vulnerability of lawyers as central actors in the justice system. However, the Bill also generated controversy for the privileges it conferred. By creating special protections for advocates while leaving similarly vulnerable professions, such as doctors or journalists, without equivalent safeguards, the law arguably entrenched professional hierarchies. The said bill might chill legitimate client dissent against negligent representation. The episode underscored both the political influence of the bar and the selective nature of statutory protection.

Finally, the Registration (Karnataka Amendment) Bill, 2023, tied judicial reform to the terrain of land and property transactions, an area that produces a large volume of litigation in Karnataka. By streamlining evidentiary requirements for registration, the amendment aimed to reduce disputes over defective documentation. Yet, by lowering safeguards, it risked facilitating benami transactions and the regularisation of irregular real estate dealings. In a state where land politics are deeply intertwined with power, the amendment must be read not as a neutral technical measure but as a reform with significant distributive and political implications.

Considered together, these enactments reflect a judiciary-facing legislative agenda that was at once pragmatic and partial. Efforts to rationalise procedure and regulate state litigation were defensible, but reforms privileging lawyers or easing land transactions were shaped by powerful constituencies. What is missing is a sustained commitment to building judicial capacity and infrastructure. In that absence, statutory changes of 2023 appear less as a coherent vision for access to justice and more as a patchwork response to immediate pressures and influential demands.

Social Justice, Caste & Tribal Welfare

Few areas of Karnataka's legislative interventions in 2023 carried as much political weight as those concerning Scheduled Castes (SCs) and Scheduled Tribes (STs). These enactments reveal the dual character of social justice lawmaking: it functions simultaneously as a space

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[36] Shridhar Prabhu, *Amendment to the Karnataka Civil Courts Act and the High Court's Act: Cure or Chaos?*, Daksha Legal (December 16, 2023), available at https://dakshalegal.blog/2023/12/16/amendment-to-the-karnataka-civil-courts-act-and-and-the-high-courts-act-cure-or-chaos/ (Last visited on October 3, 2025).
[37] The Karnataka Prohibition of Violence Against Advocates Act, 2023.

for symbolic affirmation of constitutional commitments and as a field where redistributive intent is often negotiated against political expediency.

The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) (Amendment) Act, 2023, touched upon one of the most contentious legacies of the entire realm of land reform.[38] The original statute empowered the state to secure land given to SCs and STs against alienation; alienation of such land was illegal, but over time, this rigidness gave rise to endless litigation, disturbing the tranquillity of even bona fide purchasers many decades after such transactions.[39] With the 2023 amendment, a compromise sought to soften this rigidity by introducing procedural safeguards and time limits. Its supporters described it as a pragmatic correction to prevent an endless series of litigation, while its critics noted that it actually diluted the statute's original redistributive aim of restoring alienated land to marginalised communities.[40] In other words, the amendment sits somewhere in between: it alleviates the plight of alternative purchasers while simultaneously shrinking the courts' potential transformative impact upon the very groups that the law was enacted to shield.

Karnataka Scheduled Castes Sub-Allocation and Tribal Sub-Allocation (Planning, Allocation and Utilisation of Financial Resources) (Amendment) Act, 2023, further extends the State's experiment in targeted budgeting, the framework pioneered by Karnataka and later taken up as a national model.[41] The amendment laid down certain finer points relating to accounting mechanisms and the permissible scope of expenditure in layman terms. Thus, on its face, yet another institutional guarantee for earmarked outlays for Dalit and Adivasi welfare was laid. However, there were warnings from civil society that the very categories of "permissible expenditure" had begun to stretch in recent years to include general-purpose infrastructural works with only tangential relevance to the SC/ST communities.[42]

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[38] The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) (Amendment) Act, 2023.

[39] See Express News Service, *Karnataka moves to amend SC/ST land transfer law, 25-year time bar on claims by grantees to be removed*, THE INDIAN EXPRESS (Bengaluru), July 23, 2023, available at https://indianexpress.com/article/cities/bangalore/karnataka-amend-sc-st-land-transfer-law-8855578/ (Last visited on October 3, 2025)

[40] Satish Kumar B.S., *Assembly adopts Karnataka SC/ST land transfer Bill*, THE HINDU (Bengaluru), July 20, 2023, available at https://www.thehindu.com/news/national/karnataka/assembly-adopts-karnataka-scst-land-transfer-bill/article67102913.ece

[41] The Karnataka Scheduled Castes Sub-Allocation and Tribal Sub-Allocation (Planning, Allocation and Utilisation of Financial Resources) (Amendment) Act, 2023.

[42] Nandini Chandrashekar, *Karnataka govt under fire over decision to use SC/ST funds for other schemes*, THE NEWS MINUTE (Bengaluru), August 4, 2023, available at https://www.thenewsminute.com/karnataka/karnataka-govt-under-fire-over-decision-use-scst-funds-other-schemes-180644 (Last visited on October 3, 2025) (reporting that the Karnataka government diverted

The 2023 amendment, by further enlarging discretion, may well render sub-allocation into just a number-crunching exercise, fulfilling expenditure targets but failing in actual empowerment, delivery, or targeting of benefits.

At first sight, the Karnataka Legislature (Prevention of Disqualification) (Amendment) Act, 2023 might strike the reader as primarily an issue of legislative privilege.[43] To this extent, the Act aligns itself with the social justice narrative. This is because it touches upon the very integrity of representation in welfare governance. By exempting certain advisory offices from disqualification, the Act essentially served to shield legislators who simultaneously held memberships of statutory boards and authorities--many of which work in SC/ST development programmes. This was said to be in order to encourage legislators to use their experience in policy oversight. On the contrary, however, the reform merely entrenched the overlap of political office with patronage structures and thereby blurred the demarcation between independent legislative functions and executive co-optation. What this means for marginalised communities is that : it converts welfare boards into sites for political brokerage rather than autonomous sites of accountability.

Taken together, these measures underscore the paradox of Karnataka's 2023 approach to social justice legislation. On the surface, they extended the rhetoric of protection and empowerment through land reform adjustments, budgetary earmarking, and welfare-linked political participation. Yet, within each measure lay built-in dilutions: restitution weakened by procedural limitations, sub-allocation hollowed by broadened categories, and representation compromised by patronage. The result is a legislative framework that signals commitment to SC/ST welfare while simultaneously tempering its redistributive edge. This reflects a political calculus in which electoral legitimacy requires symbolic allegiance to social justice, even as legislative design accommodates the interests of dominant landholding, bureaucratic, and political elites.

Education, Universities & Health

Legislative developments in Karnataka during 2023 in the fields of education and health reveal two parallel trajectories: the steady proliferation of private universities and the reinforcement of compulsory service obligations on medical graduates. Both reflect the uneasy balance between market expansion, regulatory authority, and constitutional commitments to welfare.

₹11,144 crore from the SC/ST Sub-Plan allocation to fund five guarantee schemes, sparking criticism and debate).

[43] The Karnataka Legislature (Prevention of Disqualification) (Amendment) Act, 2023, Act No. 26 of 2023 (July 27, 2023).

The BMS University Act of 2023 is an indictment of Karnataka's recent higher education policy.[44] Along with a slew of similar private university acts in recent years, it has enlarged the scope of legislatively chartered private institutions. Such statutes are customarily enacted on the grounds of increasing access and promoting excellence, but their enactment is rapid and largely insulated from serious scrutiny. The BMS Act followed the pattern and was passed with barely any discussion on governance models, fee fixation, or regulation.[45] Arguably, these private university acts vest decision-making powers with boards dominated by promoters, with only a skeleton of accountability. What this trajectory raises is a fundamental constitutional question: higher education, linked to Directive Principles under Articles 41 and 45, has been historically envisaged as a public good. Karnataka, while starving public universities of funds, has favoured granting charters to private ones-even if this amounts to a retreat from this conception and embeds inequalities of access in a state where there have already been sharp disparities between rural and urban educational infrastructure.[46]

Generally speaking, the Karnataka Compulsory Service by Candidates Completed Medical Courses (Amendment) Act, 2023, preceded by an ordinance,[47] displayed the State's resolve to enforce the rural service aspect of the programme. It revised default penalties and procedures relating to the compulsory posting.[48] The government invoked the urgency of the ordinance on grave shortages afield in rural health centres, a deficit further exaggerated in the pandemic aftermath. The plea to address the unfair distribution of healthcare would probably have stood, but the controversial way chosen to address it ended up in major contestation. Medical graduates and their associations went on record denouncing the

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[44] The BMS University Act, 2023.

[45] The BMS University Bill, 2023, was introduced in the Karnataka Legislative Assembly in late February 2023 and was passed in mid-March 2023. Bill available at https://www.prsindia.org/files/bills_acts/bills_states/karnataka/2023/Bill-5of2023-Karnataka.pdf (Last visited on October 3, 2025).

[46] Sruthy Susan Ullas, *Karnataka govt blasts 25 private universities for sidelining officials*, THE TIMES OF INDIA (Bengaluru), July 28, 2023, available at https://timesofindia.indiatimes.com/city/bengaluru/govt-blasts-25-pvt-univs-for-sidelining-officials/articleshow/101998635.cms (Last visited on October 3, 2025) (reporting government criticism of 25 private universities for bypassing oversight mechanisms and marginalizing state-appointed officials).

[47] Navya P.K., *State govt panel report recommends one-year compulsory govt service for nursing students*, DECCAN HERALD (Bengaluru), February 4, 2023, available at https://www.deccanherald.com/india/karnataka/bengaluru/state-govt-panel-report-recommends-one-year-compulsory-govt-service-for-nursing-students-1187891.html (Last visited on October 3, 2025).

[48] Arun Dev, *Karnataka cabinet eases law mandating rural service for doctors: Patil*, HINDUSTAN TIMES (Bengaluru), October 17, 2023, available at https://www.hindustantimes.com/india-news/karnataka-cabinet-eases-law-mandating-rural-service-for-doctors-patil-101697826718475.html (Last visited on October 3, 2025).

perceived forced conscription when adequate infrastructure, security, or working conditions were not met in rural postings. Others, largely sympathetic to the matter, countered that no compelling manner would ever fill structural vacancies or chronic underfunding in the public health system.

The constitutional dilemma here is acute. Article 19(1)(g) guarantees the freedom to practise a profession, but Article 47 imposes a Directive Principles obligation on the State to raise the level of public health. Courts have generally upheld reasonable restrictions on professional freedom when justified by public interest. Yet reliance on compulsion rather than incentives raises questions of proportionality. Without systemic improvements to rural healthcare delivery, mandatory service may prove counterproductive, undermining both morale and quality of care. The repeated use of ordinances in this domain further reflects a legislative preference for immediate, coercive fixes over deeper structural reform.

Taken together, Karnataka's 2023 laws on education and health reveal a pattern of statutory responses that are expedient but limited in vision. Private university statutes entrench a drift toward privatisation without robust safeguards for equity, while compulsory service laws exemplify the limits of legal coercion in addressing healthcare deficits. Both strands demonstrate how legislative strategies, presented as pragmatic responses to demand and scarcity, risk exacerbating existing inequalities rather than fulfilling the constitutional promise of education and health as instruments of social justice.

Labour, Industry & Safety

Legislative interventions in Karnataka during 2023 in the domains of labour and safety reveal the persistent tension between the State's pursuit of industrial competitiveness and its constitutional obligation to safeguard workers' rights. The measures enacted suggest a policy environment where regulatory flexibility for employers was prioritised, while protections relating to safety and welfare were addressed only through incremental adjustments rather than systemic reform.

The most contested measure was the Factories (Karnataka Amendment) Act, 2023.[49] By extending permissible working hours and enabling greater flexibility in shifts, the government framed the amendment as essential to attract global investment, particularly in labour-intensive sectors such as electronics and garments, where Karnataka competes regionally and internationally. Industry associations endorsed the reform as a signal of "ease of doing business." However, trade unions and opposition legislators argued that the amendment undermined hard-won labour protections. Extended hours without parallel

[49] The Factories (Karnataka Amendment) Act, 2023.

guarantees on overtime pay, health safeguards, or workplace conditions risk institutionalising exploitative practices. In constitutional terms, although labour falls within the Concurrent List, such reforms must be situated against Articles 21 and 42, which mandate humane working conditions and just treatment of labour. The speed with which the Act was passed, with little deliberation, underscored the government's prioritisation of investment imperatives over thorough debate on labour rights.[50]

In contrast, the Karnataka Fire Force (Amendment) Act, 2023, preceded by an ordinance, represented a more traditional regulatory intervention.[51] It expanded state authority to prescribe fire safety measures and raised penalties for non-compliance.[52] The government justified its urgency on account of increasing urban vulnerabilities, particularly in high-density residential and commercial spaces. Yet critics observed that the reliance on ordinance-making again reflected a pattern of executive haste, sidelining legislative discussion.[53] Further, while penalties were enhanced, little attention was paid to institutional capacity: whether the fire services possessed adequate manpower, training, or equipment to ensure effective enforcement remained largely unaddressed.

The Karnataka State Road Safety Authority (Amendment) Act, 2023, followed a similar trajectory of incremental reform.[54] By reconstituting the Authority and altering its funding mechanisms, the statute aimed to strengthen road safety in a state with among the highest accident rates in the country.[55] While the intent was unobjectionable, civil society organisations highlighted the chronic underfunding and dormancy of such statutory

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[50] Express News Service, *Karnataka government will reconsider 12-hour workday law brought by BJP, says CM Siddaramaiah*, THE INDIAN EXPRESS (Bengaluru), January 19, 2024, available at https://indianexpress.com/article/cities/bangalore/karnataka-government-12-hour-workday-law-cm-siddaramaiah-9116897/ (Last visited on October 3, 2025) (noting that trade unions opposed the Factories (Karnataka Amendment) Bill, 2023, which extended permissible workdays to 12 hours).

[51] The Karnataka Fire Force (Amendment) Act, 2023.

[52] The PRS memorandum and Bill justification stress rising urban vulnerability and the need for modernised rule-making powers, rather than naming a single incident that denoted urgency behind making this Act.

[53] The legislative record and PRS note make clear the ordinance route was used (i.e., promulgation when the legislature was not in session) and the Bill replaces that Ordinance; commentators routinely treat ordinance use as a form of executive haste that short-circuits fuller legislative scrutiny. See Statement of Object and Reason of the Bill that replaces the Act, available at https://prsindia.org/files/bills_acts/bills_states/karnataka/2023/Bill3of2023Karnataka.pdf?

[54] The Karnataka State Road Safety Authority (Amendment) Act, 2023.

[55] Express News Service, *Road accidents, fatalities rose in Karnataka and Bengaluru in 2022: Report*, THE INDIAN EXPRESS (Bengaluru), November 3, 2023, available at https://indianexpress.com/article/cities/bangalore/road-accidents-fatalities-rose-karnataka-bengaluru-2022-9011662/ (Last visited on October 3, 2025) (citing Union Ministry of Road Transport and Highways data that 11,702 people were killed in 39,762 accidents in Karnataka during 2022).

authorities.[56] Without sustained political will and resource allocation, the reorganisation of governance structures risks becoming merely cosmetic, failing to translate into tangible improvements in road safety outcomes.

Taken together, Karnataka's 2023 legislation on labour and safety illustrates a dual orientation. On the one side, bold deregulation through the Factories Amendment demonstrated the State's willingness to prioritise industrial competitiveness over labour protection. On the other hand, reforms in fire safety and road safety addressed genuine concerns but relied heavily on ordinance-making and institutional reshuffling, with little engagement with systemic deficits in enforcement capacity. The pattern suggests a State more committed to projecting business-friendliness than to deepening its constitutional promise of humane labour standards and robust public safety.

Recruitment & Public Services

One of the most prominent legislative responses in Karnataka during 2023 was the Karnataka Public Examination (Measures for Prevention of Corruption and Unfair Means in Recruitment) Bill, 2023.[57] The statute emerged directly from the recurring scandals of paper leaks and organised cheating that had plagued public examinations in recent years, severely undermining public trust in recruitment to state services and provoking sustained protests by aspirants. Against this backdrop, the Bill was positioned as both a corrective reform and a political signal of responsiveness to youth constituencies.

The Act criminalises a wide range of malpractices, including paper leaks, impersonation, and organised cheating, prescribing stringent penalties of imprisonment and substantial fines.[58] It further empowers investigating authorities with enhanced powers to dismantle networks enabling recruitment fraud.[59] From a political standpoint, its introduction allowed the newly elected Congress government to demonstrate decisive action on a matter that had generated electoral salience. Yet, legislative debate revealed concerns about whether

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[56] ₹480.50 crore collected as road safety cess between 2017-18 and 2019-20 was only transferred to the Road Safety Fund in 2020-21, and that rules required for KSRSA were not framed till October 2021. See HT Correspondent, *CAG report: Road safety policy failed to reduce accidents*, HINDUSTAN TIMES (Bengaluru), March 17, 2022, available at https://www.hindustantimes.com/india-news/cagreportroad-safety-policy-failed-to-reduce-accidents-101647456907960.html (Last visited on October 3, 2025) (reporting the CAG's findings that Karnataka's road safety policy did not achieve a reduction in accidents).

[57] The Karnataka Public Examination (Measures for Prevention of Corruption and Unfair Means in Recruitment) Act, 2023.

[58] Ibid § 2(f) (defining "unfair means" to include impersonation, paper leaks, and organised cheating).

[59] Ibid §§ 12–17 (conferring powers for confiscation, senior-level investigation, and trial by designated courts).

criminalisation alone could cure systemic vulnerabilities. Critics pointed out that recruitment scandals typically involve insider complicity within examination boards, inadequate technological safeguards, and weak institutional oversight. In the absence of parallel reforms to digital security systems, examination management, and independent supervisory bodies, the Act risks becoming a largely symbolic deterrent rather than a comprehensive safeguard.

Constitutionally, the legislation is anchored in the State's competence over public services under Entry 41 of the State List. At a normative level, it resonates with the constitutional guarantee of equality of opportunity in public employment under Article 16, seeking to preserve the meritocratic integrity of recruitment processes. However, the statute also exemplifies a familiar legislative reflex: reliance on penal provisions to address what are fundamentally administrative and institutional failures. By framing the problem primarily in criminal terms, the State risks neglecting the structural reforms required to insulate public recruitment from political interference and bureaucratic malpractice.

In a broader perspective, the Public Examination Bill epitomises a recurring feature of Karnataka's governance in 2023: swift legislative responses to public crises that prioritise demonstrable toughness over long-term institutional strengthening. While the law addresses the immediate demand for accountability in recruitment, its effectiveness will depend less on its punitive provisions and more on whether the State undertakes deeper reforms of examination governance and transparency.

Executive Lawmaking

A striking feature of Karnataka's legislative record in 2023 was the government's repeated resort to ordinance-making under Article 213 of the Constitution. Five ordinances were promulgated during the year, three of which were later converted into Acts. While each was formally justified by claims of urgency or judicial compulsion, the pattern points to a deeper trend: the executive's use of ordinances as a functional substitute for legislative debate. This practice weakens the deliberative role of the Assembly and Council, thereby unsettling the balance envisioned in the constitutional scheme of parliamentary democracy. In the preceding sections, many of the ordinances have been discussed, yet the author has tried to produce a law-making standpoint view from the remaining ordinances yet to be discussed, vis-à-vis those that have been discussed.

The proliferation of ordinances in Karnataka through 2023 illustrates how a constitutional emergency tool has increasingly been converted into a routine instrument of governance.

The Karnataka Goods and Services Tax (Amendment) Ordinance, 2023,[60] The Karnataka Gram Swaraj and Panchayat Raj (Amendment) Ordinance, 2023,[61] and the Karnataka Transparency in Public Procurements (Amendment) Ordinance, 2023[62] These are emblematic examples. Each was justified under the rhetoric of urgency, whether compliance with a GST Council directive, judicial timelines for panchayat elections, or reforms in tendering practices. Yet, the resort to ordinance-making in these contexts displaced legislative debate and scrutiny, leaving the Assembly to function largely as a ratifying body. The very design of constitutional democracy, which locates lawmaking within the legislature as a deliberative process, was weakened in the process.

What becomes evident is that ordinance-making has been wielded less as an emergency provision and more as a political strategy. In the case of the Panchayat Raj Ordinance, for instance, urgency masked controversial redrawing of constituencies, while the Transparency in Public Procurements Ordinance expanded executive discretion in a historically sensitive area without parliamentary oversight. Even measures that addressed genuine administrative concerns, such as the Karnataka Compulsory Service of Candidates Completed Medical Courses (Amendment) Ordinance, 2023[63] and the Karnataka Fire Force (Amendment) Ordinance, 2023,[64] were introduced in ways that sidelined stakeholder consultation. Together, these examples show how ordinance-making in Karnataka has become a mode of executive convenience, privileging speed and control over democratic debate and accountability and eroding the participatory essence of state-level lawmaking.

From a constitutional standpoint, Article 213 was intended as a safety valve for extraordinary contingencies when the legislature is not in session. Karnataka's 2023 experience demonstrates a more troubling use: ordinances were deployed as instruments of convenience to meet centrally imposed deadlines, avoid legislative resistance, or expedite politically sensitive reforms. Such a pattern not only normalises governance by executive decree but also erodes the deliberative and participatory functions of the legislature. In doing so, it reflects the broader phenomenon of "executive creep" in Indian federalism, where the rhetoric of urgency is used to justify short-circuiting institutional checks central to a parliamentary democracy.

Conclusion

[60] Karnataka Goods and Services Tax (Amendment) Ordinance, 2023.
[61] Karnataka Gram Swaraj and Panchayat Raj (Amendment) Ordinance, 2023.
[62] Karnataka Transparency in Public Procurements (Amendment) Ordinance, 2023.
[63] Karnataka Compulsory Service of Candidates Completed Medical Courses (Amendment) Ordinance, 2023.
[64] Karnataka Fire Force (Amendment) Ordinance, 2023.

The legislative record of Karnataka in 2023 was marked by numerical productivity but normative ambivalence. Thirty-two Bills were passed and five Ordinances promulgated, yet this output was compressed into just thirty-nine sitting days, among the highest in India, but still below the statutory minimum of sixty mandated under the Karnataka Conduct of Government Business in the State Legislature Act, 2005. This truncated calendar points to a deeper institutional weakness: lawmaking in Karnataka remains rushed, executive-heavy, and procedurally constrained.

Across diverse domains, certain structural tendencies emerged with clarity. In governance, a consistent tilt toward centralisation was evident, as statutory boards and executive-controlled authorities eclipsed elected local bodies. In fiscal policy, state autonomy continued to narrow under the imperatives of the GST Council, while compliance-based ordinance-making displaced meaningful scrutiny. In social justice, education, and labour, legislative responses appeared reactive, balancing symbolic commitments to welfare with policies that reinforced inequality or curtailed deliberation. The judiciary-facing enactments, though framed as reforms, remained piecemeal, addressing efficiency without expanding institutional capacity.

Threaded through these enactments was the pervasive resort to ordinance-making, transforming what was meant to be a constitutional safety valve under Article 213 into a routine tool of governance. This normalization of executive lawmaking has diminished the legislature's deliberative role and weakened its accountability functions. Ordinances justified on grounds of urgency, from panchayat reforms to GST compliance, became substitutes for democratic debate rather than instruments of necessity.

Karnataka's legislative trajectory in 2023 thus presents a paradox: a legislature prolific in form yet constrained in substance; a polity invoking decentralisation while consolidating authority; a government professing social justice even as it dilutes redistributive commitments. The task ahead is not merely procedural reform, but the restoration of the legislature as a genuine site of deliberation and constitutional imagination, rather than an arena of executive expediency.

KERALA

NOOR AMEENA★ and UDIT SINGH♦

Introduction

The Kerala Niyamasabha, hereinafter referred to as the Kerala Legislative Assembly or the Legislative Assembly or the Kerala Assembly, was first constituted in April 1957. Kerala has a unicameral legislative system. The 15th Kerala Legislative Assembly came into existence on 3 May 2021. By 31 December 2023, this Assembly has convened a total of 9 sessions, with 120 functioning days. In 2023, the Kerala Legislative Assembly convened two sessions, with 29 functioning days.

This survey documents the performance of the Kerala Legislative Assembly for the year 2023. All the necessary data for the research is digitally available on the website of the Kerala Legislature.[1] All the Bills, Ordinances, Committee Reports, etc. are updated on the website. The daily proceedings of the Assembly are available in brief in Bulletin 1, which is published both in Malayalam and English.[2] The detailed proceedings of the Legislature are available in Proceedings[3] published in Malayalam. The webcasting of the Assembly proceedings is available live through the Sabha TV,[4] as well as through on-demand webcasting through the Niyamasabha website, where they are archived in a searchable format.[5]

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[1] The websites of the Kerala Legislative Assembly can be accessed at http://niyamasabha.org/ and https://www.niyamasabha.nic.in/.

[2] Bulletins Part 1, Kerala Legislative Assembly, available at http://niyamasabha.org/codes/bulletins-pt1.htm.

[3] Proceedings, Kerala Legislative Assembly, available at http://niyamasabha.org/codes/15kla_proceedings.sessions%20.htm.

[4] Live-stream of Legislative Proceedings, Kerala Legislative Assembly, available at https://sabhatv.com/live-show.

[5] Debate Archives, Kerala Legislative Assembly, available at http://ondemandwebcast.niyamasabha.org/.

Quantitative Legislative Survey

In 2023, the Kerala Assembly convened two sessions, from 23 January to 8 March and from 7 August to 14 September, respectively. The effective functioning days in these two sessions cumulatively are 29, with 21 days in Session 8 and 8 days in Session 9. The effective functioning hours for Session 8 and Session 9 are 87 hours 34 minutes[6] and 64 hours 58 minutes,[7] totalling to 152 hours 32 minutes. The time spent on legislative business is 31 hours and 43 minutes.

In 2023, the Kerala Assembly passed a total of 23 Bills. The Assembly promulgated four ordinances - The Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to Property) Amendment Ordinance, 2023, The Kerala Taxation Laws (Amendment) Ordinance, 2023, the Kerala Panchayat Raj (Amendment) Ordinance, 2023, and the Kerala Municipality (Amendment) Ordinance, 2023. The Healthcare Service Persons Ordinance was later converted into an Act, the Taxation Laws (Amendment) Bill was passed by the Assembly and received the Governor's assent on 18th September 2023.The other two ordinances were issued after the House was adjourned *sine die*.

Of the 23 Bills passed, 14 Bills were sent for consideration of the Subject Committee, 3 Bills were sent for consideration of the Select Committee, and 5 were finance and appropriation Bills passed without being sent to Committees. The Kerala Private Forests (Vesting and Assignment) Bill, 2023 is the only Bill, apart from Finance & Appropriation Bills, which was passed without being sent to either Subject Committee or Select Committee.

The Government issued two resolutions under Rule 118, one against the proposal for the Uniform Civil Code by the Union Government, and the other regarding the change of the name of the State to Keralam in official records. The private members issued two resolutions - one on the assault on the principles of federalism by the Union Government policies by eroding the financial capacity of the state, affecting the development and welfare activities of the State Government, and another on the neglect of minority scholarships by the Union and the State Governments.

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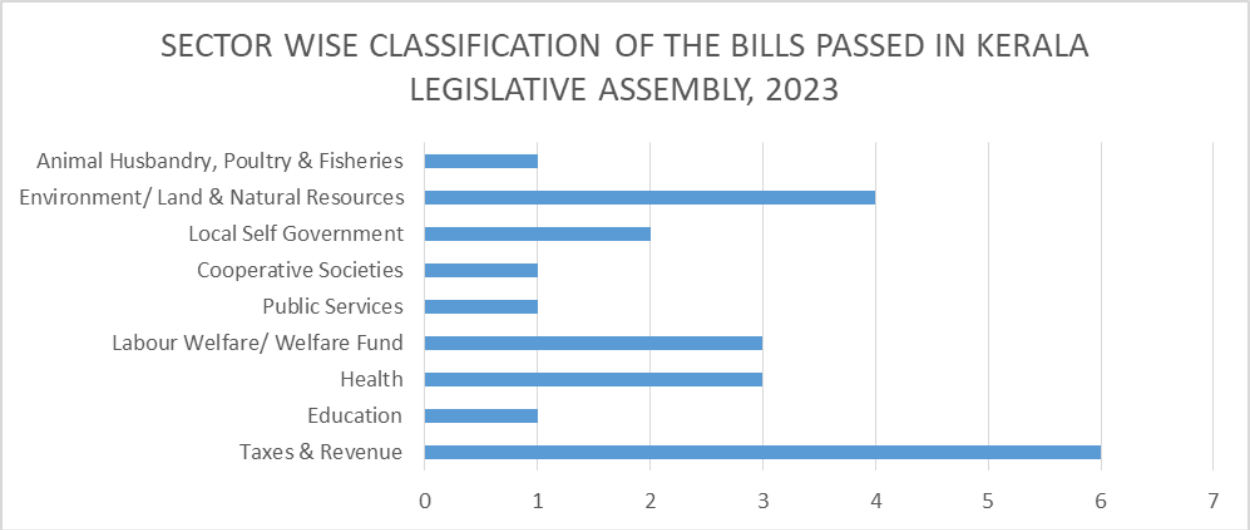
[6] Resume of Business Transacted during the Eighth Session, 15th Kerala Legislative Assembly, Kerala Legisature Secretariat, 2023, available at http://niyamasabha.org/codes/resume/15th%20kla/Resume%208th%20Session.pdf.

[7] Summary of 9th Session of the 15th Kerala Legislative Assembly, Unedited Proceedings, 15th Kerala Legislative Assembly, Session 9, 14 September 2023, available at https://www.niyamasabha.nic.in/files/business_unedited_proceeding__15__31__2023-09-14_658d3a000c6c7.pdf

Subject-wise Classification and Evaluation of Legislative Activity

This part covers a sector-wise classification and analysis of Bills and Ordinances. The legislations are broadly classified under the heads of education, health, taxes and revenue, labour welfare, public services, cooperative societies, local self-government, environment/ land & natural resources and animal husbandry, poultry, and fisheries, and the details of these legislations are briefly discussed. The figure below gives an overview of the substantive areas of legislative intervention in the year.



Finance and Taxation

The Kerala Legislative Assembly passed the Kerala Finance Act and the Kerala Taxation Laws (Amendment) Act,[8] to implement the financial proposals of the Government of Kerala for the year 2023-24. Several of these proposals involved raising the fees and fines collected by the Government. The list of services that caused a rise in user fees includes registration and allied services of charitable societies and partnership firms, conveyance fee (stamp duty) of property transactions, court fees on original petitions, etc. Additionally, the electricity duty on industrial/ commercial units was hiked, and the one-time tax and cess on newly purchased vehicles were raised.

The Government has constituted a Social Security Seed Fund with a commitment to provide social security for the vulnerable sections of society. To populate this seed fund, the

[8] The Kerala Finance Act, 2023; The Kerala Taxation Laws (Amendment) Act, 2023; The Bills sought amendments of The Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (XII of 1955), The Kerala Stamp Act, 1959, The Kerala Court Fees and Suits Valuation Act, 1959, The Kerala General Sales Tax Act, 1963, The Kerala Electricity Duty Act, 1963, The Kerala Motor Vehicles Taxation Act, 1976 , The Kerala Value Added Tax Act, 2003, The Kerala Road Safety Authority Act, 2007 , The Kerala Finance Act, 2008, and The Kerala State Goods and Services Tax Act, 2017.

Government introduced a Social Security Cess on petrol and diesel (at the rate of Rs. 2 per litre) and foreign liquor (at the rate of Rs. 20 per bottle worth Rs. 500-999 and Rs. 40 per bottle worth Rs. 1000 and above).[9]

The Government also proposed revision of property taxes and introduced fees for services issued by the Local Self Governments (LSGs), including licenses, permits, and registration to augment the revenue of LSGs.[10] Steps are also taken to flatten the tax collection by introducing measures, including extension of the e-stamp facility to court fees.

The Central Goods and Services Tax Act of 2017 created an integrated system of taxation of goods and services. The State Governments have enacted the State GST Act in consonance with the Central GST Act, and periodically update the same, congruent with the recommendations of the GST Council, and restructure the State Departments accordingly. In 2023, amendments were brought in to change the nomenclature of the designations in the State Departments in tune with the Central enactment,[11] and to reorganise the tax governance infrastructure by constituting a GST Appellate Tribunal.[12]A dissent note was circulated in the Subject Committee in relation to the constitution of the GST Appellate Tribunal. In the current scheme, the number of experts and technical members nominated by the Central Government outweighs the judicial members. It was proposed that the number of judicial members be increased to two. Another suggestion was to open camp sittings in Kozhikode to aid the traders and entrepreneurs in the Malabar region.[13]

The Government amended the Abkari Act to increase the fine for the offences of unlawful advertisement, showing the scenes of alcohol, or consumption or exhibition of liquor in theatres without warning, and illegal drawing of toddy, and converted these offences into compoundable offences.[14] This received criticism as encouraging the alcohol industry and alcohol consumption, and as a counter-productive revenue-generating measure.[15]

In the Subject Committees for these legislations for generating revenue, a few members expressed their dissent over the Government's policy to increase the tax burden of the people by raising fees and taxes instead of improving the tax governance by addressing the

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[9] The Kerala Finance Act, 2023, §10,
[10] The Kerala Finance (No.2) Act, 2023; The Kerala Building Tax (Amendment) Act, 2023. Discussed in detail in the sub-section Local Self Government.
[11] The Kerala Finance Act, 2023.
[12] The Kerala Taxation Laws (Amendment) Act, 2023.
[13] The Subject Committee Report for The Kerala Taxation Laws (Amendment) Bill, 2023, http://niyamasabha.org/codes/15kla/bills/The%20Kerala%20Taxation%20Law%20(Amendment)%20Bill%20As%20Reported%20by%20Sub%20Com.pdf
[14] The Abkari (Amendment) Act, 2024.
[15] Dissent Note in Subject Committee for The Abkari (Amendment) Bill, 2023.

tax evasion and recovering the tax dues. A few measures, like the introduction of e-way bills for gold, were proposed to improve tax collection.

Health

Revamping the Public Health Infrastructure of the State

In the wake of the spread of communicable diseases like Covid and NIPAH, the need for a unified system to coordinate the activities of various departments was felt more than ever. The Kerala Public Health Bill, 2021 was introduced to replace Travancore-Cochin Public Health Act, 1955 and the Madras Public Health Act, 1939, unifying the existing legislations, to create a comprehensive legislation for public health governance.

It envisages a three-tier public health system by constituting State, District, and Local Public Health Committees, and designates the existing health officials as public health authorities (Director of Health Services as State Public Health Officer; District Medical Officer (Health) as District Public Health Officer;[16] Health Officer of the local body as Local Public Health Officer).[17] These Committees have representation from various departments including Health, Health & Family Welfare, Medical Education, Homeopathy, Food Safety, Agricultural Development & Farmers Welfare, Animal Husbandry, Fisheries, and Dairy Development to ensure coordinated action in public health planning and implementation of schemes for the proactive and reactive requirements for preventing and controlling emerging diseases, outbreaks of communicable diseases and increased prevalence of non-communicable diseases.

SPHO can collect public health-related data from the public and private healthcare establishments to monitor the public health situation in the state.[18] However, the Act does not specify any safeguards for such data collection and processing. The Public Health Officers may recommend to the State Government or the District Magistrate, respectively, to declare a public health emergency in the State or the District. They can issue a common protocol for health care providers for the prevention or treatment of notified diseases, and issue health protocols for the public for surveillance, prevention, and control of notified diseases.[19]

It lays out the responsibilities of the State and local health authorities in many new areas, including NCD (non-communicable disease) control and creating a conducive environment

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[16] The Kerala Public Health Act, § 5.
[17] *Id.*, § 6.
[18] *Id.*, § 7.
[19] *Id.*

(including the creation of open spaces and facilities to help people become physically active) to embrace lifestyle changes, checking zoonotic disease outbreaks, welfare of migrant labourers, food safety, checking the quality of drinking water, blood banks and blood safety, biomedical waste management, tackling antimicrobial resistance and even ensuring adequate toilet facilities in public spaces.[20] It also prescribes for the said authorities to prepare an annual action plan for public health for the area under their jurisdiction based on the Annual Health Status Report of the area before the commencement of every financial year.[21]

While this legislation focuses on conferring statutory powers to the Health Department to coordinate departments to combat epidemics and assign public health-related functions to existing medical officers, it is silent on how to equip these medical practitioners to perform such functions. Contrary to this, Tamil Nadu has created a separate cadre for public health, with different qualifications, education and training, and a service track.[22]

Protection from Violence against Healthcare Service Persons and Institutions

The Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to Property) Amendment Ordinance was issued in the context of the death of a young woman doctor, who was stabbed by a patient in Kollam District in Kerala.[23] The High Court of Kerala, on the application of Kerala Private Hospitals Association ordered necessary measures, including legislative action, to reduce the incidence of violence against healthcare service persons and prevent damage and loss to property in healthcare service institutions.[24] The Government amended the definition of 'healthcare service persons' to include 'para medical students and para medical workers, security guards, managerial staff, ambulance drivers and helpers employed and working in medical service institutions, to extend the protection of the Act to these services. The offences under the Act were further classified based on the gravity of offence, and separate punishments were imposed. Verbal abuse may be punished with 3 months imprisonment or a fine of Rs. 10000/- or both. Any act of violence or incitement of violence less than grievous hurt is punishable with a

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[20] The Hindu Bureau, *Kerala Assembly passes new Kerala Public Health Bill*, 21 March 2023, https://www.thehindu.com/news/national/kerala/kerala-assembly-passes-new-kerala-public-health-bill/article66646890.ece

[21] The Kerala Public Health Act, 2023, § 7(3).

[22] The Tamil Nadu Public Health Act, 1939.

[23] The Indian Express, 23-yr-old Kerala doctor stabbed to death while on duty, protests across state, 11 May 2023, https://indianexpress.com/article/india/crime/kerala-kottarakkara-woman-doctor-stabbed-to-death-by-accused-in-hospital-8601345/.

[24] Kerala Private Hospitals Association v. Advocate Sabu P. Joseph, R.P. No.379 of 2021 in W.P.(C) No.10659 of 2021 and W.P.(C) No.11820 of 2021.

minimum punishment of 6 months imprisonment and a fine of Rs.50,000/- extendable up to five years imprisonment and Rs. 2 lakhs. Any act of violence or incitement of violence resulting in grievous hurt punishable with a minimum punishment of 1 year imprisonment and a fine of Rs.1 lakh, extendable up to seven years imprisonment and fine of Rs.5 lakhs. Apart from the criminal prosecution, the offenders are also liable to compensate for the loss of the healthcare person or the institution twice the amount of the damage caused. Provisions are incorporated for speedy investigation and trial, expansion of the security of the hospitals by deploying of security personnel, installing CCTV cameras, and safety and security devices/equipment, arrangement of control rooms and alarm systems, display of important information addressing stakeholders, evolving protocols for the safety of healthcare workers etc. The major criticism against the Bill is that it fails to provide patient protection rights.

Medical Education

The Government of India enacted the National Medical Commission Act, 2019, repealing the Indian Medical Council Act, 1956, replacing the Medical Council of India with the National Medical Commission. Consequently, the State Government amended the Kerala Medical Education (Regulation and Control of Admission to Private Medical Educational Institutions) Act, 2017, to reflect this change of nomenclature.[25]

Labour

Welfare Funds

Welfare Funds is a unique social security mechanism devised by the Government of Kerala to provide minimal social security to the unorganized sector, by pooling the contributions of employees, employers, as well as the government, and select levies towards a common fund. Welfare Fund Boards manage the Welfare Funds as per the functions laid down in the respective legislations. In an important move, the Government decided to systematise the appointments of the Workers' Welfare Boards constituted under various legislations. The majority of the posts in these Welfare Boards were made as temporary appointments, and the Government faced allegations of political intervention in the job recruitment to Welfare Boards. In this context, the Government decided to conduct appointments to these Boards through the Kerala Public Service Commission. In 2023, the appointments to the following Welfare Boards are brought within the purview of the Public Service Commission: the Kerala Agricultural Workers' Welfare Fund Board, the Kerala Building and Other Construction

[25] The Kerala Medical Education (Regulation and Control of Admission to Private Medical Education Institutions) (Amendment) Act, 2023.

Workers' Welfare Board, the Kerala Shops and Commercial Establishments Workers' Welfare Fund Board, the Kerala Abkari Workers' Welfare Fund Board, and the Kerala Fishermen's Welfare Fund Board.[26]

In 2023, the Government took steps to reconstitute the Kerala Dairy Farmers' Welfare Fund Board, constituted for the purpose of providing pensions, to grant relief, and ensure the welfare of the farmers engaged in cattle rearing in Kerala. Recognizing the absence of representation from Anand Pattern Milk Producers Co-operative Societies (APCOS) in the Board which constitute 85 percent of the total milk societies in the aggregate, the Government sought to increase the number of members in the Board from 12 to 15 to include three nominated members from the Presidents of APCOS functioning in the State. The amendments also sought to improve the transparency and accountability of the functioning by making the process of application for membership online, and mandating the maintenance of registers recording the details of the members availing schemes, and the pensioners. Another important measure introduced by the Government is to appoint an officer not below the rank of Joint Director in the Dairy Development Department as the Chief Executive Officer of the Board, and to realise the amount with interest from the responsible officer in the society if the contribution paid by the dairy farmers is not paid to the Fund by the societies in the same month to curb mismanagement.

Payment of Fair Wages

The Government enacted the Kerala Motor Transport Workers' Payment of Fair Wages (Amendment) Act 1971, to ensure the payment of fair wages to the motor workers in Kerala. As per the original Act, the redressal authority for claims arising from non-payment of fair wages is Labour Commissioner. The Government seeks to appoint any Commissioner for Employee's Compensation or an officer not below the rank of a Deputy Labour Commissioner of the State Government for select areas and redesignate Labour Commissioner as the Appellate Authority.

The Deputy Commissioner may order the payment of the difference of wages paid and fair wages with interest, along with compensation not exceeding 10 times such difference. The punishment for non-payment of fair wages without reasonable cause is punishable with imprisonment with a fine of Rs. 500/-. The fine amount is revised to Rs. 2000/-.[27]

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[26] The Kerala Public Service Commission (Additional Function as Respects certain Corporations and Companies) (Amendment) Act, 2023, http://niyamasabha.org/codes/15kla/bills/KPSC%20amendment%20bill%202023%20as%20psd.pdf.

[27] The Kerala Motor Transport Workers' Fair Wages (Amendment) Act, 2023.

Local Self Government (LSG)

Revision of Property Tax

The government proposes a comprehensive revision of property tax at the behest of the LSG, including permit fee for the construction of residential and non-residential buildings. Wide powers are provided for the assessment and taxation of the buildings, multiple ownership of houses by a single individual, and newly constructed houses that are not put to any use.[28]

The Kerala Building Tax (Amendment) Act, 2024, is intended to improve the tax collection of the LSGs. The one-time building and luxury tax is collected on the basis of the plinth area of the building levied and collected by the Revenue Department. However, due to manpower shortage in the revenue department, a number of buildings remain unassessed, resulting in a heavy shortfall in revenue. The impugned legislation is amended to enable tax collection on the basis of the assessment report submitted by the LSGs.

The State Government is also levying an annual luxury tax on residential buildings with a plinth area of more than 278.7 m^2 as per entry 49 of the State List in the 7th Schedule to the Constitution of India. However, the 101st Constitutional Amendment omitted the tax on luxuries from entry 62 of the State List. Thereafter, several writ petitions were filed before the High Court questioning the authority of the State Government to collect luxury tax. To avoid liability over the tax collected after the said Constitutional amendment, this amendment clarifies the legal position, with retrospective effect.

The amendment Act also states that those who make false statements or declarations under this Act shall be punished with a fine of 50 percent of the building tax, instead of proceeding under §177 of the Indian Penal Code.[29] The government policy to generate revenue by increasing fees for various services, including building permits, received criticism.[30]

Amendments were also issued to facilitate the regularisation of illegal constructions, by shifting the date set for condonation of the offences from July 2017 to November 2019.[31] Any unlawful constructions made on or before 7 November 2019 can be regularised upon payment of a compounding fee prescribed by the Government.

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[28] The Kerala Finance (No.2) Act, 2023.
[29] The Kerala Building Tax Act, 1975, §21.
[30] The Report of the Subject Committee on The Building Tax (Amendment) Bill, 2023 http://niyamasabha.org/codes/15kla/bills/Kerala%20building%20tax%20(Amendment)%20bill%20(as%20reported%20by%20Sub%20Com.).pdf
[31] The Kerala Panchayat Raj (Amendment) Act, 2023; The Kerala Municipality (Amendment) Act, 2023.

Solid Waste Management

The High Court of Kerala in several cases pointed out the importance of awareness creation among citizens to ensure proper compliance of the Solid Waste Management Rules, 2016. The State Government announced a campaign for waste management, "Malinyamuktam Nava Keralam" (Litter-free Kerala), with the objective of making the state litter-free by the month of March 2024. In the backdrop of this campaign, the Government introduced two ordinances for making periodical changes in the provisions relating to waste management in the Kerala Panchayat Raj Act, 1994, and the Kerala Municipality Act, 1994, and to incorporate penal provisions for those who infringe the provisions of the Act.[32] Both the Ordinances were replaced with bills that were passed in February 2024, and were assented to by the Governor and notified on 2 March 2024.[33]

Cooperative Societies

The Cooperative sector in Kerala has grown tremendously over time, with the total deposits reaching Rs. 2 lakh crores. At the same time, several incidents of undesirable practices in the cooperative sector surfaced in the recent past. In this context, the Government passed the Kerala Co-operative Societies (Third Amendment) Bill, 2022, to undertake a complete revamp of the cooperative sector, to improve the management and transparency of the societies and to promote the interference of the Government.

The Bill revises the minimum share capital required for registration of credit societies to Rs. 2,50,000/- and for non-credit societies to Rs. 1,00,000/-. However, this requirement does not apply to cooperative societies of Scheduled Castes/ Scheduled Tribes, fisheries, women, and traditional industrial cooperative societies.[34]

The Bill proposes several changes in the governance of the cooperative societies to augment government control over the cooperative societies. The Bill proposes that the Registrar of Cooperative Societies shall be an officer of the State Government. The Bill further empowers the Registrar to suspend the governing body of any cooperative society, after a preliminary inquiry by himself, a financing bank, or the Vigilance and Anti-Corruption Bureau, upon prima facie evidence on wilful disobedience or misconduct, or misappropriation of evidence, for a period not more than 6 months.

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[32] The Kerala Panchayat Raj (Amendment) Ordinance, 2023; The Kerala Municipality (Amendment) Ordinance, 2023.
[33] The Kerala Municipality (Amendment) Act, 2024; The Kerala Panchayat Raj (Amendment) Act, 2024.
[34] The Kerala Cooperative Societies (Amendment) Act, 2022, §4.

The amendment eases the process of merger, transfer of assets and liabilities, and division of societies by a resolution of the General Body of society by a simple majority of the members present and voting, as against a two-thirds majority of the members present and voting. Detailed guidelines are also introduced in the regulation of subsidiary institutions promoted by the societies, and the partnership of cooperative societies.

The Bill seeks to diversify the governing body by reserving two seats for those who are 45 years old or younger,[35] and by nominating two members with significant banking experience, who have been in paid service of the banking institutions, by the societies. If the societies fail to nominate such members within the designated time, the Government will nominate them.[36] The Bill limits the re-election of members to the governing body for more than three consecutive terms.[37]

The Bill also proposes a common software platform for all cooperative societies to streamline operations, and to curb mismanagement.[38] Stricter regulations are imposed on the sanction of loans to promote better health of the societies by curbing inflated valuations and risk of default. The sanctioning loans exceeding the individual maximum borrowing limit set by the Registrar is made a punishable offence; and the valuation of the immovable property pledged for loans exceeding Rs. 10 lakhs shall be done by a panel of five members including two officers including the CEO of the society, two members of the Committee, and an independent valuer.[39] The Bill also proposes setting up a Cooperative Fund for reviving societies that are weak or dormant.[40]

The Bill received strong dissent in the Select Committee for excessive government interference resulting in diminution of the autonomy of societies, with little or no effort to strengthen the cooperative sector. The higher state control through Registrar, who is an officer of the State Government, and the reorganisation of governing bodies to have nominated members with professional skill is also critiqued as a measure to increase government control by introducing nominees of the state. The limitation of membership to not more than two consecutive terms is also conceived as an anti-democratic measure. The common software platform proposed for all cooperative societies, and the added limitations in running subsidiary institutions is also critiqued to affect the decentralized management

[35] *Id.*, §5.
[36] *Id.*, §17.
[37] *Id.*, §28.
[38] *Id.*, §24.
[39] *Id.*, §30.
[40] *Id.*, §19.

of the societies and that it would augment the burden of the economically struggling societies.[41]

Land and Forests

The Kerala Government Land Assignment Bill, 2023 was introduced in the wake of multiple court proceedings pertaining to unauthorised land encroachment, construction activities, and land use other than the purposes for which it was originally assigned, violating the conditions attached to patta. This amendment Bill seeks to regularise the unauthorised construction and land use. The Subject Committee welcomed the Government's move to ease the difficulties of the people who were limited by their patta only to do agriculture, but expressed dissent over the inadequate steps taken by the Government to prevent misuse.[42]

The Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971 deals with the lands hitherto controlled by the Sree Padmanabhaswamy Temple. "Sree Pandaravaka land" means any land owned by the Sree Padmanabhaswamy Temple and registered in the revenue records as "Sree Pandaravaka".[43] The Act extinguishes the right, title, and interest of the Temple held by the landholders, and vests the same in the Government of Kerala (barring the exceptions). The State Government makes an annuity to the Temple as compensation for the extinguishment of its right, title, and interest in the lands, which is fixed as Rs. 58,500.[44] The Government amended this enactment to enhance the annuity being paid to Sree Padmanabhaswamy Temple to thrice the amount, and to provide for periodic revision of the annuity by adding a clause for reviewing this amount after 10 years.[45]

The Kerala Conservation of Paddy Land and Wetland Act, 2008 was enacted by the Government to conserve the paddy land and wetland and to restrict the conversion or reclamation, to promote growth in the agricultural sector, and to sustain the ecological system in the State. The Act confers powers and functions on the Revenue Divisional Officer; however, it does not define the term 'Revenue Divisional Officer'. Hence, the Government issued an amendment to define RDO, to include any officer appointed as Revenue Divisional

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[41] The Report of the Select Committee on The Cooperative Societies (Third Amendment) Bill, 2022, http://niyamasabha.org/codes/15kla/bills/THE%20KERALA%20CO-OPERATIVE%20SOCIETIES%20(THIRD%20AMENDMENT)%20BILL,%202022.pdf

[42] The Kerala Government Land Assignment Bill, 2023 http://niyamasabha.org/codes/15kla/bills/Kerala%20Land%20Assignment%20Bill,%202023%20as%20rep%20sub%20com%20.pdf

[43] The Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971, §2 (i).

[44] *Id.*, §6.

[45] The Sree Pandaravaka Lands (Vesting and Encashment) Amendment Bill, 2022.

Officer by the Government, or any officer not below the rank of Deputy Collector appointed to exercise the powers of RDO.

The Kerala Private Forests (Vesting and Assignment) Act, 1971 ("Act of 1971") was enacted as part of Kerala's larger land reform programme to provide for the vesting of private forests in the State and for the assignment of land to agriculturalists and agricultural labourers. The Act contains a protection clause that exempts from vesting those private forests which, on the appointed day (10 May 1971), were under the personal cultivation of the owner or were held by a cultivating tenant.

Section 72K(2) of the Kerala Land Reforms Act, 1963 ("LRA") provides that a certificate of purchase issued by the Land Tribunal shall be conclusive proof of the assignment to the tenant of the right, title, and interest of the landowner and any intermediaries in respect of the holding or the relevant portion thereof.

In *State of Kerala v. Mohammed Basheer* (2019),[46] the Supreme Court held that, on the facts of that case, a certificate of purchase issued under the LRA was sufficient to treat the respondent as having been in possession as a cultivating tenant and therefore such land is would be exempt from vesting under Section 3(2) of the Act of 1971. The State Government took the view that if this interpretation were applied broadly, a substantial proportion of the pending forest-vesting dispute could potentially be decided against the State, with serious implications for forest conservation.

To address the consequences of the aforesaid judicial interpretation, the State amended Section 3 of the Act of 1971 through the Kerala Private Forests (Vesting and Assignment) Amendment Act, 2023, with retrospective effect from 10 May 1971. The amendment clarifies that a certificate of purchase issued under the LRA may be treated as a relevant piece of evidence, but shall not constitute conclusive proof of personal cultivation for the purpose of claiming exemption from vesting. Before the passage of this Amendment Act, similar provisions were promulgated by an ordinance in 2020 which was kept operable by being repromulgated seven times.

This ordinance was not taken up during the ordinance-clearing session convened by the Kerala Legislature in 2021 to consider Bills replacing the ordinances then in force. The Bill relating to the Private Forests ordinance was subsequently introduced as the final item on the last day of the 8th Session of the 15th Kerala Legislative Assembly and was passed without discussion and without reference to the Subject Committee.

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[46] The State of Kerala v. Mohammed Basheer, AIR 2019 SC 2994.

Poultry

The public and cooperative sector produces less than 50 percent of the poultry and livestock feed requirement in Kerala, by two major institutions, MILMA and Kerala Feeds Limited. The rest of the requirement is catered to by the private sector, and the feeds brought from other states. The raw materials required for the production of livestock and poultry feed are also procured from other states. However, there existed no quality control mechanism to ensure the safety of the livestock and poultry feed and supplementary feeds, produced or sold in the State. Hence the Government passed The Kerala State Livestock and Poultry Feed and Mineral Mixture (Regulation of Manufacture and Sale) Bill, after extensive consultations with the stakeholders, to ensure safe and quality feed and to regulate manufacture, storage, distribution and sale of feed stuff, livestock and poultry feed and mineral mixture in the State of Kerala. The provisions of the Bill were introduced for the first time by an ordinance in February 2021, and thereafter the provisions were kept alive by re-promulgating the ordinance, until it was finally passed in the Assembly.

Non-Statutory Interventions

The members of the Assembly raise concerns about their constituency as well as the general well-being of the state through systematic interventions as provided by the Rules of Procedure of the Legislature. This part highlights concerns raised by the Government as well as individual members in relation to Centre-State relations.

Resolutions

The Kerala Legislature passed two Government resolutions in 2023. These resolutions urged the Central Government to take steps to withdraw the move to implement a Uniform Civil Code. In another resolution, the Chief Minister urged the Central Government to rename the State of Kerala as ‘Keralam’ in the Constitution and all official records.

The private members also invoked the resolutions on matters of public interest. C.H. Kunhabu, MLA, moved a private member resolution demanding the Union Government to rectify its policies curtailing the developmental and welfare activities of the State and to uphold the constitutional values of federalism. The Union Government policies strangulate the state financially — implementation of GST in a manner violative of the federal tenet of ‘strong Centre and strong States. The Union Government continues to levy cess on petrol and diesel which is outside the purview of GST, reduces the legitimate shares of the states from the divisible pool of taxes, stopping of revenue deficit grants, reducing the Central shares of Central Sector Schemes, non-payment of compensation for the revenue loss arising from the implementation of GST despite specific cess being collected on that

account, reduction of the permissible debt limit of the states, denying permission for KIFBI and Social Welfare Pension Ltd. to take loans by categorising the debt of these institutions as public debt despite the Centre continuing to take such measures, to list a few.[47]

N. Shamsuddeen, MLA, moved a resolution to take corrective measures against the neglect of minority students by the Union and State Governments. The resolution called on the Central Government to reconsider the revocation of Maulana Azad Scholarship for collegiate students, the limiting of Pre-Matric Scholarships to students from IX and X students. These scholarships were introduced for the social upliftment of minorities after the Sachar Committee Report in 2006. The resolution also critiqued the State Government for not spending any amount on different heads of minority welfare, including Joseph Mundassery Scholarship, Mother Theresa Scholarship, A.P.J. Abdul Kalam Scholarship, and ITC Fee Reimbursement Scheme.[48]

Executive vs Legislature: Role of Governor in Lawmaking

The role of the Governor in lawmaking was seriously debated in the Kerala public sphere. The legislature-executive tussle when two different parties are in power in the Union and State Governments is not unusual. However, during the past few years, Kerala witnessed a series of unprecedented events on the part of the Governor. Key issues involved the Governor's assent to bills, and his powers as *de jure* Chancellor of universities.

Governor Sitting on Bills Passed by the Legislature

The Kerala Government approached the Supreme Court with a writ petition under Article 32, contending that the Governor has failed in his constitutional duties by causing unreasonable delay in giving assent to the Bills. The submissions by the Government to the Supreme Court reveal that the Governor unusually delayed clearing eight Bills, spanning 7 months to 23 months, five of which were University (Amendment) Bills. The other Bills on which assent was withheld included the Cooperative Societies (Second) Amendment Bill, 2022, the Lok Adalat Bill, 2022, and the Public Health Bill, 2021. The Supreme Court, in a similar case concerning the State of Punjab and its Governor, clearly said,

"The Governor, as an unelected Head of the State, is entrusted with certain constitutional powers. However, this power cannot be used to thwart the normal course of lawmaking by the State Legislatures. Consequently, if the Governor decides to withhold assent under the

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[47] 15th Kerala Legislative Assembly, Eighth Session, Bulletin Part I (Brief Record of the Proceedings) No. 104, 7 March 2023, available at http://niyamasabha.org/codes/15kla/bulletins/Bulletin%20Part%201%20No.%20104.pdf.
[48] *Id.*

substantive part of Article 200, the logical course of action is to pursue the course indicated in the first proviso of remitting the Bill to the state legislature for reconsideration."

The Supreme Court, on 26 November 2023, observed that no reason or justification has been adduced before it as to why the Governor kept the Bills pending for an inordinately long period of time before exercising the power under Article 200. Subsequently, the Governor cleared these Bills - the Governor gave assent to The Public Health Bill, 2021, and sent the remaining seven Bills for the consideration of the President.

Governor as de-jure Chancellor

The intervention of the Governor in the appointment of Vice Chancellors (VCs) in the state universities as the *de-jure* Chancellor created a political debate in the Kerala public sphere. This Governor-Government row began in 2021, when the term of office of the VCs in eight State Universities expired; the Search Committee for the appointment of VCs commenced its operation. Thereafter, a decision was made to reappoint the current VCs, and the Search Committee was dissolved. The Governor, as Chancellor, approved the decision, but later in a press release stated that such appointment was made after intervention of the Minister of Higher Education and the Chief Minister, followed by the legal opinion from the Advocate General approving the *vires* of such decision. The appointment of the VCs of two universities was challenged before the High Court as violative of UGC Regulations. In one of these cases, the Supreme Court struck down the appointment of the VC as violative of UGC Regulations (anomaly in the process followed by the Search Committee). Consequent to this, in an unusual move, the Governor sought the resignation of the Vice-Chancellors of nine universities.[49]

In the meantime, the Legislature introduced an ordinance to remove the Governor from the position of Chancellor of the Universities, which was returned unsigned by the Governor.[50] Later on, in December 2022, the Kerala Legislative Assembly passed two University Laws (Amendment) Bills, 2021, which sought to amend eight Acts relating to different universities to remove the Governor as the ex-officio Chancellor of the Universities and to empower the State Government to appoint a Chancellor. However, in December 2023, the said Bills were reserved by the Governor for consideration of the President of India.

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[49] *Kerala Governor asks nine VCs to resign in 24 hrs, government says don't,* 23 October 2022, https://www.onmanorama.com/news/kerala/2022/10/23/kerala-governor-arif-mohammed-khan-asks-vice-chancellors-resign.html.

[50] *Kerala Governor returns ordinance to remove him as chancellor without signing*, 23 November 2022, https://www.newindianexpress.com/states/kerala/2022/nov/23/kerala-governor-returns-ordinance-to-remove-him-as-chancellor-without-signing-2521320.html.

Executive Lawmaking

A total of 4230 entries in the Extraordinary Gazette were published by the Government of Kerala from 1 January 2023 to 31 December 2023. The entries included constitution of Industrial Single Window Clearance Boards, revision in land value, notification for land acquisition and fair value compensation, constitution of Welfare Boards, Welfare Societies, Harbour Welfare Societies, announcement of state lotteries, corrections in Data Bank to mark change in land use, notification of urban development plans, street venders' policy, Master Plan of municipalities, announcement of new courts, routine appointments, amendments to rules formulated under different enactments etc.

Conclusion

The predominant theme running through the legislative and non-legislative business of the Assembly is a disdain towards the Union Government for cutting down the funds for the State Government. The conflict between the State Government and the Union Government, acting through the Governor, reached another level when the Governor stifled the state legislative machinery by withholding assent to the Bills for more than a year. A majority of legislation was intended to raise the revenue of the State Government by increasing fees and fines, and introducing compounding of offences. The substantive legislations included the legislations for public health governance, protection of health workers, rise of fair wages, systematization of Labour Welfare Fund Boards, etc. Legislation was also enacted to remedy situations created by the orders of the court.

MADHYA PRADESH

GUNJAN JENA*

Introduction

Madhya Pradesh has a unicameral legislature, namely the Vidhan Sabha, with a total of 230 seats, with 116 seats required for a majority. The 14th and 15th sessions of the 15th Vidhan Sabha of Madhya Pradesh were held in 2023. The 14th Session was held from 27 February 2023 to 27 March 2023. The 15th Session was held from 11 July 2023 to 15 July 2023.[1] After the elections held in November 2023, the new 16th Vidhan Sabha took oath and had its first session from 16 December 2023 to20 December 2023. The data for the functioning of the Vidhan Sabha of Madhya Pradesh has been drawn from the website of the Madhya Pradesh Vidhan Sabha with occasional reference to the PRS' resources.[2]

The legislative activity of the Madhya Pradesh Vidhan Sabha in 2023 has to be seen within a larger context of State assembly elections which were held in 2023, and a strong desire to comply with the Parliamentary legislative agenda. There were a total of three sessions of the Madhya Pradesh Vidhan Sabha in 2023. The first session was held in February and March 2023, and the second in July 2023, which was the last session of the 15th Madhya Pradesh Vidhan Sabha, whereas the session held in December 2023 was the first of the 16th Vidhan Sabha.

After the assembly elections, the first session of the 16th Vidhan Sabha was held in December 2023. While there was no change in the governing party with the ruling BJP coming back to power with a larger majority than previously held, there was a new Chief Minister—Shri Mohan Yadav—who took over from a four-time Chief Minister, Shri Shivraj

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* Advocate, Orissa High Court.

[1] Madhya Pradesh Vidhan Sabha Statistical Summary of Monsoon Session (11th to 15th July, 2023) and Madhya Pradesh Vidhan Sabha Statistical Summary of Budget Session (27th February to 27th March 2023), available at https://mpvidhansabha.nic.in/stats/stat15vs.htm ("Official Statistics") (last visited on 15th January 2024)

[2] 15th Madhya Pradesh Assembly (2018-Present), PRS Legislative Research, available at https://prsindia.org/legislatures/states/functioning-of-madhya-pradesh-15th-assembly (last visited on 15th January 2024)

Singh Chauhan. However, it was the former CM who led the ruling party's campaign for a renewed mandate at the Vidhan Sabha elections in 2023.[3]

This focus on elections is borne out by the number of days of the session with the February March session being held for 12 effective days of functioning with 44 hours 57 minutes of actual legislative work carried out, including the laying of the budget, whereas the July session which was five months before the assembly elections was only held for 2 days of effective functioning with 2 hours and 30 minutes of actual legislative activity. [4]

Moreover, the legislative actions of the Madhya Pradesh government have often been carried out without significant or notable opposition from members of the legislature and often without any discussion. Given the synergy of the executive and the legislature, and the role of the 2023 assembly elections, the survey has also looked at the manner in which executive actions are reflected in the legislative agenda.

Election Spotlight: Economic Revival and Unemployment

As has been the case since the pandemic, the focus on economic revival continued, and the favoured means of achieving it being the relaxation of laws that regulate economic activity, labour protections and environmental protection. This reflected a larger trend in Indian governance, including at the national level where laws for protection of citizens against labour malpractices[5], environmental degradation[6] and corporate accountability have increasingly been sidestepped, or otherwise, relaxed in an effort to attract greater investment, especially in industrialisation and low-cost manufacturing.[7] As has been the

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[3] The New Indian Express,*'Mama' Shivraj Chouhan emerges as hero of BJP's victory in Madhya Pradesh assembly polls*, December 04, 2023, available at https://www.newindianexpress.com/nation/2023/Dec/03/mama-shivraj-chouhan-emerges-hero-of-bjps-victory-in-madhya-pradesh-assembly-polls-2638406.html (Last visited on 15 January 2024).

[4] *Supra* Official Statistics note 1.

[5]Bhasker Tripathi, *Relaxing Labour Laws Can't Help Industry In The Long Run; Formalising The Economy Can,* India Spends, Available at https://www.indiaspend.com/relaxing-labour-laws-cant-help-industry-in-the-long-run-formalising-the-economy-can (last visited on 24 September 2025).

[6] Sumedha Pal, Newsclick, *Modi 2.0: Same Destructive Policy on Environment?*, 3rd June 2019, Available at https://www.newsclick.in/Environment-Ministry-Indian-Forest-ACT-Prakash-Javadekar-Deforestation (last visited on 24 September 2025); Leo F. Saldanha, Frontline, *Modi government's new environmental laws a threat to India's biodiversity and forests,* 5th August 2023, Available at https://frontline.thehindu.com/environment/primed-for-plunder-modi-government-new-environmental-laws-biological-diversity-act-forest-conservation-act-a-threat-to-india-biodiversity-and-forests/article67158366.ece (last visited on 24 September 2025).

[7] TK Rajalakshmi, Frontline, *Amendments to labour laws under the Modi government: No love for labour*, 7th August 2019, Available at https://frontline.thehindu.com/the-nation/article28757774.ece (last visited on 24 September 2025) Also see-NDTV, *India To See "Big-Bang" Reforms In PM Modi's Second Term: NITI Aayog*, 31st May 2019, Available at https://www.ndtv.com/india-news/india-to-see-big-bang-reforms-in-pm-modis-

case since 2020 the union government's national level policies were often immediately reflected in the steps taken by the state government. One reason for focussing on manufacturing is due to the fact that Madhya Pradesh has continued to struggle economically despite continuing GDP growth. This was revealed by the Madhya Pradesh Economic survey 2022-2023, which was released just before the budget session of the Vidhan Sabha in February-March 2023.[8]

As per the Centre for Monitoring Indian Economy Data 2022, the unemployment rate in Madhya Pradesh was 3.2%,[9] which was middle of the pack as far as Indian states are concerned. Further, ground reports from journalists and others indicate widespread discontent due to unemployment.[10]

Moreover, in addition to economic factors complicating job creation, there were several instances of irregularities in government recruitment with question paper leaks in government recruitment examinations[11]— including examinations for nurses[12] and revenue department staffers and agricultural officers[13] — thus further complicating the employment and job creation landscape.

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second-term-niti-aayogs-rajiv-kumar-2045846 (last visited on 24 September 2025), and Akshaya Baru, Asia Policy Society Institute, *Modi's Second Term Economic Development Roadmap*, 13th January 2020 Available at https://asiasociety.org/policy-institute/modis-second-term-economic-development-roadmap (last visited on 24 September 2025)

[8] Madhya Pradesh State Planning Commission, Madhya Pradesh Economic Survey 2022-2023.

[9] Amit Vasudev, Deccan Herald, *MP Assembly polls: How state fares in employment, healthcare, education*, 10th November 2023 available at https://www.deccanherald.com/elections/madhya-pradesh/mp-assembly-polls-how-state-fares-in-employment-healthcare-education-2764589 (Last visited on 15 January 2024). Also eg Omar Rashid, The Wire, *Madhya Pradesh | Across Castes, Political Beliefs, Two Common Concerns: Inflation and Unemployment*, available at https://thewire.in/rights/madhya-pradesh-election-jobs-unemployment Last visited on 15 January 2024)

[10] *Supra* Omar Rashid(Last visited on 15 January 2024). Also see NDTV Profit Desk, Madhya Pradesh's Economic Survey Shows Unemployment and Debt Rising, 9th March 2022 available at https://www.ndtvprofit.com/business/madhya-pradesh-economic-survey-2812110 (Last visited on 15 January 2024)

[11] Kashik Kakvi, NewsClick, *Getting Govt Jobs in Madhya Pradesh Becoming a Distant Dream*, 5th January 2024 available at https://www.newsclick.in/getting-govt-jobs-madhya-pradesh-becoming-distant-dream (Last visited on 15 January 2024)

[12] Press Trust of India, News Careers 360, *MP: Nurse recruitment exam question paper found leaked; eight held*, 8th February 2023, available at https://news.careers360.com/mp-nurse-recruitment-exam-question-paper-found-leaked-eight-held (Last visited on 15 January 2024)

[13] Ravish Singh, India Today, *Patwari exam: Retired High Court judge to probe 'scam', submit report by August 31*, 23rd July 2023, available at https://www.indiatoday.in/india/story/madhya-pradesh-patwari-exam-retired-high-court-justice-probe-case-submit-report-2408998-2023-07-19 (Last visited on 15 January 2024) and Rakesh Dixit, The Wire, *Vyapam 2.0? Allegations of Recruitment Scam Resurface in Madhya Pradesh.*, 13th July 2023 available at https://thewire.in/government/vyapam-fresh-alelgations-recruitment-scam-madhya-pradesh (Last visited on 15 January 2024)

These priorities are reflected in the legislative agenda of the Vidhan Sabha with the vast majority of legislative activity being directed at incentivising investment and industrialisation through deregulation and increasing the "ease of doing business". This is part of a larger suite of reforms that have been carried out and put in place since the COVID-19 pandemic in 2020 and the need for an economic revival afterwards.[14] It is further seen in the amendments made by the State government to the laws regulating universities in an attempt to enable appointments from amongst government officials.[15]

Another interesting trend to see in this election year has been the reliance on executive action in the form of schemes and benefits targeted at women and other vulnerable demographics of society. The larger social context for this being that Madhya Pradesh continues to fare very poorly on several social economic indicators compared to the national average as well as to its neighbours, including the state of Chhattisgarh, which was carved out of Madhya Pradesh in 2001.[16]

"Bulldozer Justice" and a Rampant State

Further, the state government's commitment to protecting the fundamental rights of its citizens has been under the scanner with extra-judicial and extra-legal demolitions of the residences and properties of citizens, becoming increasingly common as a tool of enforcement by law-and-order agencies, even in the absence of judicial rulings to that effect or of any legal backing for such demolitions.

2023 witnessed a continuation of extrajudicial property demolitions by local authorities. In January 2023 houses belonging to 2 businessmen were demolished for selling illegal kite string.[17] Further, in June 2023, one adult and two juveniles were arrested on the basis of a complaint that they had spat on a Hindu religious procession and their houses demolished by the local administration without due process.[18] Finally, in December 2023, the new chief

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[14] Nikhil Rampal, The Print, *High on growth, low on development — what ails the economy of Madhya Pradesh*, 23rd August 2023, available at https://theprint.in/economy/high-on-growth-low-on-development-what-ails-the-economy-of-madhya-pradesh/1725277/ . (Last visited on 15 January 2024). Also, eg 1 ASSL (2022)

[15] The Madhya Pradesh Medical University Amendment Bill, 2023, expands appointment criteria for registrars or controller of examinations to include government officials.

[16] *Id* Nikhil Rampal

[17] The Wire, *MP: Houses of Two People Selling 'Chinese Manjha' Demolished* 7th January 2023, available at https://thewire.in/government/madhya-pradesh-chinese-manjha-house-demolished (Last visited on 15 January 2024).

[18] Huneza Khan, The Wire, *Illegal, Dilapidated or Viral Video: Why Was a Muslim Man's House Demolished in Ujjain?* ,22nd July 2023, available at https://thewire.in/rights/muslim-man-house-demolished-ujjain-viral-video (Last visited on 15 January 2024)

Minister Mohan Yadav ordered the demolition of the house of three men accused of attacking a BJP leader. This was in addition to large-scale demolitions of alleged illegal constructions, thus demonstrating that the new government would continue with the policies of the previous government with regard to the demolitions.[19]

It should be noted that despite regular instances of such demolitions, no member of the Vidhan Sabha has raised concerns regarding the same. It should also be noted that no existing law provides for demolition of housing structures due to the acts of residents or their owners and even in the case of illegal constructions existing laws in Madhya Pradesh and India would require due process to be followed as well as an appeals process. [20] While this survey is about critically describing the laws made in the survey year, this discussion has been included here to point out that an ASSL also needs to also take note of the laws that are needed but not made and the laws that are on the statute book but not followed.

Quantitative Survey

Given that it was an election year, the state assembly only functioned for a total of 14 days across 2 sessions. It also had the second highest number of days of functioning (12) in a single session in the 15th Vidhan Sabha, only one day short of the 3rd and 8th sessions held in 2019 and 2021 respectively. During this year and prior to the state assembly election, the Vidhan Sabha passed 13 bills in total. 6 of these Bills (including 2 appropriation Bills) were passed during the 12 day long 14th session and 7 of these bills were passed during the two day long 15th session without much discussion. After the election, the 1st session of the 16th Vidhan Sabha was held in December 2023.[21]

Out of the 13 bills passed in 2023, there were 3 Appropriation Bills which have not been covered here.

Qualitative Survey

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[19] Abhijeet Sen, India.com, *Madhya Pradesh: Houses Demolished, Meat Shops Closed In Anti-Crime, Law Drive As New Government Starts Action*, 15th December 2023, available at https://www.india.com/news/madhya-pradesh-mohan-yadav-houses-demolished-meat-shops-closed-ujjain-bhopal-new-government-6589599/ (Last visited on 15 January 2024)

[20] As per the Final Order dated 1st February 2024 by Justice Vivek Rusia, in Writ Petition No 744 of 2023 before the Hon'ble High Court of Madhya Pradesh at Indore.- *"The illegal nature of the same has been recognised by the Madhya Pradesh High Court which in 2024 has ordered compensation to one such person whose house is demolished and further directed action against officials involved in the demolition of the same."*

[21] List of Bills passed in 2023 by the Madhya Pradesh Vidhan Sabha, available at https://mpvidhansabha.nic.in/bill_2023.htm (Last visited on 15th January 2024)

Taxation and Economic Bills

The Madhya Pradesh Goods and Services Tax (Amendment) Bill, 2023[22]

The Bill made changes in the State's GST framework primarily replicating the amendments replicating the amendments carried out at the central level.

The Act introduced new provisions to define and tax 'online money gambling' betting, casinos, gambling, horse racing and lotteries as 'specified actionable claims' making them liable to 28% GST on the full face value of bets placed. New Rules were added to the MP GST Rules to define the valuation of these services.

The Amendment Act also introduced changes in the eligibility and other conditions for obtaining input tax credit. The Act set up a three year limit for filing returns and statements but allowed for extensions upon specified conditions.

A new section(section 158A was introduced which allows consent based sharing of information furnished by taxable persons with other systems. This provision overrides the restrictions on information disclosure found in other sections of the Act. However the sharing can happen only after express consent of the tax payer. In further effort to enforce compliance new penalties for non-compliance have been introduced. An e-commerce operator allowing supplies through unregistered persons or failing to furnish correct information in returns can be penalised.

The Gwalior Trade Fair Authority (Amendment) Bill, 2023[23]

This amendment bill was proposed on 17 March 2023, passed on 21 March 2023, in the 14th session of the 15th Vidhan Sabha, and received gubernatorial assent on 21 April 2023.

The Gwalior Vyapar Mela Pradhikaran Adhiniyam 1996 was an Act setting up the Gwalior Trade Fair Authority for regulation of the annual Gwalior Vyapar Mela. The Amendment bill decriminalises the offence of plying any trade or erecting any construction on fairgrounds without a license or permission from the Trade Fair Authority under section 12 and replaces the punishment for this offence with a fine of INR 5000 and for continuing offences, with further fine which may extend to rupees one hundred for every day after the date of first conviction during which the offender is proved to have persisted in such offence.

The Madhya Pradesh Establishment and Operation of Industries Simplification Bill, 2023[24]

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[22] The Madhya Pradesh Goods and Services Tax (Amendment) Bill, 2023
[23] The Gwalior Trade Fair Authority (Amendment) Bill, 2023
[24] The Madhya Pradesh Establishment and Operation of Industries Simplification Bill, 2023

This amendment bill was proposed on 17 March 2023, passed on 21 March 2023 in the 14th session of the 15th Vidhan Sabha, and received gubernatorial assent on 4 April 2023 and thereby replaced the Madhya Pradesh Establishment and Operation of Industries Simplification Ordinance, 2023.

This bill intends to provide exemptions to newly established industrial units from obtaining specific approvals and inspections. The larger intention being to facilitate and encourage industrialisation by increasing ease of doing business. The bill achieves its stated intention by creating the mechanism of an acknowledgement certificate under section 7. An acknowledgement certificate functions as an approval for all applicable permissions, no objection certificates, approvals and certifications required to set up an industrial unit in Madhya Pradesh. Any person may approach the nodal agency under this bill for the setting up of an industrial unit in a notified area and seek an acknowledgement certificate for the same. This application must be in a form and manner to be specified by the nodal agency. The grant of an open acknowledgement certificate has the effect of an approval for a period of three years from the date of issue as per subsection 1 of section 8. Subsection (2) of section 8 further provides that any industrial units commencing commercial operations prior to the expiry of three years shall be required to obtain all necessary approvals before commencing operation. Subsection (3), however, states that no authority shall undertake any inspection in connection with any approval before the expiry of the three-year period, unless the unit applies for approvals or prior to the commencement of commercial operations.

The bill requires the setting up of a state-level empowered committee. SLEC, to designate industrial areas, assist industrial units, and facilitate dispute settlement. It designates the Madhya Pradesh Industrial Development Corporation Limited as the nodal agency.

Some of the laws whose operation is excluded under this bill include laws pertaining to the very basic safety and legal safeguards for workers and contract labourers and include the Factories Act Of 1948, The Contract Labour (Regulation And Abolition) Act, The Minimum Wages Act, The Payment Of Wages Act, The Gratuity Act, The Equal Remuneration Act, The Madhya Pradesh Shops And Establishments Act, The Legal Metrology Act, The Electricity Act, The Water Prevention And Control Of Pollution Act, The Air Prevention And Control Of Pollution Act And The Environment Protection Act.

It should also be noted that the bill provides no mechanism for surveillance of these industrial units in notified areas in order to ensure that commercial operations or not begun in violation of section 8 and that the approval is not abused as a *carte blanche* to subvert labour and environmental protections, besides worker safety laws. Further the bill defines

"commencement of commercial operation" as the date on which the industrial unit issues the first bill or invoice or tax invoice, which is entirely ignoring the manner in which industrial units may run or the fact that there are operations going on in an industrial unit even prior to the issuance of a tax invoice for goods or services rendered and also that a blanket approval without inspection such as has been provided under this bill, effectively allows and increases the space for violation and subversion of labour, safety and environmental laws without any mechanism for redressal.

Education Bills

The Madhya Pradesh Private University (Establishment and Operation) Amendment Bill, 2023[25]

This amendment bill was proposed on 12 July 2023 by Mohan Yadav, and was passed on the same day in the 15th session of the 15th Vidhan Sabha, and received gubernatorial assent on 20 July 2023. This amendment bill recognises three more private universities, namely, Janodaya University, Neemuch, JNCT professional University, Bhopal, and Chirayu University, Bhopal.

The Madhya Pradesh Medical University (Amendment) Bill, 2023[26]

This amendment bill was proposed on 12 July 2023, and was passed on the same day in the 15th session of the 15th Vidhan Sabha and received gubernatorial assent on 2 August 2023.

This amendment bill amends subsection (1) of section 12, which concerns the appointment of a vice chancellor. The new subsection one requires that the vice chancellor being chosen from amongst at least three persons recommended by the committee set up under subsection (2) or subsection (6). Further, it also provides that any such recommended person must have at least 10 years of experience as a professor at a university, or at least 10 years of experience as the head of a nationally renowned research institution or educational administrative body/agency.

Additionally, the amendment bill also replaces section 17 which concerns the appointment of registrar. Under the new section 17, the registrar shall be appointed by the state government only from amongst such persons who have served as a professor at an institution of higher learning or university for at least six years, or who have served at the rank of deputy secretary or equivalent for at least six years.

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[25] The Madhya Pradesh Private University (Establishment and Operation) Amendment Bill, 2023
[26] The Madhya Pradesh Medical University (Amendment) Bill, 2023

Moreover, the amendment bill also replaces section 19 which concerns appointment of the controller of examinations. Under the new section 19, the controller shall be appointed by the state government only from amongst such persons who have served as a professor at an institution of higher learning or a University as a professor for at least 3 years, or who have served at the rank of deputy secretary or equivalent for at least 3 years.

In the absence of any discussions to this effect in the Vidhan Sabha, it is difficult to arrive at any conclusion as to why it was felt necessary to expand the appointment criteria for registrar and controller of examinations. To also include state government employees who are not professors or otherwise involved in academia. However, given previous reports of large-scale corruption concerning state services, examinations and university examinations in the state of Madhya Pradesh, this attempt at increasing state control within the universities invites considerable concern.

Decriminalisation

The Madhya Pradesh Investment Promotion (Amendment) Bill, 2023[27]

This amendment bill was proposed on 12 July 2023, and was passed on the same day in the 15th session of the 15th Vidhan Sabha, and received gubernatorial assent on 10 October 2023.

The amendment bill was brought in to amend section 18 of the Madhya Pradesh Investment Facilitation Act of 2008. This section provides the penalty for non-compliance. Under the previous section 18, any entrepreneur found to be non-compliant with the conditions of the self-certification or of the conditions of the self certification given by the nodal agency would be subject to conviction and to a penalty which would extend to Rs.5000 for the first offence and a penalty of Rs.10,000 for any subsequent offence. The amendment act changes this to a penalty of up to Rs.50,000 for the first failure and of up to 1,00,00 rupees for any subsequent failure to be imposed by the competent authority. It also removes the requirement of cognizance by a court in the previous subsection (2) and thereby decriminalises non-compliance under the act while also increasing the penalty for such non-compliance.

This amendment may be seen as part of a larger trend of decriminalisation of economic offences in Madhya Pradesh.

For added context, the Act was enacted for the facilitation of new investments in industrial and other commercial projects by simplifying the regulatory framework, reducing procedural

[27] The Madhya Pradesh Investment Promotion (Amendment) Bill, 2023

requirements and rationalising documentation. This was undertaken by the creation of a combined application form and by allowing investors and entrepreneurs to submit self-certification to the nodal agency, stating their compliance with the applicable provisions of the relevant acts and rules. This was administered by a three tier framework of Apex committee, state level committee and district level committee, designated within the act with their duties and responsibilities also laid out within the act. The act also designated the nodal agencies for each level and the duties and responsibilities thereof.

The Madhya Pradesh Municipalities Laws (Amendment) Bill, 2023[28]

This amendment bill was proposed on 13 March 2023, and was passed on the same day in the 14th session of the 15th Vidhan Sabha, and received gubernatorial assent on 18 April 2023. It amends the: (i) Madhya Pradesh Municipal Corporation Act, 1956 (the Municipal Corporation Act) and the (ii) Madhya Pradesh Municipalities Act, 1961 (Municipalities Act).

The Municipal Corporation Act and the Municipalities Act empower the municipal bodies to direct the owner or occupier of any building to construct or remove drains, small outdoor toilets, latrines, or urinals. Under both the Acts, any occupier who fails to carry out the specified construction/removal work may be fined up to Rs 1,000, or may be imprisoned for up to three months in case of non-payment of fine. This bill amends both Acts to remove the imprisonment, increases the maximum fine to Rs 5,000, and introduces a fine of up to Rs 200 per day for continued non-payment of fine.

Further, both Acts restrict begging for alms in a municipal area. Similarly, both Acts empower the respective municipal bodies to prohibit keeping of brothels and residence of persons practicing sex work in any specified part within their respective municipal area. The Bill removes these restrictions regarding begging and sex work.

Moreover, the Municipal Corporation Act empowers the Commissioner of a Municipal Corporation to prescribe routes for removal of corpses to burial or burning places. This bill removes this power and related offences.

The Madhya Pradesh Professional Tax (Amendment) Bill, 2023[29]

This amendment bill was proposed on 12 July 2023, and was passed on the same day in the 15th session of the 15th Vidhan Sabha and received gubernatorial assent on 10 August 2023.

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[28] The Madhya Pradesh Municipalities Laws (Amendment) Bill, 2023

[29] The Madhya Pradesh Professional Tax (Amendment) Bill, 2023

This amendment bill omits sections dealing with offences under this act and penalties for the same. Therefore, section 23 which lays out the offences under this act has been omitted section 24 which deals with offences committed by companies under this act has also been omitted. Consequently, section 26 which provided for a bar of prosecution where penalty had been imposed under the same Act in respect of the same facts has also been omitted.

A bare perusal of the Act as amended would make it clear that the Act no longer recognises violations of its provisions as offence. Further it also does not provide for an alternative enforcement or punishment mechanism. As may be seen with other bills covered in this survey and from the statement of objects and reasons of the amendment Act, this is part of Madhya Pradesh's larger drive to decriminalise violations of laws, regulating economic activity, in this case, including taxation.

Miscellaneous

Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Madhya Pradesh Amendment Bill, 2023[30]

This amendment bill was proposed on 11 July 2023, and passed the next day in the 15th session of the 15th Vidhan Sabha and received presidential assent on 17 December 2023. This amendment act amends the Cigarettes and other Tobacco Products (Prohibition of Advertising and Regulation of Trade and Commerce, Production, Supply, and Distribution) Act 2003 in so far as it applies to the State of Madhya Pradesh. The primary intent of this Amendment Act is to prohibit and regulate the running of hookah bars. To that end, in section 3 of the principal act, a new definition for establishment has been inserted, including residential, hotels, restaurants, eating houses, or any other place of public amusement or entertainment, with the state government having the power to declare any other type of establishment as being an establishment under this subsection. Similarly, the definition of "hookah bar" is also inserted as clause (ea) and is defined as an establishment where people gather to smoke tobacco or other similar products from a communal hookah, which may be provided either individually or jointly. Section 4A prohibits the opening or running of any hookah in any place, including an eating House. It further adds section 13 A, which empowers police officers of the rank of sub-inspector or any other rank authorized by the state government to seize any material if he believes that the provisions of section 4A are being contravened. Section 21A provides that the punishment for running of hookah bars

[30] Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Madhya Pradesh Amendment Bill, 2023

shall be imprisonment for a term which may extend from between 1 to 3 years and a fine of Rs.50,000 which may extend to Rs.1,00,000. The new section 27A provides that any offence under section 4A shall be cognizable.

The Madhya Pradesh Landless Persons of Urban Areas (Grant of Leasehold Rights) Amendment Bill, 2023[31]

This amendment bill was proposed on 13 March 2023, and was passed on 21 March 2023 in the 14th session of the 15th Vidhan Sabha, and received gubernatorial assent on 18 April 2023. This bill amends the Madhya Pradesh Landless Persons of Urban Areas (Grant of Leasehold Rights) Act, 1984. The Act provides for the allocation of leasehold rights (for residential purposes) to landless persons in urban areas. Under the Act, any land occupied by a landless person in any urban area on December 31, 2014 shall be deemed to have been settled in his favour as on that date. This is subject to the person furnishing proof of residence in the urban area before 31 December, 2014 through: (i) a ration card, or (ii) testimony in writing from the Mohalla Committee certifying he has resided in the area before December 31, 2014. The amendment bill extends the cut-off date from December 31, 2014 to December 31, 2020.

Executive Lawmaking

Madhya Pradesh Electricity Balancing and Settlement Code 2023[32]

The National Electricity Policy (NEP) requires the implementation of an Availability Based Tariff (ABT) at State level to establish a credible settlement mechanism for Intra-day power transfers. This mechanism was previously given effect by the Madhya Pradesh Electricity Balancing and Settlement Code 2015. However, due to the notification of the CERC (deviation settlement mechanism and related matters) Regulations 2022, there arose a requirement for a new code in order to properly implement ABT. Therefore, the Madhya Pradesh Electricity Balancing and Settlement Code 2023 was proposed and notified.

Conclusion: Deregulation and Decriminalisation

Madhya Pradesh continues to be an agricultural dominant state and economy which hampers its ability to generate jobs or to create high-paying work and also increases migration as skilled and semiskilled. Labour must migrate to other industrial centres for better opportunities. At the same time, the Madhya Pradesh Vidhan Sabha is held by the BJP, which is also the ruling party at the centre and as such the legislative agenda of the

[31] The Madhya Pradesh Landless Persons of Urban Areas (Grant of Leasehold Rights) Amendment Bill, 2023
[32] Madhya Pradesh Electricity Balancing and Settlement Code 2023

Vidhan Sabha clearly reflects the larger economic reforms and focus on ease of doing business of the Central Government. Further, this top-down approach is also reflected in the manner in which legislative business is conducted.

For example, the Madhya Pradesh Vidhan Sabha passed 10 bills in 2023. None of the bills were sent to committee or otherwise discussed in the Vidhan Sabha. In the two-day July session 7 bills were passed, including amendments to the Madhya Pradesh GST Act, the Professional Tax (Amendment) Bill, 2023 etc. were passed in the course of the 2 hours and 30 minutes of the session (including all questioning) without any discussion whatsoever of the consequences of each Bill.

In the budget session (the 14th session), most of the passage of the Bills were undertaken without a discussion or a reference to the relevant standing committees. The discussion in this session primarily focused on the annual budget and did not extend to the legislative agenda of the government- including the codification in law of the “reforms” envisaged in the Madhya Pradesh Establishment of Industries (Simplification) Bill 2023, which effectively hollowed out all codified labour and environmental protections granted under Indian law. Altogether, this survey reflects a growing push towards greater executive control of the legislature and a decline in the protection of the fundamental rights of citizens.

MAHARASHTRA

NIMUSHAKAVI VASANTHI*

Introduction

The Maharashtra Legislative Assembly and the Maharashtra Legislative Council met thrice in the year 2023. It met for the Budget session for just less than one month from 27th February to 25th March, for three weeks for the monsoon session from 17th July to 4th August, and for 14 days for the winter session from 7th to 20th December 2023. The reports of the sitting of the Houses and business transacted were available in Marathi.

The 14th legislative assembly of Maharashtra constituted in 2019 saw three alliances hold office as no single party had a majority and consequently, three chief ministers were sworn in. The first to hold office was the Nationalist Congress Party–Bharatiya Janata Party (NCP-BJP) alliance headed by Devendra Fadnavis, which was sworn into office in the middle of the night on 23 November. This lasted for barely 5 days, and resigned as it did not have the numbers to form a government. Consequently, the Shiv Sena-NCP-INC (Indian National Congress), Maha Vikas Aghadi, was sworn in on 28 November 2019 with Uddhav Thackeray as the Chief Minister. In June 2022 the Thackeray-led Maha Vikas Aghadi government was ousted, and a new Shiv Sena-BJP combine under the leadership of Eknath Shinde took over the government after a split in the Shiv Sena. In July 2023, the NCP, under the leadership of Ajit Pawar also split and joined the BJP-Shiv Sena alliance. Unlike the Shiv Sena, the NCP did not approach the court to disqualify its members.

The crossing over of MLAs from one party to the other, both in the Shiv Sena and the NCP, resulted in a slew of petitions filed before the Speaker, in the High Court and the Supreme Court, raising important questions about the role of the Governor and the Speaker in constituting the government. the Supreme Court [1] directed the Speaker to decide on the

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[1] Jayant Patil v. The Speaker, Maharashtra Legislative Assembly W.P.(C) No. 1077 of 2023 dt. 30 October 2023.

disqualification petitions pending before him by 10 January 2024. The Speaker had not decided on the disqualification petitions for 18 months. Earlier,[2]the Supreme Court held that the Governor had not acted beyond the scope of his authority by inviting the BJP-Shiv Sena alliance to form the government. The petitioner claimed that the disqualification petitions filed before the Speaker should have been heard before the floor test was conducted, as the disqualified members could not participate in the floor test to prove their majority. The Supreme Court did not agree with the petitioners and held that the disqualification petitions didn't need to be decided before the floor test was held to show that the Eknath Shinde group had the majority to form the government even though it urged the speaker to decide within a reasonable period.

Following this order, in January 2024, the Speaker decided to regard the Shinde-led group as the real Shiv Sena and refused to disqualify the MLAs. He stated that it could not be a reason for disqualification if MLAs were incommunicado. The Constitution of India, 1950, Schedule X, Para 2 clause(a) prescribes that an elected legislator may be disqualified for being a member of the house on the grounds of having voluntarily given up membership of such party. In subsequent developments on 6 February 2024 the Election Commission recognised the Ajit Pawar faction as the real NCP. Thus, both the breakaway groups were legitimized by the legal processes, one in the Supreme Court and the other through the Election Commission.

The year under review had the breakaway Shiv Sena led by Eknath Shinde as the Chief Minister and was soon joined by the breakaway NCP led by Ajit Pawar. The priorities of this government are visible in the laws that were passed and the bills that were proposed but were not passed. This political turmoil also saw erratic reporting on legislative activity. Several Bills were passed by the house but were not published and not notified.

The compilation of Bills and Acts proved an arduous task as the official source for legislation i.e. the Legislative Assembly had incomplete information. To further complicate the process, the numbering of bills in the legislative assembly and the legislative council and the official gazette was different. The Assembly section lists bills as V.S.V.Sl.No. and has bills numbered between 1 and 62. Internally these are named as L.A. In the Legislative Council section, there are three types of bills, 1. Bills passed by the Legislative Council which lists 3 bills, 2.re-established bills which are not available in English, and 3. Legislative Assembly Bills passed by the Legislative Council numbered between 1 and 62 with several numbers

[2] Subhas Desai v. Principal Secretary, Government of Maharashtra, 2023 SCC Online SC 607.

missing. These bills had to be cross tabulated with the publication in the official gazette to compile the full list.

To give an example of why this process was so difficult. L.A. 1 of 2023 is listed as V.S.V Sl.No.1 in the Legislative Assembly and is dated 22nd February, which is before the date of the first session for the year which started on 27th February. This was passed as Act 14 of 2023 on 23rd March after receiving the assent of the Governor.

India Code does not list any of the state acts of Maharashtra in 2023. The e-gazette for the year lists 62 Bills as being introduced. Some of these Bills were passed by both houses and some were notified in the year 2023 and others in 2024 and some are pending notification. They have been indicated as TBN (to be notified). 47 Acts were notified in 2023 of which 17 Acts were notified from January to February, before the sessions for the year began on 27th February 2023. These were bills introduced and passed in the previous year. That leaves 30 Acts that were notified in the year under review. Nine Ordinances were promulgated which were later passed as Acts which were given effect to from the date of promulgation of the Ordinance. All the Bills introduced, Acts passed and Ordinances promulgated have been uploaded on the drive.

The Acts which have a clause “Shall come into force on such date as the State Government may by notification appoint” have been listed as TBN (to be notified). The Acts which have a date on which the Act shall come into force have been mentioned as such. The Acts which have neither clause have been listed as coming into force on the date of publication.

All the Bills and the Acts were English translations published after obtaining the approval of the Governor. Two legislations were published after the assent of the President. The MESMA (Maharashtra Essential Services Act) 2023 and the Maharashtra Agricultural Land Leasing Act, 2017 (which will have a retrospective effect once notified) have both received presidential assent in 2023 but neither of them have been notified.

Quantitative Survey

62 Government Bills and 7 private Bills were introduced in the Legislative Assembly. Of these 46 Acts passed by both houses and 33 Acts were brought into force. 9 Ordinances were promulgated. This information is sourced from a summary of the proceedings of the Legislative Assembly which was published in Marathi and translated into English. This summary provides a session wise breakup of the number of bills presented and accepted by the Assembly and the Bills the Council has agreed. In the budget session 17 Government Bills were presented and all of them were accepted. In the Monsoon session 24 Bills were

presented and 16 of them were accepted. In the winter session 17 Bills were presented and all of them were accepted.

The following 6 bills were referred to a Joint Committee:

1. L.A.34 of 2023 The Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) and Maharashtra Private Security Guards (Regulation of Employment and Welfare) (Amendment) Act, 2023
2. L.A.40 of 2023 The Maharashtra Payment of Compensation to Farmers (for loss caused due to adulterated, non-standard or misbranded seeds, fertilisers or insecticides) Act, 2023.
3. L.A.41 of 2023 The Insecticides (Maharashtra Amendment) Act, 2023.
4. L.A.42 of 2023 The Seeds (Maharashtra Amendment) Act, 2023
5. L.A.43 of 2023 the Essential Commodities (Maharashtra Amendment) Act, 2023.
6. L.A.44 of 2023 The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing of Essential Commodities (Amendment) Act, 2023.

These Acts cover areas such as Education, Health, Municipal Corporations and Village Panchayats, Taxation, Animal Welfare, Fire Prevention, temples, co-operatives, Police, Agriculture, Slum Area Development, Industry and Trade facilitation, Town Planning, Trees and Civil Courts. A table detailing the Acts, the corresponding bills introduced in the Legislative Assembly (L.A.) and some introduced in the Legislative Council (L.C.), date of notification, and whether the Act was first introduced as an Ordinance follows this section. The table also contains a list of the Bills introduced and published in 2023.

Bills introduced in 2023 and notified in 2024 include Acts 1 to 8 of 2024. The significant Acts notified in 2024 have been:

1. The Maharashtra Private Universities (Establishment and Regulation) Act, 2023 Act VIII dt 19 January 2024
2. The Maharashtra Public Universities (Amendment) Act, 2023 first introduced as an Ordinance No VIII of 2023 and passed as Act II of 2024 with effect from 23 October 2023
3. the Maharashtra Casinos (Control and Tax) (Repeal) Act, 2023 repealed with effect from 3 January 2024
4. The Maharashtra Apartment Ownership (Amendment) Act, 2023 which was first introduced as an Ordinance No IX of 2023 passed as Act III of 2024 with effect from 23 October 2023

The List of Legislations Published in 2023

Notified on	Act No	Published on	Title
24-Nov- 2022	Mah. Act No. I of 2023	3-Jan-23	Mumbai Municipal Corporation (Second Amendment) Act, 2022
22-Nov-2022	Mah. Act No. II of 2023	3-Jan-23	Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Act, 2022
TBN	Mah. Act No. III of 2023	5-Jan-23	Universal Ai University, Karjat Act, 2022
TBN	Mah. Act No. IV of 2023	6-Jan-23	JSPM University, Pune Act, 2022
TBN	Mah. Act No. V of 2023	6-Jan-23	Pimpri Chinchwad University, Pune Act, 2022
24-Nov- 2022	Mah. Act No. VI of 2023	11-Jan-23	Yashwantrao Chavan Maharashtra Open University, Kavi Kulaguru Kalidas Sanskrit Vishavidyalaya (University) and Maharashtra Public Universities (Amendment) Act, 2022
12-Sep- 2022	Mah. Act No. VII of 2023	11-Jan-23	Maharashtra Zilla Parishads and Panchayat Samitis (Third Amendment) Act, 2022
13-Jan-23	Mah. Act No. VIII of 2023	13-Jan-23	Maharashtra Creation of Supernumerary Post and Appointment of Selected Candidates (Amendment) Act, 2022
13-Jan-23	Mah. Act No. IX of 2023	13-Jan-23	Regularisation of Unauthorised Developments in the City of Ulhasnagar (Amendment) Act, 2022.
TBN	Mah. Act No. X of 2023	20-Jan-23	ITM Skills University, Navi Mumbai Act, 2022 (Mah. Act No. X of 2023),
23-Jan-23	Mah. Act No. XI of 2023	23-Jan-23	Maharashtra Police and Maharashtra Cinemas (Regulations) (Amendment) Act, 2022
13-Mar-23	Mah. Act No. XII of 2023	13-Mar-23	Maharashtra (Supplementary) Appropriation Act,2023.
17- Mar-23	Mah. Act No. XIII of 2023	17-Mar-23	Maharashtra Medical Goods Procurement Authority Act, 2023
23-Mar-23	Mah. Act No. XIV of 2023	23-Mar-23	Mumbai Municipal Corporation and Maharashtra Municipal Corporations (Amendment) Act, 2023
23- Mar-23	Mah. Act No. V of 2023	23-Mar-23	Maharashtra Village Panchayats (Amendment) Act, 2023
24-Mar-23	Mah. Act No. XVI of 2023	24-Mar-23	Dr. Babasaheb Ambedkar Technological University and Maharashtra COEP Technological University (Amendment) Act, 2023
29-Mar-23	Mah. Act No. XVII of 2023	29-Mar-23	Maharashtra Appropriation Act, 2023
1-May-23	Mah. Act No. XVIII of 2023	6-Apr-23	Maharashtra Settlement of Arrears of Tax, Interest, Penalty or Late Fee Act, 2023

1-Apr-23	Mah. Act No. XIX of 2023	6-Apr-23	Maharashtra State Tax on Professions, Trades, Callings and Employments (Amendment) Act, 2023
11-Apr-23	Mah. Act No. XX of 2023	11-Apr-23	Maharashtra Labour Laws (Amendment) Act, 2022
21-Apr-23	Mah. Act No. XXI of 2023	21-Apr-23	Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) (Amendment) Act, 2023
26-Apr-23	Mah. Act No. XXII of 2023	26-Apr-23	Maharashtra State Board of Technical Education (Amendment) Act, 2023
TBN	Mah. Act No. XXIII of 2023	28-Apr-23	Maharashtra Goseva Ayog Act, 2023
TBN	Mah. Act No. XXIV of 2023	11-May-23	the Maharashtra Fire Prevention and Life Safety Measures (Amendment) Act, 2023
22-May-23	Mah. Act No. XXV of 2023	22-May-23	Pandharpur Temples (Amendment) Act, 2023
7- Jun-23	Mah. Act No. XXVI of 2023	7-Jun-23	Maharashtra Co-operative Societies (Amendment) Act, 2023
21-Jun-23	Mah. Act No. XXVII of 2023	21-Jun-23	Maharashtra Police (Amendment) Act, 2023
TBN	Mah. Act No. XXVIII of 2023	27-Jun-23	Maharashtra Agricultural Land Leasing Act, 2017
TBN	Mah. Act No. XXIX of 2023	20- Jun- 23	Maharashtra Essential Services Maintenance Act 2023
28-April-23	Mah. Act No. XXX of 2023	28-Apr-23	the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2023
27-July-23	Mah. Act No. XXXI of 2023		Maharashtra(Second Supplementary) Appropriation Act, 2023.
28-July-23	Mah. Act No. XXXII of 2023	28-Jul-23	Maharashtra Goods and Services Tax (Amendment) Act, 2023
23-February 2017	Mah. Act No. XXXIII of 2023	7-Aug-23	Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment, Re-enactment of Rules and Notification of Apex and other Grievance Redressal Committees and Validation) Act, 2023.
3-July-23	Mah. Act No. XXXIV of 2023	14-Aug-23	Maharashtra Industry, Trade and Investment Facilitation Act, 2023
10- July-23	Mah. Act No. XXXV of 2023	14-Aug-23	Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village Panchayats, Zilla Parishads and Panchayat Samitis) Act, 2023
19- June-23	Mah. Act No. XXXVI of 2023	14-Aug-23	Maharashtra Regional and Town Planning (Amendment) Act, 2023

TBN	Mah. Act No. XXXVII of 2023	14-Aug-23	Maharashtra Payment of Compensation for Loss, Injury or Damage Caused by Wild Animals Act, 2023
TBN	Mah. Act No. XXXVIII of 2023	18-Aug-23	MIT Vishwaprayag University, Solapur Act, 2023
TBN	Mah. Act No. XXXIXof 2023	18-Aug-23	DES Pune University, Pune Act, 2023
21-Aug-23	Mah. Act No. XL of 2023	21-Aug-23	Maharashtra, Animal and Fishery Sciences University (Amendment) Act, 2023
TBN	Mah. Act No. XLI of 2023	24-Aug-23	Laxminarayan Innovation Technological (LIT) University, Nagpur Act, 2023
10-July-23	Mah. Act No. XLII of 2023	24-Aug-23	Maharashtra Co-operative Societies (Third Amendment) Act, 2023
25-Aug-23	Mah. Act No. XLIII of 2023	25-Aug-23	Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Act, 2023
25-Aug-23	Mah. Act No. XLIV of 2023	25-Aug-23	Maharashtra Municipal Corporation of the City of Pune Taxation (Enactment and Amendment of Taxation Rules with retrospective effect and Validation) Act, 2023
3-Oct-23	Mah. Act No. XLV of 2023	3-Oct-23	Maharashtra National Law University (Amendment) Act, 2023
TBN	Mah. Act No. XLVI of 2023	20-Nov-23	Bombay City Civil Court (Amendment) Act, 2023

Qualitative Survey

Three significant pieces of legislation have been proposed in the year under review. The first is the Maharashtra Goseva Ayog Act, the second is the Maharashtra Private Universities (Establishment and Regulation) Act, 2023 and the third is the MAITRI Act.

Cow Protection

Maharashtra Assembly passed the L.A. 17 of 2023 The Maharashtra Goseva Ayog Act, 2023 on 23 March 2023. The Bill was published on 28th April 2023 and has been brought into force from 10th May 2023.[3] The Gau Seva Ayog Bill in Maharashtra follows similar Acts in Rajasthan 1995, Uttar Pradesh 1999, Uttarakhand 2007 and Haryana 2010. The Haryana Government has enhanced support for Gau Seva Ayog's to 400 crores in 2023.[4] The Times

[3] For more information, *see* Department of Animal Husbandry and Dairying, Maharashtra Goseva Ayog, https://dahd.maharashtra.gov.in/en/organization/maharashtra-goseva-ayog/

[4] Sushil Manav, *More moo-lah for cow welfare: Haryana govt hikes Gau Seva Aayog budget 10x to Rs 400cr,* Print, February 24, 2023, available at https://theprint.in/india/more-moo-lah-for-cow-welfare-haryana-govt-hikes-gau-seva-aayog-budget-10x-to-rs-400-cr/1395712/(Last visited on April 1, 2024).

reports that in July 2023 the Gau Seva Ayog in Uttarakhand proposed stricter punishments of imprisonment of up to 7 years for beef storage and smuggling cows.[5]

The Maharashtra Bill has many provisions in common with these legislations although it leaves out some aspects. The Maharashtra Act largely follows the Uttarakhand legislation, the Protection of Cow Progeny Act, 2007, which contains several provisions that confer power to maintain institutions, levy fee, compound offences on private bodies on par with the State.

The legislation directs the establishments of institutions, both state and NGO, to take care of uneconomic cow progeny and allows the charging of fees. This fee may be prescribed by the government or the NGO. The stated objective of the Act is to provide for the supervision of Institutions engaged in the preservation, protection and welfare of cattle and this is common to all the legislations. The term cattle has been defined to mean cows, cow-bulls, bullocks and cow-calves of indigenous (Desi) breed and also includes the non-descript breed. The Act proposes a commission, Goseva Ayog, to supervise institutions. The Ayog shall be headed by a “Chairperson” who will be a non-official member nominated by the State Government and has experience in the areas of cattle welfare, veterinary science, dairy development and allied areas. The member can also be a person who has experience in law or social work. The Ayog will have 9 such non-official persons or representative- members from Non-Governmental Organizations (NGOs) or Gosadan, Goshala, Panjarpol and Gorakshan Sanstha, and others. or their federations. These are 14 ex-officio members of the Ayog including the Commissioners of Animal Husbandry, Agriculture, Dairy Development, a nominee of the DGP not below the rank of a DIG of Police, Directors of Agricultural Universities as well as nominees of the Home Department, Forest Department, Urban Development and others.

The Maharashtra Act carries the same definition of cattle, and also proposes to set up a body to regulate all the institutions including companies, societies and charitable institutions but does not specify a NGO. The composition of the body is similar to the Uttarakhand Act. The panel includes non-official members such as NGO's although a NGO is not defined.

The Uttarakhand legislation prohibits cow slaughter and the possession of beef and imposes stringent penalties such as a maximum of 10 years with a minimum penalty of 3

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[5] *Gau Seva Aayog proposes stricter cow protection law; punishment up to 7 yrs for beef storage, smuggling of cows*, Times of India, Dehradun, July 2, 2023, available at https://timesofindia.indiatimes.com/city/dehradun/gau-seva-aayog-proposes-stricter-cow-protection-law-punishment-up-to-7-yrs-for-beef-storage-smuggling-of-cows/articleshow/101427468.cms (Last visited on February 8, 2024).

years. It contains an exception for the slaughter of diseased cows. The offences are cognisable and non-bailable. The stringent penalties are imposed only if the offence goes to trial. The offence has been made compoundable by Mukhya Nagar Adhikari or Executive Officer or the Police Officer of the local police station not below the rank of Sub-Inspector. It prohibits vagrancy of cows but does not prescribe a penalty for this. The Maharashtra Bill does not have provisions on penalties, nor does it prohibit cow slaughter or possession of beef. The focus of the Act is the preservation, protection and welfare of the cattle and the development of indigenous breeds.

The ban on cow slaughter and the beef ban was brought in 2015, by Maharashtra Amendment Act 5 of 2015, to the Maharashtra Animal Preservation Act IX of 1977. This was an Amendment act of 1995 which got presidential approval after 20 years in 2015. The Act extended the ban on the slaughter of cows and calves to bulls and bullocks and prohibited the transport of cattle as well as the sale, purchase, and disposal of cattle for slaughter. The Act also prohibited the possession of beef and its possession per se irrespective of whether it was slaughtered in another state.

The Mumbai High Court upheld the ban and the prohibition of possession of beef that was slaughtered in contravention of the Act,[6] it struck down the provisions on possession *per se*, i.e. no person shall possess beef even if the slaughter was outside the state as well as the provision that reversed the burden of proof of a person in possession to prove that the slaughter, transport and export, sale, purchase and possession was not in contravention of this Act. The court invoked the right to privacy, including the right to eat food of one's choice, to strike down these provisions.[7]

While cow slaughter and protection is legislated upon in several states, the model in each of these states is different, with a lot of variation in the extent of regulation as well as the nature of penalties.

Privatisation of Higher Education

The second significant piece of legislation is the Maharashtra Private Universities (Establishment and Regulation) Act, 2023 (hereafter, MPU (E and R)).

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[6] Sheikh Zahid Mukhtar v. State of Maharashtra 2016 SCC Online Bom 2600

[7] Ibid: "As far as the choice of eating food of the citizens is concerned, the citizens are required to be let alone especially when the food of their choice is not injurious to health. As observed earlier, even a right to sleep is held as a part of the right to privacy which is guaranteed under Article 21 of the Constitution of India. In fact the State cannot control what a citizen does in his house which is his own castle, provided he is not doing something which is contrary to law. The State cannot make an intrusion into his home and prevent a citizen from possessing and eating food of his choice." ¶192.

A major part of law making in the year under review was on privatisation of higher education. 10 new universities were proposed to be set up and amendments were passed in 5 other University Acts.[8] A regulating act proposing to regulate all self-financing private Universities, the MPU (E and R) was passed in the winter session of the Legislative Assembly.

This Act comes along with a series of developments over the past years particularly since 2018 when the UGC GAR Rules 2018 were introduced in a move that set the ball rolling as far as self-financing courses were concerned. These courses introduced in Public Universities were resisted by both students and teachers.[9] There has been a critical discussion on the consequences of these moves which in the name of autonomy are justifying the decreasing expenditure by the government on education.[10] The Maharashtra Act brings together two different ideas, one of self-financing and the other is private education. The Universities Grants Commission (UGC) has categories of Central, State, Private and Deemed Universities. There is no category of self-financing private universities. There are private and aided colleges and schools which receive support from the Government but not Universities. The idea of private schools and colleges was to enable society to participate in the important function of education, which is primarily the function of the State. Since private institutions were sharing the function of the State, there was an

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[8] Universal AI University, Karjat Act, 2022 (Mah. Act No. III of 2023), JSPM University, Pune Act, 2022 (Mah. Act No. IV of 2023), Pimpri Chinchwad University, Pune Act, 2022 (Mah. Act No. V of 2023), ITM Skills University, Navi Mumbai Act, 2022 (Mah. Act No. X of 2023),MIT Vishwaprayag University, Solapur Act, 2023 (Mah. Act No.XXXVIII of 2023),DES Pune University, Pune Act, 2023 (Mah. Act No. XXXIX of 2023),Laxminarayan Innovation Technological (LIT) University, Nagpur Act, 2023 (Mah. Act No. XLI of 2023), Universal Skilltech University, Vasai, Bill, 2023 (L.A.XLI of 2023), G. H. Raisoni International Skill Tech University, Pune Act, 2023(L.A. LVI of 2023), G. H. Raisoni Skill Tech University, Nagpur Act, 2023(L.A. LVII of 2023), Dr. Babasaheb Ambedkar Technological University and Maharashtra COEP Technological University (Amendment) Act, 2023 (Mah. Act No. XVI of 2023), Yashwantrao Chavan Maharashtra Open University, Kavi Kulaguru Kalidas Sanskrit Vishwavidyalaya (University) and Maharashtra Public Universities (Amendment) Act,2022 (Mah. Act No. VI of 2023), Maharashtra, Animal and Fishery Sciences University (Amendment) Act, 2023 (Mah. Act No. XL of 2023), Maharashtra National Law University (Amendment) Act, 2023 (Mah. Act No. XLV of 2023), Maharashtra International Sports University (Amendment) Act, 2023 (L.A.LIII of 2023).

[9] Shreya Roy Choudhury, *Government wants more self financed courses but they are run by exploiting temporary teachers*, Scroll, June 17, 2017, available at https://scroll.in/article/840762/government-wants-more-self-financed-courses-but-they-are-run-by-exploiting-temporary-teachers; Mallica Joshi, *Self financed courses and why they had DU teachers up in arms last week*, Indian Express, New Delhi June 27, 2017, available at https://indianexpress.com/article/education/du-admission-2017-du-ac-in-self-financed-courses-and-why-they-had-du-teachers-up-in-arms-last-week-4723501/ (Last visited on March 26, 2024).

[10] Saikat Ghosh, *Autonomy for Universities, Government move to privatise is exclusionary*, Economic and Political Weekly (Engage), Vol. 53, Issue No. 13, March 31, 2018, available at ISSN (Online): 2349-8846 https://www.epw.in/index.php/engage/article/autonomy-universities-governments-move-privatise (Last visited on March 26, 2024).

obligation on the State to support them. This can also be seen in the constitutional guarantees of Cultural and Educational Rights under Arts. 29 and 30 of the Constitution of India. The idea of private and self-financing seems to imply that these institutions will be granted more leeway in the fee that they charge. It is also interesting to observe that at least two of the legislations (Act III and IV of 2023) passed in early 2023 only mentioned self-financing Universities and not private Universities. These Acts also made explicit reference to the University Grants Commission (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003, the Maharashtra Unaided Private Professional Educational Institutions (Regulations of Admissions and Fees) Act, 2015, and the Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987.

The MPU(E and R) is intended to unify, consolidate and amend the laws relating to the self-financed private universities in the State of Maharashtra and to provide for establishment, incorporation and regulation of self-financed private universities in the State for development and advancement of higher education in the State. The Act proposes that any sponsoring body including a private institute can submit a proposal to establish a self-financing private University. The sponsoring body has been defined to mean a society, a public trust or a company. [11] The sponsoring body has a wide range of powers, including the power to appoint and remove the president of the University (§ 17 and 18), 5 members of the Governing Body not including the President who is appointed by the sponsoring body and appointees of the President (§ 27). Similarly, 8 members of the Board of Management are appointed by the sponsoring body (§ 28). There is little scope for the Governing body or the Board of Management functioning independently of the sponsoring body. The sponsoring body may dissolve the University (§ 46).

The Act provides that the University will adopt policies and orders of the Government on reservation for scheduled castes, scheduled tribes, de-notified tribes, nomadic tribes and other backward classes, special backward category and economically weaker sections. Similarly, it provides that no citizen shall be excluded either from holding a position or being admitted to a course (§11).

But this provision is followed by §12 of this Act which provides that the University established under this Act will not be entitled to any financial assistance from the State

[11] §2(y) “sponsoring body” in relation to a university established under this Act means,—
(i) a society registered under the Societies Registration Act,1860; or
(ii) public trust registered under the Maharashtra Public TrustsAct; or
(iii) any Educational Institution established under section 25of the Companies Act, 1956 or a company registered under the Companies Act, 2013;

Government and that students admitted to these Universities shall not be entitled to claim any type of financial assistance, scholarship or fee reimbursement from the State Government.

While the UGC Regulations 2003 and the Maharashtra Act on capitation fee are explicitly referred to in the Act, it does not seem to be generating any confidence in students who believe that this is a move to deny opportunities to underprivileged categories. Student Unions have been protesting against this Act, which seeks to unify, consolidate and amend the laws relating to self-financed private universities in the State, as it virtually excludes students from economically weak backgrounds from being admitted to these Universities.[12]

This move is symptomatic of the move towards the privatisation of higher education in the country. The move towards privatisation done in the name of autonomy of these institutions is actually a disinvestment of state funding in higher education. This process has been set in motion since University Grants Commission's Graded Autonomy Regulation (GAR) (notified through the union gazette, 12 February 2018). This has the inevitable consequence of hiking fees as institutions are expected to fund their own courses and expect no funding from the Government. The autonomy here is less managerial and more financial.[13]The All India Survey of Higher Education (AISHE) 2019-20 shows that the number of private universities in India have almost doubled in just four years. [14]

Ease of Doing Business

The third significant legislation is L.A.IV of 2023, Maharashtra Industry, Trade and Investment Facilitation Act, 2023 (referred to as the *MAITRI* Act), which was introduced in the Legislative Assembly on 28 February 2023. The Bill was passed on 3 March 2023 and sent to the Legislative Council. The Government then felt the need to make modifications and withdrew the bill. According to newspaper reports, the bill was withdrawn due to differences over the jurisdiction of agencies. The jurisdiction of the MIDC (Maharashtra Industrial Development Corporation) and the Principal Secretary, Department of Industries, was not clear. The bill was promulgated as an Ordinance No. IV of 2023 on 3 July 2023 and

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[12] Dheeraj Bengrut, *Student Unions oppose new bill on private universities* ,Hindustan Times E-paper,January 20, 2024, available at https://www.hindustantimes.com/cities/pune-news/student-unions-oppose-new-bill-on-private-universities-101705693349028.html (last visited on March26, 2024).

[13] Saikat Ghosh, *Autonomy for Universities, Government move to privatise is exclusionary* , Economic and Political Weekly (Engage), Vol. 53, Issue No. 13, March 31, 2018, available at https://www.epw.in/index.php/engage/article/autonomy-universities-governments-move-privatise (last visited on March 26, 2024).

[14] Kritika Sharma, *With 131 new institutions in 4 years, its boom time for private universities in India*, The Print September 6, 2021 available at https://theprint.in/india/education/with-131-new-institutions-in-4-years-its-boom-time-for-private-universities-in-india/726908/ (last visited on March 26, 2024).

brought into effect immediately. The Ordinance was then introduced as L.A.22 of 2023 and was deemed to have come into force on 3 July 2023. The Act is primarily intended to give a statutory status to the Maharashtra Industry, Trade, and Investment Facilitation Cell (MAITRI) that was set up in 2014 to redress the grievances of investors.[15] The *Statement of Objects and Reasons* of the Act states that the Government of Maharashtra has, by Government Resolution, converted MAITRI into a State Single Window System, and in order for this to function effectively MAITRI needed to be empowered with additional powers. The changing nature of the State is referred to here. It states that the role of the Government in the overall business ecosystem has changed due to rapid growth and innovation across industries and service sectors and "*In these circumstances, the government must play the role of a business ecosystem developer and not only play the role of a regulator*." This Act is intended to complement the efforts of the central government which has launched the National Single Window System (NSWS[16]).

The Act creates a single window for all clearances and permissions required to establish and operate Industries. The term "permission" under the Act means any approval, no-objection certificate, clearance, allotment, consent, registration, enrolment, license or the like by any Competent Authority in connection with the setting up or operating an industrial undertaking in the State and includes all such permissions as are required under any relevant law.[17] It is expected that this move will enhance competitiveness in trade and investments and create an eco-system that ensures ease of doing business. The Act also sets up a grievance redressal mechanism.

This mechanism is provided under §5 and §7 of the Act. These sections state that if the Competent Authority fails to dispose of an application within the specified time, the Nodal Agency shall transfer the matter to the Empowered Committee which will make decisions as per the relevant law. The Empowered Committee can also ask for reasons for the delay or rejection of the application and require the personal appearance of the Competent Authority. It can also appoint an enquiry officer to investigate the delay or grievances of the

[15] Vallabh Ozarkar, *MAITRI Bill to be introduced in House for speedy implementation of projects*, Indian Express, Mumbai, February 2, 2023, available at https://indianexpress.com/article/cities/mumbai/maitri-bill-to-be-introduced-in-house-for-speedy-implementation-of-projects-8416363/ (Last visited on February 10, 2023).

[16] The NSWS is a national digital platform to apply for approvals. More information is available at https://www.nsws.gov.in/ (Last visited on April 1, 2024).

[17] §2(h)

applicant.[18] It can refer the matter to the Supervisory Committee which can recommend disciplinary action.

The Act provides for rationalisation of Inspections which will be based on random selection, and for an overriding effect of the Act over any other legislation that is in force in the State.[19] §12 provides for the constitution of a Supervisory Committee consisting of the Secretary(Industries) as chairperson, who will give directions to the empowered committee, including any issues regarding Ease of Doing Business in the State. §6 provides for the constitution of an empowered committee with the Development Commissioner (Industries) as chairperson. This Committee will supervise Nodal Agency i.e. MAITRI set up by §14 of the Act.

Other Substantial Areas

Agricultural Land Leasing

The Maharashtra Agricultural Land Leasing Act, 2017 received presidential assent in 2023 (Mah. Act No. XXVIII of 2023) but has still not been notified. This Act along with the proposed L.A. Bill 52 of 2023 Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2023 which seeks to amend the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 are important steps in the direction of making agricultural land available for non-agricultural purposes. The Land Leasing Act is modelled on the Model

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[18] Maharashtra Industry, Trade and Investment Facilitation Act, 2023, §5. (1) Notwithstanding anything contained in relevant law, if the Competent Authority fails to dispose off an application within specified time limit, then the Nodal Agency shall transfer such application to the Empowered Committee for taking necessary action under the relevant law:
Provided that, only those applications, for which the powers for disposal of applications under the relevant law are conferred on the competent authorities under the State Government, shall be transferred to the Empowered Committee.
(2) On transfer of the application under sub-section (1) to the Empowered Committee, the Competent Authority shall cease to have the powers to deal with such application under the relevant law.
§7. The Empowered Committee shall have the following powers, namely :—
(a) to consider and dispose off applications for permission under any relevant law in cases where the Competent Authority has failed to process and dispose off such applications, within the specified time limit;
(b) to invite any officer or expert as it deems necessary, to participate in the meetings of the Empowered Committee;
(c) to ask for reason for delay in disposal of application or rejection of application and to call for necessary information and to require personal appearance of concerned Competent Authority;
(d) to appoint any officer to inquire into the reason for delay in disposal of applications by the Competent Authority or the grievances raised by the applicant
(e) such other powers as may be prescribed.

[19] Maharashtra Industry, Trade and Investment Facilitation Act, 2023 § 16

Agricultural Land Leasing Act proposed by the NITI Ayog.[20] §15 of the Act provides for an overriding effect over all other laws, which could impact a host of laws on Land and Agricultural land in particular such as the Maharashtra Tenancy and Agricultural Lands Act, 1948 ("MTAL"), and the Maharashtra Land Revenue Code, 1966 ("MLRC"). While the Act is called the Maharashtra Agricultural Land Leasing Act, 2017, and is being brought into force in 2023, §15 (clause 2) provides that the Act shall not have any retrospective effect, and that existing protected tenants and sharecroppers under existing Tenancy Laws will remain unaffected.

Local Bodies

The Mumbai Municipal Corporation and Maharashtra Municipal Corporations (Amendment) Act, 2023 L.A. 1 of 2023 passed by both houses on 2 and 13 March respectively and notified as Act 14 of 2023 on 23 March amends §5 of both acts to increase the number of nominated councillors from 5 to 10.

This amendment is in addition to the Mumbai Municipal Corporation (Second Amendment) Act, 2022 (Mah. Act No. I of 2023) which was first promulgated as an Ordinance, Ord. XII of 2022, is in effect from 24 November 2022. This amendment ensured that the capital value of buildings or land would not be revised and would remain the same. This amendment introduced during the covid pandemic was intended to provide relief to taxpayers by not enhancing the value of buildings and land. This was further extended to the next year 2022-23 also.

The Maharashtra Village Panchayats (Amendment) Act, 2023 L.A.II of 23 was passed by both houses on 28 February and 13 March respectively and became Act 15 of 2023 on 23 March. The Act increases the penalties prescribed under the Act from 300 rupees to 1500 rupees. The earlier penalty was either 300 rupees or imprisonment for one month or with both. The Act does away with imprisonment but hikes the penalty by 5 times. In clause (ii) the penalty of 500 rupees or 6 months of imprisonment or both is hiked to 5000 rupees which is 10 times the existing penalty.

Essential Services Maintenance Act 2023

The Maharashtra Assembly has passed a new ESMA in 2023 but has not notified the Act yet. It will be in effect for a period of five years. The legislation has received presidential assent. The Act repeals the MESMA (Maharashtra Essential Services Act) 2017.

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[20] Report of the Expert Committee and Model Law on Agricultural Land Leasing, NITI Ayog Government of India, 2016, available at https://www.niti.gov.in/sites/default/files/2023-02/Report-of-the-Expert-Committee-and-Model-Law-on-Agricultural-Land-Leasing.pdf (Last visited on March 29, 2024).

Fire Safety

Major amendments have been recommended to the Maharashtra Fire Prevention and Life Safety Measures Act, 2006. The new amendments provide for an enhanced fire and emergency services fee. The fee is now levied at a rate that is linked to the built-up area of the building. Traders associations have represented to the Government that the burden will ultimately be borne by the end customer and lead to decrease in investment in the State. The Times of India reports that major fires in Kurla, Dadar and Malad have prompted the state government to take this measure.[21] The bill provides for the appointment of a fire safety officer and for an IOT (Internet of Things) based sensor which must be mandatorily installed in major public buildings. The High Court of Mumbai had constituted an expert committee to suggest safety measures which have been pending with the government. On 6 December 2023, the High Court pulled up the government for not notifying the safety rules to curb man-made disasters in vulnerable buildings such as in Girgaon in which a century old building caught fire leading to the death of two persons. Frequent fire accidents have occurred in the past and PIL's have been filed regarding a fire at Kamala Mills. A PIL was filed in 2019 regarding special regulations for buildings which are vulnerable to man-made disasters. Draft regulations have been pending since 2009. The amendment Act has not been notified.

Ordinances

9 Ordinances were promulgated in 2023. These included amendments passed to 6 legislations (Maharashtra Apartment Ownership Act, Maharashtra Public Universities Act, Maharashtra Goods and Services Tax Act, Maharashtra Co-operative Societies, the Maharashtra Regional and Town Planning, Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis Act). These amendments to statute raises a serious concern regarding the use of Ordinances to bring about long-term changes. Arts. 213 and 123 of the Constitution of India, 1950 provide for ordinances to be made at a time the Legislative Bodies are not in session and are usually intended as stop gap arrangements. The Supreme Court in *Krishna Kumar v. State of Bihar* (2017) 3 SCC 1 deplored the need for ordinances to bypass legislative action. Increasingly, however, it has been observed in the Indian context that there is no real difference between the exercise of the Ordinance making power and the legislative power except that Ordinances come into

[21] Chittaranjan Tembekar, *Mobile alerts for fire safety in bill passed by Maharashtra Assembly*, March 24, 2023, available at https://timesofindia.indiatimes.com/city/mumbai/mobile-alerts-for-fire-safety-in-bill-passed-by-house/articleshow/98956071.cms (Last visited on February 16, 2024).

effect immediately. The significance of using the Ordinance route as demonstrated by the repeal of Ordinance 7 is that an Ordinance can be repealed at any time and as held in the Krishna Kumar case would not always create enduring rights. In the year under review, the Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village Panchayats, Zilla Parishads and Panchayat Samitis) Ordinance is the only Ordinance which was created for a specific purpose and loses any significance after the purpose is served. It creates no lasting or enduring rights unlike a legislation which is designed to do so. The lack of any distinction between an Ordinance and Legislation is also seen in the way that a major legislation that has the effect of nullifying the powers of several competent authorities under various statutes, the MAITRI Act, was initially proposed as a statute, and since it could not be passed, took the route of an Ordinance and then converted into a statute and given effect to from the date of the Ordinance.

It was very clear that the Government used the Ordinance route to fast-track legislative action. All the Ordinances converted into statutes were given effect to from the date of the Ordinance. These Ordinances included some drastic amendments such as the amendment to the Maharashtra Apartment Ownership Act, allowing for the forcible eviction of members obstructing redevelopment.

Only one Ordinance was withdrawn, Ordinance 7 of 2023, as it was rendered redundant by the Repeal of the Casinos Act, 1976. The Ordinance was later converted into a Bill No L.A.48 of 23 as the Maharashtra GST (second amendment) Act 2023 and proposed to levy 28% GST on gaming, betting, casinos, horse racing and lottery. However, after the Maharashtra Assembly passed an Act to repeal the Maharashtra Casinos (Control and Tax) Act, 1976, the ordinance was withdrawn. The repeal of the legislation that was in place since 1976 is also interesting as this legislation was never brought into force. The Law repealing the Casinos Act was passed two days after the High Court was approached by Casino owners to direct the Government to release the regulation of casinos that were drafted under this Act[22]

Proposals Referred to the Joint Committee

Several important legislations were not passed but referred to the Joint Committee. These include several legislations on farmers' issues. The Maharashtra Payment of Compensation to Farmers (for loss caused due to adulterated, non-standard or misbranded seeds, fertilisers or insecticides) Act, 2023, was not passed and instead referred to a joint

[22] Rosy Sequeira, *State must decide on notifying law on casinos: Plea in HC*, Times of India Mumbai, January 2, 2024, available at https://timesofindia.indiatimes.com/city/mumbai/maharashtra-must-implement-law-on-casinos-plea-in-hc/articleshow/106463398.cms(Last visited on March 29, 2024).

committee. Similarly, amendments to the Seeds Act, the Insecticides Act and the Mathadi Act were not passed. The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing of Essential Commodities, Act which proposed to add offenders such as fertilizer offender and insecticide offender is also before the joint committee. Maharashtra passed the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous Persons and Video Pirates Act in 1981. These amendments are proposed to this Act.

Retrospective Effect to Legislations

One of the significant aspects of law making this year is the retrospective effect given to both legislation and rules. The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment, Re-enactment of Rules and Notification of Apex and other Grievance Redressal Committees and Validation) Act, 2023 was given effect from 2017.

Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act 1971 was amended twice in the year 2023. The first was to give retrospective effect and to validate the Grievance Redressal Committee that was set up under the Act and secondly to reduce the period that allottees under the redevelopment plan had to wait before they could sell their flat

The first amendment was required as the Grievance Redressal Committee was set up without any provision in the Act. The amendment was made after the High Court pointed it out in litigation around the Grievance Redressal Committee. §9 of the amendment act provides that notwithstanding any judgment, decree, or order of any court, tribunal or authority relating to the notification that constituted the committee, the committees will be deemed to have been duly and validly re-enacted with retrospective effect and would be deemed to be operative at all times.

The second amendment to the Act L.A. 62 The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Second Amendment) Act, 2023 allows those allotted flats in the slum area redevelopment plan to sell their flats after a 5 year waiting period. The waiting period to sell a flat has been reduced from 10 to five years by amending §3(E). L.A. 21 of 23 had initially provided that the period be reduced to 7 years but by the second Bill the period was further reduced to 5 years.

The other legislation making a provision for a retrospective effect is Act XLIV of 2023, Maharashtra Municipal Corporation of the City of Pune Taxation (Enactment and Amendment of Taxation Rules with retrospective effect and Validation) Act, 2023. This Act has not yet been notified but proposes to make amendments to the way the determination

of rateable value of buildings or land in the Municipal Corporation of Pune shall be made or deemed to have been made from the 1 of April 1970. The amended rule provides that 15% of the annual rent shall be allowed as a deduction, and in case the owner exclusively occupies the building, then the rate of deduction shall be 40%.

Regional Development Imbalances in Maharashtra

Art 371(2) of the Constitution of India was introduced to address imbalances in equitable allocation of funds and access to education and employment opportunities. The provision states that the President may provide for special responsibilities of the Governor to establish separate development boards for Vidharbha, Marathwada and the rest of Maharashtra. The imbalances in per capita income between the regions has been noted in the Economic Survey of Maharashtra. Similarly, the imbalances in FDI (Foreign Direct Investment) is also evident. IT Parks are concentrated in and around Mumbai while there are none in Amaravati and just 3 in Aurangabad.[23]

Despite this specific mandate Regional Boards have not been constituted since April 30, 2020.[24] The Deputy Chief Minister claimed that Vidharbha and Marathwada received more funds than when the Statutory Development Boards were in place.[25] Despite this claim he also maintained that a letter was sent to the central government with a request to expedite the process for reorganisation of the Vidharba, Marathwada and rest of Maharashtra statutory development boards. The Boards have been in existence since 1994 and have only lapsed since 2020.

Conclusion

The year under review saw legislative activity on several important issues. The priorities of this legislature were facilitation of trade and investment which saw rapid action overriding

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[23] Dilip Chaware, *Development Boards have failed to develop*, available at https://www.theresource24x7.com/monitor/development-boards-have-failed-to-develop/ (Last visited on April 1, 2024).

[24] *Govt reconstitutes development boards for Marathwada, Vidarbha, other areas*, The Indian Express,6 October 2022, available at https://indianexpress.com/article/cities/mumbai/govt-reconstitutes-development-boards-for-marathwada-vidarbha-other-areas-8176961/; Vaibhav Ganjapure, Why statutory boards' proposal was delayed, High Court to Centre, TOI, Nagpur, March 7, 2024, available at https://timesofindia.indiatimes.com/city/nagpur/why-statutory-boards-proposal-was-delayed/articleshow/108280352.cms (Last visited April 1, 2024).

[25] Vaibhav Ganjapure, *Vidharba, Marathwada got more funds that allotted*, TOI Nagpur, 15 December 2023, available at https://timesofindia.indiatimes.com/city/nagpur/vidarbha-marathwada-got-more-funds-than-allotted/articleshow/106006229.cms (Last visited on April 1, 2024).

other legislations and areas such as farmers rights which did not see a quick response. While several bills were proposed on important areas such as fire safety, they were not speed tracked like the Apartment Owners Act which has drastic measures for eviction of tenants. A trend that is visible from the earlier survey also indicates that the use of the Ordinance route is resorted to speed track some issues. Bills are proposed as Ordinances and passed with immediate effect. As observed in the earlier survey as well, there are no field restrictions on what issues may be addressed through ordinances and what needs legislative deliberations. The lack of a separation of executive and legislative law-making power is observable in this year as well.

MANIPUR

SOUGATA TALUKDAR*

Introduction

The North-Eastern Areas (Re-organization) Act, 1971, granted Manipur full statehood on 21 January 1972, along with a unicameral Legislative Assembly consisting of 60 members.[1] Of these sixty seats, twenty are in the nearby hill districts and forty are in the Imphal Valley.[2] Currently, candidates from Scheduled Castes are restricted to one assembly seat, while those from Scheduled Tribes are restricted to 19 assembly constituencies.[3] The 12th Manipur Legislative Assembly is now in session and will stay that way till 13 March 2027. The Manipur Legislative Assembly currently has Shri Thokchom Satyabrata Singh in the role of Speaker and Shri Karam Meghajit Singh in the role of Secretary.[4]

I have majorly conducted this research by using digital sources and by connecting with people who have political influences in the State of Manipur. The website of the Manipur Legislative Assembly is not updated. There is no specific information regarding the working of the sessions. Nevertheless, the website of the Directorate of Printing and Stationery, Government of Manipur contains all the eGazette Publications by maintaining a periodical chronology. I tried to extract information from those gazettes and analyze them accordingly. The interaction with people with political influences helps me to understand the current socio-political scenario of the State of Manipur. In this regard, the newspaper reports also give an insight into the background of the legislative schemes in Manipur.

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[1] Manipur Legislative Assembly Website, available at: https://www.assembly.mn.gov.in (Last visited on 20 October 2023).

[2] Tejas Harad, *ST Status for Manipur's Meiteis: What is at Stake?*. TheQuint (6 May 2023), available at: https://www.thequint.com/news/politics/manipur-violence-st-status-for-meiteis-valley-vs-hills (Last visited on 16 November 2023).

[3] Manipur Legislative Assembly, available at: https://manipur.neva.gov.in/ (Last visited on 19 November 2025).

[4] The 12th Manipur Legislative Assembly, available at: https://manipur.neva.gov.in/ (Last visited on 20 November 2023).

Quantitative Legislative Survey

The 12th Manipur Assembly held only two sessions in 2023. The Budget session of eleven days with ten sittings lasted from 21 February to 3 March 2023. On 29 August 2023, the Legislative Assembly reconvened for the monsoon session. After just eleven minutes of business, nine minutes of real business the session was adjourned sine die, much to the chagrin of the opposition.[5]

In 2023, the Manipur Legislative Assembly enacted 9 statutes in different areas. Two of these were appropriation Acts, another two pertained to local self-government. The other statutes dealt with various subjects including defacement of properties, taxation, regulation of shops and establishments, establishment of a university and a temple board. Due to the turmoil in the state, the government preferred to pass two ordinances. These are the Manipur Goods and Services Tax (Sixth Amendment) Ordinance, 2023 (Manipur Ordinance No. 1 of 2023) and the Manipur Labour Laws (Exemption from Renewal of Registration and License by Establishments) Ordinance, 2023.

In exercise of the powers conferred under proviso to sub-section (2) of Section 1 of the Manipur Liquor Prohibition Act, 1991 (Manipur Act. No. 4 of 1991), the Governor of Manipur has withdrawn the said Act from Greater Imphal areas, district headquarters, tourist locations in the state, and registered hotel establishments with not less than 20 lodging rooms of the state of Manipur.[6]

Further, in the exercise of the powers conferred under sub-section (2) of Section 1 of the Manipur Liquor Prohibition (Amendment) Act, 2002 (Manipur Act No. 5 of 2002), the said Act was to come into force on December 6 2023.[7]

In addition, in 2023 the Government of Manipur through, as per the power conferred on the Governor under Article 309 of the Constitution of India, came with various rules primarily dealing with government employment, public services and taxation. The following table lists the same.

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[5] State Assembly Adjourned After 11 minutes Only; MPCC Hoists Black Flag in Protest; BJP Blames Congress; Rejection of August 29 Assembly Proceedings Demanded; CPI Says Government Deaf; Five Killed in Bishnupur Gunfight; SC Tells the Govt to Ensure Essential Supply Chain, available at: https://imphalreviews.in/state-assembly-adjourned-after-11-minutes-only-mpcc-hoists-black-flag-in-protest-bjp-blames-congress-rejection-of-august-29-assembly-proceedings-demanded-cpi-says-government-deaf-five-killed-in-b/ (Last visited on 25 November 2023).

[6] Government of Manipur, Secretariat: Finance Department, No. FX-8/13/2022-e-FD(I). (Manipur Gazette 199).

[7] Ibid.

Subject Area	Rule
Education	Manipur Education Service Rules, 2012 (2nd Amendment), 2023
	Manipur Health Services (1st Amendment) Rules, 2023
Police	Manipur Police Service Rules, 1965 (3rd Amendment), 2023
	Manipur Police Service (2nd Amendment) Rules, 2023
	Manipur Police Service (1st Amendment) Rules, 2023
	Police Department, Manipur [Subedar of M.R./IRBns/Home Guard/Training Staff] Recruitment Rules, 2023
	Police Department, Manipur [Inspector of Police (Civil)] Recruitment Rules, 2023
GST	Manipur Goods and Services Tax (Fourth Amendment) Rules, 2023
	Manipur Goods and Services Tax (Third Amendment) Rules, 2023
	Manipur Goods and Services Tax (Second Amendment) Rules, 2023
	Manipur Goods and Services Tax (Amendment) Rules, 2023
Public Services, Pay & Recruitment	Manipur Services (Revised Pay) (6th Amendment) Rules, 2023
	Junior Manipur Civil Services (2nd Amendment) Rules, 2023
	High Court of Manipur Officers and Employees Recruitment and Condition of Service (Classification, Control, Appeal and Conduct) (Second Amendment) Rules, 2023
	Manipur Finance Services (1st Amendment) Rules, 2023
Land, Revenue & Minerals	Manipur Regulation of Sale Deed Registration (Amendment) Rules, 2023
	Manipur Land Revenue and Land Reforms (Leasing Out of Government Land) Rules, 2022
	Manipur Minor Mineral Concession (Second Amendment) Rules, 2022
Recovery & Administration	Manipur Public Demand Recovery Rules, 2023

Qualitative Analysis

Local Government

The Manipur Panchayati Raj Amendment Act

The Manipur Panchayati Raj (Eight Amendment) Act, 2023 (Manipur Act No. 1 of 2023)[8] was enacted to amend Manipur Panchayati Raj Act, 1994. Under the original statute, three bodies were established, namely, Gram Sabha,[9] Gram Panchayat,[10] and Zilla Parishad.[11] This new Amendment Act introduces Panchayat Samiti and makes it a three-tier Panchayati Raj

[8] It is published through Notification No. 2/20/2022-Leg/L (Gazette 475). This Act received assent of the Governor on 15 February 2023.
[9] Manipur Panchayati Raj Act, 1994, s 3.
[10] *Id.*, s 13.
[11] *Id.*, s 48.

system in the State. It introduces Section 110, enabling the State Government to form a Panchayat Samiti with the Block name and jurisdiction for every Block. All Panchayat Samitis are corporate entities with perpetual succession and a common seal. They can sue or be sued in their corporate name for the acquisition, holding, and transfer of movable property, whether or not it is located within the boundaries of the territory they have the authority to govern. They can also enter into contracts and take any other action that is appropriate, expedient, or necessary to fulfil the purposes for which they were established.

The Panchayat Samiti should consist of (a) the members directly elected from the territorial Constituencies, (b) the members of the House of the People and the members of the State Legislative Assembly representing constituencies which comprise wholly or partly Panchayat Samiti, and (c) ten per cent of the Pradhans of the Gram Panchayats in the Block.[12] One member for every twenty thousand people, or a portion of that number, will be chosen by the government from among the territorial constituencies, taking into account the Block's total population. The elected members of the Panchayat Samiti are tasked with choosing two members from among themselves to serve as Pramukh and Up-Pramukh, respectively, in accordance with the recently added Section 116. The Pramukh has to (a) perform all the duties imposed and exercise all the power conferred on the Pramukh under this Act and rules made thereunder, (b) convene, preside over and conduct meetings of the Panchayat Samiti, (c) exercise administrative supervision and control over the Executive Officer, all the officers and other employees of the Panchayat Samiti and the officers, (d) exercise such other powers, perform such other functions and discharge such other duties as the Government may prescribe, and (e) exercise overall supervision over the financial and executive administration of the Panchayat Samiti. As per the recently added Section 121, each Panchayat Samiti is required to convene at least once every three months on a day, time, and location within the local boundary of the Block in question, which they may determine during the meeting that immediately precedes it. Apart from these, the Eight Amendment Act also provide detailed scheming for the procedure of working of the Panchayat Samiti, Standing Committees and their functions, financial capacity and allocation of funds etc.

The Manipur Town and Country Planning Amendment Act

The Manipur Town and Country Planning (Fifth Amendment) Act, 2023,[13] which further amends the Manipur Town and Country Planning Act, 1975, was notified by the Manipur government on March 23, 2023. This Act received assent from the Governor on 18 March 2023. This Amendment specified the time limit of twelve months for drafting the scheme of

[12] Manipur Panchayati Raj (Eight Amendment) Act, 2023, Section 2.
[13] It is published through Notification No. 2/8/2023-Leg/L (Gazette 527).

an area after the declaration of intention of the development scheme under Section 29. It also empowers the authority or Chief Town Planner to appoint a Town Planner officer for a specified development scheme.[14] This 2023 Act also included residential areas as part of the scheme which was absent in the original Act.[15] This new amendment specifies allotment of land from the total area covered under the scheme to the extent of (i) 15% for roads, (ii) 5% for parks, playgrounds, gardens and open space, (iii) 5% for social infrastructure such as school, dispensary, fire brigade, public utility place, (iv) the reservation of land to the extent of 5% for the purpose of providing housing accommodation to the members of socially and economically backward classes of people; and (v) 15% (fifteen per cent) for sale by appropriate authority for residential, commercial or industrial use depending upon the nature of development.[16] After Chapter V (Development Scheme) of the Principal Act, a new Chapter V-A (Special Provisions for Local Area Plan) is inserted. The appropriate authority is empowered to make one or more Local Area Plans for the development area or any part thereof, regard being had to the proposals in the final development plan, if any. Local Area Plans may be created for any site, whether or not it is included in the approved preliminary plan. However, prior approval from the State Government is required in order to create a Local Area Plan for any land that is not included in the approved preliminary concept.[17] The Local Area Plan may provide provisions to (a) define and provide for the complete road and street pattern for the present and in the future and indicate the traffic circulation, (b) lay down in detail the projected road and street furniture, (c) access, make projection for the future requirements of amenities, services and utilities such as transport, electricity, water, drainage, plantation and land scape, (d) prescribe in detail the foot print, height and building envelope, control over architectural features including elevation and frontage, numbers of stories, size of buildings, courtyard, pickup and drop off points, entry points to the basement, parking and such other requirement to integrate the building envelope in the vicinity, (e) indicate the phasing of the program of development and the cost of development and the share to be paid by each owner or the beneficiary, (f) access the cost of works to be provided by the appropriate authority and the contribution of fees to be paid by different owners. After considering the objections raised by the people affected by the proposed Local Area Plan and after modifying the plan accordingly, the appropriate authority has to submit the Plan to the State Government. On receipt of the Plan, the State Government either can

[14] Manipur Town and Country Planning (Fifth Amendment) Act, 2023, Section 2(1).

[15] The original Act specified allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, industrial and commercial activities, green belts and dairies, transport facilities and public purposes of all kinds.

[16] Manipur Town and Country Planning (Fifth Amendment) Act, 2023, s 3(2).

[17] *Id.*, s 6.

sanction that Plan with or without modification or return the Plan with a note to the appropriate authority. The State Government also has the authority to refuse to accord sanction to the plan. In addition to this, the Manipur Town and Country Planning (Fifth Amendment) Act, 2023 inserted a new Chapter, i.e., Chapter VIII-A, after Chapter VIII of the Principal Act which deals with "Finance for Development Schemes". This Chapter contains provisions regarding the costs of a town planning scheme, Compensation in respect of property or rights injuriously affected by the development scheme, exclusion of compensation in certain areas etc.[18]

Revenue Raising and Taxes

Value Added Tax

The Manipur Value Added Tax (Third Amendment) Act, 2023 was passed to amend the Manipur Value Added Tax Act, 2004. It received the assent of the Governor on 16 March 2023.[19] It amended Section 9 of the original Act of 2004. Section 9 deals with the levy of tax on sales. It states that the tax payable by a dealer liable to pay tax has to be levied on his taxable turnover of sales. In the original statutes, sub-section 9(3) states that taxable turnover of sale in respect of "Motor Spirit (including aviation turbine fuel, aviation spirit and aviation gasoline) and Diesel Oil'', shall be determined and calculated at the first point of sale at the rate or rates specified in Schedule-I.

It provides the procedure of paying tax when an oil marketing company does not have a retail depot in the State. In such a case the various retailers in the State, registered under this Act shall deposit the tax payable for the indenting of Motor Spirit (including aviation turbine fuel, aviation spirit and aviation gasoline) and Diesel Oil at the rate as prescribed in Schedule-1 of this Act, into the Government Account by a separate challan and hand over one copy of the deposited challan to the Oil Marketing Company before the oil is loaded or lifted in the oil tanker vehicle or carrier. In case, the Oil Marketing Company is found to have loaded the oil without receiving the said challan from the retailer, the Company would have committed an offense under section 81 of this Act. Thus, a new challan system is introduced for the Oil Marketing Company having no retail depot in the State and sourcing it from outside.

This 2023 Amendment Act includes alcoholic liquor for human consumption within the ambit of this sub-section and provides a procedure for paying the tax. In the case of potable liquor, whether imported from outside the state or bought from a manufacturer, bottling

[18] *Id.*, s 7.

[19] It is published through Notification No. 2/4/2023-Leg/L (Gazette 530).

unit, or another bonded warehouse within the state, the licensee of the bonded warehouse who sells the goods to a wholesale licence holder or to a retailer holding an "on" or "off" licence is considered to be the first point seller. The retail license holder must deposit the tax imposed by this Act into the government account using a separate challan in addition to the excise duty. One copy of the challan must be given to the bonded warehouse. The person in charge of the country spirit warehouse who supplies or sells such items to a licensed retail vendor is considered the first point seller and is responsible for paying any excise duty and other duties or fees on the sale price of the item.[20]

In 1991, after the enactment of the Manipur Liquor Prohibition Act Manipur had become a dry state. With this amendment, the Manipur government has lifted its ban on the sale and consumption of alcohol. A number of civil organizations fighting the state's drug and alcohol abuse[21] have voiced strong disagreement with this decision of the state government.

Goods and Services Tax

Additionally, the Government of Manipur came up with the Manipur Goods and Services Tax (Sixth Amendment) Ordinance, 2023[22] to amend the Manipur Goods and Services Tax Act, 2017 to maintain parity with the changes brought by the Central Government in the Central Goods and Services Tax Act, 2017 through Section 137 to 159 of the Finance Act, 2023 (No. 8 of 2023) and through Section 2 to 5 of the Central Goods and Services Tax (Amendment) Act, 2023 (No. 30 of 2023).

Education

The Dhanamanjuri University (Amendment) Act, 2023 received assent from the Governor on 18 March 2023.[23] The Dhanamanjuri University Act, 2017 was passed on the floor of the Manipur Legislative Assembly on 3 August 2017. It came into force on 6 April 2018 through a notification in the Manipur Gazette published by the Department of Higher and Technical Education, Government of Manipur. The University was established under the National Scheme of Rashtriya Uchchatar Shiksha Abhiyan (RUSA). Through this amendment the power of the Vice-Chancellor was curtailed and was made subject to the approval of the Chancellor. Thus, in the proviso to sub-section (4) of Section 14, for the words "the Vice-

[20] Manipur Value Added Tax (Third Amendment) Act, 2023, s 3.

[21] Nagaland Post "Manipur to levy VAT on alcoholic beverages", available at: https://nagalandpost.com/index.php/manipur-to-levy-vat-on-alcoholic-beverages/ (Last visited on December 29, 2023).

[22] This ordinance was promulgated on 30 September 2023. It was published through Notification No. 2/24/2023-Leg/L.

[23] It is published through Notification No. 2/9/2023-Leg/L (Gazette 525).

Chancellor shall", the words "with the approval of the Chancellor, the Vice-Chancellor may" were substituted. It also alters the tenure of the Vice-Chancellor, Registrar and Finance Officer of Dhanamanjuri University respectively from "three years" to "not exceeding three years". This amendment Act also added subsection (5) to section 14 which empowers the Administrative Secretary in charge of the Department of Higher and Technical Education to act as ex-officio Vice-Chancellor, if for any reason, the posts of the Vice-Chancellor and the Pro Vice-Chancellor remain vacant.[24]

Labour

Shops and Establishments

In addition to these, the Manipur Shops and Establishment (Regulation of Employment and Conditions of Service) Act, 2021 received the assent of the President of India on 13 October 2023.[25] This Act was enacted to amend and consolidate the laws relating to the regulation of employment and other conditions of service of workers employed in shops and establishments and for matters connected therewith or incidental thereto.[26]

The Government of Manipur has published the Manipur Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2021 through a notification dated 2 November 2023. The notification brought the Act into force with effect from 29 June 2021 and extended it to all shops and establishments employing at least 10 workers. The said Act consolidated and amended laws relating to regulation of employment and incidental matters among others including registration of establishments, duties of employers, leave and holidays and welfare provisions.

Exemptions to Employers

The Governor of Manipur also promulgated the Manipur Labour Laws (Exemption from Renewal of Registration and License by Establishments) Ordinance, 2023[27] to exempt employers from the obligation of renewing registration and licenses required under certain labour laws and the original license or registration would continue to be valid. However, the employer must provide a self-certification in the prescribed format by January 1 of each year or within 30 days of the completion of the pertinent work, business, or operation.

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[24] Dhanamanjuri University (Amendment) Act, 2023,s 2(iv).

[25] It is published through Notification No. 2/29/2021-Leg/L (Gazette 167 on 6 November 2023).

[26] Manipur Shops and Establishment (Regulation of Employment and Conditions of Service) Act, 2021, Preamble.

[27] This ordinance was promulgated on 22 December 2023. It is published through Notification No. 2/38/2023-Leg/L.

Public Cleanliness

The Manipur Properties and Open Places (Prevention of Defacement and Disfigurement) Act, 2023 aims to prevent the defacement of properties and open spaces. Section 3(1) penalises anyone who defaces property visible to the public, through spitting, urinating, pasting posters or pamphlets, or writing or marking with any material, except where such marking merely displays the owner's or occupier's name and address. A first offence is punishable with up to six months' imprisonment or a fine of ₹5,000–10,000, and subsequent offences with up to one year's imprisonment or a fine of ₹10,000–20,000.

Posting or displaying any objectionable advertisement, or any advertisement without the written consent of the Competent Authority, is likewise punishable: up to one year's imprisonment or a fine up to ₹25,000 for a first offence, and up to two years' imprisonment or a fine up to ₹2,00,000 for later offences.

Owners or occupiers may, with written consent, allow candidates contesting elections under the Representation of the People Act, 1951 to use their property for campaign purposes during the period notified by the Election Commission. The State Government may also authorise District Magistrates or other officers, in the interest of tourism or economic activity, to permit the display of boards or hoardings in public places.

The burden of proving written consent lies on the accused, and the Act grants protection from legal proceedings to the Government and District Magistrates for actions taken in good faith or in the public interest

Religious Affairs

The Kaina Temple Board Act, 2023,[28] was enacted to provide for the preservation of cultural tradition and for the maintenance and better administration of the Kaina Temple in Kaina, Imphal.[29] Section 3 states that "no part of land of Kaina Temple or any structure whatsoever standing within the Kaina Temple Complex..." shall be alienated . A board named the Kaina Temple Board, established by the State Government, is in charge of managing and overseeing the Kaina Temple. This Board consists of the Chief Minister, and the in-charge minister as President and Vice-President respectively. In addition, the local MLA and two other MLAs, nominated by the Speaker, and belonging to the Hindu faith are also members of the Board. The Board also includes the Chief Secretary of the state government, the state's Director General of Police, the Finance Secretary or Commissioner, and "two non-

[28] It is published through Notification No. 2/5/2023-Leg/L (Gazette 526). This Act received assent of the Governor on 18 March 2023.
[29] Kaina Temple Board Act, 2023, Preamble.

official Hindu members possessing such experience and qualification or expert knowledge in the field of Hindu culture of Manipur to be nominated by the State Government." In cooperation with the State Government, the Board has the duty to make the required preparations for the preservation, conservation, and safeguarding of the Kaina Temple, acknowledging the sanctity of the historical landmarks within the Kaina Temple Complex.[30]

Conclusion

The study reveals that the Manipur legislative assembly was in session far less than the legislative assembly of other States. The present socio-cultural discord in the State due to the ongoing ethnic violence between the Meitei people, living in the Imphal Valley, and the Kuki-Zo tribal community residing in surrounding hills, made the continuance of normal legislative work very hard in the state. As a result, though the third session of the legislative assembly was completed successfully in early 2023, it was not possible to hold the subsequent sessions. Consequently, the Government legislated through ordinances in the latter half of 2023.

[30] *Id.*, s 12.

MEGHALAYA

DEBAJIT K. SARMAH*

Introduction

Meghalaya was created under the Assam Reorganisation (Meghalaya) Act 1969, consisting of the Garo Hills District and United Khasi and Jaintia Hills Districts of Assam. Meghalaya became a full-fledged State at midnight on January 20-21, 1972, in accordance with the provisions contained in the Northeastern Areas (Reorganisation) Act, 1971. Meghalaya is predominantly a tribal State, and the major tribes are the Khasi, the Jaintia and the Garo, as well as the Koch, Rabha and Bodo.

General elections to the Legislative Assembly of Meghalaya for the 11th Legislative Assembly, were held on February 27, 2023. At present, there are 55 reserved Legislative Assembly seats and 5 unreserved Legislative Assembly seats. Meghalaya has a distinct federal structure. There are three Autonomous District Councils in the state for the Khasi Hills, the Jaiñtia Hills and the Garo Hills under the sixth schedule of the constitution. In terms of governance by the State Government and District Councils, the Government of Meghalaya has, apart from the Law Department, a separate District Councils Affairs Department also.

As per information made available by the Department of Law, Govt. of Meghalaya, a total of 12 Acts were passed by the Meghalaya Legislative Assembly and 7 Ordinances were promulgated by the Governor in the year 2023.

Acts passed by the Meghalaya Legislative Assembly

Education

National Law University

A bill to amend the National Law University of Meghalaya Act, 2022 was introduced. This bill altered the composition of the University's Finance Committee with the government

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assuming a greater oversight over the financial affairs of the University. In the erstwhile 2022 Act, the Finance Committee consisted of the Vice Chancellor, Registrar, Finance and Accounts Officer and two members one of whom to be nominated by the General Council and the other by the Government of Meghalaya. Under the amendment bill , the Committee which has to be set up by the Executive Council of the University shall be chaired by a senior Government official nominated by the state government; the members being the Finance and Accounts Officer of the University, and two persons nominated respectively by the General Council and the Government of Meghalaya. The descriptor 'General Council' replaced the word 'Governing Council' in the principal Act possibly to play down the governance functions to be performed by the Council. This bill was enacted as the National Law University of Meghalaya (Amendment) Act, 2023 (Act No. 11 of 2023).

Repeal of University Status

In the education sector, the Rajitlal University (Repealing) Act (Act No. 9 of 2023) and the Captain Williamson Sangma State University (Amendment) Act (Act No. 12 of 2023) were the two major legislative developments in Meghalaya during the year. The Rajitlal University's Act was passed in 2011 and received the Governor's assent in 2020. It was provided in the Act that the sponsors shall make an application containing the proposal to the Government to establish the University in Meghalaya. However, even after three years since the publication of the Act in the official gazette, the sponsors had not made any such application to the Government. Therefore, it was felt expedient to repeal the Act because fraudulent activities victimising innocent students could take place in the name of the university. When a private university fails to act on its legislative sanction, the State is compelled to repeal the Act in order to prevent misuse of the legal recognition. This resulted in the enactment of the Rajitlal University (Repealing) Act, 2023.

Another Bill was introduced in the Legislative Assembly to amend the Captain Williamson Sangma Technical University Act of 2011. In the proposed Bill, the Governor was made the Chancellor of the University, whereas as per the original Act, the Chancellor was to be appointed by the sponsor of the University subject to the approval of the Governor who was appointed as the 'Visitor'. Furthermore, the bar on claiming and utilizing grant money was removed and the University renamed and repurposed to be a multidisciplinary institute teaching humanities and art in addition to imparting technical education. Eventually, the Captain Williamson Sangma State University (Amendment) Act, 2023 received the assent of the governor on 18 October 2023 and was published in the official gazette on 19 October 2023.

Repeal of Gaming Regulation

One of the first initiatives of the present Government of Meghalaya was the enactment of the Meghalaya Regulation of Gaming (Repeal) Act, 2023 (Act No. 4 of 2023). The said Act repealed the Meghalaya Regulation of Gaming Act, 2021, and the Meghalaya Regulation of Gaming (Repeal) Ordinance, 2022. The impugned Act of 2021, which aimed towards shutting down all illegal gambling casinos and dens and open government-regulated ones, happened to be one of the most controversial laws surrounding the State's casinos. Several organisations had been protesting against it since the time this law came into force.

Goods and Services Tax

The Meghalaya Goods and Services Tax (Amendment) Act, 2023 (Act No. 6 of 2023), was also enacted further to amend the Meghalaya Goods and Services Tax Act of 2017. The new amendments made in 2023 *inter alia* provide for regulating online gaming and online money gaming as well as specified actionable claims such as the lottery, betting, and gambling. Under the title head, the Meghalaya Goods and Services Tax, the Government of Meghalaya framed a set of Rules during 2023. These are, namely, the Meghalaya Goods and Services Tax (Amendment) Rules, 2023, pertaining to the authentication of Aadhaar number, the Second Amendment Rules, 2023, providing for different forms to be used for GST returns, the Third Amendment Rules, 2023, inserting provisions on the value of supply in the case of online gaming, including online money gaming and the value of supply of actionable claims in the case of casinos, and the Fourth Amendment Rules, 2023, dealing with corporate guarantee.

Legislators Pension

The Legislative Assembly of Meghalaya (Member's Pension) (Amendment) Bill, 2023, was introduced in the Meghalaya Legislative Assembly to amend Section 3 of the Meghalaya Legislative Assembly (Member's Pension) Act, 1977. This bill became an Act, to be known as the Legislative Assembly of Meghalaya (Member's Pension) (Amendment) Act, 2023 (Act No. 8 of 2023).

Through the amendment, the qualifying years of 2 years and 6 months as contained in the proviso to section 3 (1) of the Meghalaya Legislative Assembly (Member's Pension) Act, 1977 was relaxed, and Members who had served as MLAs for less than the previous qualifying period being now made eligible to receive half the pension. Furthermore, healthcare was expanded to include all present and past MLAs even if they have not served the previously stipulated requisite period.

Miscellaneous

Apart from the aforesaid legislations, other regular Acts passed by the Meghalaya Legislative Assembly during the year 2023 include three Appropriation Acts and the Contingency Fund of Meghalaya (Amendment) Act, 2023. Further, the Meghalaya Lokayukta (Amendment) Act, 2023 (Act No. 7 of 2023) and the Meghalaya Medical Council (Amendment) Act, 2023 (Act No. 10 of 2023) introduced minor changes to the principal legislation.

Ordinances Promulgated by the Governor

Taxation

In exercise of the power conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Meghalaya also promulgated a few Ordinances during the year 2023. The Meghalaya Value Added Tax (Amendment) Ordinance, 2023, (Meghalaya Ordinance No. 4 of 2023), amended Section 44 of the Meghalaya Value Added Tax Act, 2003 by substituting the words 'central bonded warehouse' for the words 'bonded warehouse' in the Principal Act.

To amend the Meghalaya (Sales of Petroleum and Petroleum products etc. Taxation Act) 1956,[1] another ordinance was promulgated by the Governor called the Meghalaya (Sales of Petroleum and Petroleum Product etc) Taxation (Amendment) Ordinance, 2023, (Meghalaya Ordinance no 5 of 2023). This Ordinance inserted section 20-B- on the payment of security deposit by a registered retail sale outlet in the Principal Act i.e. As per the new section, the Government may by notification prescribe the amount or security deposit payable by the owner or a registered retail sale outlet at first point of sale in the State, at the commencement of the tax period payable by such date as notified. Further, the procedure of fulfilling requirement of furnishing returns of sale of taxable goods to the Superintendent of Taxes within 30 (thirty) days following the end of the month was prescribed with the framing of the Meghalaya (Sales of Petroleum and Petroleum Products) including Motor Spirit and Lubricants) Taxation (Amendment) Rules, 2023.

On 21 December 2023, the Governor of Meghalaya promulgated another ordinance, the Meghalaya Fiscal Responsibility and Budget Management (Amendment) Ordinance, 2023 (Ordinance No. 7 of 2023), to amend the Meghalaya Fiscal Responsibility and Budget

[1] Assam Act IX of 1956 as adapted and amended by Meghalaya.

Management Act, 2006. This amendment pertains to maintaining the fiscal deficit to an annual limit of 3.5% of GSDP during Fiscal Year 2023-24.

Rules, Regulations, etc. Framed by the Government of Meghalaya

Rules of Executive Business

To further amend the Rules of Executive Business of the Government of the State of Meghalaya, 1972, the Rules of the Executive Business of the Government of the State of Meghalaya (Amendment) Rules, 2023 were notified on 11 July 2023. As per the new Rules, 2023, the erstwhile Planning Department was substituted by Planning Investment Promotion and Sustainable Development Department with express responsibilities on matters relating to sustainable development.[2]

Services

Higher Judicial Service

The Meghalaya Higher Judicial Service (Amendment) Rules, 2023 were notified on 13 September 2023 to further amend the Meghalaya Higher Judicial Services (Amendment) Rules, 2015. The new Rules amend the principle of 'merit-cum-seniority' to make the promotion of Grade II Judicial Officers to Higher Judicial Services 'strictly on the basis of merit'. Further, the new Rules inter alia provide that twenty-five per cent vacancies need to be filled by direct recruitment from the Bar; and (b) Ten per cent by promotion through a limited competitive examination of Civil Judges (Senior Division) with at least five years of qualifying service. On the same date of 13 September 2023, the Government of Meghalaya also notified the Meghalaya Judicial Service (Amendment) Rules, 2023 that are applicable to the Grade-II and Grade-III Judicial Officers in Meghalaya. The amended Rules *inter alia* require that all vacancies in Grade II of the service by promotion as well as all vacancies in all Grade III of the service by direct recruitment shall be filled up in accordance with the description and time schedule mentioned in the Rules 'strictly on merit'.

Extension of Tenure

The Meghalaya State Food Commission (Amendment) Rules, 2023 has enhanced the tenure of the Chairperson and Members of the Commission from three to five years.

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[2] Rules of the Executive Business of the Government of the State of Meghalaya (Amendment) Rules, 2023, Notification No. CA.11/98/187 (July 11, 2023), available at https://meghalaya.gov.in/sites/default/files/rules/CA_11_98_187.pdf (Last visited on May 22, 2024).

Pension

The Meghalaya Civil Services (Pension) (Sixth Amendment) Rules, 2023, were notified on 1st August 2023. These Rules *inter alia* provided that a Government servant retiring after completing qualifying service of not less than 30 (thirty) years, in accordance with the provisions of the Principal Rules, shall be paid pension at 50% of the last pay drawn or at 50% of the last six-month's average emoluments of the employee, whichever is more beneficial to the pensioner, subject to the maximum of Rs.75,850.00 (Rupees Seventy five thousand eight hundred fifty) per month. In case of a Government Servant retiring in accordance with the aforesaid Rules before completing qualifying service of 30 (thirty) years, but after completing qualifying service of 10 (ten) years or more, the amount of pension shall also be proportionate to the amount admissible at 50% of the last pay drawn or at 50% of the last six-month's average emoluments of the employee, whichever is more beneficial to the pensioner. Another striking feature of the Amendment Rules 2023 is that family pension shall be calculated at a uniform rate of 30% of basic pay in all cases i.e. "pay" drawn on the date of death or on the date of retirement with a specified statutory minimum.

Health

Malaria Eradication

In furtherance of the National Framework for Malaria Elimination Programme (NFMEP) 2016- 2030 and under the Epidemic Diseases Act, 1897, the state government notified the Meghalaya Epidemic Diseases Malaria Regulation, 2023 on 15 April 2023. It outlines the powers and functions of the Inspecting Officers, and deals with the responsibilities of Medical and Health Services providers. It also requires preparation of blood slides for each fever case reported, and provides that clinical or suspected Malaria will be declared only if it is confirmed by microscopic examinations.

Mental Health

According to the Health of the Nation's States report, depressive and anxiety disorders feature in the top 15 causes of YLDs (years of healthy life lost due to disability) in Meghalaya. Meghalaya reported 226 deaths by suicide in 2021, i.e. nearly six for every 10,000 people (National Crime Records Bureau, 2022). There has also been a significant rise in substance use in Meghalaya over the last decade, which has reached three times the national average due to the increased availability of substances. In this backdrop, a drafting Committee for preparing a Mental Health Care Policy was notified by the Government of Meghalaya in 6

2022 with the Principal Secretary, Health, and Family Welfare Department as the chairperson and nine other Members. The terms of reference for the Committee was to

prepare the draft policy for Mental Healthcare for the State, to conduct consultative meetings with other related agencies pertaining to the Mental Healthcare issues, the Committee could co-opt expert members as deemed fit for the purpose and any other matter relevant for the purpose. A Sub-committee consisting of representatives of NGOs and Academia was subsequently notified by the Meghalaya government in partial modification of the earlier notification. The Meghalaya Mental Health and Social Care Policy was notified on 19th January 2023, and the key features of the Policy include strengthening Human Resources, Inter-Departmental Collaboration and Policy Convergence and mobilising and empowering Community Institutions.

Trade and Business

Renting and Leasing of Discom Assets

The Meghalaya State Electricity Regulatory Commission (Renting/Leasing Out of the Discom assets for Facilitation of Telecommunication Network) Regulations, 2023, published in the gazette on March 13, 2023, is applicable to the distribution licensees and franchisees engaged in the business of distribution and supply of electricity in the State. The objective of the 2023 Regulations is to facilitate the telecommunication network services including 5G network in the State with fair revenue sharing earned from telecommunication business networks. Moreover, it also prescribes penalties for unauthorised use of discom assets or for violation of Meghalaya Telecom Infrastructure Policy, 2018 by any applicant.

Direct Selling

The Consumer Protection (Direct Selling) (Amendment) Rules, 2023 which were notified to further amend the Consumer Protection (Direct Selling) Rules, 2021 substituted the words 'through direct sellers' with the words 'directly through a network of sellers' and also defined 'network of sellers' as 'a network of direct sellers formed by a direct selling entity to sell goods or services for the purpose of receiving consideration solely from such sale'.

Environment and Forests

The Forest and Environment Department notified the Meghalaya Water bodies (Preservation and Conservation) Guidelines on July 18, 2023. These were issued as guiding principles for conservation, preservation, protection of the water bodies following the principle of sustainable development and inter generation of equity within the State of Meghalaya. The Guidelines, *inter alia*, provide that no person shall undertake activities such as the dumping or throwing solid waste or garbage in the waterbodies, discharging untreated sewage, industrial effluents, or any other pollutants into the water bodies, obstructing or interfering with the activities of the Competent Authority or other designated

agencies tasked with the preservation and protection of the waterbodies. Further, Guidelines also provide that no person, without the permission of competent authority, shall carry out any mining or excavation activities in the waterbodies, exploit the waterbodies for commercial fishing or aquaculture activities that may disrupt the natural ecosystem, undertake any activities including the filling up of waterbodies which may cause damage or reduce the size of the waterbodies, construct or erect any structure in the waterbodies.

Laws Made by the District / Regional Councils in Meghalaya

The Sixth Schedule (Articles 244(2) and 275(1)) of the Constitution of India lays down provisions as to the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura, and Mizoram. According to it, there shall be autonomous districts and autonomous regions in the tribal areas to be administered by District Councils and Regional Councils, respectively. Areas of Meghalaya specified therein in the Schedule as tribal areas are Khasi Hills District, Jaintia Hills District, and the Garo Hills District. The entire State of Meghalaya, except the cantonment area in Shillong, are covered by the district councils. In no other Sixth Schedule State, except Meghalaya, there are district councils for the whole state.

Legislative powers of the District Councils and Regional Councils are laid down in paragraph 3 (1) of the Schedule. Paragraph 3(3) provides that the laws made under the schedule obtain gubernatorial assent. Paragraph 8 (4) of the Schedule further mentions that Regional Council or District Council may make regulations to provide for the levy and collection of any of the specified taxes. Paragraph 12A of the Schedule lays down that if any law or regulation made by a Council is repugnant to any state statute then the law made by the Legislature of the State of Meghalaya shall prevail.

Acts and Rules of Khasi District Council

The present survey finds that in 2023, a total of 5 Acts and Rules of the Khasi Hills Autonomous District Council have been assented to by the Governor, and then published in the official gazette. For the Jaintia Hills Autonomous District Council and the Garo Hills Autonomous District Council no legislative activity happened during the year.

Control of Markets Regulations

The Khasi Hills Autonomous District (Establishment, Management and Control of Markets) (Second Amendment) Regulation Act, 2021, received the assent of the Governor on 26th July 2023. This was originally passed by the Khasi Hills Autonomous District Council on 2nd March, 2021 to further amend the Khasi Hills Autonomous District (Establishment, Management and Control of Markets) Regulation, 1979 for promoting and facilitating the marketing of agricultural produce and livestock and also for bringing more accountability

and transparency in the implementation of the regulation. By the new amendment, the Executive Committee of the Council is empowered to declare any area as a Market if it is of the opinion that people assemble in such an area either daily or weekly or bi-weekly for the sale or purchase of commodities. The new amendment also provides for the constitution of the Agricultural Produce and Livestock Marketing Facilitation Sub-Committee to ensure that legal rights and privileges of the farmers relating to the marketing of agricultural produce and livestock are honoured, no sale or purchase happens below the minimum support price fixed by the District Council etc. The Sub-Committee, among other functions, shall also support and facilitate in the marketing of the agricultural produce and livestock by farmers. Excisable articles like liquor are not allowed to be bought or sold within the market area without valid permission as per Amendment of Section 18(1) of the Principal Regulation.

Nomination and Election

The Khasi Hills Autonomous District (Nomination and Election of the Syiem, Deputy Syiem and Electors of Nongstoin Syiemship) Second Amendment), Act, 2022, received the assent of the Governor on 26th August 2023, date of gazette notification September 4, 2023. This was to amend the principal Act of 2003 and rectified the classification of the Principal Act which referred to Nongkhar' and 'Khar-rit' as two clans when in fact they were one, by clubbing them together.

The Khasi Hills Autonomous District (Nomination and Election of the Syiem, Deputy Syiem and Electors of Hima Maharam) (Amendment) Act, 2019, received the assent of the Governor on 15th September 2023, date of gazette notification September 26, 2023.This was enacted to amend the Khasi Hills Autonomous District (Nomination and Election of the Syiem, Deputy Syiem and Electors of Hima Maharam) Act of 2006 that provided for the nomination and election of the Syiem, Deputy Syiem and Electors of Hima Maharam in accordance with the prevailing customary practices of Hima. The new amendment is also in line with the election process of Hima Maharam.

Administration of Langrin Syiemship Rules

The Administration of Langrin Syiemship Rules, 2023 marks a significant development in customary law for the Khasi Hills. Made under the principal Act of 2007, the Rules empower the Executive Durbar to administer the Syiemship in line with prevailing customs. The Rules add further eligibility criteria for the Syiem, Acting Syiem and Deputy Syiem—such as residency in the Hima, familiarity with Khasi customary law, adherence to matrilineal lineage, and proficiency in the Khasi language. They also lay down the procedures for nomination and election, define the roles of traditional offices, and set out the administrative

framework for the Langrin Syiemship, including village governance and financial and revenue administration.

Service Rules

The Khasi Hills Autonomous District Council Service (Amendment) Rules, 2023 were made for the interest and welfare of Council employees by amending of the Khasi Hills Autonomous District Council Service Rules, 1961. Now, under the amended Rules, the upper age limit for employment in District Council has been raised from 30 years to 32 years, generally, and, to 35 years for holders of degrees in Law, Medicine, and Engineering.

Conclusion

The present survey describes the exercise of the legislative functions in Meghalaya by the Meghalaya Legislative Assembly and the District Councils. In addition to the regular laws relating to state finance and taxation the legislative assembly moved to repeal defunct laws which had established private universities. Other than the Khasi Hills Autonomous District Council, no other District Council made any new laws in 2023. The laws made by the Khasi Hills Autonomous District Council focus on the welfare of tribes in line with customary practices.

MIZORAM

KAUSTAV CHOUDHOURY*

Introduction

The state of Mizoram was formerly a Union Territory which was carved out from erstwhile State of Assam. It attained its statehood on 20th February, 1987.[1] The sixth schedule[2] of the Indian Constitution lays the basis for its administrative framework and Article 371G outlines special provisions for the state. Mizoram is divided into 11 districts[3] and 4 autonomous councils.[4] The unicameral State Assembly comprises forty elected members.[5] In 2023, the Mizoram State Assembly celebrated its golden jubilee.[6]

This review delves into the legislative proceedings of the eleventh and twelfth sessions, where 13 legislations were introduced and passed. These thirteen legislations are reviewed under three distinct themes: Community Centric Legislation, Protection of Natural Resource Legislation and Taxation Legislation. There were four Community Centric statutes and three statutes each dealing with protection of natural resources and taxation.

Quantitative Analysis

All the bills were passed on the same day of introduction. All the legislations were assented by the Governor immediately and notified in the gazette. In 2023, two ordinances were

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[1] Mizoram Legislative Assembly, *About Us*, available at https://www.mizoramassembly.in/page/about-us (Last visited on May 7, 2025).

[2] The Sixth Schedule of the Constitution provides for administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram to safeguard the rights of the tribal population in these states. This special provision is provided under Article 244(2) and Article 275(1) of the Constitution

[3] Aizawl, Lunglei, Champhai, Lawngtlai, Mamit, Kolasib, Serchhip, Saiha, Khawzawl, Hnathial, Saitual

[4] Lai Autonomous District Council (LADC), Mara Autonomous District Council (MADC), Chakma Autonomous District Council, and Sinlung Hills Council

[5] Mizoram Legislative Assembly, *History*, available at https://www.mizoramassembly.in/page/history (Last visited on May 7, 2025).

[6] *Ibid.* The first legislative assembly was formed on 10th May, 1972.

promulgated. These 2 ordinances were later introduced as Acts in the State Legislative Assembly, and were passed on the same day itself.

Qualitative Analysis

Community Centric Legislation

The Mizoram Municipalities (Amendment) Act, 2023[7] amends Section 2(16) of the Mizoram Municipalities Act, 2007. It incorporates the term 'Corporator' for the elected members of the Aizawl Municipal Corporation. The statement of objects and reasons cites the resolution of the Aizawl Municipal Corporation Board of Councillors (BOC) dated 25.11.2022 which sought this change in order to avoid any confusion with the nomenclature of Lunglei Municipal Council, as constituted in 2022 and set for its first election in April 2023. A Corporator means a person chosen by direct election from a ward of a municipality, and includes a person nominated by the State Government to be a Councillor / Corporator (as in Corporation).

The Mizoram Scheduled Tribes and Scheduled Castes (Regulation of Issuances and Verification of) Community Certificate (Amendment) Act, 2023[8] amends the Mizoram Scheduled Tribes and Scheduled Castes (Regulation of Issuance and Verification of) Community Certificates Act, 2014.

Section 6 of the Act of 2014 deals with the constitution of the scrutiny committee and its powers. Section 6 (2) specified that the committee would consist of a chairman and three members. This Amendment Act of 2023, alters this statutory composition by providing that the composition of members and quorum of scrutiny committee shall be specified by the state government by notification from time to time. However, the chairman and members of the scrutiny committee have to be indigenous persons of Mizoram belonging to a Scheduled Tribe or a Scheduled Caste. The manner of verification of the community certificate and procedure to be followed by the scrutiny committee are also to be prescribed by the state government by notification from time to time.

This Amendment Act of 2023, also adds sub-section (6) to the Act of 2014 which provides that notwithstanding anything contained in clause (a) to (k) under sub-section (3)[9] of section

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[7] Bill No. 70 of 2023.

[8] Act No. 5 of 2023. Received the assent of the Governor of Mizoram on 27 February 2023.

[9] Section 6(3)- Subject to any general or special order of the State Government, provisions of this Act and rules made thereunder, the Committee shall have powers- (a) to verify social status of a person in whose favour a certificate is issued under section 4; (b) to make an inquiry in connection with the contravention of any provisions of this act; (c) to issue notice to any person or authority in such manner as may be prescribed;

6, if the chairman of the scrutiny committee is prima facie satisfied that no further verification is required, then the chairman could grant a validity certificate after recording reasons in writing. This validity certificate issued by the chairman, is subject to the approval of the scrutiny committee in its next meeting. The validity certificate issued under this sub-section shall be deemed to have the same validity as a validity certificate granted by the Scrutiny Committee under sub-section (3) of section 4.

The Sinlung Hills Council (Amendment) Act, 2023[10] amends the Sinlung Hills Council Act, 2018. Section 5 of the Sinlung Hills Council Act, 2018 deals with the constitution and composition of the General Council. Sub-clause (1) provides that the General Council shall consist of 14 members of which 12 shall be directly elected and 2 shall be nominated by the government in consultation with the Council. The principal Act required the nomination to be undertaken in consultation with the Council, the Amendment Act has deleted this requirement. The Amendment Act of 2023 adds that the term elected means elected from the territorial constituency of Sinlung Hills Council. A proviso is added which states that the members to be nominated by the Government shall be as recommended by the Chief Executive Member from amongst the persons having requisite qualifications for being a member of the Council.

Section 9 deals with salaries, allowances and other emoluments. Sub-section (3) reads as salaries, allowances and condition of service of members and laid down that it shall be as may be prescribed by rules made there under and shall be paid out of General Council Fund. The Amendment Act of 2023 alters the earlier restrictive formulation and instead of limiting itself to members alone also covers the Chairman and Deputy Chairman of the council.

Section 16 deals with the Secretariat of Sinlung Hills Council and contains 9 sub-clauses under it. The Amendment Act of 2023, adds a new sub-clause (10) which authorises the Council to make rules regulating the conditions of service of officers and staff appointed to the Secretariat of the Council subject to the previous approval of the Government. Where such rules have not been made by the Council, the conditions of service of such officers and

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(d) to call for information from any person or authority for the purpose of satisfying itself whether there has been any contravention of any provision of this Act or any rule or order made or direction issued thereunder; (e) to require any person or authority to produce or deliver any document or thing useful or relevant to the inquiry; (f) to examine any person acquainted with the facts and circumstances of the case; (g) to validate the Community Certificates issued by the Competent Authority after due verification of the genuineness of the Certificate. (h) to scrutinize complaints relating to availing of benefits on the basis of false Community Certificate and the matters connected therewith. (i) to summon and enforce attendance of any person from any part of the State and examining him/her on oath. (j) to issue commissions for the examination of witnesses or documents; and (k) to requisition any public record or copy thereof from any court or office.

[10] Act No. 6 of 2023

staff of the Council shall be regulated by orders issued by the Government.In the absence of such orders, by the relevant rules applicable to officers and staff of the State Government shall apply, subject to such restrictions or modifications as the Government may direct in the case of a particular appointment or class or classes of appointment.

Section 34 deals with election of Members and provides that for the purpose of constituting general election shall be held on such dates as may be notified by the commission in consultation with the government. The Amendment Act of 2023 substitutes it by providing that the superintendence, direction and control of the preparation of the electoral rolls and, for the conduct of election to the Sinlung Hills Council shall vest in the State Election Commission.

Section 35 deals with qualification for membership of General Council and provided that a person shall be qualified to be elected to the general council if he is an elector as defined in clause 2(g)[11] of section 2 of the Act of 2018. By the amendment just a person's name being on the electoral roll is no longer sufficient and for a person to be qualified to be elected to the General Council the following additional conditions have to be fulfilled. That is he/she has to be (a) a citizen of India; (b) not less than 25 years of age on the date of filing of nomination papers; (c) a member of any of the Scheduled Tribe for the State of Mizoram and is a permanent resident of the Sinlung Hills Council; and (d) is entitled to vote at the election of the Members of the Sinlung Hills Council.

Section 36 (1) of the Act provides the grounds on which a person was disqualified from being elected to the General Council. The Amendment Act alters some of the grounds of disqualification. Thus the principal Act disqualifies a person if they were less than 18 years of age. The Amendment Act has raised the age of eligibility and now a person is disqualified if they are less than 25 years. The principal Act disqualifies a person if they are not registered as electors in the village council. This disqualification now operates if the person is not registered as an elector in Sinlung Hills Council. The proviso to Section 36(1) had saved a person from being disqualified by reasons only of their being a member of village council or chief executive member or executive member of general council. By this Amendment Act of 2023, this exemption from disqualification has also been extended to the chairman, deputy chairman or member of the General Council.

The Mizoram Compulsory Registration of Marriages (Amendment) Act, 2023 amends the Mizoram Compulsory Registration of Marriages Act, 2007. Section 13 of the Principal Act punishes a Registrar who fails to register a marriage with simple imprisonment or fine or

[11] Elector in relation to a constituency means a person whose name is entered in the electoral roll of the constituency.

both. The Amendment Act of 2023 has altered the penalty by dropping the sanction of imprisonment and only restricting the penalty to a fine whose ceiling has been enhanced from rupees 500 to rupees 5000. This Bill was enacted "due to the decriminalisation policy introduced by the central government especially in the area of minor civil cases.[12]

Section 14 deals with the registrar's duty to send periodical returns to the registrar general for compilation. The Amendment Act, 2023 imposes a penalty on the registrar for their failure to comply with the provision of section 3,[13] 5[14] and 6.[15] The Amendment Act also imposes a penalty up to five thousand rupees on persons who wilfully omit or neglect to get their marriage registered or omit or neglect to deliver or send the memorandum as required by sections 5[16] or 6[17] of the Act.

The Protection of Natural Resource Legislation

The Mizoram Ground Water (Control and Regulation) Ordinance, 2023[18] later passed as The Mizoram Ground Water (Control and Regulation) Act, 2023.[19] The statement of object and reason of the Act speak of the need to regulate and manage the development of groundwater in Mizoram prompting the introduction of the legislation. Chapter 2 of the Act of 2023 constitutes Mizoram Ground Water Authority, State Level Working Group and District Committee to regulate and control the development and management of ground water in the state[20]. It lays down the powers and functions of the authority, including provisions for delegation of its power and duties to any officer or official of the authority. Chapter 3 provides for groundwater protection measures and Chapter 5 deals with rain water harvesting and recharge for ground water. The state government is further empowered to make rules to carry out the purpose of this Act of 2023. The executive power of these bodies includes the power to inspect and investigate land with water on the surface or below it and to enter and search any premises where any offence under the Act of 2023 may have been committed. Inspection and investigative power discretionally can be

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[12] PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY OF MIZORAM, Twelfth Session, August 22, 2023, *statement by* Pu TJ. Lalnuntluanga at the time of the introduction of the Bill, available at https://mizoramassembly.in/storage/proceedings/November2024/A6q1NEtHi8QA08knVBKT.pdf (Last visited on May 22, 2025).

[13] Every marriage in the state to be registered

[14] Appointment of Registrar of marriage

[15] Memorandum of marriage submitted after 30 days

[16] Appointment of Registrar of marriage

[17] Memorandum of marriage submitted after 30 days

[18] No.2 of 2023, 13 June 2023.

[19] Act No. 11 of 2023.

[20] Section 3 of The Mizoram Ground Water (Control and Regulation) Act, 2023

delegated to lower-level district authority. The civil court jurisdictions are barred and cannot grant injunctions. The Act of 2023 further mandates licence and permits for usage of ground water, of which the terms themselves could be varied unilaterally and permit themselves can be cancelled. There is no financial memorandum or delegated legislation memorandum appended with the Act.

The Mizoram (Protection of Rivers) Ordinance, 2023,[21] later passed as The Mizoram (Protection of Rivers) Act, 2023[22]

The object of the Act is to provide for the protection, conservation, rejuvenation and improvement of rivers and the catchment areas in the state of Mizoram. Chapter 2 of the Act provides for creation of Mizoram River Protection Authority (MRPA) at the State level chaired by Chief Secretary, with members including departmental heads, experts, and representation of NGOs and local bodies. MRPA recommends formation of a working group. In the same lines, district authority is to be formed in consultation with state authority and that district can form their own working group. The Act of 2023 is silent on the composition of the working groups.[23] Chapter 3 provides for declaration of protected river and river conservation zones with a highly centralised and hierarchical procedure. Thus the Local authorities identify rivers and adjoining catchment areas requiring protection and submit proposals to the District Authority, which forwards them to the State Authority for approval, who then makes its recommendations to the State government who then has been authorised to notify protected rivers or river conservation zones. Appeals on this decision are to be filed before the state authority. Chapter 4 deals with protection, rejuvenation and improvement of protected rivers and the catchment areas. Sections 15 and 16 impose among others restrictions on construction and mining in protected river and conservation zones, and their catchment areas. Section 19 deals with power to search and seize anything on suspicion. Chapter 5 deals with offences, procedures and penalties. Section 21 indemnifies officers of the authority or their delegates from suits, prosecution or proceedings for action under the Act of 2023. Section 24 allows for rewards to be paid to whistle-blowers from the fines collected under the Act.

[21] Ordinance No. 1 of 2023. No. H. 12017/151/2021-LJD(PHE), 26 May 2023.
[22] Act No. 10 of 2023. No. H. 12017/151/2021-LJD(PHE), Received the assent of the Governor of Mizoram on 8 September 2023.
[23] The Mizoram (Protection of Rivers) Act, 2023, §3.

The Mizoram (Restriction on use of Transferred Lands) (Amendment) Act, 2023[24] amends the Mizoram (Restriction on Use of Transferred Lands) Act, 2002.

Section 4 of the principal Act placed an obligation on the prompt transfer of lands vested in the government and section 5 obligated that the lands vested in the government were to be only used for public purpose. Whilst the Act of 2002 punished the contravention of these provisions with simple imprisonment and a fine or both and also provided for prosecution of the wrongdoers under the Code of Criminal Procedure, 1973. The Amendment Act of 2023 alters the penalty provisions by dropping the imprisonment part of the sanctions and by increasing the monetary fine to up to rupees 5000 and in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for everyday during which such contravention continues. The object and reasons of the Act state that the imprisonment provisions were seen as redundant considering the Act has provisions for eviction of trespassers on the transferred lands. And in order to protect the land from the menace of squatters , a monetary fine of 5,000/- (Rupees Five thousand only) has been introduced which would contribute to the revenue collection of the Government. The object and reasons do not explain how the government is ensuring that the transferred land will be utilised for public purpose only.

Taxation Laws

The Central Goods and Services Tax Act, 2017 was amended by the Finance Act, 2023, and received the Presidential assent on 31 March 2023. The GST Council subsequently advised States to make matching amendments in their State GST laws to maintain uniformity. Accordingly, the Mizoram Goods and Services Tax (Amendment) Bill, 2023[25] was introduced, with the proviso that the amended provisions will come into force on a date notified in the official Gazette.

The Bill brings the Mizoram GST Act in line with the central legislation. Broadly, the amendments relate to: the framework for composition levy; rules and eligibility conditions for claiming input tax credit; procedures for registration and revocation of registration; forms and timelines for filing returns; the process for assessment and refund (including interest on delays); and the structure, composition and appellate jurisdiction of the GST Appellate Tribunal. The amendments also revise provisions concerning penalties, compounding of offences, and disclosure of information by public authorities.

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[24]Act No. 1 of 2023. No. H. 12018/116/2002-LJD(Rev), Received the assent of the Governor of Mizoram on 14 February 2023.

[25] Text of the bill available at: https://mizoramassembly.in/storage/government-bills/August2023/Yu7KkOmvhd27iFlvh3Ek.pdf (last accessed 29 December 2025).

In addition to these GST-specific changes, the Bill empowers the government to classify land parcels based on size, location and access to infrastructure, and to prescribe differential rates accordingly. It also introduces a system of property cards, drawing upon the earlier "house pass" mechanism used in village areas to regulate construction and to prevent commercial misuse. However, while the house pass was valid for ten years, the Amendment Act does not specify whether a similar validity period will apply to the property card.

The Indian Stamp Mizoram (Amendment) Act, 2023[26] amends Indian Stamp Act, 1899 (Act 2 of 1899).

The Amendment Act of 2023, amends Indian Stamp Act, 1899 (Act 2 of 1899) to levy stamp duty at one percent on conveyances which were exempted under the principal Act.

The Mizoram Shops & Establishments (Regulation of Employment and Conditions of Service) (Amendment) Act, 2023[27] amends the Mizoram Shops & Establishments (Regulation of Employment and Conditions of Service) Act, 2010.

The principal Act deals with regulation of employment and conditions of service in shops and establishments. Section 1(2) of the principal Act made the statute applicable to the whole of Mizoram. The Amendment Act of 2023 alters the universal application of the Act by providing that the Act shall only apply to the Shops and Establishments employing 10 (ten) or more workers. Section 3 of the Act of 2010 specifies establishments to which the Act of 2010 is not applicable. Whilst the principal Act had exempted any office of the Reserve Bank of India. The Amendment Act extends the exemption to any establishments under the Reserve Bank of India or any other Bank, and any Railway Administration and cantonment authorities.

Miscellaneous

In a vein similar to the Mizoram Compulsory Registration of Marriages (Amendment) Act, 2023, the Assembly also passed the Mizoram Ancient Monuments and Archeological Sites and Remains (Amendment) Bill, 2023. In the principal Act, the punishment for destroying, stealing or tampering with state protected monuments was liable to a fine of five thousand rupees and three months imprisonment. The amendment drops the sanction of imprisonment for first time offences, but retains it for second-time offences.[28]

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[26] Act No. 4 of 2023.

[27] Text of the Bill available at: https://mizoramassembly.in/storage/government-bills/August2023/ONcTPxVCOld4czdThM9E.pdf (last accessed 29 December 2025).

[28] The Bill with the amended text is available at: https://mizoramassembly.in/storage/government-bills/August2023/H1h2uLIrlHFyo2fAWIUp.pdf. However, the statement of objects and reasons appended to the Bill is of a different Bill. The Bill also did not receive gubernatorial assent in 2023. The Assembly

Conclusion

In 2023, the Ninth Mizoram State Legislative Assembly in its eleventh and twelfth session displayed a proactive stance in addressing the futuristic aspiration of its people by focusing on preserving indigenous identity and pioneering environmental conservation initiatives along with revenue enhancement efforts. It is noticeable that a financial memorandum or a note on delegated legislation did not accompany any legislation.

proceedings provide some context on the passing of the Bill. See, pp. 66-69 of the proceedings available at: https://mizoramassembly.in/storage/proceedings/November2024/bfWGKtT3lkH08RolrVc8.pdf

NAGALAND

DEBANJANA BHATTACHARJEE*

Introduction

Nagaland consists of 16 Administrative Districts, inhabited by 17 major tribes along with other sub-tribes.[1] The results of the elections to the 14th Nagaland Legislative Assembly (2023-28) were declared on 2 March 2023.[2] Considering that Nagaland is a small state, the Nagaland Legislative Assembly is unicameral and has 60 elected members. In the last Legislative Assembly Elections, Hekani Jakhalu and Salhoutuonuo Kruse were the first women to be elected to the Nagaland Legislative Assembly.[3]

Nagaland enjoys special provisions under the Constitution of India. Article 371A(1) exempts Nagaland from the application of any parliamentary statute "in respect of religious or social practices of the Nagas, Naga customary law and procedure, administration of civil and criminal justice involving decisions according to Naga customary law, and ownership and transfer of land and its resources shall apply to the state of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides."[4] A provision has also been made for the establishment of a regional council for the Tuensang district consisting of thirty-five members and the Governor.[5]

The data for this survey was primarily collected from digital sources, especially the official websites of Nagaland.[6]

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[1] Official State Portal, Government of Nagaland, *Nagaland Profile*, available at https://nagaland.gov.in/pages/nagaland-profile (Last visited on February 24, 2024).

[2] PRS Legislative Research, *Profile of the 14th Nagaland Legislative Assembly*, available at http://prsindia.org/legislatures/state/vital-stats/profile-of-the-14th-nagaland-legislative-assembly (Last visited on February 25, 2024).

[3] Id.

[4] The Constitution of India, 1950, Art. 371A.

[5] The Constitution of India, 1950, Art. 371A(1)(d).

[6] *Nagaland Legislative Assembly,* NATIONAL E-VIDHAN APPLICATION, available at www.nagaland.neva.gov.in

Legislative Output

The 14th Nagaland Legislative Assembly held fewer than 10 sittings in 2023 across three sessions: five days in the first session, three days in the second, and one day in the third. Regarding legislation, the first session saw five bills introduced and passed, the second had six bills introduced with five passed, and the third had one bill introduced and passed. Compared to the previous year, more bills were introduced and all were passed in these sessions. Additionally, under Article 213 of the Constitution, the Governor promulgated one ordinance, the Nagaland Goods and Services Tax (Eighth Amendment) Ordinance, 2023, on October 7, 2023, when the Assembly was not in session. The major bills passed by the 14th Nagaland Assembly in the year 2023 are:

Finance:

- The Nagaland Goods and Services Tax (Sixth Amendment) Bill, 2022 (Passed on 27 March 2023)
- The Nagaland Goods and Services Tax (Seventh Amendment) Bill, 2023 (Passed on 14 September 2023)
- The Nagaland Motor Vehicles Taxation (Amendment) Bill, 2023 (Passed on 12 September 2023)
- The Nagaland Passengers & Goods Taxation (Amendment) Bill, 2023 (Passed on 14 September 2023)
- The Nagaland Appropriation (No.2) Bill, 2023 (Passed on 28 March 2023)
- The Nagaland Appropriation (No.1) Bill, 2023 (Passed on 28 March 2023)

Public Health:

- Nagaland Anatomy Bill, 2023 (Passed on 14 September 2023)

Education:

- North East Christian University (Second Amendment) Bill, 2023 (Passed on 14 September 2023)

Local Government:

- The Nagaland Municipal Bill, 2023 (Passed on 09 November 2023)
- The Nagaland Municipal Act 2001 (Repeal) Bill, 2023 (Passed on 28 March 2023)

Disaster Management:

- The Nagaland Fire and Emergency Services Bill, 2021 (Passed on 27 March 2023)

Qualitative Analysis

The Nagaland Municipal Act, 2023

This Bill was passed by the Nagaland Legislative Assembly on 9 November 2023 and was notified on the same day after receiving the assent of the Governor.[7] It aims to provide for the administration of urban areas and to establish Municipalities in larger urban areas, smaller urban areas and transitional areas in Nagaland.[8] The Nagaland Government would

[7] The Economic Times, *Election process for urban local bodies to be completed by April 30: Nagaland to SC*, December 16, 2023, available at http://nagaland: Election process for urban local bodies to be completed by April 30: Nagaland to SC-The Economic Times (indiatimes.com) (Last visited on March 2, 2024).
[8] The Nagaland Municipal Act, 2023.

now be able to create and specify limits of municipal areas in the state. Furthermore, Section 9 states that not less than one-third of the total number of seats to be filled by direct election in every Municipal Council shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.[9] Similarly, there shall be reservation of women in the Town Council.[10]

In order to appreciate the significance of this development, it is necessary to recount the history of reservation of seats for women in the state of Nagaland. The Nagaland Municipal Act, 2001 included the reservation of 33% seats for women in urban local bodies (ULBs) but it was repealed as it faced opposition from community-based organizations. These organizations took the view that Naga customary laws did not allow women to participate equally in political and socio-economic decision-making bodies.[11]

Prior to the 2023 Municipal Bill, the 2001 Act was repealed.[12] The statement of objects and reasons of the repealing bill, stated that in the interest of the public, the Nagaland Municipal Act, 2001 had been enacted. However, the implementation of the Act was fraught with controversy as the public perception was that the Act ran contrary to the spirit of Article 371A. It further stated that elections to the ULBs under the Act couldn't be held in 2004, 2008, 2012 and 2017[13] due to lack of participation by the public and boycott calls. Moreover, the efforts of the Government to hold ULB elections on 16 May 2023 had received the same opposition from civil society.

The Supreme Court had slammed both the Union and the Nagaland Government over non-implementation of the constitutional scheme of one-third reservation for women in urban local bodies.[14] Following the repeal of the 2001 Act, a seven-member Select Committee reviewed the Nagaland Municipal Bill 2023.

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[9] The Nagaland Municipal Act, 2023, §9.

[10] The Nagaland Municipal Act, 2023, §21.

[11] Lianboi Vaiphei, The Conversation, *Equality and tradition clash as Naga women in India's northeast fight for political representation*, January 15, 2029, available at http://Equality and tradition clash as Naga women in India's northeast fight for political representation (theconversation.com) (Last visited on March 20, 2024).

[12] Nagaland Municipal Act, 2001 (Repeal) Bill, 2023

[13] *Statement of Object & Reasons of* The Nagaland Municipal Act 2001 (Repeal) Bill, 2023.

[14] Rosemary Dzuvichu And Anr. v. State of Nagaland And Ors. (2012) 3 GAUHATI LAW REPORTS 817 (KOHIMA BENCH); State of Nagaland, Represented by the Chief Secretary to the Government of Nagaland and Another Vs. Rosemary Dzuvichu and Others 2012 SCC OnLine Gau 289.

Nagaland Anatomy Act, 2023[15]

The Nagaland Anatomy Bill, 2023 creates a legal framework for handling unclaimed bodies and promotes pre-mortem body and organ donation. Before this legislation, there were no clear procedures for managing unclaimed bodies or for making cadavers available to medical institutions.

The Act allows individuals to donate their body or any part of it after death to a hospital or medical teaching institution for anatomical examination, dissection, or research. It empowers the State Government to appoint an "authorised officer," who must be an Executive Magistrate for a notified area. This officer is responsible for handling unclaimed bodies. If the cause of death appears natural and a medical institution requires a cadaver, the authorised officer is to hand over the body to such an institution. However, if the cause of death is doubtful, the officer must refer the matter to the Police Officer mentioned in Section 174 of the Code of Criminal Procedure, 1898. If no institution requires the body, the officer must dispose of it.

Section 5 of the Act deals with voluntary body donation. It states that if a person has clearly expressed in writing, in the presence of at least two witnesses, a desire to donate their body for medical education or research, the person lawfully in possession of the body after death may authorize its transfer to an approved institution, unless there is reason to believe the consent was withdrawn.

Section 12 prescribes a penalty of up to ₹10,000 for anyone who disposes of an unclaimed body contrary to the provisions of the Act or obstructs authorities in carrying out their functions. The Nagaland Anatomy Rules, 2023[16] have also been framed to operationalize the Act.

While the Act ensures dignified cremation or burial for unclaimed bodies, it also enables individuals to voluntarily pledge their bodies or body parts for medical education and research. Although it has been welcomed by many, there are also concerns regarding its possible misuse. Critics have pointed to ethical issues, risks of stigmatisation, public mistrust, questions of privacy and dignity, and the possibility of increased demand for cadavers influencing decision-making. However, it is expected that over time these concerns will be addressed and appropriate safeguards or amendments will be introduced.

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[15] The Nagaland Anatomy Bill 2023 was passed by the Assembly and assented to by the Governor of Nagaland on 14 September 2023. It was neither brought into force nor gazetted in 2023. It came into force as Act No 1 of 2024. However, as all the enactment protocols were complete in 2023, it has been included in the survey year [Ed.]

[16] Since the Act was not brought into force in 2023, the Rules were more in the nature of draft rules.

The Nagaland Goods and Services Tax (Eight Amendment) Ordinance, 2023

Originally promulgated as an ordinance,[17] the Act amends the principal legislation to insert definitions on online gaming and online money gaming. The need for the promulgation of this ordinance was majorly to bring in uniformity in the application of the CGST and the SGST Acts since without incorporating the said corresponding amendments, which were introduced by the Central Government in the CGST Act, 2017, the supplier of such actionable claims such as casinos, horse racing and online money gaming couldn't be taxed.

The Nagaland Fire and Emergency Services Act, 2023

Introduced as Bill No. 161 and passed by the Assembly on 27 March 2023, the Act received the Governor's assent on 14 June 2023. According to its statement of objects and reasons, the law aims to regulate and strengthen fire and life safety measures in Nagaland. The Act provides for the establishment, organisation, superintendence and functioning of a unified Nagaland Fire and Emergency Service. The State Government is empowered to declare any existing fire station or emergency service as part of the Nagaland Fire and Emergency Service. However, privately maintained fire services set up to protect specific buildings or industries are excluded.

The Act covers both fire-related and other emergency disasters, with overall control vested in the State Government. It lays down provisions on the structure and classification of the service, preventive safety measures, water supply, establishment of a Fire and Emergency Institute, community preparedness, and offences and penalties. A notable feature of the legislation is the introduction of a fire tax, which may be imposed on buildings in areas where the Act applies. Buildings owned or controlled by the Government or a public authority are exempt. The Act also mandates the creation of a Fire Prevention and Life Safety Fund to be used for training, community preparedness and other purposes under the Act.

Rules/Orders/Notifications/Others

Numerous notifications were issued by the Governor in the year 2023[18] which were mostly related to appointments made in the different posts of the State Government.

An important resolution was passed by the Nagaland Legislative Assembly on Forest (Conservation) Amendment Act, 2023 on 14 September 2023. The parliamentary statute amended the principal Act exempted certain types of land from the purview of the Act.

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[17] Nagaland Goods and Services Tax (Eighth Amendment) Ordinance, 2023. [Ed.]
[18] Govt. of Nagaland, The Nagaland Gazette (December 15, 2023).

Furthermore, the amendment exempted forest lands situated within a distance of 100 kilometres along international borders and proposed to be used for construction of strategic linear projects of national importance and concerning national security.[19] The state government contended that the above exempted area of 100 kilometres from international borders- will cover most parts of Nagaland where the ownership of most of the forest lands were vested with tribal communities. The resolution argued that Article 371A of the Constitution provides for ownership and transfer of land and its resources. The resolution stated that the phrase'land and its resources' mentioned in Article 371A included forest lands and its resources and that the application of the amended Act to Nagaland would jeopardise the existing rights of tribal communities on their forest lands and its resources. It proposed to explore a compensatory mechanism wherein any diversion of private or community owned forest land for non-forestry purposes and damage to environment would be suitably compensated by the user agency, in addition to availing benefits of the existing schemes of the Central Government in this regard.[20]

Observations and Concluding Remarks

The year 2023 has seen women being elected to the Legislative Assembly of the state for the very first time in the state's history and as this small state gears up to hold its local elections to its urban bodies, after a span of twenty years, it needs to be watched closely. This is because for the first time, affirmative action in terms of reservation of seats for women, as per the Constitution, can be taken advantage of by the women in the state to assert themselves and compete for power and representation at par with men. This breakaway with the tradition of a state dominated mostly by tribes and the long struggle of women provides an example of how the Constitution and people's will can actually be a harbinger of change. The proposal of the Centre to create an autonomous council comprising six districts of the state was welcomed by the Eastern Nagaland People's Organization (ENPO). This organization is the apex body of seven Naga tribes in Eastern Nagaland representing the Chang, Khiamniungan, Konyak, Phom, Sangtam, Tikhir and Yimkhiung communities and was formed in 1997, after the Eastern Nagas walked out of the Naga Hoho. They had been demanding for a separate state, called the Frontier Nagaland, since

[19] The Forest (Conservation) Amendment Act, 2023, Cl. 4.

[20] Government Of Nagaland, Department of Information & Public Relations, *NLA Passes Resolution On Forest (Conservation) Amendment Act, 2023*, September 14, 2023, available at https://www.ipr.nagaland.gov.in/nla-passes-resolution-forest-conservation-amendment-act-2023 (Last visited on March 25, 2024).

2010[21] mainly due to socio-economic backwardness. Lack of schools, hospitals, good roads, electricity and proper supply of water are some of the major dissatisfactions driving the advocacy for a separate state.[22] According to them, following a series of formal parleys with the government of India since 2015 and the state government, the Centre had, in 2023, offered the formation of Frontier Naga Territory with legislative, executive, administrative and financial autonomy.[23] In 2023, the legislation introduced in the state Assembly covered a wide range of important areas such as public health, finance, local governance and disaster management.

[21] Alice Yhoshu, Hindustan Times, *Nagaland: ENPO welcomes Centre's proposal to create autonomous council*, June 29, 2023, available at http://Nagaland: ENPO welcomes Centre's proposal to create autonomous council-Hindustan Times (Last visited on March 26, 2024).
[22] Angeline Kez, Hubnews, *The Development of ENPO'S demand for 'Frontier Nagaland*, January 9, 2023, available at http://hubnetwork.in/the-development-of-enpos-demand-for-frontier-nagaland/ (Last visited on March 26, 2024).
[23] Id.

ODISHA

RAHUL MOHANTY*

Introduction

The legislature of Odisha is a unicameral legislature consisting only of the Vidhan Sabha, having 147 members. The present assembly is the 16th assembly, the elections for which were conducted simultaneously with the general elections in 2019. The year under survey (2023) covered the 12th, 13th and 14th sessions of the state assembly.

The research mainly involved collecting primary and secondary data on the bills considered and passed in the Odisha Vidhan Sabha 2023. Primary data collection, especially through online sources, remained difficult as there was no centralised portal where all the bills passed were uploaded. The researcher relied upon the List of Business and Brief of Proceedings uploaded on the National E-Vidhan Portal (Odisha) and Odisha Assembly's own website to track the bills considered and passed during this period.

However, the data on these websites was not uploaded immediately and did not include a copy of the bills that were introduced or a verbatim record of the legislative debates. The researcher had to initially rely on several secondary sources, like media reports, to ascertain their existence and was only able to access them after a substantial time lag.

While some of the departments had uploaded a copy of the enacted bills, relevant to their department (after the Governor's assent), on their websites, that was not the case with many bills, which had to be tracked through secondary sources. The Odisha e-Gazette was also out of date and was not of much use in finding the enactments.

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Quantitative Legislative Survey

Odisha Assembly sat for 34 days in 2023. The 30-day winter session only lasted for four days, due to a lack of legislative business.[1] This was a downward slide for Odisha, which, from 2012 to 2021, at 46 days had the highest average sitting days among all Indian state assemblies.[2] Even with the decline, the sitting day average of the Orissa legislature still remains higher than the sitting days average of all state legislatures, which has only been 21 days (of which around 60% on an average was utilised in the Budget session).[3] It is noteworthy that Rule 11 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly mandates a minimum of 60 sitting days every calendar year, though it appears that this number has only been reached a dozen times since 1950.[4] According to observers, this reduction in the sitting days of legislative bodies is a nationwide trend, both at the state and union levels.[5]

During the survey period, twelve bills were passed in the Odisha Assembly (excluding the Appropriation Bills), which covered a range of issues such as: welfare of SC, STs and backwards classes, rural development, land reforms, municipal reforms, apartment ownership, and upgradation of private colleges to universities.

Qualitative Legislative Analysis

Social Justice and Welfare

The Odisha government, in Budget session 2023 (12th session) introduced the Odisha State Commission for Backward Classes Welfare (Amendment) Bill, 2023, which sought to amend Section 9 of the Odisha State Commission For Backward Classes Act 1993 to enable the state government to include 22 castes and communities (who were already specified as

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[1] 'Speaker Adjourns Winter Session after 4 Days' *The Times of India* (25 November 2023) <https://timesofindia.indiatimes.com/city/bhubaneswar/odisha-assembly-winter-session-ends-abruptly-4-days/articleshow/105487382.cms> accessed 29 January 2024.

[2] 'Most State Assemblies Sit for Barely 30 Days a Year' *The Times of India* (17 February 2022) <https://timesofindia.indiatimes.com/india/most-state-assemblies-sit-for-barely-30-days-a-year/articleshow/89626067.cms?from=mdr> accessed 29 January 2024.

[3] Manas Gubbi, Niranjana S Menon and Siddharth Mandrekar Rao, 'Annual Review of State Laws 2022' [2023] PRS Legislative Research.

[4] Sandeep Mishra, 'Odisha Assembly's Minimum Sitting Days Rule A Joke: Is It Time For No-Work-No-Pay?' (*odishabytes*, 30 November 2019) <https://odishabytes.com/odisha-assemblys-minimum-sitting-days-rule-a-joke-is-it-time-for-no-work-no-pay/> accessed 29 January 2024.

[5] Pradeep Kumar Dubey, 'Shrinking of the Sittings of Legislatures' (2018); Karan Thapar, 'How Effectively Are India's Legislatures Functioning?' *Hindustan Times* (23 July 2022) <https://www.hindustantimes.com/opinion/how-effectively-are-india-s-legislatures-functioning-101658585877875.html> accessed 29 January 2024.

OBCs in the union government's list on Odisha) in the Socially and Educationally Backward Classes list of the state.[6] The bill only had one section, which proposed to allow the state government to include any backward classes in the list of SEBCs, as specified by the Central list in relation to Odisha.

This bill, along with two other pending bills,[7] was withdrawn a few days after being introduced and was subsequently promulgated as an ordinance in April 2023.[8] Although no reason was given by the government for the withdrawal, it was reported that the government wanted to end the assembly session after passing the Appropriation Bill, and was considering enacting the bill as an ordinance.[9] Next, the bill was reintroduced and passed in the monsoon session of 2023 and received the Governor's assent thereafter. The bill was, in fact, promulgated as an ordinance on 29th April 2023,[10] seemingly to clear the way to carry out the Socially and Educationally Backward Classes Survey ('SEBC survey'), which started on 1st May 2023.[11]

As some observers have noted, historically, there has been a limited political discourse on social justice and reservations in Odisha, and the Mandal Commission recommendation of 27% reservation for the SEBC has never been implemented.[12] The then BJD government had come under criticism in 2020 for failing to appoint the Odisha State Commission for Backwards Classes Welfare ('SEBC Commission'), despite demanding before the Union

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[6] Satyasundar Barik, 'Odisha Proposes Tweak in OBC Law to Include Castes in State List by Notification' *The Hindu* (24 March 2023) <https://www.thehindu.com/news/national/other-states/odisha-proposes-tweak-in-obc-law-to-include-castes-in-state-list-by-notification/article66656820.ece> accessed 29 January 2024.

[7] These two bills were the The Odisha Apartment (Ownership and Management) Bill and the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement (Odisha Amendment) Bill. The former was passed as an ordinance and subsequently enacted in the monsoon season. The latter was also passed in the monsoon session, but does not seem to have been assented as yet.

[8] Odisha State Commission for Backward Classes (Amendment) Act, 2023, Ordinance No. 01 of 2023.

[9] Indian Express, 'A week after tabling, Odisha government withdraws three bills' (01 April 2023) <https://www.newindianexpress.com/states/odisha/2023/Apr/01/a-week-aftertabling-odisha-government-withdraws-three-bills-2561637.html> accessed 5 August 2025.

[10] Odisha State Commission for Backward Classes (Amendment) Ordinance, 2023, Odisha Ordinance No. 1 of 2023.

[11] 'Odisha Begins Backward Classes Survey, Second After Bihar' (*NDTV.com*) <https://www.ndtv.com/india-news/odisha-begins-backward-classes-survey-second-after-bihar-3994624> accessed 29 January 2024.

[12] Jadumani Mahanand, 'Reservation Politics in the Absence of a Social Justice Discourse in Odisha' (*The Wire*, 25 July 2025) < https://thewire.in/caste/reservation-politics-in-the-absence-of-a-social-justice-discourse-in-odisha> accessed 5 August 2025; Jadumani Mahanand, 'The absence of Ambedkarite politics and the prevalence of soft Hindutva in Odisha' (*The Caravan,* 18 May 2024) <https://caravanmagazine.in/politics/patnaik-soft-hindutva> accessed 5 August 2025; Sagar, 'The Brahmin-Kayastha hegemony has overridden political social justice in Odisha' (*The Caravan*, 21 May 2019) <https://caravanmagazine.in/politics/brahmin-kayastha-hegemony-re> accessed 5 August 2025.

government that the socio-economic caste survey be a part of the national census.[13] Following this, the government reconstituted the SEBC Commission in 2020[14] and amended the 1993 Act (in 2020) to empower the commission to conduct surveys of the social and educational conditions of the people belonging to backward classes.[15] Although the proposal to conduct a survey had been approved in February 2021, no survey had been carried out yet.[16] After Bihar's caste census, Odisha decided to finally go ahead with the SEBC survey.[17] However, many castes and communities that were part of the Union's OBC list had not been included in the state's SEBC list. This amendment was brought in to empower the government to include these groups in the SEBC prior to the survey, which was conducted in May-July 2023.

Meanwhile, the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) (Amendment) Ordinance ('ORV' Ordinance) was promulgated to amend the original ORV 1975 Act and allow for reservation for SC and STs in contractual positions.[18] This was passed as a bill in the monsoon session of 2023 and subsequently received the assent of the Governor. With the rise in contractual government jobs, there had been proposals for introducing reservation in contractual positions in the past, including a bill that was originally introduced in 2013 and had been referred to a Select Committee.[19] However, the bill was not passed and subsequently lapsed with the dissolution of the Assembly in 2014.[20]

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[13] 'BJP, Congress slam Naveen Patnaik government over failure to appoint OBC Panel', (*The Times of India,* 14 January 2020), <https://timesofindia.indiatimes.com/city/bhubaneswar/bjp-cong-slam-naveen-govt-over-failure-to-appoint-obc-panel/articleshow/73234909.cms> accessed 5 August 2025.

[14] 'Odisha Forms Backward Classes Commission, Ends 27-Year Wait' (*The New Indian Express*, 13 February 2020) <https://www.newindianexpress.com/states/odisha/2020/Feb/13/odisha-forms-backward-classes-commission-ends-27-year-wait-2102608.html> accessed 29 January 2024.

[15] Odisha State Commission for Backward Classes (Amendment) Act, 2020, Act No. 3 of 2021.

[16] Notification No. 4860/M & BCW, ST & SC Development Department, Government of Odisha <https://oscbc.odisha.gov.in/WebSite/download/4860.pdf> accessed 5 August 2025.

[17] Satyasunder Barik, 'After Bihar, Odisha govt. begins Backward Class survey' (*The Hindu,* 2 May 2023) <https://www.thehindu.com/news/national/other-states/after-bihar-odisha-govt-begins-backward-class-survey/article66799843.ece> accessed 5 August 2025.

[18] Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) (Amendment) Ordinance, Ordinance No. 03 of 2023.

[19] 'Govt Promises to Change ORV Act' (*The New Indian Express,* 20 March 2015) <https://www.newindianexpress.com/states/odisha/2015/Mar/20/govt-promises-to-change-orv-act-731039.html> Accessed 5 August 2025.

[20] Business Standard, 'Odisha to Bring a Fresh Bill to Amend ORV Act' (20 March 2015) <https://www.business-standard.com/article/pti-stories/odisha-to-bring-a-fresh-bill-to-amend-orv-act-115032000991_1.html> accessed 3 February 2024.

The Odisha High Court, in December 2021, hearing a case concerning the denial of reservation and age relaxation in contractual positions advertised for Ayush doctors, noted that the ORV Act did not extend to contractual jobs. The Court, however, observed that when the ORV Act had been enacted in 1975, the concept of contractual jobs was not prevalent and advised the State to re-examine the ORV Act to extend it to contractual positions as well.[21] Similarly, the High Court, in a writ petition seeking the regularisation of the petitioners who were working as assistant drivers on a contractual basis, rejected the government's argument that such regularisation was not possible due to reservation norms. In the February 2023 order, the Court noted that reservations were not applicable to contractual jobs under the ORV Act.[22] These judicial observations may have prompted this amendment.

Both of these legislations may be contextualised in light of the 2024 elections, which in Odisha, was for both the State Assembly as well as for the Union Parliament, and a gradually growing discourse on social justice.

Apartment Ownership Legislation

The Odisha Apartment Ownership Act 2023 was enacted to remove the apparent inconsistency between the Odisha Apartment Ownership (Amendment) Rules, 2021, made under the Odisha Apartment Ownership Act 1982, and the provisions of the Real Estate (Regulation and Development) Act, 2016 ('RERA Act').

A public interest litigation was filed before the Odisha High Court challenging the validity of the Odisha Apartment Ownership (Amendment) Rules, 2021, for being contrary to the RERA Act.[23] Section 17 (1) of the RERA Act required the ownership of the common areas of the project to be conveyed to the association of allottees by executing a conveyance deed to such effect. Unlike the RERA Act, the Odisha Apartment Ownership (Amendment) Rules, 2021, permitted an association of apartment owners to be formed only after the conveyance deeds were executed. As a result, contrary to the provision of the RERA Act, the real estate project promoters in Odisha proceeded to execute sale deeds conveying the proportionate interest in the common areas to the apartment owners rather than to the association of owners because such an association could not be formed till sale deeds were executed. The Odisha High Court, in an order dated 12 May 2022, ruled that the registering authority could

[21] Dr. Pradeep Kumar Gochhayat v. State Of Odisha, W.P.(C) No. 10024 of 2014, W.P.(C) No. 9944 of 2014 And W.P.(C) No. 10157 of 2015, Judgment dated 16 December 2021.
[22] Manoranjan Swain & Others v. State of Odisha & Others (W.P.(C) No. 22008 of 2021, Judgment dated 24 February 2023.
[23] Bimalendu Pradhan v. State of Odisha and Ors., W.P. (C). No. 18799 of 2011.

not register an instrument for the transfer of sale deeds that had clauses contrary to the RERA Act.[24] This decision of the High Court halted registration of apartment sale deeds in the state until the regulations could be amended.[25]

The government of Odisha promulgated an Ordinance on 21st June 2023 to repeal and replace the Odisha Apartment Ownership Act 1982 and consolidate the law relating to apartment ownership in the state.[26] In order to remove the difficulty noted by the Odisha High Court, it provided that where any allotment or sale of an apartment has been made after the commencement of the RERA Act, but no deed of transfer in respect of the common areas had been executed, the promoter would have to execute a separate deed of transfer in favour of an association of allottees.[27] The Ordinance also ensured alignment with the provisions of the RERA Act in terms of the rights and responsibilities of the promoter and the allottees, and the creation and operation of the association of allottees. The Ordinance was later introduced as a bill in the monsoon session and enacted. Shortly thereafter, the government notified the draft Odisha Apartment (Ownership and Management) Rules 2023 for public consultation, which provided the procedure for registering the associations of allottees.[28] The final rules were subsequently notified in February 2024, thereby ending the legal deadlock on the registration of apartments in the state.[29]

Odisha Municipal Laws (Amendment) Act, 2023

This legislation amended the Odisha Municipal Corporation Act, 2003 and the Odisha Municipal Act, 1950, to ensure the representation of various marginalised groups within the Ward Committees of Municipalities as provided under Article 243S of the Constitution of India. The composition of the nominated members within the Ward Committee was altered to include, two office bearers of Mission Shakti Groups,[30] at least one (and up to two) persons who were office bearers of Slum dweller associations,[31] one representative of a community-

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[24] Bimalendu Pradhan v. State of Odisha and Ors., W.P. (C). No. 18799 of 2011, Order dated 12 May 2022.
[25] Sudarsan Maharana, 'Odisha: Sale Deed Registration of Apartments Comes to a Halt' (*The New Indian Express*, 19 May 2022) <https://www.newindianexpress.com/states/odisha/2022/May/19/odisha-sale-deed-registration-of-apartments-comes-to-a-halt-2455363.html> accessed 29 January 2024.
[26] The Odisha Apartment (Ownership and Management) Ordinance, 2023, Odisha Ordinance No. 2 of 2023.
[27] Section 8, The Odisha Apartment (Ownership and Management) Ordinance, 2023, Odisha Ordinance No. 2 of 2023.
[28] Odisha Apartment (Ownership and Management) Rules 2023, dated 13 October 2023, File No. 20467, Housing and Urban Development Department, Government of Odisha.
[29] Odisha Apartment (Ownership and Management) Rules 2024, dated 16 February 2024.
[30] Mission Shakti Groups are women's self-help groups formed under the Odisha Government's Mission Shakti program. See: <https://missionshakti.odisha.gov.in/about-us/overview> .
[31] Slum Dweller Association has been defined as "an Association whether registered or not formed by the slum dwellers of the slums duly recognized by the Corporation in such manner and in such form as may be

based organisation, one official of the municipal corporation, and at least ten persons from the ward.[32] The Ward Committee was required to consider the recommendation of the Slum Dweller Association whilst making budgetary allocations and preparing action plans for the slum areas.[33] The government was obligated to notify classes of work that could be executed by 'community-based organisations'.[34] The amendment not only paves the way towards reconstituting ward committees to ensure greater representation of various marginalised groups, but also formalises the role of self-help groups like the Mission Shakti groups or Slum Dweller groups in local self-governance. The amendment also introduces a population-based formula for determining the number of citizen members from each ward, to ensure more representatives in more populous areas.[35] It is noteworthy that in a CAG Audit on urban local bodies in Odisha, delays in conducting elections and constituting Ward Committees had been noted, leading to the absence of community participation in the local governance.[36] This amendment could be seen as a precursor to reconstituting ward committees and providing a newer model of community participation in urban local bodies.

The amendment also mandated the municipal corporations/municipalities to align their responsibilities with the Disaster Management Act, 2005, thereby requiring them to prepare Disaster Management Plans for their jurisdiction.[37] These changes, aimed at aligning urban governance with better disaster preparedness and climate change adaptation, can also be seen in the context of Odisha's State Action Plan on Climate Change (2021-30), which emphasised the role of local participation, particularly effective participation of women, as being critical for climate change adaptation actions.[38]

The Odisha Pani Panchayat (Amendment) Act, 2023

Odisha has a system of participatory irrigation management under the Pani Panchayat Act, 2002.[39] Pani Panchayats are essentially local organisations of farmers and other 'water

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notified by the State Government, 5 from time to time, which is working for the upliftment and welfare of the slum dwellers and the expression 'slum dweller' shall have the same meaning as defined in clause (s) of Section 482": section 7 (b) (b), Odisha Municipal Laws (Amendment) Act, 2023, Odisha Act No. 7 of 2023.

[32] Sections 2 and 7, Odisha Municipal Laws (Amendment) Act, 2023, Odisha Act No. 7 of 2023.

[33] Sections 3 and 8, *ibid*.

[34] Section 10, *ibid*.

[35] Section 7, *ibid*.

[36] Report of the Comptroller and Auditor General of India on Local Bodies for the year ended March 2021, Chapter 5: Performance audit on the Efficacy of implementation of 74th Constitution Amendment Act with focus on 3Fs-Fund, Functions and Functionaries, Government of Odisha, Report No. 3 of 2023.

[37] Sections 5 and 11, *ibid*.

[38] Odisha Climate Change Action Plan 2021-30, Ministry of Forests, Environment and Climate Change, Government of Odisha.

[39] The Odisha Pani Panchayat Act, 2002, Act No. 10 of 2002.

users' who use water for irrigation. Pani Panchayats perform several water management functions like equitable distribution and regulation of water use, preparing plans for maintenance of irrigation systems at the end of each crop season, and preparing a cropping plan suitable for the local conditions.[40] Pani Panchayats have a 3-tier system for managing minor and medium-scale irrigation projects and a 4-tier system for managing major irrigation projects. As of 2021, there are more than 35,000 Pani Panchayats in the state.[41]

The amendment was intended to give greater powers to Pani Panchayats as well as make them more inclusive. For example, it defined 'mega lift' irrigation projects, as "*an irrigation system under an irrigation project having irrigable commanded area of more than 500 hectors and up to 2000 hectors by direct pumping from river or reservoir or existing irrigation system or water bodies*"[42] and empowered the concerned Additional Chief Engineer to delineate certain areas of such mega lift irrigation projects, on an hydraulic and administrative viability basis, and declare it as a Pani Panchayat.[43] included them under the ambit of Pani Panchayats. This represents a shift towards more decentralized water governance, even in relatively larger projects. The amendment also provides a five-year tenure for members of the *Chak*[44] Committee, who are elected by all landholders in the *Chak*. The amendment also enables better gender inclusivity by recognising that spouses of the land-owners can be members of Pani Panchayat.[45]

Odisha Goods and Services Tax (Amendment) Act, 2023

This legislation aimed at simplifying and relaxing some of the procedures under the Odisha GST law.[46] For instance, it empowered the government to accept late submission of tax returns for a person or a class of persons,[47] and notify and exempt a category of persons from the need to register under the GST Act.[48] It also extended the ambit of the state GST to cover online gaming, and the supply of "specified actionable claims" (which included betting, casinos, gambling, horse racing, lottery, online money gaming) in terms of any

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[40] Section 17, *ibid*.
[41] Romita Dutta, 'How Pani Panchayats Have Ensured Water Supply in Odisha' *India Today* (29 March 2021) <https://www.indiatoday.in/magazine/nation/story/20210329-rise-of-the-pani-panchayats-1781271-2021-03-20> accessed 29 January 2024.
[42] Section 2, The Odisha Pani Panchayat (Amendment) Act, 2023, Act No. 11 of 2023.
[43] Section 3, *ibid*.
[44] Chak is the smallest hydraulic unit under the Pani Panchayat. It has been defined as "an area irrigated by one outlet", see: Section 2(1)(c), Pani Panchayat Act, 2002, Odisha Act No. 10 of 2002.
[45] Section 3, *ibid*.
[46] Odisha Goods and Services Tax (Amendment) Act, 2023, Odisha Act No. 4 of 2023.
[47] Section 10, *ibid*.
[48] Section 6, *ibid*.

consideration (including virtual digital assets).[49] This provision mirrors the amendments made under Section 2(102A) and Schedule III of the CGST Act, 2017[50] and Section 14A of the IGST Act, 2017,[51] introduced by the respective 2023 Amendment Acts to tax online gaming and specified actionable claims. This amendment was made in order to effectuate the decision of the GST council to impose 28% GST on online gaming.[52]

The government has also amended the Odisha GST Rules to implement this tax on online gaming and actionable claims, and provided the necessary forms regarding these businesses.[53]

Odisha Land Reforms and Land Acquisition

There were two separate amendments enacted by Odisha in this period to amend the Odisha Land Reforms Act 1960. The first amendment, passed in the monsoon session, specified a market-linked conversion fee of one centum per acre of the market value of the agricultural land for its conversion to any non-agricultural purposes.[54] This replaced the previous Section 8-A of the Act, which had various fixed conversion fees applicable, depending on the location of the land. This amendment, which uniformly links the conversion fee to the market price, would prevent revenue loss during conversion, particularly in lands situated in or close to bigger cities.

The second amendment, introduced and passed in the winter session, allowed persons who were personally cultivating any land or using such land as a homestead as sub-tenants or under-raiyats in the state's record of rights to be recognised as the owners of the land and given a '*patta*' as evidence of the ownership.[55] Interestingly, both of these amendments were assented to and notified together.

According to the government, this amendment on recognition of sub-tenants' rights would benefit around two lakh farmers in coastal Odisha who cultivated lands which were sublet to them and categorised as traditional 'sikkim' type land.[56] The Amendment Act allows

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[49] Section 2, *ibid*.
[50] Central Goods and Services Tax (Amendment) Act, 2023, Act No. 30 of 2023.
[51] Integrated Goods and Services Tax (Amendment) Act, 2023, Act No. 31 of 2023.
[52]Minutes of the 50th Meeting of the GST Council held on 11th July, 2023 <https://gstcouncil.gov.in/sites/default/files/Minutes/minutes_of_50th_0.pdf>accessed 5 August 2025.
[53] Odisha Goods and Services Tax (Third Amendment) Rules, 2023, Finance Department, Government of Odisha, 30 September 2023.
[54] Odisha Land Reforms (Amendment) Act, 2023, Odisha Act No. 15 of 2023.
[55] Odisha Land Reforms (Second Amendment) Act, 2023, Odisha Act No. 14 of 2023.
[56] 'House Amends Land Reforms Bill, Owners of Sublet Land to Benefit' (*The Times of India* 24 November 2023) <https://timesofindia.indiatimes.com/city/bhubaneswar/house-amends-land-reforms-bill-owners-of-sublet-land-to-benefit/articleshow/105458238.cms> accessed 31 January 2024.

them to seek official recognition of their possession by applying for a *patta* within two years of the amendment coming into force.[57]

The state legislature also enacted the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land (Amendment) Act 2023, which amended the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972.[58] Chapter V of the 1972 Act prohibited the transfer or fragmentation of land which were consolidated and classified as '*chakabandi*' land (referring to a compact parcel of land alloted, after land consolidation, to a land-owner). [59]The Principal Act provided that such agricultural land could not be transferred or partitioned so as to create fragments. With the same objective, the Act allowed fragments to be only transferred to the land-owner of a contiguous *chaka*.[60] If owners were unable to effect such transfer on their own, they could apply to the *Tahasildar*, who would determine the market value of the land and sell it by auction among the land-owners of the contiguous land.[61] All these provisions, contained in Chapter V of the Act, have been omitted through the 2023 amendment.[62] The amendment also treats any transfer or partitions of agricultural land before the commencement of the 2023 Act, that would create a fragmentation under Principal Act, as valid.[63] This, in effect, retrospectively regularises any previous fragmentations.

The combined effect of the above amendments seems to aim at revitalising the land and real estate market in rural areas. Lack of official title deeds, restrictions on fragmentation and transfer of agricultural land had reduced the market for agricultural land, by making buying and selling them difficult. These amendments would allow farmers to fragment and sell smaller parcels of their land at market price, rather than being required to sell their entire land. While this may benefit many rural landowners, it may also lead to speculation in the agricultural land market.

Odisha also amended the land acquisition law to reportedly enable the government to exempt certain categories of projects from the requirement of social impact assessment. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Odisha Amendment) Bill 2023 ('LARR Amendment') was initially introduced

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[57] Section 2(b), Odisha Land Reforms (Amendment) Act, 2023.
[58] Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972, Odisha Act No. 21 of 1972.
[59] Section 34, *ibid.*
[60] *Ibid,* section 34(2).
[61] *Ibid,* Section 34 (3).
[62] Odisha Consolidation of Holdings and Prevention of Fragmentation of Land (Amendment) Act, 2023, Section 2.
[63] *Ibid,* Section 3.

in the Budget session 2023, but was withdrawn, along with other bills introduced in the budget session like the previously mentioned bills to amend the apartment ownership law and the SEBC Commission. In the monsoon session the Bill was re-introduced and passed. As noted earlier, there was no explanation given for withdrawing the bill in the budget session and reintroducing it in the monsoon session. It is important to note that the text of this amendment bill (neither the one that was introduced in the budget session nor the one introduced in the monsoon session) is available in public domain, and only a reference to Assembly's bulletin reveals that the bill was passed.[64] There is no information available on whether any changes were made in the interim. The Revenue Minister, while introducing the bill, sought to justify it on grounds that the provisions of the LARR Act, 2013, particularly those on social impact assessment, were causing a delay in land acquisition, which was affecting its plans for attracting larger private investment through its 'Make-in-Odisha' initiative.[65] He also claimed that a governmental task force which was examining the issue of facilitating transfer of land for the industrial projects, had recommended the amendment of LARR 2013.[66]

The bill was introduced and passed together with the Odisha Land Reforms Amendment Bill, which amended the conversion fee for converting agricultural land for non-agricultural use and linked it to the market price of the land. However, this LARR Amendment does not seem to have been assented by the Governor yet, unlike the latter amendment.

After the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 by the Parliament of India, there have been many amendments made to carve out exemptions. The Government of India promulgated an Ordinance to amend the LARR Act 2013, which among other provisions, sought to exempt projects which were vital for national security, defence, rural electrification, affordable housing, creation of industrial corridors or infrastructure projects, including projects under public-private-partnership where the land continued to vest with the government, from the requirement of conducting social impact assessment and

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[64] Brief Record of Proceedings, Bulletin No. 4, Odisha Legislative Assembly, Sixteenth Assembly, Thirteenth Session, 27 September 2023, <https://www.odishaassembly.nic.in/AssemblyBulletin.aspx> accessed 5 August 2025.

[65] Satyasunder Barik, 'Odisha Assembly passes Bill exempting projects from social impact assessment' (*The Hindu*, 27 September 2023) <https://www.thehindu.com/news/national/other-states/odisha-assembly-passes-bill-exempting-projects-from-social-impact-assessment/article67353558.ece> accessed 5 August 2023.

[66] *Ibid.*

consent.[67] Later, a bill incorporating these provisions was introduced and passed in the Lok Sabha, but was not passed in the Rajya Sabha. The ordinance was criticised by many for diluting the rights given to land owners under the 2013 Act, and for being based on an unfounded assumption that landowners are unwilling to consent to land acquisition for fair compensation.[68] However, many states, such as Andhra Pradesh, Telangana, Maharashtra, Jharkhand, Gujarat and Karnataka, seem to have taken a cue from the Ordinance and passed their own amendments that exempted different projects from the requirements of social impact assessment and the consent of land owners.[69] The Odisha LARR Amendment Act made a similar choice. Odisha's LARR Amendment Bill 2023 reportedly allowed the state government to exempt "projects vital to national security or defence of India and every part thereof, including preparation for defence or defence production, infrastructure projects and industrial corridors set up by the State government and its undertakings" from the requirement of conducting a social impact assessment.[70] The government also justified the amendment by stating that the exemptions would reduce the delays in land acquisition and boost economic development and industrial promotion. In support of its decision, it gave examples of other states where similar amendments were made.[71]

Bills Relating to Educational Institutions

Odisha also enacted three statutes that gave University status to two private educational institutions. These are the SILICON University Odisha Bill, 2023,[72] and NIST University

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[67] Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014

[68] 'Amendment to the LARR Act, 2013 and the Aspirations of the Rural Youth of India' (2018) 53 <https://www.epw.in/journal/2018/32/special-articles/amendment-larr-act-2013-and-aspirations.html> accessed 31 January 2024; KB Saxena, 'The Ordinance Amending the Land Acquisition Law (2013): Farmers Lose out in the Unequal Contest of Power' (2015) 45 Social Change 324.

[69] 'How Central and State Governments Have Diluted the Historic Land Legislation of 2013' *The Economic Times* (14 April 2018) <https://economictimes.indiatimes.com/news/politics-and-nation/how-central-and-state-governments-have-diluted-the-historic-land-legislation-of-2013/articleshow/63764378.cms?from=mdr> accessed 31 January 2024; Bar & Bench, 'FromPolicyToPeople – Rocky Road Behind and Ahead: How the LARR Act of 2013 Has Fared (Part I)' (*Bar and Bench - Indian Legal news*, 1 March 2018) <https://www.barandbench.com/columns/policy-people-larr-act-2013> accessed 31 January 2024; 'In State-Level Changes to Land Laws, a Return to Land Grabbing in Development's Name' (*The Wire*) <https://thewire.in/law/state-level-changes-land-laws-return-land-grabbing-developments-name> accessed 31 January 2024.

[70] *Supra* n. 65.

[71] 'Experts Raise Concerns as No More Social Impact Assessment for Odisha Projects' <https://www.downtoearth.org.in/news/governance/experts-raise-concerns-as-no-more-social-impact-assessment-for-odisha-projects-92113> accessed 31 January 2024.

[72] The Silicon University, Odisha Act, 2023, Odisha Act No. 12 of 2023.

Odisha Bill, 2023,[73] that were passed in the monsoon session of 2023. NIST and SILICON are autonomous institutions focusing on engineering and management that have now been upgraded to universities.

These statutes were on similar lines as previous legislations that have been enacted to grant university status to existing private educational institutions, such as the DRIEMS University Act, 2022.[74]

Delegated Legislations

There were a large number of executive rules, regulations, orders and notifications notified by the government in 2023,[75] though most of these dealt with routine administrative matters like personnel transfers, or implementation of governmental schemes, changing departmental procedures and guidelines, and other routine orders. Some of the more noteworthy delegated legislations made this year pertained to the operationalisation of the legislations enacted this year. This included the Odisha Apartment Ownership Rules, 2023 and the Odisha Goods and Services Tax (Amendment) Rules, 2023, referred to earlier. A few other rules may require specific mention.

This includes the Odisha Lokayukta (Financial and Administrative Power) Rules, 2023, which replaced the Odisha Lokayukta (Financial and Administrative Power) Rules, 2019.[76] This rule clarified that any substantial modification of Lokayukta's budget estimate would require the Lokayukta to submit a supplementary estimate for the government's approval. It also clarified that various financial and administrative rules of the state government, specifically the Delegation of the Financial Power Rules, 1978, the Odisha General Financial Rules, 1959, the General Provident Fund (Odisha) Rules,1938, the Odisha Travelling Allowance Rules, 1938, Odisha Budget Manual, 1963, the Odisha Records Manual, 1964 and the Odisha Treasury Code and Administrative Rules, will apply to Lokayukta *mutatis mutandis*.

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[73] NIST (National Institute of Science & Technology)University, Odisha Act, 2023. The Act did not come into force in 2023.

[74] The DRIEMS University Act, 2022, Odisha Act No. 6 of 2023.

[75] These can be accessed, under the relevant department, at: <https://egazette.odisha.gov.in/extraordinary_archival>.

[76] Odisha Lokayukta (Financial and Administrative Power) Rules, 2023, Odisha Gazette Notification S.R.O. No.515/2023, dated 1 August 2023.

The government also notified the Payment of Compensation to the Next of Kin (NOK) on account of Death of Prisoners in the Jails of Odisha Rules, 2023[77] which were made pursuant to an order of the Odisha High Court, where it directed the government to provide compensation, *inter alia*, in the case of death of prisoners in custody.[78] The rules provided that a compensation of Rs. 3.00 lakhs for deaths due to quarrels, attacks by inmates, firing, or torture attributable to jail authority's negligence would be provided to the next-of-kin of the deceased prisoners. A lower compensation of Rs. 2.00 lakhs is payable for deaths due to negligence by medical or paramedical staff. Whereas no compensation would be given in cases of natural deaths (including illness), deaths during escape, bail, leave, release, or due to suicide.

Other significant developments included the appointment of judges to operationalise the Motor Accident Claims Tribunals;[79] and the amendment of Wildlife (Protection) (Odisha) Rules, 1974, to amend the category of 'next-of-kin' for the purposes of compensating families of the victims of animal-related deaths.[80]

Conclusion

2023 was a relatively 'uneventful' year, which did not see any change in government or major policy shifts, or external shocks like a pandemic. In the absence of any such trigger, the legislation enacted by the Odisha Assembly in 2023 did not reveal any discernible focus. They covered a wide range of issues, from rural development to water resource management, educational institutions helping industrial promotion, promoting rural agricultural land market, clarifying the norms of apartment ownership, welfare of backward classes and so on.

A few overall observations regarding the legislative business this year can be made. First, the legislative work remained opaque. In most cases, the bills were not available in the public domain prior to being passed. This opacity extended to details of the assembly debates, the transcripts of which are not available, beyond an official 'brief of proceedings' in a daily bulletin, which is extremely brief, to the point of being similar to an agenda list.

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[77] Payment of Compensation to the Next of Kin (NOK) on account of Death of Prisoners in the Jails of Odisha Rules, 2023, Home Department, Notification No. 8977-HOME-JAIL-RULE-0002/2022/JAILS, dated 2 March 2023.

[78] Krushna Prasad Sahoo v. State of Odisha, W.P. (C) No. 6610/2006, Order dated 23rd December, 2021

[79] Odisha Commerce & Transport (Transport) Department, Notification No. 4116-TRN-LC-MISC-0044/2017/T, dated 13 April 2023.

[80] Forest, Environment & Climate Change Department, Notification No. 27163-FE-WL-WLF-00337/7FE&CC, dated 16 October 2023.

Similarly, no reasons have been made available for the withdrawal and reintroduction of some bills. In most cases, the bills were only made available after they had been enacted with the assent of the Governor and notified in the Official Gazette. In some cases, like the LARR Amendment, even after the amendment was passed, it is not available, since it has not received the gubernatorial assent.

Second, many of the land reform policies, such as allowing fragmentation of agricultural land, market-linked conversion fees, and the attempt to exempt certain categories of land acquisition from SIA, seem to have been motivated by an underlying push to promote industries and real estate. Some of these policies, especially the proposed changes in land acquisition laws, have attracted significant criticism and are difficult to square with the claims of the government that it seeks to make it easier for the people to control and sell their own land without problems.

Third, being a pre-election year, some of the legislative work seemingly had electoral underpinnings. These particularly included the bills on extending reservations to contractual jobs and inclusion of more SEBCs into the state's list prior to initiating a survey.

It may be relevant to note in hindsight that Odisha had the same party in power since 2000 till 2024, and by 2023, most of its pressing legislative agenda was likely already implemented. As a result, 2023 was a relatively quiet year for Odisha in law-making.

PUNJAB

SHRUTI BEDI*

Introduction

The Punjab Legislative Assembly is a unicameral legislature constituted under Article 168 of the Constitution of India. The current, 16th Punjab Legislative Assembly, was formed following general elections held in February 2022. The Aam Aadmi Party (AAP) achieved a historic victory, securing 92 out of 117 seats - a decisive mandate that resulted in the party forming a government for the first time in the state. Bhagwant Mann was sworn in as Chief Minister on March 16, 2022.[1]

This political transition ended decades of power oscillation between the Indian National Congress and the Shiromani Akali Dal. The political climate in 2023 was marked by growing tension between the elected government and the constitutional head of the state - the Governor, especially on issues involving assent to bills passed by the Assembly.[2] This stand-off reached a critical stage with the Governor reserving several key bills for the President's consideration[3], triggering a larger constitutional debate on the boundaries of gubernatorial discretion and the federal balance between the State and the Centre.

The Supreme Court judgment in *State of Punjab v. Principal Secretary of Governor of Punjab*[4] became a landmark intervention in affirming that a Governor cannot indefinitely

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[1] Atul Sangar, "Bhagwant Mann: How AAP routed the Congress in Punjab" *BBC*, Mar. 14, 2022, *available at*: https://www.bbc.com/news/world-asia-india-60733499 (last visited Jun. 18, 2024).

[2] Manjeet Sehgal, "Punjab governor questions bills passed in Assembly, says breach of law" *India Today*, Jul. 18, 2023, *available at*: https://www.indiatoday.in/cities/chandigarh/story/punjab-governor-says-recent-assembly-session-breached-law-bills-passed-illegaly-2408284-2023-07-18 (last visited Mar. 25, 2024).

[3] The Hindu Bureau, "Punjab Governor reserves three Bills for President's consideration" *The Hindu*, Dec. 7, 2023, *available at*: https://www.thehindu.com/news/national/punjab-governor-reserves-3-bills-for-presidents-consideration/article67612090.ece. (last visited Mar. 27, 2024).

[4] 2023 INSC 1017

withhold assent to bills, thereby shaping both the legislative strategy and political narrative in Punjab throughout the year.

Quantitative Legislative Review

The 16th Punjab Legislative Assembly, held two regular sessions during the calendar year 2023. These included the Fourth Session (Budget Session) and the Fifth Session (Winter Session). The Fourth Session was extended beyond March through special sittings in June and October, and it was formally prorogued only in November after intervention by the Supreme Court of India.[5]

Over the course of 2023, the Assembly convened for a total of 12 sitting days, with the majority of legislative business concentrated in the Budget Session and its extensions. Total hours worked across all sittings is estimated at 46.3 hours.[6] While the Assembly passed significant legislation, the duration of the debates was short, and the question hour was largely absent in the extended sittings. No private member bills were either introduced or discussed. The functioning of the house committees was minimal and non-transparent.

Despite the limited number of sittings, the Assembly passed 16 bills in total. Each of these bills was introduced and passed in 2023. Of the 16 bills, 13 received the Governor's assent, while three were reserved for the consideration of the President under Article 200 of the Constitution. Among the three reserved bills, the one relating to education was returned without assent by the President, while the other two are still pending with the President.[7]

The legislative output in 2023 was significantly oriented towards addressing Punjab's deteriorating fiscal condition. Out of the 16 bills passed, eight were directly related to financial and revenue matters. These included three appropriation bills, three money bills addressing taxation and budgetary responsibility, and two revenue-focused bills designed to augment the state's tax and non-tax income. In addition to these eight, three more bills

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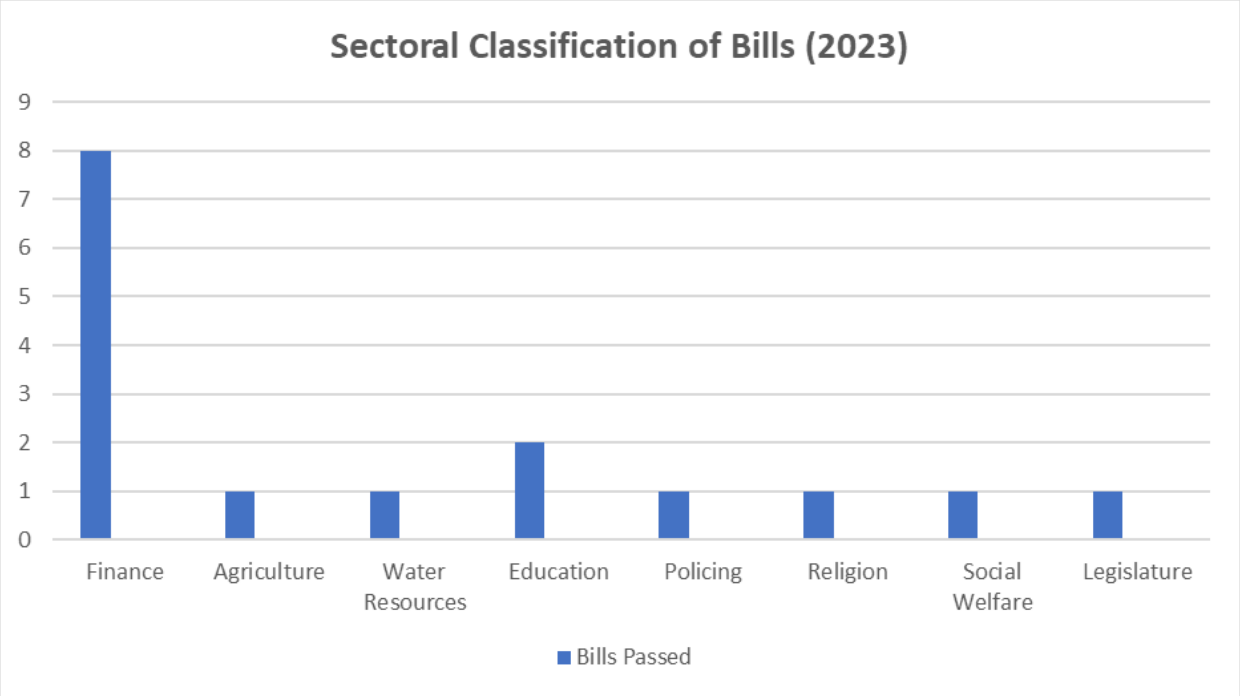
[5] Sanjeev Verma, "Punjab guv prorogues budget session, Oks 3rd money bill" *The Times of India*, Nov. 17, 2023, *available at*: https://timesofindia.indiatimes.com/city/chandigarh/punjab-guv-prorogues-budget-session-oks-3rd-money-bill/articleshow/105276679.cms (last visited May 7, 2024). The governor had refused to give assent to the bills passed in the extended sittings terming them as illegal. The Punjab government had then approached the Supreme Court wherein the court ordered the Governor to prorogue the session.

[6] PRS, "16th Punjab Legislative Assembly (2022-Present)" PRS Legislative Research, *available at*: https://prsindia.org/legislatures/states/16th-punjab-legislative-assembly-2022-present (last visited May 7, 2024).

[7] Express News Service, "President returns Punjab Bill seeking removal of Governor as Chancellor" *The Indian Express*, July 18, 2024, *available at:* https://indianexpress.com/article/cities/chandigarh/bill-to-make-punjab-cm-chancellor-of-state-universities-returned-by-president-without-assent-9459847/ (last visited July 20, 2024).

had notable financial implications. These included legislations pertaining to salaries and allowances of certain government functionaries and the rationalisation of public institutions to reduce state expenditure. The year's legislative focus remained overwhelmingly concentrated on fiscal legislation and public finance administration.

Beyond finance, other bills were distributed across diverse sectors. Two bills pertained to education, including one which sought to redefine institutional governance and remains unenforced due to the President returning the bill without assent.[8] One new enactment concerned water resources management was passed and assented to without delay. Another bill addressed policing reforms remains pending at the presidential level. A further bill concerning religious administration was similarly withheld. The process revealed ongoing tensions between the legislature and the Governor, with the latter exercising his discretion under Article 200 in a manner that significantly delayed legislative implementation.



As far as executive rulemaking is concerned, the year 2023 witnessed limited action. While a few notifications were issued concerning administrative reforms, environmental management, office timings, and public sand mining sites, none of these derived authority

[8] PTI, "Prez returns Bill to make Punjab CM chancellor of state universities" *Business Standard*, Jul. 17, 2024, *available at*: https://www.business-standard.com/education/news/prez-returns-bill-to-make-punjab-cm-chancellor-of-state-universities-124071700969_1.html (last visited Jul. 21, 2024).

from the newly enacted statutes of the year. As a result, no statutory rules were notified under the major Acts passed by the legislature in 2023.[9]

Qualitative Legislative Review

Institutional Stand-off between Governor and Government of Punjab

In 2023, a constitutional standoff emerged in Punjab between the Governor and the elected government concerning the summoning and prorogation of the Legislative Assembly. Under Article 174 of the Constitution of India, the Governor holds the authority to summon the State Legislature to meet at such time and place as he deems fit, and to prorogue or dissolve the Assembly. Traditionally, once a session is adjourned sine die by the Speaker, the Governor issues a formal notification proroguing the session. The Budget Session of the 16th Punjab Vidhan Sabha, which was summoned by the Governor on 3 March 2023, was adjourned sine die by the Speaker on March 22.[10] However, the Governor did not issue a formal prorogation, effectively keeping the session pending.

In the absence of prorogation, the Speaker reconvened the session under Rule 16 of the Procedure and Conduct of Business Rules of the Punjab Legislative Assembly.[11] This rule permits the Speaker to summon a sitting if the session remains un-prorogued. On June 19 and 20, 2023, the Assembly met under this provision and passed four bills. These included the Sikh Gurdwaras (Amendment) Bill, the Punjab Affiliated Colleges (Security of Service) (Amendment) Bill, the Punjab Universities Laws (Amendment) Bill, and the Punjab Police (Amendment) Bill.[12] However, the Governor declared the sitting unconstitutional, refused to acknowledge its legality, and withheld assent to all four bills.

The constitutional dispute deepened further with procedural differences around Article 200 of the Constitution, which outlines the process for gubernatorial assent to state legislation. Article 200 stipulates that when a bill is presented to the Governor, he must either assent, withhold assent, or reserve the bill for the consideration of the President. It also contains a proviso that permits the Governor to return a non-Money Bill with a message for

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[9] *Supra* note 6.

[10] Punjab Vidhan Sabha Secretariat, Legislative Branch, *available at:* https://punjabassembly.nic.in/images/docs/Sine-Die%2022nd%20March,%202023.pdf (last visited Jan. 26, 2024).

[11] 16th Legislative Assembly, "Rules of Procedure" Punjab Legislative Assembly, *available at*: https://punjabassembly.nic.in/AboutVidhanSabha/rulesofprocedure?SelectedLang=1 (last visited Jan. 27, 2024).

[12] 16th Legislative Assembly, Punjab Vidhan Sabha, *available at:* https://punjabassembly.nic.in/(S(e32023nx22m4qlsgnru54xvh))/Legislations/PassedBills?SelectedLang= (last visited Jan. 7, 2024).

reconsideration. Crucially, once a bill is reconsidered and passed by the Assembly, the Governor is constitutionally bound to assent to it. The second proviso to Article 200 mandates that any bill that undermines the authority of the High Court must be reserved for the President.

In the Punjab case, the Governor neither returned the disputed bills to the Assembly for reconsideration nor formally acted upon them, keeping them in a state of indefinite limbo. This action or lack thereof prompted the Punjab government to invoke Article 32 of the Constitution and approach the Supreme Court in *State of Punjab v. Principal Secretary to Governor of Punjab,*[13] The Supreme Court ruled in favour of the Assembly, holding that the Governor cannot keep bills pending indefinitely. It observed that the Governor's failure to act on bills passed by a duly elected legislature effectively allows the unelected head of state to override the legislative mandate, which would be antithetical to the principles of parliamentary democracy. The Court emphasised that the phrase "as soon as possible" in Article 200 carried substantive constitutional content and imposed a time-sensitive obligation on the Governor.[14]

The Court also upheld the legality of the sittings held in June and October, declaring that there was no constitutional defect in the Assembly reconvening itself when the session had not been prorogued. Following the Court's judgment, the Governor belatedly prorogued the session on 17 November 2023, nearly eight months after it was convened.[15] This allowed the House to proceed with a formally constituted Winter Session on November 28 and 29.

This episode highlighted a broader federal tension in India's constitutional architecture - particularly the ambiguity surrounding the Governor's discretionary powers in a state where the executive is drawn from an elected legislature. The Punjab case mirrored similar developments in other states, notably Kerala and Telangana, where Governors have also withheld or delayed assent without a clear constitutional justification.

Addressing Punjab's Fiscal Stress and Legislative Response

Punjab's public finances in 2023 remained under considerable strain, as the state continued to grapple with one of the highest debt-to-GSDP ratios in the country. According to the Reserve Bank of India's "State Finances: A Study of Budgets 2023–24", Punjab's public debt

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[13] *Supra* note 4.

[14] Also see *State of Telangana v. Governor of Telangana*, (2024) 1 SCC 405.

[15] Express News Service, "After SC rap, Punjab Governor Banwarilal Purohit prorogues Assembly, clears money Bill for tabling" *The Indian Express,* Nov. 17, 2023, *available at:* https://indianexpress.com/article/cities/chandigarh/sc-rap-punjab-governor-prorogues-assembly-clears-money-bill-tabling-9029461/ (last visited Jan. 12, 2024).

was estimated to exceed 47% of its Gross State Domestic Product (GSDP), significantly above the national average and far above the FRBM target ceiling of 20%.[16] The burden of debt is compounded by persistently high committed expenditure - over 80% of the state's revenue receipts are consumed by salaries, pensions, interest payments, and power subsidies.[17] According to Punjab's 2023-24 Budget Speech, the state borrowed ₹47,000 crore, out of which nearly ₹27,000 crore, or around 57%, was used merely for interest servicing on previous loans.[18]

The revenue crisis was aggravated by both structural and political factors. Punjab's share in central tax devolution remains low, with the state reportedly receiving only around 45 paise for every rupee contributed to the central tax pool, according to statements made in the state assembly.[19] Furthermore, non-tax revenue collections have consistently underperformed. During the first quarter of FY 2023–24, the non-tax revenue stood at only ₹1,123.79 crore, accounting for a mere 14.3% of the annual target of ₹7,823.09 crore.[20] Against this economic backdrop, the government tabled and passed three Appropriation Bills during the Budget Session to meet expenditures for past and current fiscal years, including retrospective allocations for FYs 2015-19[21] and supplementary demands for FY 2022-23[22] and FY 2023-24.[23]

Legislative Reforms on Taxation: Punjab GST and Stamp Duty Amendments

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[16] Reserve Bank of India, "State Finances: A Study of Budgets 2023–24" 103 (Dec. 2023), *available at*: https://rbidocs.rbi.org.in/rdocs/Publications/PDFs/0STATEFINANCES202324E45F66372EEC4743AE4E9BED92EB85FF.PDF (last visited July 20, 2024).

[17] BS Ghuman, "Punjab Economy Remains on Debt-Bed" *Times of India,* Dec. 31, 2023, *available at:* https://timesofindia.indiatimes.com/city/chandigarh/punjab-economy-remains-on-debt-bed/articleshow/106416328.cms (last visited Jan. 26, 2024).

[18] *Ibid.*

[19] AS Mittal, "Punjab is reeling under socio-economic distress" *The Pioneer,* Sept. 28, 2023, *available at:* https://www.dailypioneer.com/2023/columnists/punjab-is-reeling-under-socio-economic-distress.html (last visited Jan. 6, 2024).

[20] Ruchika M Khanna, "Punjab's low non-tax revenue cause for concern" *The Tribune,* July 31, 2023, *available at:* https://www.tribuneindia.com/news/punjab/low-non-tax-revenue-cause-for-concern-530851 (last visited Jan. 6, 2024).

[21] The Punjab Appropriation (No. 1) Bill, 2023 (Bill No. 4 PLA 2023), *available at:* https://cms.neva.gov.in/FileStructure_PB/Notices/399bb31d-bd8c-4b9f-838b-d681853d3290.pdf (last visited Jan. 6, 2024).

[22] The Punjab Appropriation (No. 2) Act, 2023 (Punjab Act No. 2 of 2023), *available at:* https://finance.punjab.gov.in/uploads/06Apr2023/db393d3e-4898-4989-9f20-00c72c0e4442_20230406131510.pdf (last visited Jan. 6, 2024).

[23] The Punjab Appropriation (No. 3) Bill, 2023 (Bill No. 6 PLA 2023), *available at:* https://punjabassembly.nic.in/images/docs/6-PLA-2023.pdf (last visited Jan. 6, 2024).

Facing fiscal constraints, the state government introduced key legislative measures aimed at increasing tax and non-tax revenue. A focal point was the attempt to introduce three Money Bills - the Punjab Goods and Services Tax (GST) (Amendment) Bill, 2023, the Punjab Fiscal Responsibility and Budget Management (FRBM) (Amendment) Bill, 2023, and the Indian Stamp (Punjab Amendment) Bill, 2023 - during a special sitting of the Assembly on 20 October 2023. However, the Governor initially refused to grant approval for tabling these bills, asserting that the session was not constitutionally valid.[24] Following the Supreme Court's intervention in the *State of Punjab case*, the Governor accorded approval to two of the three bills (GST and Stamp bills).

In 2023, the Government of Punjab passed the Punjab GST (Amendment) Bill, 2023, aligning its provisions with national amendments recommended by the GST Council under the 49th and 50th meetings held in February and July 2023, respectively.[25] The primary objective of the amendment was to facilitate the establishment of GST Appellate Tribunals within the state, in compliance with Section 109 and 110 of the Central GST Act, which were amended nationally via the Finance Act, 2023. The Punjab amendment enables the formation of two state-level benches of the tribunal to handle disputes between taxpayers and the tax department, thereby reducing the backlog of appeals pending before the High Courts and ensuring timely redressal of tax-related grievances.

A major reform introduced through this bill was the inclusion of online gaming under the ambit of GST, in line with the national tax framework post the Council's July 2023 decision. The amendment mandates compulsory registration of suppliers of online money gaming, regardless of turnover, and imposes taxation on the total value of deposits or entry amounts for such platforms. The move is expected to broaden the state's GST revenue base and bring uniformity in taxing virtual gaming and gambling platforms.[26]

Another significant change made by this amendment was the removal of the restriction that prevented composition scheme taxpayers (typically small businesses with annual turnover below ₹1.5 crore) from supplying goods through electronic commerce operators (ECOs).

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[24] PTI, "Punjab governor gives approval to table bills on GST Appellate Tribunal, stamp duty on mortgaging property" *Deccan Herald*, Nov. 1, 2023, *available at:* https://www.deccanherald.com/india/punjab/punjab-governor-gives-approval-to-table-bills-on-gst-appellate-tribunal-stamp-duty-on-mortgaging-property-2751359 (last visited Jan. 9, 2024).

[25] The Punjab Goods and Services Tax (Amendment) Bill, 2023 (Bill No. 17-PLA-2023), *available at:* https://prsindia.org/files/bills_acts/bills_states/punjab/2023/BillNo-17of2023-Punjab.pdf (last visited Jan. 10, 2024).

[26] TNN, "Pb govt expects major hike in GST revenue" *Times of India,* Dec. 1, 2023, *available at:* https://timesofindia.indiatimes.com/city/chandigarh/pb-govt-expects-major-hike-in-gst-revenue/articleshow/105642516.cms (last visited Jan. 9, 2024).

With this amendment, such taxpayers can now access digital marketplaces, improving their reach and competitiveness, especially in rural and semi-urban Punjab.

Concurrently, the Assembly also passed the Indian Stamp (Punjab Amendment) Bill, 2023, to streamline and rationalise the levy and collection of stamp duties under the Indian Stamp Act, 1899.[27] The amendment made specific changes to Entries 6 and 48 of Schedule 1-A, clarifying the stamp duty applicable to equitable mortgages (i.e., loans secured by the deposit of title deeds). The Act imposes a 0.25% stamp duty on the loan amount for such mortgages[28], and empowers authorised bank officers to submit the relevant documentation electronically to the Sub-Registrar's office, thereby reducing bureaucratic delays.

More significantly, the Act introduced a 2% stamp duty on powers of attorney that authorise individuals other than blood relatives to sell immovable property. This was aimed at preventing tax avoidance practices, such as transferring properties using revocable powers of attorney to bypass registration and stamp duty.[29] These amendments are expected to plug revenue leakages and enhance transparency in property transactions. The Governor of Punjab accorded assent to the Indian Stamp (Punjab Amendment) Bill in January 2024, bringing the changes into legal force.[30]

Borrowing Framework and Fiscal Management

In 2023, the Punjab Legislative Assembly passed the Punjab Fiscal Responsibility and Budget Management (Amendment) Bill, 2023, during the Winter Session.[31] This was a key legislative measure aligned with fiscal directives issued by the Union Ministry of Finance,

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[27] The Indian Stamp (Punjab Amendment) Act, 1994 (Punjab Act No. 17 of 1994), *available at:* https://www.mha.gov.in/sites/default/files/161_indian_stamp_punjab_amendment_28082017.PDF (last visited Jan 9, 2024).

[28] Under the unamended Schedule 1-A of the Indian Stamp Act, 1899 as applicable to Punjab, Entry 6 dealt with "Agreement relating to deposit of title deeds, pawn or pledge." The applicable stamp duty prior to the 2023 amendment varied across districts and was often subject to administrative discretion. In most areas, it was: fixed at ₹200 to ₹500.

[29] TNN, "Assembly passes 4 Bills on last day of winter session, deferred sine die" *Times of India*, Nov. 30, 2023, *available at:* https://timesofindia.indiatimes.com/city/chandigarh/punjab-assembly-passes-4-bills-on-last-day-of-winter-session-latest-news/articleshow/105609109.cms (last visited Jan. 10, 2024).

[30] HT Correspondent, "Punjab CM Bhagwant Mann thanks governor for giving assent to 3 bills passed in November" *Hindustan Times*, Jan. 8, 2024, *available at:* https://www.hindustantimes.com/cities/chandigarh-news/punjab-cm-bhagwant-mann-thanks-governor-for-giving-assent-to-3-bills-passed-in-november-101704653635362.html (last visited Jan. 10, 2024).

[31] HT Correspondent, "Punjab: House passes 2 money bills unanimously" *Hindustan Times*, Nov. 29, 2023, *available at:* https://www.hindustantimes.com/cities/chandigarh-news/punjab-house-passes-2-money-bills-unanimously-101701201573490.html (last visited Jan. 15, 2024).

particularly concerning the Annual Borrowing Ceiling (ABC) that states must adhere to under the provisions of Article 293(3) of the Constitution.

The FRBM (Amendment) Bill, 2023 aimed to update Section 4 of the Punjab FRBM Act, 2003, which sets statutory limits on fiscal deficit, revenue deficit, and the debt-to-GSDP ratio. While earlier amendments between FY 2019–20 and FY 2022–23 had only revised Clause (a) of Section 4(2), which pertains to fiscal deficit targets - the 2023 amendment extended the revision to Clause (b) (revenue deficit) and Clause (c) (outstanding debt as a percentage of GSDP). These modifications brought Punjab's fiscal responsibility law in line with updated norms recommended by the 15th Finance Commission and fiscal conditions laid out by the Centre.[32]

One of the critical reasons for amending the FRBM Act was to qualify for full borrowing permission from the Union government, including under special schemes. Following the passage of the amendment, the Punjab government filed a fresh claim of ₹5,005 crore with the Union Ministry of Finance for unpaid GST compensation. This figure represented part of the outstanding dues promised under the GST (Compensation to States) Act, 2017. Subsequently, in the second half of 2023, the Centre released ₹3,670 crore to Punjab.[33]

Non-Tax Revenue Expansion Through Property and Registration Reforms

In a bid to streamline property registration and close long-standing legal loopholes, the Punjab Legislative Assembly passed two key laws in its 2023 Winter Session - The Transfer of Property (Punjab Amendment) Bill, 2023 and The Registration (Punjab Amendment) Bill, 2023.[34] These amendments aim to enhance transparency, curb stamp duty evasion, and boost non-tax revenue.

The Transfer of Property Act, 1882, though central in nature, has been selectively applied in Punjab via notifications under the Punjab Laws Act, 1872.[35] Notably, Section 58(f), which deals with mortgages by deposit of title deeds (equitable mortgages), was extended to the

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[32] *Statement of Objects and Reasons* of The Punjab Fiscal Responsibility and Budget Management (Amendment) Bill, 2023, *available at:* https://prsindia.org/files/bills_acts/bills_states/punjab/2023/BillNo-18of2023-Punjab.pdf (last visited Jan. 15, 2024).

[33] PTI, "Punjab gets ₹3,670 cr GST compensation after it lodged new claim with Centre: FM Cheema" *Hindustan Times,* Nov. 29, 2023, *available at:* https://www.hindustantimes.com/cities/chandigarh-news/punjab-gets-rs-3-670-cr-gst-compensation-after-it-lodged-new-claim-with-centre-fm-cheema-101701201449690.html (last visited Jan. 15, 2024).

[34] *Supra* note 29.

[35] All provisions of the Transfer of Property Act, 1882 were not applicable to the State of Punjab. Certain provisions relating to sale-deeds and gifts were made applicable to the State w.e.f. April 1, 1955 and to the area comprising the erstwhile Pepsu State, w.e.f. May 15, 1957. See *Harbans Singh v. Guran Ditta Singh*, 1991 SCC (2) 523.

state in 1975. However, since such mortgages did not require compulsory registration, they often resulted in stamp duty evasion and uncertainty in enforcement.

The 2023 amendment makes equitable mortgages compulsorily registrable and imposes a uniform 0.25% stamp duty on the loan amount.[36] It also simplifies procedures by allowing bank managers to submit deeds directly to the sub-registrar, reducing the burden on the public.

The Registration (Punjab Amendment) Bill, 2023[37] complements this by amending Section 17 of the Registration Act, 1908, to make sales certificates from court or revenue auctions compulsorily registrable. These were previously often left unregistered, enabling evasion of the 3% stamp duty. The amendment also proposes adding "mortgages by title deeds" and "sale certificates" to the list of documents attracting registration fees, while repealing Section 17(2)(xii) to close a key loophole.

Together, these reforms are expected to strengthen transparency in land transactions and enhance Punjab's stamp duty revenue through more consistent enforcement.

Rationalising Expenditure through Institutional Restructuring

In the light of Punjab's fiscal constraints, particularly the heavy burden of committed expenditure on salaries, pensions, interest payments, and allowances, the state government pursued selective amendments in 2023 to reduce unnecessary outlays through statutory restructuring. Two key reforms were implemented through the Punjab State Commission for Scheduled Castes (Amendment) Bill, 2023 and the Punjab Agricultural Produce Markets (Amendment) Bill, 2023.

The Punjab State Commission for Scheduled Castes Act, 2004 was amended to rationalise the composition and functioning of the SC Commission. The amendment reduced the number of non-official members on the Commission from ten to five, with a mandatory reservation of at least one woman member.[38] It also revised the term of office for the Chairperson and non-official members, originally three years, now extendable by two additional years or until the age of sixty-five, whichever is earlier.[39] These changes were introduced to streamline the Commission's operations and limit redundant expenditure

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[36] The Transfer of Property (Punjab Amendment) Bill, 2023, *available at:* https://prsindia.org/files/bills_acts/bills_states/punjab/2023/BillNo-15of2023-Punjab.pdf (last visited Jan. 13, 2024).

[37] The Registration (Punjab Amendment) Bill, 2023 (Bill No. 16-PLA-2023), *available at:* https://prsindia.org/files/bills_acts/bills_states/punjab/2023/BillNo-16of2023-Punjab.pdf (last visited Jan. 13, 2024).

[38] Amendment in section 3 of Punjab Act No. 5 of 2004.

[39] *Id.*, amendment in section 4.

while maintaining its core mandate to safeguard the legal and constitutional rights of Punjab's Scheduled Castes, who constitute 31.94% of the state's population (as per Census 2011).[40] The Commission retains its powers to investigate grievances, recommend policy reforms, and initiate proceedings when necessary.

Simultaneously, the Punjab Assembly unanimously passed the Punjab Agricultural Produce Markets (Amendment) Bill, 2023, aimed at reducing recurring expenses of the Punjab Mandi Board.[41] The amendment abolished the positions of Senior Vice-Chairman and Vice-Chairman, which had been introduced in 2010 and 2016, respectively. These posts had no statutory powers or administrative functions but continued to draw honorarium, allowances, and staff support, thereby creating avoidable fiscal outflows.[42] The government argued, and the Assembly concurred, that their elimination would trim non-essential administrative overheads without affecting the operational efficacy of the Board.

Additional Fiscal Commitment: Salaries to Chief Whip

The Salaries and Allowances of Chief Whip in Punjab Legislative Assembly Act, 2023, passed during the 2023 legislative session, conferred Cabinet minister-equivalent entitlements on the Chief Whip of the ruling party.[43] These include salary, official residence, vehicle, medical allowance, and TA/DA, incurring an estimated annual cost of ₹14.66 lakh to the state exchequer.[44]

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[40] Scheduled Caste Sub-Plan 2023-24, Government of Punjab Department of Social Justice, Empowerment and Minorities, March 10, 2023, Chandigarh, *available at:* https://finance.punjab.gov.in/uploads/10Mar2023/Special_Component_Plan_English.pdf (last visited Han. 7, 2024).

[41] The Punjab Agricultural Produce Markets (Amendment) Bill, 2023 (Bill No. 9 PLA 2023), *available at:* https://punjabassembly.nic.in/images/docs/AssemblyFiles/16/173/20230322/Documents/bill%209pla%20passed.pdf (last visited Jan. 7, 2024).

[42] HT Correspondent, "Posts of mandi board senior vice-chairman, vice-chairman in Punjab abolished" *Hindustan Times,* March 22, 2023, *available at:* https://www.hindustantimes.com/cities/chandigarh-news/posts-of-mandi-board-senior-vice-chairman-vice-chairman-in-punjab-abolished-101679502446532.html (last visited Jan. 8, 2024).

[43] The Salaries and Allowances of Chief Whip in Punjab Legislative Assembly Bill, 2023 (Bill No. 8 PLA 2023), *available at:* https://punjabassembly.nic.in/images/docs/AssemblyFiles/16/173/20230322/Documents/bill%208pla%20passed.pdf (last visited Jan. 7, 2024).

[44] Kanchan Vasdev, "Bill to give perks, salary on a par with Cabinet ministers to Chief Whip passed" *The Indian Express,* March 23, 2023, *available at:* https://indianexpress.com/article/cities/chandigarh/bill-to-give-perks-salary-on-a-par-with-cabinet-ministers-to-chief-whip-passed-8513739/ (last visited Jan. 7, 2024). The Act defines the Chief Whip as an MLA designated by the majority party and recognised by the Speaker.

With the Aam Aadmi Party holding 92 seats, the party currently appoints the Chief Whip.[45] While the role is key to legislative coordination, critics have questioned the necessity of such financial outlays amid fiscal stress. However, the government has justified it as providing institutional recognition and operational stability to a crucial parliamentary function.

Pension Scheme Status

While the Punjab government had announced the reinstatement of the Old Pension Scheme (OPS) in 2022[46], whereby employees receive a defined benefit pension fully funded by the government, it failed to implement the scheme in 2023.[47] No rules were notified under the new scheme during the year, and new employees continued under the New Pension Scheme (NPS) regime. The financial and legal viability of the OPS continues to be debated both within and outside the legislature.

Environment and Natural Resource Governance

In 2023, the Government of Punjab took modest steps to address pressing environmental and resource management issues, including energy conservation, mining reforms, and water governance. However, several structural problems, particularly those linked to stubble burning and water misuse, persisted despite policy interventions.

To alleviate pressure on the state's power grid during peak summer months, the government issued an administrative directive revising office timings. From May to mid-July, all government offices functioned from 7:30 a.m. to 2:00 p.m., with the aim of reducing daytime energy consumption, especially from air-conditioning systems.[48] While well-intentioned, no formal energy audit was released to quantify the policy's impact.

Stubble burning remained a major environmental concern. Despite the issuance of a notification dated August 28, 2023, aimed at controlling crop residue burning, enforcement

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[45] "Punjab chief whip salary & allowances law comes into force from 13 april 2023" *Punjab News Express*, April 24, 2023, *available at:* https://www.punjabnewsexpress.com/punjab/news/punjab-chief-whip-salary-allowances-law-comes-into-force-from-13-april-2023-206853 (last visited Jan. 7, 2024).

[46] Kanchan Vasdev, "Punjab notifies old pension scheme, mum on implementation" *Indian Express*, Nov. 20, 2022, *available at*: https://indianexpress.com/article/cities/chandigarh/punjab-notifies-old-pension-scheme-mum-on-implementation-8278308/ (last visited Mar. 26, 2024).

[47] Vikas Vasudev, "Punjab govt. employees await implementation of old pension scheme" *The Hindu*, Oct. 17, 2023, *available at*: https://www.thehindu.com/news/national/other-states/punjab-govt-employees-await-implementation-of-old-pension-scheme/article67426501.ece (last visited Mar. 26, 2024).

[48] Business Today Desk, "Punjab govt changes office timings from May 2 to save power" *Business Today*, Apr. 9, 2023, *available at*: https://www.businesstoday.in/latest/in-focus/story/punjab-govt-changes-office-timings-from-may-2-to-save-power-check-details-376649-2023-04-09 (last visited Mar. 30, 2024).

remained weak.[49] The National Green Tribunal (NGT) reprimanded the state government for its failure to reduce incidents, which continue to adversely affect air quality across north India.[50] The lack of coordinated action between local bodies, enforcement agencies, and farmers was flagged as a recurring institutional failure by the Tribunal.

A more systemic reform was introduced with the Punjab State Minor Mineral Policy, 2023, notified on 13 March 2023. This policy marked a departure from past practices by bifurcating mining sites into two distinct categories: Commercial Mining Sites (CMS) and Public Mining Sites (PMS).[51] While CMSs are leased to contractors, PMSs allow individuals to procure limited quantities of sand and gravel at fixed rates. This bifurcation was aimed at enhancing public access, curbing illegal sand mining, and reducing construction costs.[52] As per Rule 4(g) of the policy, any commercial use of material sourced from PMSs invokes a penalty of three times the pit-head price. Though welcomed by consumer groups, questions remain regarding implementation and monitoring mechanisms.

Regulating Water Resources: Punjab Canal and Drainage Act, 2023

A major legislative milestone in 2023 was the passage of the Punjab Canal and Drainage Act, 2023, notified on 27 December 2023, replacing the colonial-era Northern India Canal and Drainage Act, 1873.[53] The new law modernizes the regulatory framework for managing canal water supply and drainage infrastructure in the state.[54]

The Act provides for the maintenance, repair, and protection of canals, distributaries, water courses, and natural drains, with provisions to ensure fair distribution and minimize water loss. It empowers the Divisional Canal Officer to restrict supply under Section 23 to prevent wastage, and imposes penalties under Section 25 for negligent or intentional waste.

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[49] Department of Personnel, "Punjab Government notification regarding stubble burning" Nov. 20, 2023, available at: https://punjab.gov.in/wp-content/uploads/2023/11/stubble-burnning.pdf (last visited Mar. 30, 2024).

[50] TNN, "Punjab comes under fire, NGT asks why stubble burning not reined in" *The Times of India*, Nov. 21, 2023, *available at*: https://timesofindia.indiatimes.com/city/delhi/punjab-comes-under-fire-ngt-asks-why-stubble-burning-not-reined-in/articleshow/105368225.cms (last visited Mar.30, 2024).

[51] Govt. of Punjab, "Punjab State Minor Mineral Policy, 2023" Notification, Mar. 13, 2023, *available at*: https://minesandgeology.punjab.gov.in/pdf/punjab-minor-mining-policy-2023.pdf (last visited Mar. 30, 2024).

[52] Tribune News Service, "Government notifies mines for sale of sand exclusively to public" *The Tribune*, Mar. 16, 2023, *available at*: https://www.tribuneindia.com/news/punjab/government-notifies-mines-for-sale-of-sand-exclusively-to-public-488649 (last visited Mar. 30, 2024).

[53] Government of Punjab, "The Punjab Canal and Drainage Act, 2023" *India Environment Portal*, Dec. 27, 2023, *available at:* http://www.indiaenvironmentportal.org.in/content/476374/the-punjab-canal-and-drainage-act-2023/ (last visited Jan. 14, 2024).

[54] The Punjab Canal and Drainage Bill, 2023 (Bill No. 20-PLA-2023), *available at:* https://prsindia.org/files/bills_acts/bills_states/punjab/2023/BillNo-20of2023-Punjab.pdf (last visited Jan. 14, 2024).

Offenders may face fines between ₹5,000 and ₹50,000, or imprisonment up to six months under Section 52, making water misuse a cognizable offence.

The law also introduces redressal mechanisms for affected stakeholders. Under Section 10, suitable bridges or crossings must be maintained for the benefit of adjacent landowners. Section 19 and Section 20 mandate the restoration of damaged or obstructed watercourses, while Section 38 allows the state government to remove obstructions to river or drainage channels that may pose public health or safety concerns.

Importantly, the law authorises canal navigation under regulatory oversight and prohibits unauthorized movement of vessels (Section 32). With Punjab facing a severe groundwater crisis and overdependence on canal irrigation, the Act is a timely legislative intervention. It responds to long-standing demands from farmers and water users for a more transparent and accountable irrigation regime.

Education

Reforming the Punjab Education Tribunal

The Punjab Affiliated Colleges (Security of Service) Act, 1974 was enacted to safeguard the employment conditions of staff in government-aided and affiliated private colleges in the state. To operationalise its protective mandate, the Punjab Educational Tribunal (PET) was established under the Act, with jurisdiction to hear service-related disputes between employees and management. However, over time, structural limitations, such as the absence of powers to enforce compliance or punish for contempt, compromised the Tribunal's effectiveness. Unlike judicial bodies such as the Central Administrative Tribunal, the PET lacked mechanisms to ensure implementation of its decisions, creating a gap in the enforcement of service protections.[55]

Even after amendments in 2007 expanded the composition of the PET to a three-member body (a Chairperson, and two members), the Act did not define a quorum. This meant that the absence of any member, including the Chairperson, rendered the Tribunal non-functional. To rectify these shortcomings, the Punjab Affiliated Colleges (Security of Service)

[55] *Statement of Objects and Reasons* of The Punjab Affiliated Colleges (Security of Service) Amendment Bill, 2023.

Amendment Bill, 2023[56] was introduced and passed by the Assembly during the June 2023 special sitting.[57]

The 2023 amendment made two key structural changes: first, it inserted a quorum provision, allowing the Tribunal to function with the Chairperson and one member, or with two members in the Chairperson's absence. Second, it empowered the Tribunal with contempt powers, bringing it at par with High Courts in its authority to enforce its orders.[58] These amendments are expected to significantly improve the Tribunal's functioning and reduce delays in adjudication.

Attempt to Replace the Governor as University Chancellor

The second significant development in the education sector was the passage of the Punjab Universities Laws (Amendment) Bill, 2023, which sought to alter the governance structure of all state universities. Introduced in the Assembly on 20 June 2023, the Bill proposed to replace the Governor of Punjab with the Chief Minister as the ex-officio Chancellor of the twelve state-run universities.[59]

This legislative move emerged from a long-standing tension between the elected executive and the Governor's office over the appointment of Vice-Chancellors, particularly in the context of increasing centralisation and disputes over federal roles in education.[60] The Punchhi Commission on Centre-State Relations had previously recommended that Governors be distanced from statutory roles not envisaged by the Constitution, to avoid politicisation of the gubernatorial office. Citing these recommendations, the Punjab government justified the change as a way to depoliticise higher education governance and bring it under the purview of elected representatives.[61]

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[56] The Punjab Affiliated Colleges (Security of Service) Amendment Bill, 2023 (Bill No. 11-PLA-2023), *available at:* https://punjabassembly.nic.in/(S(oywh20hzqwyymr3gudhfehjf))/images/docs/AssemblyFiles/16/173/20230620/Documents/BILL%20NO.11-PLA-2023.pdf (last visited Jan. 14, 2024).

[57] PRS Legislative Research, "Bill Summary: The Punjab Affiliated Colleges (Security of Service) Amendment Bill, 2023" *available at:* https://prsindia.org/bills/states/the-punjab-affiliated-colleges-security-of-service-amendment-bill-2023 (last visited Jan. 14, 2024).

[58] *Id.*, amendment by addition of Section 7-D.

[59] The Punjab Universities Law (Amendment) Bill, 2023 (Bill No. 13-PLA-2023), *available at:* https://prsindia.org/files/bills_acts/bills_states/punjab/2023/BillNo-13of2023-Punjab.pdf (last visited Jan. 15, 2024).

[60] HT Correspondent, "Punjab passes bill to replace governor with CM as chancellor of state universities" *Hindustan Times*, June 21, 2023, *available at:* https://www.hindustantimes.com/cities/chandigarh-news/punjab-university-laws-amendment-bill-2023-chief-minister-becomes-ex-officio-head-of-state-run-universities-101687288013594.html (last visited Jan. 16, 2024).

[61] *Statement of Objects and Reasons* of The Punjab Universities Law (Amendment) Bill, 2023.

However, the constitutional implications of this amendment proved contentious. The Governor reserved the Bill for the consideration of the President under Article 200 of the Constitution. In early 2024, the President returned the Bill without granting assent, effectively blocking its enactment.[62]

Policing

Institutional Reform in DGP Appointments

In 2023, the Punjab Legislative Assembly introduced a key police reform measure through the Punjab Police (Amendment) Bill, 2023, seeking to amend the Punjab Police Act, 2007. The legislation aimed to institute an independent and transparent mechanism for the appointment of the Director General of Police (DGP), a post critical to law enforcement in the state.[63]

Under the Constitution of India, "public order" and "police" are subjects under Entries 1 and 2 of the State List in the Seventh Schedule, giving state legislatures exclusive jurisdiction over their regulation. While the 2007 Act already provided a basic framework for police governance, including provisions for a State Security Commission and a Police Complaints Authority, the selection of the DGP remained contentious, often mired in conflict between the state executive and Union institutions, particularly the UPSC, which shortlists candidates based on seniority and service.

The 2023 amendment proposed a more autonomous selection process aligned with Supreme Court directions in *Prakash Singh v. Union of India*,[64] which mandated fixed tenures and non-political appointments to top police posts. The Punjab amendment sought to create a State-level Selection Committee with the power to shortlist and recommend names to the Chief Minister, thereby insulating the process from undue external interference.

The Bill was passed by the Assembly in the June 2023 session, but was reserved for the President's consideration under Article 200 of the Constitution by the Governor of Punjab, citing its possible divergence from central norms governing police appointments in All India Services.[65] As of December 2023, the Bill had not received Presidential assent, and remains pending.

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[62] *Supra* note 7.
[63] The Punjab Police (Amendment) Bill, 2023 (Bill No. 10-PLA-2023), *available at:* https://punjabassembly.nic.in/(S(bdwbuypqfu5qdan4m4eix133))/images/docs/AssemblyFiles/16/173/20230620/Documents/BILL%20NO.10-PLA-2023.pdf (last visited Jan. 20, 2024).
[64] (2006) 8 SCC 1.
[65] *Supra* note 3.

Religion

Legal Push for Free Access to Gurbani Broadcasts

The Sikh Gurdwaras (Amendment) Bill, 2023, passed by the Punjab Assembly on 20 June 2023, introduced a significant amendment to the Sikh Gurdwaras Act, 1925.[66] The amendment added Section 125A, which mandates the free, uninterrupted live broadcast of Gurbani from the Harmandir Sahib (Golden Temple) to all media platforms without advertisements or distortion.

The bill was framed against the backdrop of growing controversy around the exclusive telecast rights of Gurbani, which have long been held by PTC News, a channel owned by the Badal family. The Shiromani Gurdwara Parbandhak Committee (SGPC), the statutory body managing Sikh gurdwaras in Punjab and some other states, had continued to contract PTC for live broadcast rights, leading to criticism of the monetisation and lack of public access.[67]

The government justified the amendment as a move to democratise spiritual content, arguing that access to Gurbani should be universal and free of commercial interests. Sub-section (1) of the new provision explicitly requires the SGPC to make the live feed of Gurbani from the Harmandir Sahib available free-of-cost to all platforms, in audio or video formats. Sub-section (2) prohibits any broadcaster from showing advertisements 30 minutes before or after the Gurbani telecast.

The SGPC, however, termed the move as unconstitutional interference in religious affairs, arguing that the management of gurdwaras is protected under the Sikh Gurdwaras Act, 1925 and that the state has no jurisdiction over its internal functioning, especially in spiritual matters.

The bill has been reserved by the Governor for the President's consideration under Article 200, and as of early 2024, no assent has been granted. The development has triggered intense debate on the permissible limits of state regulation in matters of religion, with many

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[66] The Sikh Gurdwaras (Amendment) Bill, 2023 (Bill No. 12-PLA-2023), *available at:* https://punjabassembly.nic.in/images/docs/BILL%20NO.12-PLA-2023,THE%20SIKH%20GURDWARAS(AMENDMENT)BILL,2023.pdf (last visited Jan. 20, 2024).

[67] Kusum Arora, "Explained: The Controversy Around a Bill to Amend the Sikh Gurdwaras Act" *The Wire*, June 30, 2023, *available at:* https://thewire.in/government/explained-controversy-bill-amend-sikh-gurdwaras-act (last visited Jan. 20, 2024).

drawing parallels with earlier constitutional jurisprudence on Article 25 and 26 rights of religious denominations.[68]

Conclusion

In 2023, the legislative priorities of the Punjab Legislative Assembly were dominated by the state's fiscal constraints. Much of the legislative output focused on revenue mobilisation, rationalising expenditure, and modernising fiscal governance. However, the year also witnessed a constitutional deadlock between the elected government and the Governor over the granting of assent to bills, culminating in judicial intervention by the Supreme Court in *State of Punjab v. Principal Secretary to the Governor of Punjab*. The Court affirmed that the Governor, as a constitutional authority, cannot withhold assent indefinitely and must act in accordance with constitutional mandates.

In 2023, the Governor reserved three bills for the President - including legislation relating to the appointment of university chancellors, the free telecast of Gurbani, and police administration—each of which falls squarely within the State List under the Seventh Schedule of the Constitution. Specifically, Entries 1, 2, and 11 of the State List assign exclusive legislative competence to states over matters of public order, police, and education, respectively. The Centre has no original legislative jurisdiction over these domains unless acting under exceptional provisions such as Articles 249 or 356.[69]

The discretionary and opaque reservation of such bills undermines the legislative autonomy of elected state governments and weakens the federal balance envisaged by the Constitution. Without clearer constitutional norms or statutory guardrails governing the use of Article 200, this practice risks being used to obstruct the democratic will of the legislature.

The developments in Punjab during 2023 offer a strong case for reform, both to strengthen the clarity of federal legislative competence and to limit the potential misuse of gubernatorial discretion in the law-making process.

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[68] Gurpreet Singh Nibber, "Punjab assembly passes bill to amend Sikh Gurdwaras Act for free telecast of Gurbani" *Hindustan Times*, June 20, 2023, *available at:* https://www.hindustantimes.com/cities/chandigarh-news/punjab-assembly-passes-bill-to-amend-sikh-gurdwaras-act-for-free-telecast-of-gurbani-101687283078285.html (last visited Jan. 20, 2024).

[69] Constitution of India, 1950, Article 246(3). The Parliament can enact laws on matters in the State List only in exceptional situations listed under the Constitution.

RAJASTHAN

SUBHASHINI SHRIYA*

Introduction

Rajasthan is the largest state in the country by area and has the seventh largest population among all Indian states. It has a unicameral legislature consisting of 200 members. The year 2023 witnessed the eighth and final session of the 15th legislative assembly under Ashok Gehlot from the Congress and the commencement of the first session of the 16th legislative assembly under Bhajan Lal Sharma from the BJP.

Given that the 16th legislative assembly only came in at the very end of the year, legislative activity in the year 2023 remained confined to that undertaken by the previous government. This final session was of particular significance in the light of impending state elections at the end of the year. It was the last opportunity for the government to make good on promises made to the electorate in the 2018 elections and to vie for their confidence for the coming term. Expectedly, it saw some of the most important legislations passed in the state in the entire term of this government.

The rising cost of living and slow growth in employment opportunities have been major concerns for residents of the state.[1] The state government tried to address these circumstances with increased social spending and an emphasis on safeguarding economic security. This approach has come under significant fire from different central institutions, particularly the Reserve Bank of India, which has flagged the state as having one of the highest gross fiscal deficit projections among the bigger states in the country.[2]

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* Independent researcher based in Delhi.

[1] Radheshyam Jadhav & Nimisha S Pradeep, *Rajasthan: 'Land of Kings' grapples with financial strain*, November 15, 2023 available at https://www.thehindubusinessline.com/data-stories/rajasthan-land-of-kings-grapples-with-financial-strain/article67535868.ece (Last visited on February 22, 2024).

[2] RESERVE BANK OF INDIA, *State Finances : A Study of Budgets of 2023-24*, available at https://rbi.org.in/Scripts/PublicationsView.aspx?id=22248 (Last visited on February 22, 2024).

Policies and statutes brought in by the Gehlot government remained at the heart of the debate[3] on the distinction between welfare schemes and populism. The Supreme Court seeking a response from the Rajasthan and Madhya Pradesh governments on their welfare policies in the context of a PIL challenging the constitutionality of "freebies" i.e. social welfare schemes by political parties has brought the debate to bear upon defining the boundaries of state legislative powers under Articles 162, 266(3) and 282 of the Constitution.[4]

Leaders of the opposition[5] have defended Rajasthan as positing a different model of development compared to that of the centre. Being one among the few states with a Congress-led government, the laws and policies adopted were also projected as representing the promise and vision espoused by the opposition for the entire country.[6] This claim has also found support from certain sections of civil society,[7] who have observed the state government to be more responsive to public demand in framing laws.

However, slow growth, financial constraints, political infighting and other limitations have shadowed the ambitious law-making in the state. These gaps in policy and practice have kept alive questions on the merits and sustainability of the overall legislative approach taken by the government and whether it can indeed translate into real benefits for the people of the state and for its institutions and administrative systems. It is against this backdrop that this chapter seeks to review the legislative activity of the Rajasthan government through the crucial period of 2023 and gain insights into the possibilities latent in the legislative power of states under the Constitution.

Quantitative Review

A total of 37 bills were introduced in the Rajasthan Legislative Assembly in the year 2023, and 31 legislations were enacted. One Bill introduced in the year remained pending due to

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[3] Mayuri Gupta, *Freebies Debate Highlights the Limits of Judicial Overreach*, October 11, 2022 available at https://www.newsclick.in/Freebies-Debate-Highlights-Limits-Judicial-Overreach (Last visited on February 22, 2024).

[4] Supreme Court Observer, *Freebies in Electoral Democracy and Welfare State*, January 17, 2024, available at https://www.scobserver.in/cases/freebies-in-electoral-democracy-and-welfare-state/ (Last visited on February 22, 2024).

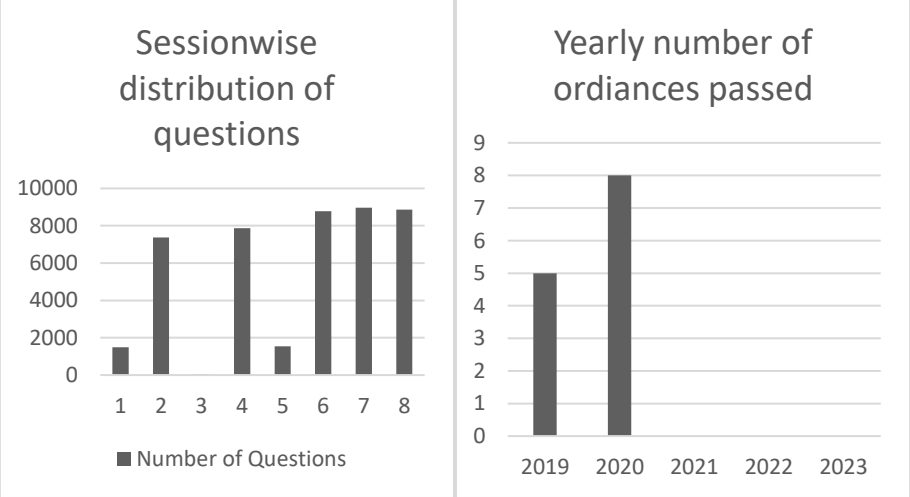
[5] Hamza Khan, *Rahul Gandhi: If BJP wins Rajasthan, it will dismantle welfare net, help billionaires*, November 17, 2023, available at https://indianexpress.com/article/india/rahul-gandhi-if-bjp-wins-rajasthan-it-will-dismantle-welfare-net-help-billionaires-9029886/ (Last visited on February 22, 2024)

[6] Ibid.

[7] Nikhil Dey, Aruna Roy, *Aruna Roy and Nikhil Dey write: Let's separate rights from freebies,* July 14, 2023, available at https://indianexpress.com/article/opinion/columns/separate-rights-from-freebies-8834778/ (Last visited on February 22, 2024).

the dissolution of the Legislative Assembly.[8] The Assembly did not pass any ordinances in the year, which is consistent with its pattern in the previous two years. This legislative activity took place over a total of 30 sittings in the eighth and final session of the five-year tenure of the Assembly. This is among the highest number of sittings held by the Assembly in any of its previous sessions, barring the seventh Session in 2022, which also saw 30 sittings. Moreover, the number of hours spent in legislative activity was greater than all previous sessions, a total of 215.3 hours including the 5.7 hours[9] for which the house remained adjourned.

Nearly 60% of the bills were passed after being considered for five or more days, 33% of the bills were passed between two to five days and only 7% of the bills were passed within a day of being introduced. The budget was discussed over 12 days.[10] The 16th legislative assembly had 25 Committees, out of which 23 were standing committees. The house saw significant engagement on the floor with MLAs raising a total of 8871 questions in the house, despite the rules of procedure of the assembly allowing members to only ask a limited number of questions.[11]



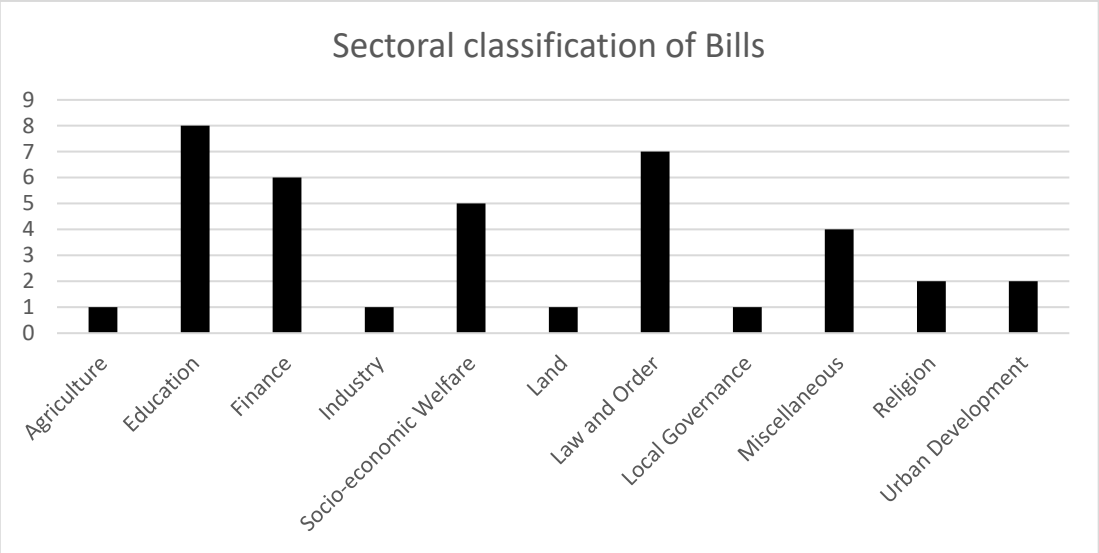
[8] Rajasthan Legislative Assembly, *Bills & Acts*, available at https://assembly.rajasthan.gov.in/Containers/Legislation/GovernmentBills.aspx (Last visited on February 22, 2024).

[9] PRS Legislative Research, *15th Rajasthan Legislative Assembly (2018-Present)*, available at https://prsindia.org/legislatures/states/15th-rajasthan-legislative-assembly-2018-present (Last visited on February 22, 2024).

[10] PRS Legislative Research, *Vital Stats Functioning of Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana*, available at https://prsindia.org/legislatures/state/vital-stats/functioning-of-legislative-assemblies-of-chhattisgarh-madhya-pradesh-mizoram-rajasthan-and-telangana (Last visited on February 22, 2024).

[11] Rajasthan Legislative Assembly, *सत्रवार सूचीबद्ध/ असूचीबद्ध प्रश्न*, available at https://rlaoasys.rajasthan.gov.in/QuestionsWeb/SessionWise.aspx (Last visited on February 22, 2024).

Among all the bills introduced, education was the subject of the greatest number of legislations, with eight bills in this sector. This was followed by the subject of law and order with seven bills, six bills related to finance, taxation and appropriation put together and five important bills were on socio-economic welfare.



Qualitative Assessment of State Legislations

Socio-Economic Welfare on Top of the State Legislative Agenda

Law-making activity in this period in the state appears most remarkable for pioneering a host of unprecedented legislative initiatives in the domain of socio-economic welfare. The state came up with many 'firsts' in the year 2023, including the first laws providing a minimum guaranteed income and social pension and universal healthcare as rights, and the first legislation specifically addressing gig and platform-based workers and their aggregators.

Besides being distinguished by their pioneering nature, these legislations are important in establishing social security as a right which is justiciable and rooted in the fundamental rights enshrined in the Constitution. This not only makes such entitlements far more secure than scheme-based doles but also offers a different governmental paradigm to address the increasing economic inequality and insecurity faced by a significant portion of the poor in the country today. However, a rights-based approach has become increasingly marginalised in the dominant global policy framework today. In fact, such an approach might not only falter at the level of implementation due to weak institutions but also contradict certain

international treaty obligations that the country has committed to in the past.[12] At the same time, the positive impact of such legislation on the sense of entitlement and political agency of common citizens may not be directly correlated to and limited by the ground realities of implementation. These can (and have) become opportunities for popular organising and consequent deepening of democracy.[13] Such charting of fresh ground also gives a state legislature the advantage of so framing the legal discourse around an issue which could impact future law-making on the subject.

Keeping in view the above socio-political context, three important acts shall be analysed here. These are the Rajasthan Right to Health Act, 2022, the Rajasthan Minimum Guaranteed Income Act, 2023, and the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023.

The Rajasthan Right to Health Act, 2022[14]

Introduced in the assembly in 2022, the Rajasthan Right to Health Act, 2022 was enacted in April 2023 after receiving assent from the governor, becoming one of the most important laws to come into force in the year. The legislation is a big step in the direction of extending health coverage for residents of the state, given that Rajasthan ranked 16th among 19 major states in the country with respect to the health of its residents in a 2021 report of the Niti Aayog.[15] The Act seeks to provide equity in access to healthcare and wellbeing as mandated under Article 47 and the right to health, which has come to be recognised as an important dimension of the right to life as guaranteed under Article 21 of the Constitution. Public health is a state subject covered by the Constitution of India, 1950, Schedule VII, List II, *State List,* Item 6 (Public health and sanitation; hospitals and dispensaries).

The Act frames the right to health as an "inclusive right extending not only to timely health care but also to underlying socio-economic, cultural and environmental" conditions of life.[16] The law lends recognition to the iniquitous nature of access to healthcare in the state and

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[12] For a deliberation of these commitments see Hirsch Moshe, Ashok Kotwal and Bharat Ramaswami, *Introduction: India and a Human Rights Based Approach to Economic Development* in A HUMAN RIGHTS BASED APPROACH TO DEVELOPMENT IN INDIA (Moshe Hirsch, Ashok Kotwal et al, 2019).

[13] G. Sampath, *Decoding Rajasthan's Right to Minimum Guaranteed Income Bill, 2023 | In Focus podcast,* July 28, 2023, available at https://www.thehindu.com/podcast/decoding-rajasthans-right-to-minimum-guaranteed-income-bill/article67132559.ece (Last visited on February 22, 2024).

[14] The Act was introduced in the Assembly in 2022 but was assented by the Governor on 11th April 2023 and it was numbered as Act No 7 of 2023. However unlike the Nagaland Assembly its short title remained the Rajasthan Right to Health Act 2022. [Ed.]

[15] The World Bank, NITI Aayog and Ministry of Health & Family Welfare, *Healthy States Progressive India report on the Ranks of State and Union Territories,* https://www.niti.gov.in/sites/default/files/2021-12/NITI-WB_Health_Index_Report_24-12-21.pdf (Last visited on February 22, 2024).

[16] The Rajasthan Right to Health Act, 2022

sets forth a Rajasthan Model of Public Health by imposing certain obligations on the state to ensure guaranteed delivery of affordable and quality healthcare for the public. Most importantly, the Act adopts a multidimensional definition of health care, addressing "testing, treatment, care, procedures" along with "preventative, promotive, therapeutic, diagnostic, nursing, rehabilitative, palliative, convalescent, research" dimensions. It also includes reproductive health care and care for conditions emerging due to participation in medical research. The Act comprehensively enumerates guaranteed rights, including the right to be adequately informed, avail free health services from public healthcare institutions and emergency treatment from any health care provider (including private institutions) without conditionalities such as prepayment and police clearance, the right to freedom from discrimination during treatment and so on. Lastly, the Act strengthens mechanisms for the State government to respond to public health emergencies, a point of major concern given the recent experience of the state's incapacity to adequately deal with the Covid-19 epidemic.

The obligations on the State government include making appropriate budgetary provisions for the implementation of the Act; to institutionalise a Human Resource Policy for health, ensuring availability of medical personnel and infrastructure, facilitating availability of safe and nutritionally adequate food, water, sanitation and public education on issues of health. The Act also provides for the formulation of a time-bound Grievance Redressal Mechanism for any grievance with regard to access to healthcare services and proposes a penalty of up to Rs. 25,000 for contravention of any of its provisions.

The electoral promise of guaranteed healthcare traversed a long path before finally being enacted as a statute. A draft law was formulated by the Rajasthan chapter of the Jan Swasthya Abhiyan in 2019, which was sent to a special committee constituted by the state for fine-tuning.[17] The draft submitted by the committee was a much-pruned version of the original, which emphasised on local community participation and distance-bound availability of services among other things. Even this revised draft was further toned down and published by the government for comments, eliciting contrary reactions – civil society organisations and healthcare activists demanding strengthened grievance redressal and clearer budgetary commitments on one hand, and doctors' associations opposing the bill on the other.

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[17] Dr. Narendra Gupta, *Rajasthan Right to Health Care Act, 2023: What it entails and how we got there*, April 24, 2023, available at https://www.newsclick.in/rajasthan-right-health-care-act-2023-what-it-entails-and-how-we-got-there (Last visited on February 22, 2024).

The Indian Medical Association, Jaipur and other private actors raised objections about there being no provision for reimbursement of private healthcare institutions for providing free healthcare in emergencies. This was expected to undermine the interests of private healthcare institutions.[18] Other critics considered the same a violation of the Constitution of India, 1950, Article 19(1)(*g*).[19] The objections resulted in a state-wide strike by private medical practitioners lasting over two weeks. The draft was then referred to a Select Committee of 16 MLAs from different political parties. Lastly, a Memorandum of Understanding was arrived at with different associations of healthcare providers and institutions where the Government conceded to most of their demands and agreed to exclude private hospitals with less than 50 beds and those with no history of government aid from the obligation to provide free emergency treatments. This practically excluded all but 47 of the 4100 private healthcare institutions operating in the state from the ambit of the new law.[20]

Even after the final enactment, the law will face the test of effective implementation. A lack of clarity on the source of financing for such a massive social welfare obligation has been a point of contention, considering that Rajasthan already has a higher budget allocation for health, 7.4% of its overall budget, compared to the countrywide average of 6%. The paucity of human resources to address the expanded public healthcare infrastructure envisaged by the Act is another challenge for its effective implementation. These are serious questions on the practical viability of the Act which will need to be answered before the statute and others in its genre can establish themselves as truly progressive legislative action and not just a pre-election illusion to sway public opinion.

The Rajasthan Minimum Guaranteed Income Act, 2023

Another extremely important piece of legislation passed by the Rajasthan State Assembly this year has been the Rajasthan Minimum Guaranteed Income Act, 2023. It provides for three categories of economic security, i.e. the right to guaranteed employment for every adult citizen, the right to a weekly unemployment allowance if employment is not provided,

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[18] TNN, *Govt forms select panel to finalise Right to Health Bill*, January 18, 2023, available at https://timesofindia.indiatimes.com/city/jaipur/govt-forms-select-panel-to-finalise-right-to-health-bill/articleshow/97077054.cms (Last visited on February 22, 2024).

[19] PRS Legislative Research, *State Legislative Brief Rajasthan*, available at https://prsindia.org/files/bills_acts/bills_states/rajasthan/2022/State%20Legislative%20Brief%20_Rajasthan%20Right%20to%20Health.pdf (Last visited on February 22, 2024).

[20] Viveka Roychowdhury, *Is Rajasthan's RTH Bill the right template for India?* April 7, 2023, available at https://www.expresshealthcare.in/news/is-rajasthans-rth-bill-the-right-template-for-india/438756/ (Last visited on February 22, 2024).

along with the right to social security pension for the elderly, disabled, widows and single women. Employment has to be provided within 15 days of application.

The Act covers all residents of the state, unlike most cash transfer schemes. It widens the employment entitlement under MNREGA from 100 to 125 days for rural areas and introduces a similar employment guarantee of 125 days in urban areas through the Indira Gandhi Shahri Rozgar Guarantee Yojana. The payment of minimum wages has been affixed on a weekly or fortnightly basis. Each job card holder will be entitled to employment within a radius of five kilometres from their residence.

It is the first law in the country to institute universal social pension as a legal entitlement instead of a simple cash transfer policy. The declaration of a pension of Rs. 1000 effectively doubles the existing pension available in the state and has fairly extensive coverage of just under 1 crore beneficiaries. The act also provides for an automatic increase in the pension by 15% every year, which is a little more than direct indexation with inflation. These are significant advances compared to the pension provided through the centrally sponsored National Social Assistance Program, which has remained stagnant at Rs. 200 a month since 2007 without any indexation, and only covers BPL families.[21]The state government had piloted the idea in 2022 under the Indira Gandhi Urban Employment Guarantee Scheme, providing 100 workdays to the urban unemployed.

It should be noted here that the law provides a *minimum guaranteed income* and not a minimum income guarantee or a basic income. The essential difference lies in the quantum of income ensured to citizens under the two concepts. The idea of a 'minimum income guarantee' or a 'basic income' entitles beneficiaries to an income that is sufficient for subsistence, calculated on the basis of a minimum standard of consumption. In some cases, it can also be an instrument for more equitable distribution of national wealth, such as in Alaska (redistributing oil and mineral revenues). On the other hand, a 'minimum guaranteed income,' such as provided for under the present Act, seeks to supplement income from other sources and is not in itself sufficient to support subsistence.

The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023

Rajasthan has been the first state legislature to introduce a separate bill providing social benefits for gig workers. The Act provides for the registration of platform-based gig workers and aggregators (digital intermediaries between buyers and sellers of goods and services)

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[21] G. Sampath, *Decoding Rajasthan's Right to Minimum Guaranteed Income Bill, 2023 | In Focus podcast,* July 28, 2023, available at https://www.thehindu.com/podcast/decoding-rajasthans-right-to-minimum-guaranteed-income-bill/article67132559.ece (Last visited on February 22, 2024).

and deduction of a welfare fee from aggregators towards the welfare of registered gig workers. This fee is to be deducted as a cess on each digital transaction made on an aggregator platform which puts gig labour into motion. The percentage of value of each transaction to be charged from the aggregator has been left to be determined by the State government. The Central Transaction Information and Management System (CTIMS) will digitally record each transaction related to platform-based gig workers. The Rajasthan Platform Based Gig Workers Social Security and Welfare Fund shall hold a corpus constituted by the welfare fee from aggregators, grants-in-aid received from the State government and other funds and be used to provide social security for gig workers. The Rajasthan Platform Based Gig Workers Welfare Board will monitor the implementation of the Act. The Board is also tasked with providing "pro-active facilitation" to gig workers in their "engagement with concerned aggregator," ensure protection of rights, ensure time bound redressal of grievances related to the rights of platform-based gig workers, engage with registered unions working with platform-based gig workers and hold regular open consultations with them.

Despite its many positive provisions, the Act explicitly leaves industry out of the regulation which has led trade unionists involved in the consultation process to see it as a breakthrough but not a model.[22] Nevertheless, the law is an important step towards introducing corporate accountability in the gig industry which has so far managed to evade all statutory responsibility towards its workers, more or less excusing itself from the domain of labour law as such. The law itself does not directly address the question of wages or recognise an employer-employee relationship[23] but it does give workers a platform to talk to representatives of aggregators at the industry level enabling the beginning of collective bargaining in a sense. The CTIMS proposed in the Act paves the way to increasing transparency in the sector by collecting all transactional data which can then be used to reveal the exact relation between workers and aggregators in terms of work hours, value added, profits accrued and so on. It thus creates a basis for formulating more developed demands for legislative protections in the future such as for a minimum wage within the gig work setup, and establishing an employer-employee relationship among other things. The law has also introduced a grievance redressal mechanism in the industry for the first time, the absence of which has been a serious problem for workers so far. The Act also has a

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[22] *How did gig workers in Rajasthan get their right to social security? with Nikhil Dey Part 2,* August 20, 2023, available at https://www.youtube.com/watch?v=oYXISNmMPSI (Last visited on February 22, 2024).
[23] Sunny Jose, Indu Poornima and P Raghupathi, *Gig Workers Bill: reading between the lines,* August 30, 2023, available at https://www.thehindu.com/opinion/op-ed/gig-workers-bill-reading-between-the-linesl/article67248229.ece (Last visited on February 22, 2024).

savings clause providing for it to be in addition to and not in derogation of any other law in force, therefore it shall add to the safety net anticipated in the Code on Social Security and strengthen the framework proposed by the union government.

The law-making process here is also both interesting and insightful of how a federal legislative system can allow for marginal voices and ideas to enrich the legal framework for the entire country. Much before the idea of such a law came up, different unions and social organisations had been in conversation with the state government over a policy framework for gig workers. However, the concept of a transaction-based levy was first floated during the Bharat Jodo Yatra consultations in December 2022[24] and the Chief Minister's promise of making such a law only followed later. A process of consultation ensued where drafts were submitted to the state government by platforms of unorganised workers. A collective consultation was held, bringing representatives from various aggregators and workers unions and social organisations together before officials of the State .[25]

Besides the above three laws, the state also enacted the Rajasthan State Farmers Debt Relief Commission Act, 2023 for giving financial relief to indebted farmers. The Act sets up the Rajasthan State Farmers Debt Relief Commission which has the power to declare an area or any crops and farmers engaged in cultivating such an area or such a crop as distress affected. It can then fix a fair rate of interest for their non-institutional credit, undertake conciliation efforts between creditors and indebted farmers, change the period of loan repayment and suggest a one-time settlement of agriculture loans under certain conditions among other things.

Towards an Increasingly Stringent Law and Order Regime

The establishment of a more stringent law and order regime was the other subject that witnessed the most significant legislative interventions in the state. The Rajasthan Control of Organised Crime Act, 2023, the Rajasthan Prevention of Anti-Social Activities (Amendment) Bill, 2023 and the Rajasthan Prisons Act, 2023 are the most important among the seven laws introduced to strengthen the arms of the criminal justice system. This legislative preoccupation with law and order must be read in the context of the opposition

[24] Hamza Khan, *Rajasthan tables Bill to guarantee social security to gig workers*, July 22, 2023, available at https://indianexpress.com/article/cities/jaipur/rajasthan-tables-bill-guarantee-social-security-gig-workers-8853922/ (Last visited on February 22, 2024).
[25] *How did gig workers in Rajasthan get their right to social security? with Nikhil Dey Part 2,* August 20, 2023, available at https://www.youtube.com/watch?v=oYXISNmMPSI (Last visited on February 22, 2024).

alleging a deteriorating law and order situation in the state, especially with respect to violence against women, incidents of trafficking, paper leaks and corruption.[26]

The Rajasthan Prevention of Anti-Social Activities (Amendment) Bill, 2023

The Rajasthan Prevention of Anti-Social Activities (Amendment) Bill, 2023 seeks to remedy the situation created after a Rajasthan High Court order from March 2017 nullified a 2011 state government notification conferring powers of the District Magistrate under the Rajasthan Prevention of Anti-Social Activities (Amendment) Act, 2006 onto the Commissioner of Police in a metropolitan area. The Act now allows a Commissioner of Police to authorise the preventive detention of a person apprehended to be a threat to public order. This authority had previously been limited to the state government and the District Magistrates under the Rajasthan Prevention of Anti-Social Activities Act, 2006. The principal Act sought to "provide for the preventive detention of boot-leggers, dangerous persons, drug offenders, immoral traffickers and property grabbers."[27] *Statement of Object & Reasons* of The Rajasthan Prevention of Anti-Social Activities (Amendment) Bill, 2023 rationalises the expansion of authorisation under the Act on the grounds of a severe increase in crime rates due to the rapid growth taking place in the state.

The experience and apprehension of the misuse and overuse[28] of preventive detention laws have been widely documented. It has specifically been argued that overextension of the scope of such laws have led to the same being used as a substitute for ordinary law where conviction is difficult to obtain from regular criminal courts.[29] Further, practices such as identifying habitual offenders within the jurisdiction of police stations and taking preventive action against them[30] can set off a dangerous process of criminalising and victimising groups and communities without adequate cause of action and strengthen social prejudices.

The Rajasthan Control of Organised Crime Bill, 2023

The Rajasthan Legislative Assembly joined the ranks of Maharashtra, Karnataka and Gujarat in passing a law specific to the control of organised crime. The Bill however, did not receive

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[26] Rajan Mahan, *Rajasthan: BJP zeroes in on law and order as Gehlot's Achilles' Heel*, July 24, 2023 available at https://www.moneycontrol.com/news/assembly-elections/rajasthan/rajasthan-bjp-zeroes-in-on-law-and-order-as-ashok-gehlots-achilles-heel-11015521.html (Last visited on February 22, 2024).

[27] Rajasthan Prevention of Anti-Social Activities Act, 2006

[28] Neha Singhal, *Preventive Detention Laws in India*, 12 Journal of Indian Law and Society 51(2021).

[29] Neha Singhal, Scoping Study on Preventive Detention Laws in India, available at https://www.thakur-foundation.org/upload/judgements/1649664237_Neha%20Singhal,%20Scoping%20Study%20on%20Preventive%20Detention%20Laws.pdf (Last visited on February 22, 2024).

[30] PTI, *Rajasthan CM Gehlot says efforts to be made to set up fast-track courts,* September 03, 2023, available at https://www.deccanherald.com/india/rajasthan/rajasthan-cm-gehlot-says-efforts-to-be-made-to-set-up-fast-track-courts-2671264 (Last visited on February 22, 2024).

the Governor's assent and was not enacted. The Rajasthan Control of Organised Crime Bill, 2023 provides for extremely stringent punishments; capital punishment or imprisonment for life and a minimum fine of one lac rupees where an offence leads to death and a sentence of a minimum of five years extending to life imprisonment and a minimum fine of five lac rupees in any other case. Any attempt, conspiracy, abetment of organised crime, being a member of an organised crime syndicate or sheltering such a member is punishable with a minimum of five years imprisonment extending to life sentence and a minimum fine of five lakh rupees. Offences under the Act can only be tried by a special court provided for in the statute.

The Bill departs from the Code of Criminal Procedure, 1973 in many respects. Most importantly it removes various protections provided to an accused in criminal trials and significantly undercuts the right to bail, limiting it only to cases where the court reasonably believes the accused to be innocent and altogether bars the provision for anticipatory bail. It overwrites The Indian Evidence Act, 1872, section 25 and 101 making confessions made to police officers admissible in court and placing the burden of proof on the accused. The deadline for filing the chargesheet can be extended to 180 days. The law also authorises interception of communication and admits it as evidence with conditions less stringent than the Indian Telegraph Act, 1885. Under section 10 of the Act, trial by special courts are afforded precedence over trial in any other case which can lead to undue delay in justice being delivered in such other cases. The present law is closely modelled on the Maharashtra Control of Organised Crime Act, 1999. In proceeding thus, the state legislature has not considered that a provision analogous to Sec 21(5) of the MCOCA has been retained as Section 21(5) of the present Bill despite being struck down by the Supreme Court in 2008.[31] This provision pertains to the denial of bail to an accused arrested under the Act, if he was already on bail for a crime under the same Act, or any other Act. The Supreme Court upheld the decision of the Bombay High Court to strike down the words 'any other Act' as violative of Articles 14 and 21 of the Constitution.

The need and effectiveness of exceptional laws have been questioned from many quarters, with legal experts holding that their objectives can be realised through the regular criminal law framework itself, if used properly. It has also been widely acknowledged by state authorities that the MCOCA and similar laws are slapped liberally on convicts to make it difficult for them to obtain bail. The law extended to Delhi in 2002 has only seen two

[31] State of Maharashtra vs Bharat Shanti Lal Shah & Ors. (2008) 13 SCC 5.

convictions in all these years.[32] While the significance of maintaining law and order is beyond question, whether the same can be achieved through stricter penal provisions has been a point of debate where the benefits have been found to outweigh the costs under certain circumstances.[33] Especially where provisions for enforcement are weak and prone to corruption, such provisions have been found to compromise on human rights, constitutional safeguards on liberty and the right to protest in the name of maintaining law and order.

The Honour of Dead Body Act, 2023

This Act was passed by the Rajasthan legislative assembly to curb incidents of relatives of victims protesting with dead bodies. The Act provides for imprisonment up to five years for anyone protesting with a dead body at a public place, like a police station or the streets and makes it mandatory for families to perform the last rights of a deceased at the earliest among other provisions. The law was brought in to address a nearly fourfold increase in the incidence of relatives protesting with dead bodies, demanding jobs or compensation since 2018.[34] The government also passed The Rajasthan Public Examination (Measures for Prevention of Unfair Means in Recruitment) (Amendment) Act, 2023 providing for life imprisonment for those involved in paper leaks of government examinations. The effectiveness of extending the punishment for paper leaks has been questioned on grounds of severe corruption within the state government.[35] Both these laws seem to be countering the symptoms rather than the malady.

The Rajasthan Prisons Bill, 2023

Prisons in Rajasthan have been governed by two colonial legislations, the Prisons Act, 1894 and the Rajasthan Prisoners Act, 1960 modelled on the Prisoners Act, 1900. The 15th state legislature sought to make a "comprehensive legislation" on the matter and strengthen reformative provisions and entitlement to human rights for inmates through the passage of the Rajasthan Prisons Bill, 2023.

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[32] Raj Shekhar, *Sticky wicket: 10 yrs, just 2 convictions under MCOCA*, August 26, 2023, available at https://timesofindia.indiatimes.com/city/delhi/sticky-wicket-10-yrs-just-2-convictions-under-mcoca/articleshow/103076378.cms (Last visited on February 22, 2024).

[33] Steven Raphael and Michael Stoll, *Introduction* in DO PRISONS MAKE US SAFER? (2009).

[34] India News, *Rajasthan Passes Honour Of Dead Body Bill, 2023: Explained,* July 22, 2023, available at https://www.ndtv.com/india-news/rajasthan-passes-honour-of-dead-body-bill-2023-explained-4231263#:~:text=The%20bill%20seeks%20to%20penalise,dignity%20of%20the%20deceased%27s%20body. (Last visited on February 22, 2024).

[35] The Hindu Bureau, *Row in Rajasthan Assembly as Bill increasing jail time for paper leak is introduced*, July 20, 2023, available at https://www.thehindu.com/news/national/other-states/row-in-rajasthan-assembly-as-bill-increasing-jail-time-for-paper-leak-is-introduced/article67098195.ece (Last visited on February 22, 2024).

The Bill marks a definite development from the previous statutory framework, providing for a system of segregating prisoners according to gender, nature of offence, stage of trial and conviction, among other things. There is a separate elaboration of the rights and duties of prisoners, a component only found in the relevant Kerala[36] and West Bengal[37] legislations and extends it to include the right to meaningful and gainful employment for all prisoners at equitable wages. It further provides for a grievance redressal committee for prisoners, which has been a feature of only a few state prison legislations such as Kerala and Delhi.[38] The Bill also sets up an administrative structure for implementation through the constitution of a State Advisory Board for prisons and a Board of Skill Development Programmes and Vocational training for prisoners.

An overhaul of the legislative framework around prisons has been on the cards for a while for both state governments as well as the centre. Certain states such as Kerala, West Bengal and Delhi have passed prison and correctional service laws but a large part of the drive to reform has remained outside of statutory provisions. The need for a fresh statutory framework became more urgent over the past years with a rise in killings, criminal activity and gang violence within prisons.[39] The prison system is state subject covered by the Constitution of India, 1950, Schedule VII, List II, *State List*, Item 4 (Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions). However, it is important to note that despite it being the legislative domain solely of state governments, there has been only limited legislative reform introduced through state assemblies, and the central government has consistently engaged in advising state governments in the administration of prisons.[40]

While concluding this discussion, it would be useful to keep in mind that the central government also came out with the Model Prisons and Correctional Services Act, 2023, prepared by the Bureau of Police Research and Development, in consultation with state prison authorities and correctional experts, among others.[41] While a detailed discussion of the Act is beyond the scope of this chapter, a comparative assessment of the state

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[36] Kerala Prisons and Correctional Services (Management) Act, 2010

[37] West Bengal Correctional Services Act, 1992

[38] Delhi Prisons Act, 2000

[39] Khadija Khan, *What is the Model Prisons Act announced by the MHA?* May 26, 2023, available at https://indianexpress.com/article/explained/explained-law/model-prisons-act-mha-8630225/ (Last visited on February 22, 2024).

[40] Press Release, PRESS INFORMATION BUREAU GOVERNMENT OF INDIA, May 12, 2023, available at https://pib.gov.in/PressReleseDetailm.aspx?PRID=1923682 (Last visited on February 22, 2024).

[41] Id.

legislation and the central model Act reveals the greater scope and depth of the reforms suggested by the Model Prisons and Correctional Services Act, 2023 reflecting the advantage enjoyed by the central government to be able to effect a paradigmatic shift in the overall legislative framework in a domain as complex as prison governance and reformative justice, despite it being a state subject.

Some Crucial Domains Left Wanting

The lack of legislation with regard to industry and the service sector is notable in the year given that economic growth has been sluggish and the service sector saw a downturn in growth over the last five years.[42] The only legislation in this regard has been the Rajasthan Micro, Small And Medium Enterprises (Facilitation Of Establishment And Operation) (Amendment) Act, 2023 which extended the period of exemption for getting various approvals for MSMEs from three years to five years to neutralise the effect of the Corona period where very few industries were able to avail of the benefits provided under the Rajasthan Micro, Small And Medium Enterprises (Facilitation Of Establishment And Operation) Act, 2019. The other legislation which can have a positive impact on industry is The Rajasthan Tenancy (Amendment) Act, 2023 which allows any entity setting up a renewable energy power plant to exchange any adjacent parcel of land in its possession as a tenant with any government land within the precincts of the power plant subject to certain conditions. This can encourage the renewable energy sector that has been consistently marked by the state for further exploration. The same is also in line with the Rajasthan Renewable Energy Policy, 2023.[43]

The legislative activity in the domain of education pertained primarily to the establishment of new educational institutions. The Rajasthan Coaching Institute (Control and Regulation) Bill 2023 was an important bill in this regard which the government had drafted[44] with the intention to introduce but which could not be tabled in the house. If passed, the bill would have been an important and pioneering statutory intervention strengthening accountability of the coaching sector in the light of the rising number of suicides among students aspiring to crack competitive exams, especially in the coaching hub of Kota in the state. While the bill could not be tabled in Rajasthan a similar bill has been proposed by the Haryana

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[42] Radheshyam Jadhav & Nimisha S Pradeep, *Rajasthan: 'Land of Kings' grapples with financial strain*, November 15, 2023 available at https://www.thehindubusinessline.com/data-stories/rajasthan-land-of-kings-grapples-with-financial-strain/article67535868.ece (Last visited on February 22, 2024).

[43] Rajasthan Renewable Energy Policy, 2023

[44] The Rajasthan Coaching Institute (Control and Regulation) Bill 2023.

government and another by the union government in addition to existing rules and regulations for the sector.

Conclusion

The legislative activity of the Rajasthan assembly in the year 2023 presents a mixed bag of observations. The laws on social and economic welfare have been exemplary in charting fresh ground and presenting certain definitive answers to important issues confronting the country today, such as increasing economic inequality and falling access to basic services such as healthcare and social security. However, those answers have remained partial, and the remedies presented by the laws ameliorative at best. At the same time, many important legislations passed were either not enacted or have not been implemented due to non-framing of Rules. These include the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 and the Rajasthan Right to Health Act, 2022. On the whole the legislative activity of the state demonstrates how the law-making power given to state governments can create the space for reflecting public opinions and concerns even when they are marginal in the dominant policy discourse.

SIKKIM

DEBARATI PAL*

Introduction

Sikkim became the 22nd State of India with the passage of the 36th Amendment Act in 1975. The current legislative Assembly, now in its 10th iteration, was constituted following the 2019 elections, in which the Sikkim Krantikari Morcha secured 17 seats, defeating the Sikkim Democratic Front by a margin of 6%.[1] The State is divided into six districts, two of which were created under the Sikkim Reorganisation of the Districts Act, 2021.

The unicameral Legislative Assembly of Sikkim, has 32 members. Among these seats, 12 are reserved for the Scheduled Tribes, specifically the Bhutia and Lepcha communities.[2] Two constituencies, West Pendam and Salghari-Zoom, are reserved for the Scheduled Castes, and one seat, known as the Sangha, is reserved for the Buddhist monastic community of Sikkim, reflecting the diverse composition of the State.[3]

Sikkim has a geographical area of 7,096 km² and a population of 610,577, as per the 2011 census, with a male-to-female ratio of 53:47.[4] The literacy rate is 82.20%, which is higher than the national average of 73.0%. From 2021-22, Sikkim at ₹4,72,543 has the highest per capita income in India.

Methodology

The survey was conducted, using a comprehensive examination of publicly available government databases. Access to bills, questions, and resolutions passed in the Assembly

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[1] *Sikkim Assembly Elections*, Times of India, available at https://timesofindia.indiatimes.com/elections/assembly-elections/sikkim/results accessed on 21 January 2024

[2] *See* Chief Election Commissioner, Sikkim, available at https://ceosikkim.nic.in/Home/ElectionLinkDesc?EID=10041 accessed on 21 January 2024

[3] Ibid

[4] *See* Sikkim Health and Family Welfare Department, available at https://www.sikkim.gov.in/departments/health-family-welfare-department accessed on 22 January 2024

was obtained through gazette publications on the Official Website. To ensure a holistic view, various news websites were consulted to gather information about the Yojanas, to supplement the data from the official site. All session-related information was sourced from the Sikkim Legislative Assembly website. The judicial interpretation of the definition of 'Sikkimese' and the subsequent amendments was retrieved from the Supreme Court case database.

Quantitative and Qualitative Review

During the seventh session of the 10th Assembly, the Legislative Assembly convened for three consecutive days, followed by a Winter Assembly session lasting for two consecutive days.[5]

Bills

On the inaugural day of the Budget session, the Assembly introduced three significant Bills[6]: the Sikkim National Law University (Amendment) Bill, 2023; the Sikkim Global Technical University Bill, 2023; and the Sikkim Organic Agriculture University Bill, 2023. These Bills were considered and subsequently passed by the assembly but assented to by the Governor on different dates[7]. The Assembly also considered and passed the Sikkim Lokayukta (Amendment) Bill, 2023;[8] the Sikkim Fire and Emergency Services Bill, 2023;[9] and the Sikkim Non-Biodegradable Garbage (Control) (Repealing) Bill, 2023.[10] Additionally, the Sikkim Appropriation Bill, 2023, was introduced, considered, and passed in relation to the Annual General Budget for the fiscal year 2023-24.[11]

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[5] The dates for the Summer Session were 17th May 2023 – 20th May 2023 and the Winter Session were 2nd November 2023 – 3rd November 2023

[6] See Sikkim Legislative Assembly, *List of Business*, available at https://sikkim.neva.gov.in/Business (Last visited on January 21, 2024); *List of Business*, May 20, 2023, available at https://cms.neva.gov.in/FileStructure_SK/AssemblyFiles/10/7/20230520/3.pdf (Last visited on January 21, 2024).

[7] The Sikkim National Law University (Amendment) Act 2023 was assented to by the Governor on June 20 2025 and published as Act No 7 of 2023 on June 22 2025. The Sikkim Global Technical University Bill as assented to by the Governor on June 30 2025 and published as Act No 9 of 2025 and the Sikkim Organic Agriculture University Act (Act No 10 of 2023) was also assented to by the Governor on June 30 2025 and came into force from July 12, 2023.

[8] It received the assent of the Governor in June 2023 and became the Sikkim Lokayukta (Amendment) Act 2023 Act No 3 of 2023

[9] Bill 04 of 2023 introduced in the House on 13 March 2023, was passed in May 2023 and received the assent of the Governor and became the Fire and Emergency Services Act of 2023 Act No 4 of 2023.

[10] The Bill received the assent of the Governor on June 8, 2023 and came into force on June 22, 2023 as the Sikkim Non Bio-Degradable Garbage Control (Repealing) Act 2023 Act No 6 of 2023

[11] Sikkim Appropriation Bill, 2023, Bill 08 of 2023.

In the winter session the Goods and Services Tax (Amendment) Bill, 2023, was introduced, alongside several other legislative measures, including the Sikkim Guru Padmasambhava University Bill, 2023; the Sikkim Sardar Patel University Bill, 2023; the Aerial Ropeways Bill, 2023; the National Council for Skill Education, Sikkim Bill, 2023; and the EDTech Skills University, Sikkim Bill, 2023.[12]

The Sikkim National Law University (Amendment) Bill, 2023 amends the principal Act to provide that the Chancellor - the Chief Justice of the Sikkim High Court - shall "be the final authority to decide in case of any ambiguity or doubt in the interpretation and applicability" of the Act. The clause further states that the Chancellor shall have the power to "pass necessary orders" for any matters for which "no express or sufficient provision" has been made in the principal statute. With the Chancellor assuming the role of the final authority on interpreting the law, there is concern about the concentration of power in a single position. This centralisation could potentially lead to inconsistencies in decision-making and a lack of checks and balances, which are typically provided in a more democratic governance model. Furthermore, the provision allowing the Chancellor to issue orders on certain matters, provides no explicit guidelines on the manner in which the power is to be exercised, which could lead to arbitrary decision-making, thereby undermining the rule of law. Without clear criteria or accountability, these actions might result in unpredictability for students and faculty alike. It is essential to critically examine whether these changes truly enhance clarity and guidance, or do they instead create an environment where decisions are left to the unguided discretion of one individual. There was a need to consider whether a broader discussion between various stakeholders would have made for fair and transparent governance and promoted academic freedom.

The introduction of the Sikkim Lokayukta (Amendment) Bill, 2023 amends Section 5 of the Sikkim Lokayukta Act, 2014. The bill aims to extend the tenure of the chairperson and members of the Lokayukta. The Law Minister stated that an amendment was made in 2018 to the Sikkim Lokayukta Act, 2014, incorporating Section 5, which extends the tenure of the chairperson and members of the Lokayukta. However, the provision for extension was omitted by the Sikkim Lokayukta Act, 2019.[13] This move could be interpreted in several ways. On the one hand, extending the tenure might ensure stability and continuity within the Lokayukta, allowing experienced individuals to further their initiatives against corruption and improve governance. It may also provide the Lokayukta with the necessary time to

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[12] *Supra* note 6.

[13] PTI, *Sikkim Assembly Passes Lokayukta (Amendment) Bill*, June 30, 2025, available at https://www.deccanchronicle.com/nation/sikkim-assembly-passes-lokayukta-amendment-bill-1888399 (Last visited on December 25, 2025).

implement long-term strategies effectively. However, it also raises questions on accountability and the danger of undermining the Lokayukta's independence. Longer tenures could lead to the entrenchment of one individual, diminish the opportunities for new perspectives and reduce the diversity of thought within the institution.

The Sikkim Non-Biodegradable Garbage (Control) Act, 1997, enacted on April 30, 1997, aimed to prevent the disposal of non-biodegradable waste in public areas. In 2016, the Union Ministry of Environment, Forest and Climate Change introduced the Solid Waste Management Rules and Plastic Waste Management Rules to establish a regulatory framework for solid and plastic waste management. These new regulations effectively encompass the objectives of the 1997 Act, leading to the decision to repeal the Sikkim Non-Biodegradable Garbage (Control) Act, 1997, through the Sikkim Non–Biodegradable Garbage (Control) (Repealing) Act, 2023.[14] However, one critical aspect to consider is whether the new regulations adequately address the specific needs and unique challenges faced by Sikkim in managing waste. Sikkim, with its fragile ecosystem and emphasis on environmental conservation, may require tailored policies that go beyond general guidelines. The potential lack of localised focus in broader regulations could lead to gaps in enforcement or adaptability that need to be carefully monitored. Furthermore, the repeal of the 1997 Act raises questions about public awareness and participation in waste management practices. It is essential to ensure that the transition to new regulations includes robust public education and engagement strategies to encourage responsible waste disposal and recycling behaviours among citizens. Without this, regulatory changes may not yield meaningful improvements in waste management outcomes.

The Sikkim Goods and Services Tax (Amendment) Bill, 2023, reflects a proactive approach to enhancing tax administration in the state. Key elements of the amendment include the establishment of the GST Appellate Tribunal. Another set of amendments deal with the classification of lottery, betting, gambling, online money gaming, casinos, and horse racing as actionable claims for tax purposes.

Resolutions

On February 9th 2023, and April 10th 2023, two significant resolutions were formally adopted.[15] These resolutions urge the Government of India to provide all necessary assistance to safeguard the distinct identity of the Sikkimese people, in accordance with the

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[14] Introduced in the House on 29 March 2023. *See* The Sikkim Non-Biodegradable Garbage (Control) (Repealing) Bill, 2023, Bill 06 of 2023.

[15] Sikkim Legislative Assembly, NATIONAL E-VIDHAN APPLICATION, *Business*, available at https://sikkim.neva.gov.in/Business.

Agreement dated May 8, 1973, and Article 371F of the Constitution of India. The resolutions emphasise the importance of preserving the distinct identity and protections afforded to the Sikkimese population, ensuring that their sentiments are respected and not undermined. The emphasis on safeguarding the identity of the Sikkimese people can also be viewed through the lens of demographic changes and the socio-economic pressures that often accompany modernisation and integration efforts.

Furthermore, it was resolved that the Government of Sikkim would petition the Government of India to amend the Income Tax Act. Specifically, these amendments would classify the individuals or entities referred to in clauses (iv) and (v) of subsection 26AAA of Section 10 of the Income Tax Act, 1961, as belonging to the “Others” category solely for income tax exemption. This modification aims to distinctly segregate the individuals, as mentioned earlier, from the three ethnic communities of Sikkim and to issue the necessary clarification in the form of a notification to maintain the exclusivity of the term 'Sikkimese.' This resolution has been formally submitted to the Ministry of Finance for appropriate action by the Government of India. From a legal standpoint, this amendment may create a precedent that complicates the already intricate landscape of identity politics in Sikkim. By distinguishing between different groups for tax benefits, the government could inadvertently foster division or resentment among communities, as some may feel unjustly excluded from financial advantages enjoyed by others. This risk of exacerbating ethnic tensions cannot be overlooked, especially in a region known for its delicate demographic balance.

Non-Legislative Policy Initiatives

The absence of delegated legislation in areas such as land, agriculture and farming, accessibility, environment and climate change, and micro and small-scale industries further complicates the governance landscape. Delegated legislation typically allows for the creation of detailed regulations that operationalise broader statutory mandates. Without such frameworks, there exists a risk of ambiguity and inconsistency in policy application, which may impede the effectiveness of interventions across critical sectors such as land management, agriculture, environmental protection, and social welfare.

To demonstrate the contention, the pending liabilities of the previous government, like: expenditure for fair-weather roads, land compensation for the airport, among others, rural

foot bridges, and water supply, were cancelled in the current year's budget. Instead, funds were allocated for the resettlement of pathing landslide victims.[16]

In the domain of climate change, measures like the appointment of a high-level Climate Change Impact and Mitigation Commission were discussed, along with a novel green initiative, namely *Mero Rukh Mero Santati*.[17] In addition, a host of schemes, such as the Old Pension Scheme and the allocation of LPG cylinders to female resident householders[18] were reintroduced. Sikkim is often regarded as marginalised and remote due to its locational disadvantage; therefore, as a measure to enhance investment visibility, the Government has up-scaled its investment plans by prioritising the establishment of Green industries under the existing Mukhya Mantri Krishi Aatmanirbhar Yojana and Pasudhan Samriddhi Yojana.[19] Additionally, the Multimodal Economic Corridor, linking West Sikkim to the districts of eastern Nepal through Chewabhanjyang, was introduced in the budget deliberations under the Saansad Adarsh Gram Yojana and the Shyama Prasad Mukherjee Rurban Mission.[20]

Policies such as the AAMA Yojana, Bahini Scheme, Sikkim Unmarried Women Pension Scheme, the Indira Gandhi National Old Age Pension Scheme, and the Indira Gandhi National Widow Pension Scheme, implemented by the current Sikkim Government, aim to improve the economic conditions of women.[21] Moreover, the Sikkim Urban Garib Awas Yojana 2023, launched in the housing sector, and the increase in the amount of pension

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[16] Bijoy Gurung, *State Budget 2023–24 Tabled in Assembly*, SIKKIM EXPRESS, 18 May 2023, available at https://www.sikkimexpress.com/news-details/state-budget-2023-24-tabled-in-assembly (Last visited on April 27, 2024).

[17]Forests and Environment Department, GOVERNMENT OF SIKKIM, *Mero Rukh Mero Santati (MRMS) - Planting 108 trees for every newborn in Sikkim*, available at http://sikkimforest.gov.in/mrms/ (Last visited on 21 January 2024).

[18] PTI, *Sikkim CM's pre-poll sops: Job to one in each household, free LPG, and more*, THE FEDERAL, 21 December 2023, available at: https://thefederal.com/category/states/north-east/sikkim-cms-pre-poll-sops-job-to-one-in-each-household-free-lpg-and-more-104106.

[19] *Awareness-cum-Incentive Distribution Programme under the Theme Mukhya Mantri Krishi Atma Nirbhar and Pasudhan Samriddhi Yojana Organised at Yangang Government Senior Secondary School*, NAMCHI DISCTRICT-SIKKIM, available at https://namchi.nic.in/awareness-cum-incentive-distribution-programme-under-the-theme-mukhya-mantri-krishi-atma-nirbhar-and-pasudhan-samriddhi-yojana-organised-at-yangang-government-senior-secondary-school/ (Last visited on January 21, 2024).

[20] Bikash Singh, *Sikkim CM States Government Plans to Open a Multimodal Corridor through Chewabhanjyang*, The Economic Times (8 June 2023), available at https://economictimes.indiatimes.com/news/india/sikkim-cm-states-government-plans-to-open-a-multimodal-corridor-through-chewabhanjyang/articleshow/100839592.cms?from=mdr (Last visited on July 31, 2024).

[21] See Directorate of Panchayati Raj – Rural Management & Development Department, Government of Sikkim, available at https://sikkim.gov.in/departments/rural-management-development-department/directorate-of-panchayati-raj (Last visited on January 21, 2024). *Sikkim Aama Yojana*, available at https://pmmodiyojana.in/sikkim-aama-yojana/ (Last visited on January 21, 2024).

under the Chief Minister's State Disability Pension require more stability of legislative support. In the domain of small-scale industries, the MSME Policy 2021 and the Skilled Youth Start-up scheme facilitated loans with back-end subsidy assistance from the government.[22] Additionally, the Multi Village Water Supply Scheme is being implemented in the water-stressed districts of Poklok, Denchung, Tinik-Chisopani & Salghari GPU in Namchi. This scheme, costing over ₹ 47 crores, will draw water from the Rangit River. This project comprises 4 km of gravity main, 94.27 km of distribution network, 17 reservoirs/storage tanks, and 2,597 house service connections.[23]

However, the lack of specific legislative backing raises questions about the sustainability and enforceability of the policies in place. This is particularly pertinent in areas like climate change and accessibility, where long-term strategies require robust legal mechanisms to facilitate compliance and drive accountability.

Conclusion

The review of the functioning of the Legislative Assembly revealed that the Government has relied more heavily on policy-making initiatives from the central government than on legislative measures. The time-consuming nature of the legislative process is an essential factor to consider. The discretion involved in executive action emerged as a crucial element, evident in both the Governor's inaugural address to the Assembly and the Chief Minister's budget speech. Due to the gender ratio imbalance, a wave of reforms has focused on women's welfare. Additionally, the cloudburst at South Lhonak Lake prompted a series of measures in the Climate Change and Energy Sector. Previously, there was a conflict between the Centre and the State regarding the definition of 'Sikkimese' as stated in the Income Tax Act of 1961. However, the Supreme Court has resolved this issue by harmoniously construing the definition of Sikkimese in the Income Tax Act. The government's approach may benefit from a recalibration to establish statutory frameworks that clearly articulate mandates, responsibilities, and mechanisms for monitoring and enforcement. Such an evolution in policy-making could enhance not only the legal underpinnings of these initiatives but also their overall impact and effectiveness in addressing the complex challenges faced in these diverse domains.

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[22] Department of Commerce & Industries, *Skilled Youth Startup Scheme (SYSS)*, available at https://industries.sikkim.gov.in/schemedoc/x8GZ59EsovInDTjB26mmBP5u1a5wQnU9YcVGLnsl.pdf (Last visited on January 21, 2024).

[23] Finance Department, GOVT OF SIKKIM, *Budget Speech by Chief Minister and the Minister-in-Charge, Finance Department (17 May 2023)*, available at http://www.sikkimfred.gov.in/user/Budget_Main_Page.aspx (Last visited on 21 January 2024).

TAMIL NADU

VETHA PHILOS*

Introduction

The Tamil Nadu Legislative Assembly (Hereinafter referred to as TNLA, or 'assembly') is in its 16th term and was constituted in 2021.[1] Regional parties play a key role in the political landscape of Tamil Nadu, with the DMK[2] and the AIADMK[3] controlling most of the assembly seats. The DMK-led Secular Progressive Alliance[4] won 159 out of 234 constituent seats and formed the government. They replaced the AIADMK-led government, which had controlled the assembly for the previous two terms continuously. The state legislature is unicameral, although it was bicameral till 1986.

Methodology

For this survey of the assembly's work in 2023, the legislations, ordinances, and resolutions were accessed through its gazette publications. The PRS Review[5] was also helpful in tracking the work of TNLA.

The survey firstly presents the legislative work of the TNLA in 2023 in quantitative terms, followed by a comprehensive analysis of all the significant enactments. A few enactments that only made marginal changes[6] have not been included.

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[1] It was known as the Madras Legislative Assembly for its first four terms.

[2] The Dravida Munnetra Kazhagam (The Dravidian Progressive Federation).

[3] The All India Anna Dravida Munnetra Kazhagam (The All India Anna Progressive Federation).

[4] The Alliance includes the Indian National Congress, Communist Party of India, Communist Party of India (Marxist), and the Viduthalai Chiruthaigal Katchi.

[5] Manas Gubbi, Niranjana S Menon & Simranjyot Kaur, "Annual Review of State Laws 2023", available at https://prsindia.org/files/legislature/annual-review-of-state-laws/Annual_Review-State_Laws_2023.pdf. (last visited on June 22, 2024).

[6] For instance, the Chennai City Police (Amendment) Act, 2023, merely removed the word 'gymnasium' which appeared in two places in the Chennai City Police Act, 1888.

From amongst the resolutions adopted by the assembly, only the significant ones, which impacted the legislative functions of the assembly, have been discussed. The resolutions included in this study were selected on the basis of media reports and those that featured in the YouTube channel of the assembly. The channel was started in 2023, with only selective segments of the sessions being uploaded. The inclusion of the resolutions in this channel indicates their significance as the TNLA itself as it has taken the initiative to disseminate them to a wider audience.

Quantitative Analysis

The fifth session lasted for the whole of 2023. The summon to convene the Assembly was issued on the 26th of December 2022, and it assembled for its first meeting on the 9th of January 2023. The Assembly held four meetings in the survey year , and its last meeting was held between the 16th to the 18th of November. The Assembly sat for 29 days in 2023, with the budget meeting being held between the 20th of March and the 21st of April, accounting for 21 days. The sittings in the budget session accounted for 72%.of all meetings. The national average in 2023 across all state legislatures was 62%.[7]

In the time that it met the Assembly took up legislative business for only four days in 2023, in which the TNLA considered and passed 30 Bills. Most of these bills have been passed without discussion. Out of the 30 Bills, 24 received the assent of the Governor, and five others have not received gubernatorial approval[8] and one has been withdrawn by the TNLA.[9] The state did not promulgate any ordinances in 2023.

The subject-wise categorisation of the Bills considered by the TNLA in 2023 is as follows.

Category	**Number**
Fiscal and taxation laws	10
Labour legislations	4
Agriculture and agricultural market	3
Universities	3
Government servants (salary, recruitment, etc)	3
Repealing of laws	3
Land acquisition and urban planning	2
Legislation on prohibition (hookah and gambling)	2

[7] Gubbi, Menon & Kaur, *supra* note 5.
[8] *Id.*
[9] The Factories (Tamil Nadu Amendment) Act, 2023 was not pursued further by the TNLA and for detailed elaboration see section of Labour Legislations in this Chapter.

Qualitative Analysis

The qualitative analysis of the legislation follows the categorisation mentioned in the table prior.

Fiscal and Taxation Laws

Three amendments were made to the Tamil Nadu Goods and Services Act,[10] all of which were necessitated due to recommendations made by the GST Council, as the State GST Act and Central GST Acts are expected to be mirror images of each other. With the implementation of the Goods and Services Act, several state tax legislations were previously repealed.[11]

Notwithstanding the repeal, there were several cases where the tax assessment under the repealed legislation was pending before the courts. To facilitate the early settlement of arrears of taxes in these cases, the Tamil Nadu Taxes (Settlement of Arrears) Act, 2023 was enacted. Depending on the quantum of contested tax demand the state allowed for either a complete waiver or a settlement through partial payment.[12]

An amendment was also made to the Tamil Nadu Fiscal Responsibility Act, 2003 to postpone the dates on which the fiscal targets are to be met by the Government. The Act, before amendment, aimed to eliminate the revenue deficit by 2023-2024 and the deficit to the State's GDP by 31 March 2024. The amendment postponed the target dates by a year.[13]

Labour Legislations

In 2023, the assembly made two amendments to the Tamil Nadu Shops and Establishments Act of 1947. The first amendment mandated the provision of drinking water, restrooms and other facilities to workers.[14] The Second Amendment changed the manner in which the registration and cancellation of certificates are to be processed under the Act.[15]

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[10] Tamil Nadu Goods and Services Tax (Amendment) Act, 2023, Tamil Nadu Goods and Services Tax (Amendment) Amendment Act, 2023 and Tamil Nadu Goods and Services Tax (Second Amendment) Act, 2023.

[11] For the list of statutes that have been repealed *See* Tamil Nadu Taxes (Settlement of Arrears) Act, 2023, §2(i).

[12] For the slabs and method of computation *See* Tamil Nadu Taxes (Settlement of Arrears) Act, 2023, §7.

[13] Tamil Nadu Fiscal Responsibility (Amendment) Act, 2023, §2 and Tamil Nadu Fiscal Responsibility Act, 2003, §4.

[14] Tamil Nadu Shops and Establishments (Amendment) Act, 2023 added § 22-B, 22-C, 22-D, and 22-E which made provisions for drinking water, latrine & urinals, restroom & lunch room, and first aid kits respectively.

[15] The Tamil Nadu Shops and Establishments (Amendment) Amendment Act, 2023 (the Gazette notification used this name for the Act).

With the aforesaid amendments the assembly enhanced the protection afforded to labourers. However, the self-same assembly repealed in its entirety the Tamil Nadu Building and Construction Workers (Conditions of Employment and Miscellaneous Provisions) Act, 1984[16]—a statute which had put in place a regulatory framework on working hours, overtime wages, annual leaves, safety precautions and the like.

Significantly, the Act had also incorporated provisions which enabled the government to extend the protection of various other labour legislations[17] to construction workers. The repealing act abandons the entire framework without offering any reasons for the repeal, nor was there any debate on the matter held in the Assembly.

Notably, the government was forced to drop the other Bill, which proposed to add Section 65-A[18] to the Factories Act of 1948 (a Union Legislation). This amendment would have would have further diluted labour rights as it would have allowed the State Government to exempt industries from complying with regulations relating to weekly hours,[19] weekly holidays,[20] daily hours,[21] rest intervals,[22] and overtime wages[23] by issuing a notification to that effect. In essence, the notification would have permitted the exempted factories to extract work for more than nine hours a day without needing to provide a break, a holiday or overtime wages.

Several DMK allies staged a walk-out when the Bill was taken up for discussion, and after several protests, the Chief Minister stated that the Bill will not be pursued.[24]

Agriculture and Agricultural Markets

The Tamil Nadu Agricultural Produce Marketing (Regulation) Second Amendment Act, 2023, has provided for two key changes, namely the setting up of a dispute resolution

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[16] The Tamil Nadu Building and Construction Workers (Conditions of Employment and Miscellaneous Provisions) Repeal Act, 2023

[17] Such as the Payment of Wages Act, Industrial Disputes Act, Maternity Benefit Act etc – *See* Tamil Nadu Building and Construction Workers (Conditions of Employment and Miscellaneous Provisions) Act, 1984 §40.

[18] The Factories (Tamil Nadu Amendment) Bill, 2023.

[19] An exemption from complying with the Factories Act, 1948 § 51, which provided a cap of 48 hours in a week.

[20] An exemption from complying with the Factories Act, 1948 § 52, which mandated a weekly holiday.

[21] An exemption from complying with the Factories Act, 1948 § 54, which provided a cap of 9 hours a week.

[22] An exemption from complying with the Factories Act, 1948 § 55, which mandated that workers cannot work continuously for more than five hours without providing a break of thirty minutes.

[23] An exemption from complying with the Factories Act, 1948 § 59, which mandated an overtime wage at twice the ordinary wage rate.

[24] The Hindu, *T.N. government puts on hold amendment to Factories Act*, April 24, 2023, available at https://www.thehindu.com/news/national/tamil-nadu/stalin-puts-on-hold-tns-amendments-to-factories-act/article66774137.ece (last visited on June 22, 2024).

process[25] and enabling an online trading platform for agricultural produce.[26] The 2023 amending legislation[27] to the Tamil Nadu Protected Agricultural Zone Development Act of 2020, expanded the definition of agricultural activities to include animal husbandry and inland fishery.[28] The 2020 Act had prohibited industrial projects[29] in the Cauvery Delta region, which the Act had identified as a 'protected agricultural zone'.[30] The 2023 amendment enlarged the protection afforded under the Act.

Universities

It is pertinent to note that all the three Bills relating to universities have not received the governor's assent. Two of the Bills sought to make changes in how the appointments of Vice-Chancellors are made[31] by transferring the power of appointment from the governor to the chief minister. The other bill, namely, the Tamil Nadu Private Universities (Amendment) Bill, 2023, sought to grant the status of 'Private University' to seven educational institutions.

Government Servants (Recruitment and Conditions of Service)

Section 21A was added by an amendment to the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.[32] This mandated the inclusion of a compulsory exam in the Tamil language for all recruitments to services under the state. The Tamil Nadu Payment of Salaries (Amendment) Act, 2023, sanctioned a payment of pension to past members of the legislative assembly and the erstwhile legislative council.

Repeal of Legislations

The TNLA repealed three hundred and sixty legislations in the year 2023.[33] Legislations which were repealed can be broadly categorised under the following three heads: firstly,

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[25] Specific disputes mentioned in the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 §7-D, *inserted vide* the Tamil Nadu Agricultural Produce Marketing (Regulation) Second Amendment Act, 2023 (w.e.f. January 30, 2024)

[26] Section 8-B and 8-C of The Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987, §8-B and 8-C *inserted vide* the Tamil Nadu Agricultural Produce Marketing (Regulation) Second Amendment Act, 2023 (w.e.f. January 30, 2024)

[27] Tamil Nadu Protected Agricultural Zone Development (Amendment) Act, 2023.

[28] Id., §2.

[29] Tamil Nadu Protected Agricultural Zone Development Act, 2020, §4(1) read with the II Schedule of the Act.

[30] Tamil Nadu Protected Agricultural Zone Development Act, 2020, §2(h) read with the First Schedule details all the districts protected under the said Act.

[31] Tamil Nadu Veterinary and Animal Sciences University (Amendment) Bill, 2023 and the Tamil Nadu Fisheries University (Amendment) Bill, 2023.

[32] Tamil Nadu Government Servants (Conditions of Service) Amendment Act, 2023.

[33] The Tamil Nadu Repealing Act, 2023, repealed 169 legislations, The Tamil Nadu Repealing (Second) Act, 2023, repealed 175 legislations and The Tamil Nadu Repealing (Third) Act, 2023, repealed 16 legislations.

amending Acts; second, legislation that had become obsolete as they had been replaced by other legislation. For instance, it repealed the Tamil Nadu Right to Information Act of 1997 in light of the Union legislation covering the same. And lastly, legislations regarding land acquisition and control of certain lands dedicated for religious purposes (*imam land and pandaravaka* land).

Land Acquisition and Urban Planning

Two enactments are discussed in this section. The first one is the Tamil Nadu Town and Country Planning Act of 1971, which was amended to facilitate land pooling area development.[34] Under this scheme, a planning authority can develop land owned by private individuals and a portion of the land is transferred back to the original owners. While the rest is used for establishing common facilities and sale by the planning authority.

The second enactment is the Tamil Nadu Land Consolidation (for Special Projects) Act, 2023, which was passed without discussion, and there have been several protests against this enactment. This Act allows for an easier process by which private persons/companies can acquire government land if the state recognises it as a 'special project'.[35] Projects eligible for recognition as a 'special project' must be infrastructural, industrial, commercial or agricultural projects[36] which require over a hundred hectares of land. The hundred hectares mentioned above include land owned by the project proponent and the government which is sought to be acquired for the project.

Once the government notifies a project as a 'special project'[37]an expert committee prepares a draft land consolidation scheme, which is published as part of the public consultation process. 30 days after publication of the draft, the final land consolidation scheme is forwarded to the relevant authority, who may within two months approve the project with or without modifications.[38] It is pertinent to note that the relevant authority does not have the option of rejecting the land consolidation scheme and can only provide a mechanism to cancel it if the specified pre-conditions are not met.[39] So essentially, once the government recognises a project as a special project, 'the consolidated acquisition of land' is more or less

[34] Tamil Nadu Town and Country Planning (Third Amendment) Amendment Act, 2023, §2.
[35] Tamil Nadu Land Consolidation (for Special Projects) Act, 2023, §2(l).
[36] Id., §2(i).
[37] Id., §3.
[38] Id., §7(2).
[39] Id., § 7(3).

final. Furthermore, the government retains the power to call for records and pass orders that it deems fit at any stage of the process.[40]

Even though the Act prima facie contains provisions for the protection of water capacity on the project land, several people have voiced opinions that the protection afforded is insufficient and that the Act is intended to facilitate land acquisition by bypassing methods that are more stringent in the name of ease of business.[41]

Prohibition of Hookah

The State government had attempted to shut down or prevent several places of business that served 'hookah' in the State of Tamil Nadu. A business establishment challenged these actions as having no basis in law before the Madras High Court. In *Robustaa (Hyglow Cafe) v. The Commissioner, Corporation of Chennai*, the High Court found the State's actions to be unconstitutional as it was not backed by law. This judgment was appealed before the Supreme Court, which by a common judgment upheld the decision of the High Court.[42]

The Supreme Court held that the sale of hookah was regulated and not prohibited under 'The Cigarettes and Other Tobacco Products Act, 2003' (Hereinafter referred to as the 'COTPA'), and insofar as the conditions prescribed under the Act were followed, the establishments were at liberty to sell hookah. Following this precedent, the Madras High Court, on several subsequent instances, had restrained the state from shutting down establishments that sold hookah.[43]

Responding to this judicial interpretation, the assembly legislatively prohibited the sale of hookah by amending the central legislation, i.e. the COTPA and added Sections 4A and 21A vide the Tamil Nadu Amendment Act, 2022. This amendment was approved by the President of India on 21st June 2023. The constitutionality of this amendment has been challenged before the High Court in *Coin Cafe Restaurant v. The Chief Secretary to the Government*.[44] The petitioners argue that the State did not have the legislative competence to legislate on tobacco as it falls under the exclusive competence of the Union

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[40] Id., §9.

[41] The Times of India, *Why New Land Bill Threatens Waterways, and Human Rights*, June 7, 2023, available at https://timesofindia.indiatimes.com/city/chennai/why-new-land-bill-threatens-waterways-and-human-rights/articleshow/100806952.cms (last visited on June 22, 2024).

[42] 2014 INSC 844.

[43] Jay Shah v. Commissioner of Police, Chennai, Crl. O.P. No. 31460 of 2022 (Mad. H.C.), Aariyan Foods vs The Commissioner Of Police, W.P. No.18608 of 2021 (Mad. H.C.), Billionaire Brothers vs The Commissioner Of Police, W.P. No. 6567 of 2022 (Mad. H.C.), Cuisines Private Limited vs The Commissioner Of Police, W.P. No. 20180 of 2022 (Mad. H.C.), etc.,

[44] W.P. No. 5853 of 2024 (Mad. H.C.).

Government.[45] The High Court has issued notice to the state in the said petition, and the matter is pending before the Court.

Prohibition of Gambling

The State had earlier attempted to prohibit online betting and gambling by way of legislation, which was passed in 2021;[46] this statute prohibited all forms of online betting and gambling, including 'rummy' and 'poker'. The legislation was challenged before the Madras High Court in *Junglee Games India Pvt. Ltd. v. State of Tamil Nadu*.[47]

The crux of the challenge was that the prohibition of 'rummy' and 'poker' was constitutionally invalid. The Supreme Court, in the RMDC cases,[48] had held that 'games of skill' could not be prohibited, whereas 'games purely based on chance' could be prohibited/regulated. The petitioners argued that 'rummy' and 'poker' are games of skill. They relied on observations of the Supreme Court in *State of Andhra Pradesh v. K. Satyanarayana*,[49] and the 276th Law Commission report, both of which had observed that 'rummy' and 'poker' were games of skill.

The Madras High Court, while examining the above law, held that the law was too broad as it banned 'games of skill' such as rummy and poker. It held that the legislation failed to meet the test of proportionality as the state had no data to show that such a wide ban was necessary and struck down the legislation as the state had not employed the least intrusive measure.

The government responded by constituting a committee headed by K. Chandru (Former Judge of the Madras High Court) and, based on the recommendations of the committee, promulgated the Tamil Nadu Prohibition of Online Gambling and Regulation of Online Games Ordinance, 2022, and subsequently sought to replace the ordinance with the legislation which was *pari materia* with the ordinance. The Governor, in the first instance, refused to assent to the legislation and returned the bill after 131 days with a note that he had not assented to the Bill as its constitutionality was suspect.

The assembly reconsidered the bill on 23 March, 2023, and forwarded it to the governor for his assent without any modification. The governor, on 7 April, 2023, assented to adopting

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[45] The Constitution of India, 1950, Schedule VII, Entry 84.
[46] Tamil Nadu Gaming and Police Laws (Amendment) Act, 2021, amending the Tamil Nadu Gaming Act, 1930.
[47] W.P. No. 18022 of 2020 (Mad. H.C.).
[48] State of Bombay v. RMD Chamarbaugwala, AIR 1957 SC 699 and R.M.D. Chamarbaugwala v. Union of India, AIR 1957 SC 628.
[49] State of Andhra Pradesh v. K. Satyanarayana, AIR 1968 SC 825 at Paragraph 12.

The Tamil Nadu Prohibition of Online Gambling and Regulation of Online Games Act, 2022, and it came into force on 21 April, 2023.

The entirety of the statute was challenged before the Madras High Court in *All India Gaming Federation v. The State of Tamil Nadu*[50] on the grounds that the legislation was over broad because it prohibited betting on 'games of skill' such as 'rummy' and 'poker'. The Court, vide its judgment dated 9 November, 2023, agreed with the petitioners and read down sections 2(i) and 2(l)(iv), thereby restricting the ambit of the Act to prohibiting gambling only on games of chance and not games of skill. Thus, it held that 'games of skill', which in the court's opinion includes 'rummy' and 'poker', cannot be prohibited by the state but can only be regulated.

The State of Tamil Nadu filed a special leave appeal against the decision in the Supreme Court and the apex court has issued notice in the matter.[51] It's pertinent to note that this is the second time that the TNLA legislation attempting to prohibit online rummy and poker has been struck down by the Madras High Court.

Resolutions by the TNLA

In accordance with Article 176, the inaugural sitting of the Assembly in the year starts with the Governor's address. It is a long-standing convention that the government prepares the address. The TNLA's inaugural sitting witnessed the Governor, TN Ravi, deviating from the text which the government had prepared. The Chief Minister disapproved of the deviation, which led to the Governor walking out of the Assembly session.[52] The strained relationship between the government and TNLA impacted the legislative functions of the Assembly as the Governor withheld assent for Bills. The TNLA initially adopted a resolution urging the Centre to direct the governor to grant assent, and subsequently also filed a petition to the Supreme Court urging it to issue guidelines.[53]

The other notable resolutions where the TNLA urged the centre to act were a) directing Karnataka to release Cauvery water,[54] b) Demanding that the Centre expand the

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[50] All India Gaming Federation v. The State of Tamil Nadu, W.P. No.13203 of 2023 (Mad. H.C.).
[51] SLP(C). 1588/2024 (S.C.) (Pending).
[52] The Hindu, *Tamil Nadu Governor R.N. Ravi walks out of House as Chief Minister M.K. Stalin objects to deviation from speech*, January 9, 2023, available at https://www.thehindu.com/news/national/tamil-nadu/at-first-tn-assembly-session-of-2023-a-governor-vs-cm-face-off/article66356004.ece (last visited on June 22, 2024).
[53] State of Tamil Nadu v. The Governor of Tamil Nadu, W.P. (C) No. 1239 of 2023 (S.C.) (pending).
[54] The Hindu, *T.N. Assembly adopts resolution urging Centre to direct Karnataka to release Cauvery water*, October 9, 2023, available at https://www.thehindu.com/news/national/tamil-nadu/tn-assembly-adopts-resolution-urging-centre-to-direct-karnataka-to-release-cauvery-water/article67398918.ece (last visited on June 22, 2024).

reservations provided to Schedule Caste communities to people who have converted,[55] (On both of these occasions, BJP members of the house staged a walkout.) c) Demanding that the CRPF exams be conducted in Tamil .[56]

Conclusion

In conclusion, I draw attention to two significant features. Firstly, in quantitative terms, the TNLA has spent very little time on the discussion and deliberation of Bills. Despite that, the opposition and the allies have still managed to play some role in the Assembly. They were able to force the Government to withdraw the amendment to the Factories Act, but could not get the assembly to deliberate on the controversial Land Consolidation Act.

Secondly, TNLA has continued to play a significant role in furthering federal principles. It has resolved to no longer use the phrase 'central government' and has consistently used the phrase 'union government' to draw attention to the federal nature of our polity. The strained relationship between the governor and the assembly, as evidenced by issues relating to the content of the inaugural address and the delay in assenting to bills, has raised important federal concerns.

[55] The Hindu, *Tamil Nadu Assembly adopts resolution urging Centre to extend reservations to Dalit Christians*, April 19, 2023, available at https://www.thehindu.com/news/national/tamil-nadu/tamil-nadu-assembly-adopts-resolution-urging-centre-to-extend-reservations-to-christian-adi-dravidars/article66754950.ece (last visited on June 22, 2024).

[56] The Hindu, *Tamil Nadu CM Stalin writes to Amit Shah for including Tamil and other regional languages in CRPF recruitment test*, April 9, 2023, available at https://www.thehindu.com/news/national/stalin-writes-to-amit-shah-for-including-tamil-and-other-regional-languages-in-crpf-recruitment-test/article66716547.ece (last visited on June 22, 2024).

TELANGANA

AYMEN MOHAMMED*

Background

The legislature of Telangana is bicameral. The state saw elections later in the year that brought to power the Congress party. These were the third elections since the state's formation in 2014. It was the first time that a party other than the Bharat Rashtra Samiti came to power.

Telangana's lawmaking activity in 2023 was overshadowed by the tussle between the government and the Governor. The year's first session, where the government intended to present the budget exemplified the strained relationship between the governor and the government. In the previous year, the government had bypassed the need for a governor's address, as required by Article 176, by simply adjourning the previous sitting rather than proroguing it.[1] This time, when the government sought to do the same, the governor delayed the approval of the budget's introduction in the Assembly. A Money Bill requires prior gubernatorial approval before it is introduced in the legislature.[2] The government moved to the High Court seeking directions to the governor to approve the budget. Upon the Court's insistence, lawyers for both parties agreed to have a Governor's Address and the budget was subsequently approved.[3] Gubernatorial delay, strained governor-government relations, and the involvement of courts: all of these issues would recur again later in the year.

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[1] *Telangana: Governor's address to Assembly in its present term unlikely*, *The Times of India* (Hyderabad), May 13, 2022 https://timesofindia.indiatimes.com/city/hyderabad/telangana-governors-address-to-assembly-in-its-present-term-unlikely/articleshow/91528487.cms (Last visited on August 25, 2025).

[2] The Constitution of India, art. 207.

[3] Rakesh Rai, Crisis averted: Telangana budget session to begin with Guv's address, THE STATESMAN, February 2, 2023, available at: https://www.thestatesman.com/india/crisis-averted-telangana-budget-session-to-begin-with-guvs-address-1503151061.html (Last visited on August 25, 2025)..

For the survey of statutory instruments, the bills on Telangana Legislature website were the primary source.[4] These Bills and Acts had to be crosschecked with court orders and news reports in order to contextualise their legislative status. For the survey on executive lawmaking, the primary source was the state government's register of government orders[5] and the Telangana gazette website.[6] A significant challenge in this regard was the untraceability of previous government orders and rules. This was further complicated by the fact that the state was bifurcated and most extant rules are adaptations of delegated legislation from the undivided state. The online archive of government orders only starts from 2008. Every effort has been made to contextualise those executive instruments that substantially refer to prior instruments. Furthermore, wherever possible, connections between the Union's legislative agenda and state's own lawmaking have been drawn.

Functioning of the State Legislature: Statistics

The Legislative Assembly met twice in 2023 for its eighth session. Technically, the eighth session began in September 2021 and lasted all the way till August 2023 since the session was never prorogued. In the two meetings in 2023, a total of 83 hours and 10 minutes were spent by the legislature over 11 days. A total of 13 Bills were introduced and passed, in addition to four that were reconsidered and passed.[7] The Assembly adopted one resolution seeking inclusion of 10 groups in the Scheduled Tribes list.[8] Following elections, the new Assembly met for a brief session of 26 hours and 33 minutes, spread over six days.[9] No legislation was passed in this session.

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[4] Telangana Legislature Portal, available at: https://legislature.telangana.gov.in/main (Last visited on August 25, 2025).

[5] GOIR Telangana Portal, available at: https://goir.telangana.gov.in/ (Last visited on August 25, 2025).

[6] Telangana Gazette, available at: https://tggazette.cgg.gov.in/ (Last visited on August 25, 2025).

[7] Second Telangana Legislative Assembly, Statistics for the Fourth and Fifth Meetings of the Eighth Session from February 3 2023 to February 12 2023 and August 3 2023 to August 6 2023 respectively, available at: https://rr-legislature.telangana.gov.in/PreviewPage.do?q=ZmlsZVBhdGg9YmFzZVBhdGgmZmlsZU5hbWU9U3RhdGlzdGljcy9Bc3NlbWJseS9BU1NFTUJMWV9Bc3NlbWJseSBTdGF0aXN0aWNzXzEyXzQucGRm (Last visited on August 25, 2025).

[8] Telangana Legislative Assembly: Assembly adopts resolution seeking inclusion of 10 castes in ST list, THE HINDU, February 10, 2023, available at: https://www.thehindu.com/news/national/telangana/assembly-adopts-resolution-seeking-inclusion-of-10-castes-in-st-list/article66493854.ece (Last visited on August 25, 2025).

[9] Third Telangana Legislative Assembly, Statistics for the First Session from December 9 2023 to December 21 2023. Available at: https://rr-legislature.telangana.gov.in/PreviewPage.do?q=ZmlsZVBhdGg9YmFzZVBhdGgmZmlsZU5hbWU9U3RhdGlzdGljcy9Bc3NlbWJseS9TdGF0aXN0aWNzX2luX1BvcnRhbF9Bc3NlbWJseV9Bc3NlbWJseSBTdGF0aXN0aWNzXzFfMS5wZGY= (last visited: August 25, 2025)

At 10 PM on 4 August, the Speaker of the Legislative Assembly had informed the House that the Governor had returned four Bills, with three messages. The House then reconsidered and passed the bills on the same day and without any changes. A member of the House joked that extending the time of the House to pass the bills violated the 8-hour work rule. Ironically, the House had passed the Factories (Telangana Amendment) Bill, 2023 on the same day. The bill increased the maximum permissible quarterly overtime for workers.[10]

The Legislative Council met thrice in 2023 for a total of 47 hours and ten minutes over 10 days. 13 Bills were passed and one resolution was adopted.[11]

Gubernatorial Refusal: A Very Short Introduction

On 20 March 2023, the state government moved the Supreme Court against the governor's delay in granting assent to ten bills that were pending before the governor.[12] Of these, seven were originally passed in 2022, and three in 2023. In April 2023, the Supreme Court recorded the status of the bills before the governor as follows: three bills had been granted assent, two bills were reserved for presidential assent under Article 200, and three other bills were under "active consideration of the Governor." Another bill was also pending, but the governor had sought "certain clarifications" on it. Lastly, one other bill was supposedly not submitted to the governor for assent.[13]

On the next hearing, on 24 April, the governor's office informed the Supreme Court that two pending bills were returned for reconsideration of the legislature, and that the governor had sought "clarifications" or "additional information" for two other bills. According to the governor's office, no more bills were pending with the governor. Following this, the Supreme Court disposed of the petition.[14] In its order, the Court observed that the phrase "as soon as

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[10] Telangana Assembly passes four bills returned by governor with voice vote, THE HINDU, August 5, 2023, available at: https://web.archive.org/web/20230805120845/https://www.thehindu.com/news/national/telangana/telangana-assembly-passes-four-bills-returned-by-governor-with-voice-vote/article67161280.ece (Last visited on August 25, 2025).

[11] Telangana Legislative Council, Statistics for the Fourth (February 3 2023 to February 12 2023) and Fifth Meeting of the Eighteenth Session (August 3 2023 to August 6 2023), Nineteenth Session (December 16, 2023). Available at: https://legislature.telangana.gov.in/statistics (last visited: August 25, 2025).

[12] *Writ Petition (Civil) No. 333 of 2023*, Supreme Court of India, Order dated March 20, 2023.

[13] *Writ Petition (Civil) No. 333 of 2023*, Supreme Court of India, Order dated April 10, 2023.

[14] Padmakshi Sharma, Governors should decide on bills 'as soon as possible,' Supreme Court observes in Telangana government's plea against Governor, LIVE LAW, April 24, 2023, available at: https://www.livelaw.in/top-stories/governors-should-decide-on-bills-as-soon-as-possible-supreme-court-observes-in-telangana-governments-plea-against-governor-227078 (Last visited on August 25, 2025).

possible" used in Article 200 has "significant constitutional content" that must be borne in mind.[15] Nonetheless, it is unclear how bills for which clarifications or additional information were sought, could be claimed to be bills that were not "pending" before the governor.

Regardless, the two bills on which clarifications or additional information were sought were also rejected by the Governor.[16] As of 11 July, three of the pending bills were granted assent; four were rejected; two were sent for Presidential consideration and one presumably was not submitted properly to the governor.

Quantitative Survey

In total, the Telangana legislature passed a total of 16 bills. 12 of these were new bills. Additionally, four bills that were rejected by the governor were reconsidered and passed by the legislature. Three of the rejected bills had been passed originally in 2022, and one had been passed in 2023. Twelve of the sixteen bills—including one that was reconsidered and passed in 2023—were passed between 4 August and 6 August, 2023. Five of them were passed in February 2023. The Governor granted assent to only five bills. Two of these bills were Appropriation Bills, and one was a bill that was originally passed in 2022. The bill passed in 2022 is also briefly discussed in this survey since it came into force in the survey year.

Quantitative Summary of Legislative Output in 2023

New Bills Passed	12
Bills Passed and Reconsidered in 2023	1
Bills Passed in 2022 and reconsidered in 2023	2
Bills granted assent by the governor	5

Qualitative Survey

The bills discussed here are of a substantive nature. Therefore, the two Appropriation Bills[17] are excluded from the survey. The other bills fall in the following categories: Universities and Education, Public Employment, Taxation and Local Body Governance. Besides this, two

[15] 2023 Livelaw (SC) 356

[16] Srinivasa Rao Apparasu, No bill pending with Telangana governor's office: Tamilisai, HINDUSTAN TIMES, July 11, 2023, available at: https://www.hindustantimes.com/india-news/telangana-governor-denies-sitting-over-faculty-recruitment-bill-amidst-allegations-by-state-minister-101689016431286.html (Last visited on August 25, 2025).

[17] *Telangana Appropriation Act, 2023*, Act No. 2 of 2023 and *Telangana Appropriation (No. 2) Act, 2023*, Act No. 3 of 2023.

other Bills discussed are titled as miscellaneous since they are not covered by any one theme.

Thematic Quantification of Legislative Output

Legislative Theme	Number of Legislation
Local Body Governance	6
Educational Institutions	3
Public Employment	2
Taxation	2
Miscellaneous	2

Educational Institutions

The legislation in this section is broadly covered by the Entry 25 of the Concurrent List, which refers to "education....including universities."

The Telangana State Private Universities (Establishment and Regulation) (Amendment) Bill was originally introduced in 2022 but reconsidered and passed by the Assembly in August 2023. The bill[18] did not receive the governor's assent in 2023. The bill amended the schedule of the principal Act[19] to include five private universities that were approved by the government. Section 3 of the principal Act allows the government to "permit" the establishment of private universities by including their name in the schedule to the Act.

The second Bill, the Professor Jayashankar Telangana State Agricultural University (Amendment) Bill, 2023[20] amended the principal Act.[21] The principal Act did not have any provision for the affiliation of colleges to the university, it only allowed for the establishment or maintenance of "University colleges."[22] Therefore, the bill empowers the university to affiliate or recognise "wholly Government owned colleges and Institutions" as well as to withdraw such affiliation or recognition for colleges[23] In addition to Entry 25 of the

[18] L.A. Bill No. 12 passed in Legislative Assembly on August 4, 2023 and by the Legislative Council on August 5, 2023.
[19] *The Telangana State Private Universities (Establishment and Regulation) Act, 2018*, Act 11 of 2018.
[20] L.A. Bill No. 1 of 2023 passed in legislative assembly on February 11 and legislative council on February 12. The bill received gubernatorial assent on April 7 2023.
[21] *Act No. 24 of 1963*.
[22] See, section 2(p) of the principal Act.
[23] Section 3 of the amending Act.

Concurrent List, "agriculture" is a state subject and includes "agricultural education and research."[24]

Although not *solely* educational, the Telangana Institute of Medical Sciences Bill, 2023's[25] emphasises on post-graduate studies which makes education the appropriate theme to deliberate on it . The bill established the Telangana Institute of Medical Sciences (*TIMS*). Section 13 of the bill states that TIMS's objectives are to take up post-graduate medical education, to "bring together [...] educational facilities of the highest order" for training healthcare personnel and to "attain self-sufficiency in post-graduate medical education." The bill enables the government to notify the setting up of such other institutes. The government had already notified the construction of four TIMS super-specialty hospitals in the "four corners" of Hyderabad city.[26] This bill was meant to provide the Institute with statutory powers to award degrees,[27] establish and maintain colleges, hospitals and organisations for field training.[28] Medical education is specified in Entry 25 of the Concurrent List, and "public health and sanitation; hospitals and dispensaries" is covered under Entry 6 of the State List.

Local Body Governance

A total of six statutes connected with Municipalities and Panchayat Raj were passed in 2023. Local government is in the exclusive competence of the states.[29] Furthermore, parts IX and IXA of the Constitution delineate the state legislature's powers with respect to the constitution and composition of panchayats and municipalities respectively. The first of the bills passed on the subject-matter, the Telangana Municipal Laws (Amendment) Bill, 2022[30] was passed in 2022 but rejected by the governor. Subsequently, it was reconsidered by the legislature and passed in August 2023.[31] It did not receive gubernatorial assent till the end of 2023. The bill made many substantive changes to the Greater Hyderabad Municipal Corporation Act, 1955[32] and the Telangana Municipalities Act, 2019. The most significant

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[24] The Constitution of India, Sch. VII, List II, Entry 14.
[25] L.A. Bill No. 6 of 2023; Act No. 9 of 2024.
[26] IANS, CM KCR lays foundation for three TIMS hospitals in Hyderabad, THE NEWS MINUTE, April 26, 2022, available at: https://www.thenewsminute.com/telangana/cm-kcr-lays-foundation-three-tims-hospitals-hyderabad-163293 (Last visited on August 25, 2025).
[27] Sections 14(8) and 24 of the act.
[28] Section 14(6) of the act.
[29] The Constitution of India, Sch. VII, List II, Entry 5.
[30] L. A. Bill No. 7 of 2022.
[31] First passed in the Legislative Assembly on September 12, 2022 and in the Legislative Council on September 13, 2022. Reconsidered and passed in the Legislative Assembly August 4, 2023 and Legislative Council on August 5, 2023.
[32] *Act No. II of 1956*.

of these was the change in the duration of the cooling-off period during which time a no-confidence motion against Chairpersons/Vice-Chairpersons could not be moved.[33]

The principal act bars members from moving a no-confidence motion for three years from the date on which such a person assumes office. The amending Bill increases this period to four years. The government justified this change on two grounds: first, to ensure parity between urban and rural local bodies, since the latter has a four-year cooling-off period. Second, because in most instances, the reason why such no-confidence motions were being moved is to "use it as a leverage to threaten or blackmail the existing incumbents." The bill's Statement of Objects and Reasons (*Statement*) acknowledges that many councillors/corporators were "gearing" to move no-confidence motions against incumbents. Since , the *Statement as drafted by the party in power it does not* mention that a vast majority of incumbents, and the councillors/corporators belonged to the ruling Bharat Rashtra Samithi.[34]

Other changes pertained to increasing the number of co-opted members. In the case of the Greater Hyderabad Municipal Corporation (*GHMC*), three of the five co-opted members were to be persons having "special knowledge or experience in Municipal Administration," of which, one was to be a woman. This number was increased to nine, and the number of women was increased from one to five. The other two co-opted members under the principal Act were to "belong to the minorities," of which one was to be a woman. This was increased to six, of which three were to be women. The principal Act does not provide any guidance as to which groups count as "minorities."

The number of co-opted members – non-voting members – was increased on the grounds that the number of GHMC's elected members had increased, and it governed a larger area and population. However, the number of co-opted members had not been increased proportionately.[35] A similar justification was used to increase the number of co-opted members in other Municipal Corporations constituted under the Telangana Municipalities Act, 2019. Furthermore, the principal act was amended to include the ex-officio Rajya Sabha member of the Municipal Corporation/Council as part of the electoral college that elects the Chairperson/Vice-Chairperson.

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[33] See, Section 37 of the *Telangana Municipalities Act, 2019*, Act No. 11 of 2019.

[34] N.Rahul, TRS chairpersons in 110 out of 118 municipalities, 27 January 2020, available at: https://www.thehindu.com/news/national/telangana/trs-chairpersons-in-110-out-of-118-municipalities/article30668163.ece (Last visited on August 25, 2025).

[35] Statement of Objects and Reasons, L.A. Bill No. 7 of 2022.

Another amendment to the 2019 Act clarified the scope of the State Election Commission's powers to requisition premises for storage of EVMs, election material and accommodation of personnel. This amendment was in line with a similar amendment to the Representation of the People Act, 1951,[36] and was made on the recommendation of the State Election Commission.

Three bills pertaining to Panchayat Raj, and two bills pertaining to municipalities were also passed.[37] These bills dealt with demarcation and reorganisation of areas and the constitution of local self-government institutions.

This hectic lawmaking in the field of local self-government was primarily about the demarcation and reorganisation of territories. This lawmaking also corresponds to a similar trend in executive lawmaking, where a significant amount of administrative boundary-making and renaming occurred through executive fiat. These trends are documented in the subsequent sections of this chapter.

Taxation

The principles on the basis of which taxes may be levied on "mechanically propelled vehicles" is a subject in the concurrent list .[38] However, the imposition of the tax on vehicles itself is within the exclusive competence of the states.[39] The Telangana Motor Vehicles Taxation (Amendment) Act, 2022[40] was passed by the state legislature in 2022 but only received gubernatorial assent in 2023. The principal Act empowered the government to amend the Schedules to the Act by issuing an order. The order is required to be laid on the table of the legislature and allows the legislature to amend or modify the order. In its *Statement* the government argued that this process was cumbersome. Therefore, the amending Act removes the power of modification and only requires that the order be laid on the table of the legislature.

Article 246A empowers states to impose tax on goods and services subject to the exclusive power of Parliament to make laws with respect to inter-state supply of goods and services.[41]

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[36] Section 160, Representation of the People Act, 1950 (Act No. 43 of 51)

[37] Telangana Municipalities (Amendment) Act, 2023 L.A. Bill No. 3 of 2023; *Act No. 5 of 2023*. Panchayat Raj (Amendment) Bill, 2023 L.A. Bill No. 2 of 2023; *Act No. 6 of 2024*. The Panchayat Raj (Second Amendment) Bill, 2023 L.A. Bill No. 10 of 2023; *Act No. 7 of 2024*. Telangana Panchayat Raj (Third Amendment) Bill, 2023 L.A. Bill No. 12 of 2023.

[38] The Constitution of India, Sch. VII, Concurrent List, Entry 35.

[39] The Constitution of India, Sch. VII, State List, Entry 57.

[40] L.A. Bill No. 11 of 2022; *Act No. 6 of 2023*.

[41] On legislative competence and GST, See also *Union of India v. Mohit Minerals*, (2022) 10 SCC 700.

The Telangana Goods and Services Tax (Amendment) Bill, 2023[42], was passed on 5 August 2023 and 6 August 2023 in the assembly and council respectively. It did not receive assent in 2023. The bill made several changes to the principal Act.[43] This survey outlines the most significant changes from the point of view of compliance. Firstly, the bill empowered the government to specify classes of persons who may be exempted from mandatory registration under Section 23 of the Act. Furthermore, a new deadline of three years has been introduced for furnishing certain details and returns. The bill penalises electronic commerce operators if they allow unregistered or ineligible persons to sell goods or services through their platforms.

An enabling provision allows the GST portal to share tax information of registered businesses, with other systems, provided that the consent of the supplier and recipient has been taken.[44] Certain clarifications were made to the input tax credit regime as well.[45] Accessing the compounding process was eased by reducing the minimum and maximum compounding amounts. Furthermore, certain offences have been decriminalised. That is, the punishment has been restricted to fines only and the provision for imprisonment has been deleted.[46]

The most substantive revision pertained to the dispute resolution mechanism. Following the GST Council's advice to States in April 2023[47] to bring the e GST laws of the State in consonance with the amendments carried out to the Central GST Act, 2017.[48] The advice pertained to the Council's decision to constitute a GST Appellate Tribunal (*GSTAT*) with State Benches. The GSTAT's State Benches would hear appeals from decisions taken by the Appellate Authority or the Revisional Authority.[49] Among other things, the phrase "National or Regional Benches" was replaced with "Principal Bench." Under the Central GST Act, the Principal Bench would have exclusive jurisdiction to hear disputes that involve a question on the place of supply or antiprofiteering.[50]

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[42] L.A. Bill No. 9 of 2023; *Act No. 4 of 2024*.
[43] Act No. 23 of 2017
[44] See Clause 23 of the amending Bill.
[45] See Clauses 3 and 4(b) of the amending Bill.
[46] Clause 21 of the amending Bill.
[47]GST Council, Agenda Item 1 (for Agenda Volume-II), available at: https://gstcouncil.gov.in/sites/default/files/Agenda/Part_of_Annexur_A_Agenda_Item_1_(for_Agenda_Volume-II).pdf.
[48] *Act No. 12 of 2017*. See also *Finance Act, 2023*, Act No. 8 of 2023, ss. 149-159.
See, clause 14 of the amending Bill.
[49] See, clause 14 of the amending Bill.
[50] Section 109 of the CGST Act, 2017.

Public Employment

The **Telangana Public Employment (Regulation of Age Of Superannuation) (Amendment) Bill, 2022** was first passed in 2022, and after rejection reconsidered and passed in August 2023.[51] The bill increased the retirement age for Director and Additional Director of Medical Education from 61 years to 65. In the *Statement*, the government argued that this was necessitated because the retirement age for posts subordinate to the abovementioned posts ("feeder category") was 65. Thus, professors who would otherwise be eligible for promotion to the posts were not "evincing interest" since it would result in their premature retirement.

As its name suggests, the Telangana State Road Transport Corporation (Absorption Of Employees into Government Service) Act, 2023[52] changed the status of the corporation's employees to one of government employees. The demand for absorption can be traced to 2013.[53] Subsequently, in October-November 2019, an estimated 48000 TSRTC workers struck work for 52 days demanding a merger.[54] The demand for a merger was rejected by the Chief Minister at that time. However, the government seemed to have changed its stance on 31 July, 2023, when the bill was cleared by the cabinet. Since this was a money bill, it required the prior recommendation of the governor before it could be introduced in the legislature.[55] The then workers of the corporation struck work and protested against the governor's "delay" in making the recommendation.[56] The recommendation happened four days after the governor received the bill.[57] It received gubernatorial assent on 14 September 2023. The Act was necessary because the state has a statutory prohibition on the

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[51] Reconsidered and passed in Assembly on August 4, 2023 in the Council on August 5 2023. L.A. Bill No. 8 OF 2022; Act No. 10 of 2024.

[52] L.A. Bill. No.11 of 2023; *Act No. 7 of 2023*.

[53] Donita Jose, Not new, merger with state talks began back in October 2013: TSRTC union leaders, THE NEW INDIAN EXPRESS, October 16, 2019, available at: https://www.newindianexpress.com/cities/hyderabad/2019/Oct/16/not-new-merger-with-state-talks-began-back-in-october-2013-tsrtc-union-leaders-2048220.html (Last visited on August 25, 2025).

[54] Amarnath K. Menon, Why KCR agreed to take 43,000 road transport workers on Telangana rolls, INDIA TODAY, August 2, 2023, available at: https://www.indiatoday.in/india-today-insight/story/why-kcr-agreed-to-take-43000-road-transport-workers-on-telangana-rolls-2415265-2023-08-02 (Last visited on August 25, 2025).

[55] See, Article 207 of the Constitution of India.

[56] Srinivasa Rao Apparasu, TSRTC workers protest against Telangana governor's delay in clearing draft bill, HINDUSTAN TIMES, August 6, 2023, available at: https://www.hindustantimes.com/india-news/telangana-government-and-state-governor-in-battle-over-merger-of-tsrtc-with-government-rtc-employees-hold-strike-101691262074629.html (Last visited on August 25, 2025).

[57] IANS, Telangana Guv assents to TSRTC bill, 43,000 employees to be part of state govt, THE NEWS MINUTE, September 14, 2023, available at: https://www.thenewsminute.com/telangana/telangana-guv-assents-to-tsrtc-bill-43000-employees-to-be-part-of-state-govt (Last visited on August 25, 2025).

absorption of employees of state corporations into public service, especially on grounds that their employer-corporations are financially sick.[58] The demand for a merger was primarily aimed at ensuring parity with government employees in conditions of service.[59] Interestingly, the statute treats the employees as a separate class: the merged employees would continue to be governed by the rules with which they were previously governed,[60] the government may frame separate regulations specifically for the absorbed employees and pending disciplinary proceedings would continue to be valid.[61] In the *Statement*, the government said that the merger would be on an 'as-is basis.'

Other Legislation

The Telangana State Minorities Commission (Amendment) Bill, 2023[62] amended the Act to include adherents of Jainism as a minority community, and to mandate that they be represented in the composition of the State Minorities Commission.

The Factories (Telangana Amendment) Bill, 2023[63] dilutes worker-safety protections provided by the principal Act. Section 65 of the principal Act[64] bars the government using its exemption powers to allow for overtime work to exceed 75 hours per quarter. This bill increases it to one 156 hours. This bill has its antecedents in the two parliamentary bills in 2014 and 2016 that proposed, among other things, a discretionary power to increase overtime, and to permit women workers to work before 9 AM and after 7 PM. The Union government's justification for allowing increased quarterly limits on overtime is to "allow" workers a chance to "work more to earn more."[65] The fact that these two changes have now been introduced through state amendments indicates an evolving federal consensus on labour protections.

The principal Act provides some additional safeguards for women workers. Firstly, women workers cannot be allowed to work for longer than nine hours in a day. Secondly, women

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[58] *The Telangana Prohibition of Absorption of Employees of State Government Public Sector Undertakings into Public Service Act, 1997*, Act No. 14 of 1997.

[59] Srinivasa Rao Apparasu, Over TSRTC strike: KCR orders dismissal of over 48,000 RTC employees, HINDUSTAN TIMES, October 6, 2019, available at: http://hindustantimes.com/south/over-tsrtc-strike-kcr-orders-dismissal-of-over-48-000-rtc-employees/story-HTJ1fHQruzPRBMS135MHpM.html(Last visited on August 25, 2025).

[60] Section 3 of Act No. 14 of 1997.

[61] Section 5 of *ibid*.

[62] L.A. Bill No. 8 of 2023; *Act No. 3 of 2024*.

[63] L.A. Bill No. 8 of 2023, passed in the Assembly on August 8, 2023 and in the Council on August 5, 2023.

[64] *Act No. 63* of *1948*.

[65] Suman N., Factories bill doubling workers' overtime receives flak, THE NEW INDIAN EXPRESS, August 15, 2016, available at: https://www.newindianexpress.com/states/telangana/2016/Aug/15/factories-bill-doubling-workers-overtime-receives-flak-1509395.html (Last visited on August 25, 2025).

workers cannot be "allowed or required" to work in factories except between 9 AM and 7 PM. The amending bill replaces this section completely. The substituted clause allows women workers to work "before 6 AM and beyond 7 PM" provided that certain additional "conditions" are met. These "conditions" include consent of the women workers, compliance with maternity benefit and anti-sexual harassment laws, provision of transportation facilities, CCTV surveillance, "safe, secure and healthy working conditions," etc. There is also a vague prohibition on employing a "single woman" in "any room or place." Such conditions do not account for the power disparity between an individual worker and their employer. In the absence of safeguards against abuse of power, it is highly unlikely that women workers would be in a position to refuse consent, without risking their employment. Similarly, exercising a right to complain without a safeguard against victimisation or reprisals would make this "condition" a mere formality.

Since the bill amended the Union's legislation, it was required that the Governor reserve it for presidential assent under Article 254(2) of the Constitution. In all likelihood, the bill was not reserved for presidential assent till the end of the year.[66]

Executive Lawmaking

In scoping the survey, routine administrative actions – such as appointments/transfers of employees, public procurement, tax administration, sanctioning of funds – have been excluded. The executive instruments surveyed here are those that were found to be frequent, or those that involved rulemaking, or those that exercised statutory powers of dilutions or exemptions.

Boundary-Making and Jurisdictions

Extensive changes were made to the state's administrative boundaries. New revenue mandals[67] and divisions[68] were formed, district boundaries were altered and villages were transferred.[69] Agricultural Market Committees (AMCs) for various areas were constituted.[70]

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[66] LOK SABHA, 17, 14th Session, Unstarred Question No. 1505, December 12, 2023, available at: https://sansad.in/getFile/loksabhaquestions/annex/1714/AU1505.pdf?source=pqals (Last visited on August 25, 2025).

[67] Revenue, G.O.Ms.No.38 (April 18, 2023); G.O.Ms.No.73 (June 28, 2023); G.O.Ms.No.126 (August 28, 2023); G.O.Ms.No.134 (September 04, 2023); , G.O.Ms.No.141 (September 25, 2023); G.O.Ms.No.145 (September 27, 2023); G.O.Ms.No.147 (October 03, 2023); G.O.Ms.No.151 (October 06, 2023).

[68] Revenue, G.O.Ms.No.144 (September 27, 2023); G.O.Ms.No.159 (October 07, 2023).

[69] Revenue, G.O.Ms.No.17, (February 20, 2023); G.O.Ms.No.71, (June 26, 2023).

[70] Agriculture And Co-Operation (A&C), No. 80, G-22 (April 11, 2023); No. 86, G-39 (April 20, 2023); No. 94, G-81 (May 7, 2023); No. 111, G-137 (June 2, 2023); No. 115, G-154 (June 9, 2023); No. 138, G-211 (July 8,

New notified areas were declared for AMCs by separating them from existing ones.[71] Similarly "factory zones" were allotted to private players for the purchase of oil palm fresh fruit branches and other oil palm products[72] Jurisdictions of factory inspectors were also realigned.[73]

Land

Government land was alienated and transferred between departments, to private parties (on payment), for religious development (to the Endowments department) and for "community bhawans," for specific caste groups.[74] Substantial land use changes were also carried out. Open space lands were converted to commercial and open space and buffer zones were converted to residential use.[75]

The government exempted various projects from social impact assessments and prohibition on acquiring multi-crop irrigated land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Telangana Amendment) Act, 2017.[76] A large number of notifications also pertain to forest land. Notifications were issued diverting forest land for the laying of fibre-optic internet cables

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2023); No. 143, G-229 (July 15, 2023); No. 163, G-303 (August 24, 2023); No. 170, G-318 (August 31, 2023); G.O.Ms.No. 37 (September 14, 2023).

[71] A&C, G.O.Ms.No. 15 (April 17, 2023); G.O.Ms.No. 33 (August 26, 2023); G.O.Ms.No. 37 (September 14, 2023).

[72] A&C No. 130-B, G-226 (July 4, 2023).

[73] Labour Employment and Training Department (LETF), G.O.Ms.No. 9; G.O.Ms.No. 10 (April 27, 2023).

[74] Revenue, G.O.Ms.No. 21 (March 1, 2023); G.O.Ms.No. 32 (March 31, 2023); G.O.Ms.No. 75 (July 3, 2023); G.O.Ms.No. 165 (December 18, 2023); G.O.Ms.No. 166 (December 22, 2023); Municipal Administration & Urban Development (MAUD), G.O.Ms. No.1 (January 6, 2023).

[75] MAUD, G.O.Ms.No.1 (January 6, 2023); G.O.Ms.No.3-4 (January 7, 2023); G.O.Ms.No.266-269 (December 28, 2022); G.O.Ms.No.270 (December 29, 2022); G.O.Ms.No.11 (January 31, 2023); G.O.Ms.No.12 (January 31, 2023); G.O.Ms.No.13 (February 4, 2023); G.O.Ms.No.15 (February 7, 2023); G.O.Ms.No.17 (February 14, 2023); G.O.Ms.No.18 (February 15, 2023); G.O.Ms.No.19 (February 16, 2023).

[76] *Act No. 21 of 2017*. For the notifications, see Irrigation & CAD, No. 01 G-631 (December 22, 2022); No. 87-G G-67 (April 10, 2023); MAUD, No. 17 G-666 (December 22, 2022 / January 4, 2023); No. 55 G-799 (March 10, 2023); No. 137 G-209 (June 26, 2023); Energy, G.O.Ms.No. 1 (January 13, 2023); Scheduled Caste Development, No. 63 G-820 (March 20, 2023); Transport, Roads & Buildings, No. 75 G-12 (March 25, 2023); No. 78 G-20 (April 3, 2023); No. 107 G-128 (May 17, 2023); Industries & Commerce, No. 104 G-118 (April 30, 2023); No. 125 G-182 (June 17, 2023); Law, No. 103-A G-126 (May 20, 2023); A&C, No. 103-B G-144 (May 20, 2023).

and other infrastructure/development projects.[77] Notifications also pertained to the reservation of compensatory afforestation land in lieu of land used for other purposes.[78]

Labour

Strikes were prohibited in nine different workplaces by a notification under the Essential Services Maintenance Act, 1981.[79] The government also allowed all shops and establishments to operate for 24 hours, seven days a week[80] under the Telangana Shops and Establishments Act, 1988.[81] The exemption notification places certain conditions for worker welfare: the guarantee of weekly offs, working hours, overtime wages, compensatory holidays, safety for women employees, etc. By a separate notification, this exemption was extended for another three years.[82] Exemptions from inspections were also made under the Indian Boilers Act, 1923.[83]

Rules

Various subordinate legislation were notified and modified during the year. The government notified the Telangana State Ground Water Extraction Rules, 2023 in accordance with guidelines made by the Central Ground Water Authority.[84] The rules regulate the use of groundwater and expressly exempt individual domestic users and certain other classes of persons from groundwater extraction charges. This express exemption is absent from the Authority's guidelines. It also specifies groundwater extraction charges for bulk water supply, packaged drinking water, commercial and industrial uses. The rules were made under the Telangana State Water, Land and Trees Act, 2002.[85]

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[77] See, inter alia, Environment, Forests, Science & Technology Department (EFST), G.O.MS. Nos. 1–2 (January 5, 2023); G.O.MS Nos. 22–29 (February 22, 2023); Nos. 33–35 (March 9, 2023); Nos. 37–41 (March 25, 2023); No. 42 (April 3, 2023); No. 45 (April 15, 2023); No. 46 (April 17, 2023).

[78] See, inter alia, EFST, G.O.MS Nos. 6–21 (February 15, 2023); Nos. 49–56 (May 27, 2023).

[79] Act No. 40 of 1981.

[80] LETF, G.O.Ms.No.4 (April 4, 2023).

[81] *Act No. 20 of 1988*.

[82] LETF, G.O.Ms.No. 12 (May 15, 2023).

[83] LETF, G.O.Rt.No. 11 (January 12, 2023); G.O.Rt.No. 46 (January 23, 2023); G.O.Rt.No. 156 (March 10, 2023); G.O.Rt.Nos. 214-216 (April 13, 2023); G.O.Rt.No. 316 (June 30, 2023); G.O.Rt.No. 531 (October 7, 2023); G.O.Rt.No. 606 (November 17, 2023).

[84] Irrigation & Cad, G.O.Ms.No.15 (May 27, 2023). For a background on the evolution of the Central involvement in regulation of groundwater, see Notification of the Ministry of Jal Shakti, S.O.3289(E) Gazette of India: Extraordinary Part II-Sec.3(ii), September 24, 2020, available at: https://www.mpcb.gov.in/sites/default/files/water-quality/standards-protocols/Ground_Water_NewGuidelinesNotifiedeng24092021102020.pdf(Last visited on August 25, 2025).

[85] Act No. 10 of 2002

The Telangana Building Rules, 2012 were amended to mandate the inclusion of broadband/digital connectivity infrastructure, dual piping systems, electric vehicle charging infrastructure, and Automated External Defibrillators (AEDs) in certain new and existing buildings.[86]

A significant set of amendments were made to the rules regulating the education landscape in Telangana. The Telangana Colleges of Education (Regulation Of Admissions into Two Year B.Ed Course Through Common Entrance, Test) Rules, 2006 were amended[87] to increase the number of reserved seats for Scheduled Tribes from 6% to 10%. A similar amendment was made with respect to physical education courses as well.[88] The Telangana Common Entrance Test for entry into Engineering Pharmacy, Agriculture, Medical, Dental and Pharm.D Course Rules, 2011 were also amended[89] to remove the previous weightage of 25% given to their Class XII exams. The amended rule only gives weightage to student marks in the entrance test. The government amended the Telangana Medical and Dental Colleges Admissions (Admissions into MBBS & BDS Courses) Rules, 2017 to reserve a majority of seats (85%) in undergraduate medical and dental colleges for local candidates.[90]

The Telangana Educational Service Rules, 1988[91] were amended[92] to clarify and incorporate certain other qualifications of employees of the state's educational service. Furthermore, the amendments update the zonal/geographical units of appointments provided under the rules. The government had also notified Telangana Teachers (Regulation of Transfers) Rules. 2023[93] that would govern how teachers would be transferred. After an initial High Court stay, the government received a go-ahead.[94]

Following changes in the land registration system, the government decided to absorb Village Revenue Assistants (*VRA*s) into regular government. The first G.O[95] provided for a scheme of compassionate appointment for the children of those VRAs who had completed 61 years. The government also notified Telangana Village Revenue Assistants (Appointment by transfer to the Last Grade Service/General Subordinate Service/Ministerial

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[86] MAUD, G.O.Ms. No.49 (March 31, 2023).
[87] School Education (SE), G.O.Ms No.16 (April 20, 2023).
[88] SE, G.O.Ms.No. 17 (April 20, 2023).
[89] Higher Education, G.O.Ms.No. 18 (April 19, 2023).
[90] Health, Medical and Family Welfare, G.O.Ms. No.72 (July 3, 2023).
[91] See, SE, G.O.Ms No. 505 (November 16, 1988).
[92] SE, G.O.Ms.No.11 (March 4, 2023).
[93] SE, G.O.Ms.No.05 (January 25, 2023).
[94] Transfer teachers: Telangana HC modifies earlier order, gives government go-ahead, NEWSMETER, August 31 2023, available at: https://newsmeter.in/hyderabad/transfer-teachers-telangana-hc-modifies-earlier-order-gives-government-go-ahead-717218 (Last visited on August 25, 2025).
[95] Revenue, G.O.Ms.No. 81 (July 24, 2023).

Service) Rules, 2023.[96] The first GO's operation was stayed by the High Court.[97] The government also issued the Telangana Irrigation Operation and Maintenance (Unskilled) Subordinate Service Rules, 2023 which provided for direct recruitment and redeployment of VRAs as a one-time measure.[98]

The government also notified the Mental Healthcare (Telangana State Mental Health Authority) Rules, 2023.[99] These rules detailed the constitution of the State Mental Health Authority under the Mental Healthcare Act, 2017[100]. The rules also outlined procedures for provisional registration, renewal, and permanent registration of mental health establishments. Furthermore, the rules mandate the registration of mental health professionals and stipulate the maintenance of digital registers for both establishments and professionals.

On 8 December 2023, the newly elected government notified the "Mahalakshmi Scheme"[101] that would provide free bus travel for transgender persons, women and girls of all ages.

Conclusion

Lawmaking across the executive and legislative realms had some overlaps. Labour, education and public services were a dominant feature. Moreover, a significant portion of the executive lawmaking drew from statutory powers that allowed exemptions, dilutions and deviations from the parent statutes. There are also close connections between the legislative agendas between the Union and the state. It can be found not only in legislation such as the goods and services tax amendments, the Factories Act's amendments, but also in rulemaking such as the new groundwater rules.

Most importantly, most executive action that is discussed here was a product of statute that allowed for substantive subordinate legislation and extensive governmental discretion.

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[96] Revenue, G.O.Ms.No.98 (August 9, 2023).
[97] Telangana High Court suspends GOs related to absorption of VRAs into government departments, THE HINDU, August 11, 2023, available at: https://www.thehindu.com/news/national/telangana/telangana-high-court-suspends-gos-related-to-absorption-of-vras-into-government-departments/article67183948.ece (Last visited on August 25, 2025).
[98] Revenue, G.O.Ms.No. 28 (September 29, 2023).
[99] Mental Healthcare (Telangana State Mental Health Authority) Rules, 2023. G.O.Ms.No.40, Health, Medical and Family Welfare (D), 15th April, 2023.
[100] Act No. 10 of 2017.
[101] Transport, R&B, G.O.Ms.No.47 Dated:08.12.2023

TRIPURA

YOGESH PRATAP SINGH*

Introduction

Tripura is a state in North-East India. It shares borders with Mizoram and Assam, and an international border with Bangladesh. Tripura is surrounded by Bangladesh on its north, south and west. Tripura is the third smallest state in terms of area and seventh-least populous state with a population of 36.71 lakh (3.67 million). The State is divided into 8 districts and 23 sub-divisions, where Agartala is the capital and the largest city in the state. Tripura has 19 different tribal communities with a majority of Bengali population. Bengali, Kokborok and English are the official languages of the State.

About Tripura Legislative Assembly

The Government of Union Territories Act 1963 was passed in the Month of May, 1963 to provide for a Legislative Assembly and Council of Ministers for certain Union Territories including Tripura.[1] The Administrative head was the Administrator of a Union Territory appointed by the President of India.[2] This Act provided for a Legislative Assembly for each Union Territory with 30 elected Members for Tripura.[3] The Central Government had power to nominate not more than three persons to be members of the Legislative Assembly.[4] The Government of Union Territories Act, 1963 also provided for a Council of Ministers for Tripura with the Chief Minister at the head to aid and advise the Administrator.[5] The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister.[6] The Ministers shall hold office during the

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[1] The Government of Union Territories Act, 1963.

[2] The Constitution of India, 1950, Art. 239.

[3] The Government of Union Territories Act, 1963, §3(2).

[4] The Government of Union Territories Act, 1963, §3(3).

[5] The Government of Union Territories Act, 1963, §44.

[6] The Government of Union Territories Act, 1963, §45(1).

pleasure of the President.[7] The Council of Ministers shall be collectively responsible to the Legislative Assembly.[8]

The North Eastern Areas (Reorganization) Act,1971, was passed in the Parliament and assented to by the President on 30th December, 1971. This Act was given effect in the state of Tripura from 21st January, 1972 under which the State of Tripura attained full Statehood of the Indian Union.[9] The Tripura Legislative Assembly or Tripura Vidhan Sabha is the unicameral legislature with 60 Members in the Legislative Assembly.[10] The first election of the state of Tripura was held in March 1972.[11]

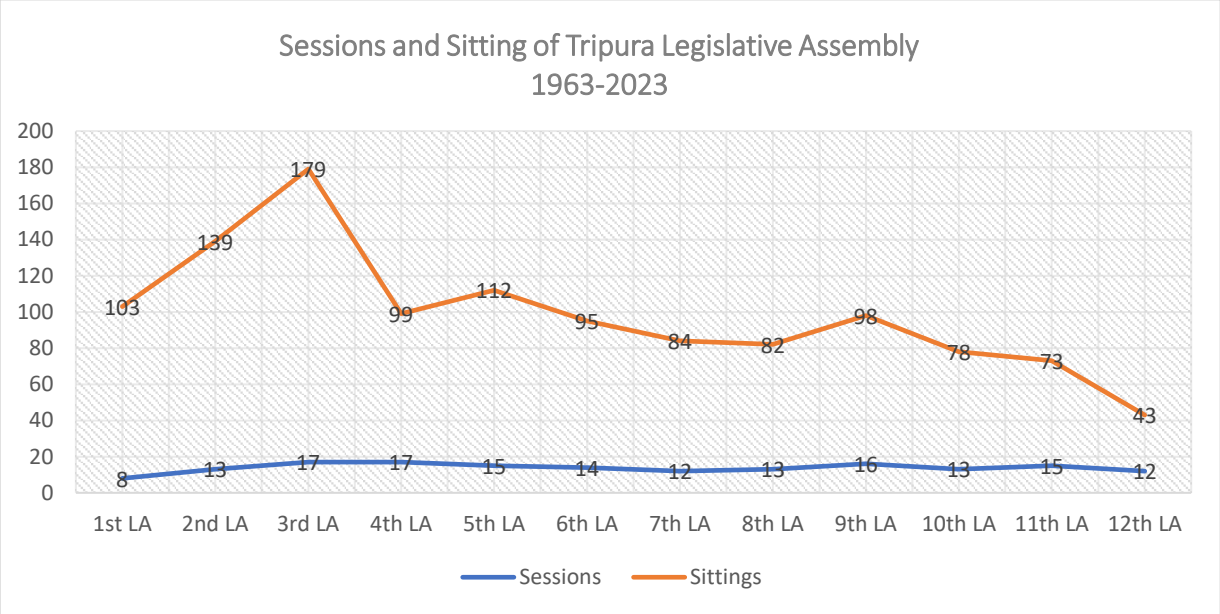
The politics of Tripura was initially dominated by the Indian National Congress, and the Communist Party of India (Marxist) and now by Bharatiya Janata Party, the Tipra Motha Party, the Indigenous People's Front of Tripura and the Trinamool Congress. The Communist Party of India (Marxist)-led Left Front ruled Tripura for more than thirty-five years since it got statehood in 1972. The Left Front was in power from 1978 to 1988, and then again from 1993 to 2018. It secured a three-fourths majority by winning 49 of the 60 Assembly seats in 2008 elections which was eight more than its tally in the 2003 elections. In the 2013 Assembly election, the Left Front won 50 out of 60 seats. In the 2018 state assembly election the Bharatiya Janata Party defeated Left Front and won a landslide majority of 43 seats out of 59 seats on which election was conducted.

Functioning of Tripura Legislative Assembly (1963-2023)

Tripura Legislative Assembly since its inception in 1963 is responsible for making laws, discussing policies, and overseeing the functioning of the government. First Assembly (1 July 1963 –12 January 1967) which had 30 seats had 8 sessions and 103 sittings. The Second Legislative Assembly (1 March 1967 – 1 November 1971) had 13 Sessions and 139 Sittings. With full-fledged statehood received on January 21, 1972, the third Legislative Assembly (20 March 1972–5 November 1977) appeared to be most productive with 17 sessions and 179 sittings. Fourth Assembly (5 January 1978–7 January 1983) had 17 Sessions and 99 Sittings while fifth assembly (10 January 1983–5 February 1988) has 112 sittings in 15 sessions. Sixth Assembly witnessed 14 sessions and 95 sittings. Seventh, Eighth, Ninth, Tenth and Eleventh Assemblies worked for 84, 82, 98, 78 and 73 sittings

[7] The Government of Union Territories Act, 1963, §45(2).
[8] The Government of Union Territories Act, 1963, §45(3).
[9] North-Eastern Areas (Reorganization) Act, 1971, §4.
[10] North-Eastern Areas (Reorganization) Act, 1971, §20(3).
[11] TRIPURA LEGISLATIVE ASSEMBLY, *Brief History of Tripura Legislative Assembly,* available at https://www.tripuraassembly.nic.in/historicalbackground.html (Last visited on January 23, 2024).

respectively. Twelfth Legislative Assembly (4 March 2018–12 March 2023) worked relatively less i.e. 12 Sessions and 43 sittings.[12]



Methodology

Any survey begins with a phase of preliminary planning, during which the specific objectives and scope of the survey are defined. Collaboration with relevant stakeholders is crucial for obtaining accurate and up-to-date information. Keeping this objective in mind, the researcher approached the law department, government of Tripura to seek the information on legislations enacted and financial business transacted, amendments and any recent changes in legislation, ordinance promulgated etc. in the year 2023. Relevant websites such as PRS India,[13] websites of Legislative Assembly of Tripura,[14] Law and Parliamentary Affairs department,[15] and the Department of Legal Affairs[16] were also explored to get the updated information. By adhering to a well-defined methodology, the Annual Survey of State Laws in the State of Tripura ensures that the collected data is accurate, comprehensive, and reflective of the current legal landscape within the state.

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[12] TRIPURA LEGISLATIVE ASSEMBLY, *Details of Sittings of Tripura Legislative Assembly*, available at https://www.tripuraassembly.nic.in/Numberof%20Session.pdf (Last visited on January 23, 2024).

[13] PRS LEGISLATIVE RESEARCH, available at https://prsindia.org/ (Last visited on January 20, 2024)

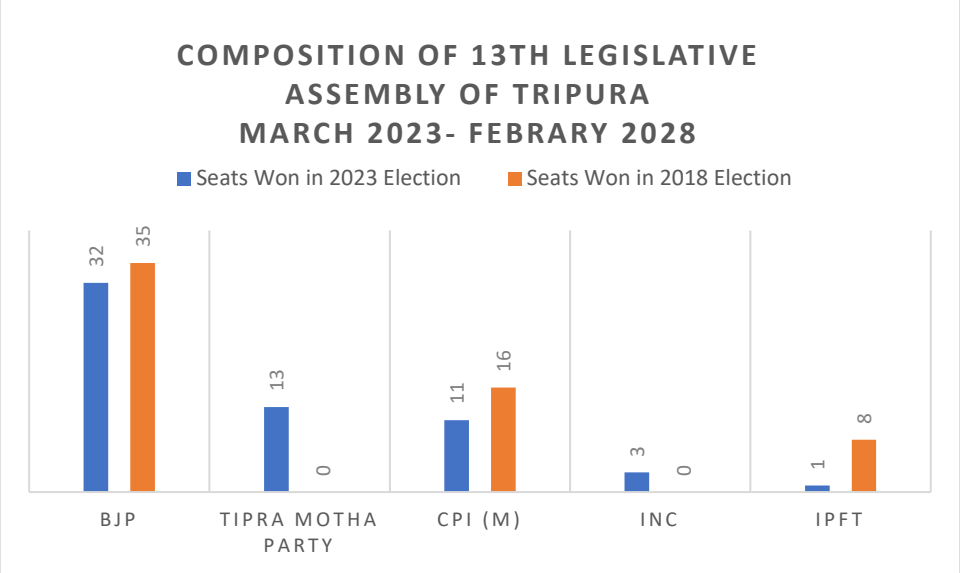
[14] TRIPURA LEGISLATIVE ASSEMBLY, available at https://tripura.neva.gov.in/ (Last visited on January 20, 2024).

[15] LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT, GOVT. OF TRIPURA, available at https://law.tripura.gov.in/ (Last visited on May 10 2025)

[16] DEPARTMENT OF LEGAL AFFAIRS, available at https://legalaffairs.gov.in/tripura (Last visited on January 20, 2024)

13th Legislative Assembly (March 2023-February 2028)

The elections for the constitution of 13th Legislative Assembly of Tripura were held on 16 February 2023 and the results were declared on March 2, 2023. Bharatiya Janata Party led alliance won election with 33 (BJP 32 + IPFT 1) seats and formed the government. The composition of 13th Legislative Assembly of Tripura was as follows:



According to data reported by PRS, the 13th Assembly is younger in comparison to the outgoing Assembly, with 63% of MLAs below the age of 55. In the outgoing Assembly, this proportion was 47%. The number of MLAs with at least a post graduate degree increased while the number of women MLAs tripled from 3 to 9.[17]

Functioning of 13th Legislative Assembly in the Year 2023

As stated, the state of Tripura got a new Legislative Assembly after the elections held in the month of February 2023. The functioning of a newly constituted legislative assembly is influenced by various factors. After an election, the focus often shifts to government formation and policy planning. The newly elected government normally gets engaged in formulating its agenda, policies, and budgetary priorities before introducing significant legislative and financial measures. The legislative calendar is often influenced by budgetary cycles. If the assembly is in the early stages of its fiscal year, the government may be in the process of preparing and presenting the budget, leading to a temporary slowdown in other

[17] Niranjana Menon, *Profile of the 13th Tripura Legislative Assembly*, PRS LEGISLATIVE RESEARCH, March 3, 2023, available at https://prsindia.org/legislatures/state/vital-stats/profile-of-the-13th-tripura-legislative-assembly (Last accessed on January 20, 2024).

legislative activities. This is what has happened for the state of Tripura in the year 2023. Therefore, the year 2023 might be characterized by fewer legislative activities.

Only two sessions of the Legislative Assembly were convened in the year 2023. The first session of the newly constituted Legislative Assembly was a brief *three-day session* convened from 24-28 March 2023 with the intervening holidays on Saturday and Sunday. The second session of the 13th Tripura Legislative Assembly was held from 7-13 July 2023.

Sessions in 2023	Duration	Number of Sittings	Number of Hours
First Session	24–28 March 2023	03 Sittings	Approximately 14 Hours
Second Session	07–13 July 2023	04 Sittings	Approximately 20 Hours

The first session of the newly constituted Legislative Assembly began with the customary speech of the Governor Shri Satyadeo Narayan Arya. On the opening day i.e. 24 March 2023, the Tripura Appropriation Bill, 2023 was introduced for meeting the shortfall in the current financial year's governmental expenses and a Vote-on-Account for meeting the expenses for the first three month of the new financial year (April-June) 2023-2024.

Legislative Output

A total of 11 Bills were introduced by the Government in the year 2023. Out of 11 Bills, eight dealt with revenue and finance (appropriation, goods and services tax and stamp duty), two related to the education sector and one was to repeal two outdated legislations.

List of Bills Introduced and Passed by the Government in Assembly in the Year 2023

No.	Name of the Bill	Bill No.
1.	The Tripura Appropriation Bill, 2023	Bill No. 1 of 2023
2.	The Tripura Appropriation Bill, 2023 (Vote-on-Account)	Bill No. 2 of 2023
3.	The Aryavart International University Bill ,2023	Bill No. 3 of 2023
4.	The Techno India University Bill, 2023	Bill No. 4 of 2023
5.	The Tripura Appropriation Bill, 2023	Bill No. 5 of 2023
6.	The Tripura Appropriation Bill, 2023	Bill No. 6 of 2023
7.	The Tripura Appropriation Bill, 2023	Bill No. 7 of 2023
8.	The Indian Stamp (Tripura Sixth Amendment) Bill, 2023	Bill No. 8 of 2023
9.	The Tripura State Goods and Services Tax (Sixth Amendment) Bill, 2023	Bill No. 9 of 2023
10.	The Tripura Appropriation Bill, 2023	Bill No. 10 of 2023
11.	The Tripura Repealing and Saving (Amendment) Bill, 2023	Bill No. 11 of 2023

List of Acts Notified in the Official Gazette in the Year 2023

No.	Name of the Act	Act No.
1.	The Tripura Appropriation Act, 2023.	Act No. 1 of 2023
2.	The Tripura Appropriation Act, 2023.	Act No. 2 of 2023
3.	The Aryavart International University Act, 2023.	Act No. 3 of 2023
4.	The Techno India University Act, 2023.	Act No. 4 of 2023
5.	The Indian Stamp (Tripura) (Sixth Amendment) Act, 2023.	Act No. 5 of 2023
6.	The Tripura Appropriation Act, 2023.	Act No. 6 of 2023
7.	The Tripura Appropriation Act, 2023.	Act No. 7 of 2023
8.	The Tripura Appropriation Act, 2023.	Act No. 8 of 2023
9.	The Tripura State Goods and Services Tax (Sixth Amendment) Act, 2023.	Act No. 9 of 2023
10.	The Tripura Appropriation Act, 2023.	Act No. 10 of 2023

Qualitative Analysis of Bills

Appropriation Bills

An important tool for legislative control over public spending is the principle of annuality.[18] The Constitution outlines the procedure for annual appropriations in a State, beginning with the Executive presenting the Budget and submitting demands for grants to the Assembly.[19] Expenditure charged on the Consolidated Fund is discussed but not voted upon.[20] The House may approve, reject, or reduce any demand, which must be recommended by the Governor[21]—effectively allowing only Ministers to move such demands. Members can propose cut motions. Once grants are approved, an Appropriation Bill is introduced to authorise withdrawal from the Consolidated Fund.[22] This Bill cannot exceed the budget estimates or alter approved allocations. In 2023, six Appropriation Bills were passed by the Tripura Legislative Assembly.

The Budget (2023-24) and Proposed Expenditure in Key Sectors

In the budget 2023-24, the estimated expenditure on education, energy and irrigation sectors have been reduced in comparison to average expenditure by states. The police and

[18] M.P. Jain, INDIAN CONSTITUTIONAL LAW, 324 (LexisNexis, 7th edn., 2014)
[19] The Constitution of India, 1950, Art. 202(2).
[20] The Constitution of India, 1950, Art. 203(1).
[21] The Constitution of India, 1950, Art. 203(3).
[22] The Constitution of India, 1950, Art. 204(1).

housing sector received an enhanced allocation while estimated expenditure allocated towards the health sector is at par with the average allocation for health by states.[23]

- 12.3% of total estimated expenditure has been allocated to education in 2023-24 which is lower than the average allocation for education by states in 2022-23 (14.8%).[24]
- 6.2% of total estimated expenditure is allocated towards health, which is approximately the same as the average allocation for health by states (6.3%).[25]
- Tripura has allocated 7.8% of its total expenditure towards police, which is significantly higher than the average expenditure on police by states (4.3%).[26]
- Similarly, 6.5% of its total expenditure is allocated in the housing sector which is significantly higher than the average allocation for housing by states (1.8%).[27]
- 1.8% of its total estimated expenditure is kept towards energy which is significantly lower than the average allocation towards energy by states (4.8%).[28]
- The government has allocated 0.8% of its total expenditure towards irrigation, which is significantly lower than the average allocation by states (3.5%).[29]

Tripura State GST (Sixth Amendment) Bill 2023

The Tripura State Goods and Services Tax (Sixth Amendment) Bill, 2023, amended clause (d) of sub-section (2) and clause (c) of sub-section (2A) in section 10, second and third provisos to sub-section (2) of section 16, Explanation to sub-section (3) of section 17, section 23, section 30, section 37, section 39, section 44, section 52, section 54, section 56, section 62, section 109, section 110, section 114, section 117, section 118, section 119, section 122, section 132, section 138 and section 158A.[30] In addition to abovementioned changes in various sections, the Bill also amended Schedule III of the Tripura State Goods and Services Tax Act to give retrospective applicability to paragraph 7 and 8 and the Explanation 2 to the said Schedule with effect from July 1, 2017. One of the important amendments sets a three-year time limit for registered individuals to submit their periodic

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[23] The estimated expenditure (excluding debt repayment) was Rs 26,736 crore (An increase of 11% over the revised estimates of 2022-23). The estimated receipts (excluding borrowings) for 2023-24 is Rs 22,330 crore (an increase of 5% as compared to the revised estimate of 2022-23) while estimated revenue surplus is Rs 12 crore (98% lower than the revised estimates for 2022-23). The targeted fiscal deficit for 2023-24 is Rs 4,407 crore.

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] *Id.*

[30] The Tripura State Goods and Services Tax (Sixth Amendment) Bill, 2023, 9 of 2023.

tax returns. These amendments were made in the light of the amendments made by the Central Government in Central Goods and Services Tax Act 2017.

Indian Stamp (Tripura Sixth Amendment) Bill, 2023

The government of Tripura introduced Indian Stamp (Tripura Sixth Amendment) Bill, 2023[31] to further amend Indian Stamp Act, 1899[32] in its application to the State of Tripura. According to the Bill, women in Tripura now will have to pay only 4 percent stamp duty on the purchase or sale of property instead of the previous 5 percent. The move of the state government was taken as a measure towards women empowerment.

The Tripura Repealing and Saving (Amendment) Bill, 2023

The Law Commission of India in its 96th Report on the Repeal of Certain Obsolete Laws stated that every legislature is expected to undertake what may be called the periodical spring-clearing of the corpus of its statute law, so that dead wood may be removed and citizens may be spared the inconvenience of taking notice of laws which have ceased to bear any relevance to current conditions. State of Tripura in pursuance of this observation of the Law Commission had identified many such obsolete laws which were either of no use to the State of Tripura or had ceased to be of relevance, or were inconsistent with current statutes or Supreme Court judgements. These statutes were repealed in the year 2022 by the Tripura Repealing and Savings Act 2022.[33]

A committee was also constituted on 04 July 2022 to examine the matter and suggest statutes which should be repealed. The committee suggested the repeal of The Tripura Land Passbook Act, 1983 and The Tripura Agricultural Indebtedness Relief Act, 1979. Since the subject matter of these two legislations were exclusively related to the State List the Legislative Assembly was competent to act on the recommendation of the committee. Consequently, The Tripura Repealing and Saving (Amendment) Bill 2023[34] was introduced and passed in the Assembly on 10 July 2023, which repealed the said legislations by way of amendment to the schedule entries of the Tripura Repealing and Savings Act 2022. The Amending Act was notified in the Gazette on 13 July 2023.

Education: Establishment of Two Private Universities

The state government, recognizing the importance of higher education in fostering economic and societal development, has taken a significant step by initiating the establishment of two

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[31] Indian Stamp (Tripura Sixth Amendment) Bill, 2023, 8 of 2023

[32] Indian Stamp Act, 1899.

[33] Tripura Repealing and Savings Act, 2022.

[34] The Tripura Repealing and Saving (Amendment) Bill, 2023, 11 of 2023.

private universities. The following two bills were introduced by the government: the Aryavart International University, Tripura Bill, 2023[35] and the Techno India University, Tripura Bill, 2023.[36]

Both the bills were passed by the Assembly in its first session in March 2023 and received the assent of the Governor on 24th April 2023. These two private Universities will mainly function under private management and will not be entitled for any grant from the state government.[37] While the Headquarters of the Aryavart International University will be at Village Tilthai T.K., Dist: Dharmanagar, North Tripura, Tripura, India, the Techno India University will be based at Maheshkhola, Village-Anandnagar- Amtali, Dist: West Tripura, Tripura.

Both the Acts however provide that the University will comply with the direction and guidelines issued by the state government of Tripura for the time being in force, and shall start academic activities only after creation of the minimum infrastructure and commissioning of the required facilities.[38] The Acts also empower the state government to issue to the University from time to time such directions on policy matters which are not inconsistent with the provisions of this Act. The university is obliged to comply with the directions.[39]

This move of the government aligns with its commitment to provide diverse educational opportunities and strengthen the state's academic landscape. At present, Tripura already has one Central University,[40] one State University,[41] a National Law University,[42] National

[35] The Aryavart International University, Tripura Bill, 2023, 3 of 2023.
[36] The Techno India University, Tripura Bill, 2023, 4 of 2023.
[37] The Aryavart International University, Tripura Act, 2023, §47; The Techno India University, Tripura Act, 2023, §47.
[38] The Aryavart International University, Tripura Act, 2023, §5; The Techno India University, Tripura Act, 2023, §5.
[39] The Aryavart International University, Tripura Act, 2023, §53; The Techno India University, Tripura Act, 2023, §53.
[40] Tripura University Act, 2006.
[41] Maharaja Bir Bikram University is State University established by Tripura Act No. 6 of 2015. For the act, *see* The Maharaja Bir Bikram University Act, 2015.
[42] National Law University Tripura was established by an Act No. 3 of 2022 passed by Tripura Legislative Assembly. For the act, *see* National Law University, Tripura Act, 2022.

Institute of Technology,[43] IIIT,[44] National Forensic Science University (Tripura Campus),[45] Central Sanskrit University (Eklavya Campus).[46] The State also has two Medical Colleges and one Dental College to provide quality education in medical science.

The establishment of two private universities according to the government has the potential to contribute to economic growth by attracting students from within the state and beyond. This influx of students and faculty can stimulate local economies.

Promulgation of Ordinance

The Governor's office has long been misused for partisan politics. Though appointed by the President, Governors often align with the Centre's ruling party, sometimes acting against opposition-led state governments. When the same party governs both Centre and state, the Governor's role remains smooth. However, conflicts tend to rise in opposition-ruled states. In BJP-ruled Tripura, such tensions have been minimal.

Article 213 of the Constitution vests in the Governor of a state power to promulgate ordinances.[47] While this power is intended for emergencies or urgent situations, there is a potential for its misuse. Ordinance-making power allows the Governor to enact laws without the scrutiny and debate that occurs in the legislative assembly. Misuse of this power

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[43] The National Institute of Technology Agartala (NITA) is an Institute of National Importance. It was instituted by the Government of India with the mission to accelerate excellence in technical education and research in the North-East region. For the notification of institution, *see* Ministry of Human Resources Development, F. 20-20/2004/TS III/ (Notified on March 10, 2006).

[44] The Indian Institute of Information Technology, Agartala is an autonomous institute and one of the twenty IIITs established by the Government of India. Established with the objective of providing high-quality education and research in information technology, IIIT Agartala has become a prominent player in the field of technical education. This institute is also an Institute of National Importance under Act of the Parliament. For the act of establishment, see Indian Institutes of Information Technology (Public-private Partnership) Act, 2017; *See also* INDIAN INSTITUTE OF INFORMATION TECHNOLOGY AGARTALA, *About Us,* available at https://www.iiitagartala.ac.in/ (Last visited January 31, 2024).

[45] The National Forensic Sciences University (NFSU) is the erstwhile Gujarat Forensic Sciences University (GFSU), the world's first University dedicated to Forensic Science and allied subjects. NFSU has established its campus at Agartala, Tripura in 2021 with the commitment to provide high-quality education in forensic sciences. It offers a range of undergraduate and postgraduate programs, equipping students with the knowledge and skills required for a successful career in forensic sciences and criminal justice, *see* National Forensic Sciences University Act, 2020; *See also* NATIONAL FORENSIC SCIENCES UNIVERSITY TRIPURA CAMPUS, *About Us,* available at https://tripura.nfsu.ac.in/ (Last accessed on January 31, 2024).

[46] One of the eleven campuses established across India under the The Central Sanskrit Universities Act, 2020, for the act, *see* The Central Sanskrit Universities Act, 2020, Sch. 1, Item 10.

[47] As per Article 213, an ordinance ceases to operate six weeks after the State Legislative Assembly convenes. Additionally, Article 174 mandates that the Assembly must meet at least once every six months. Combined reading of both provisions implies that the maximum duration an ordinance can remain in force is six months plus six weeks i.e. seven and a half months.

can undermine the fundamental principle of legislative oversight and bypass the democratic process.

In the year 2023 only one ordinance was promulgated by the Governor of Tripura on 30th of September, 2023.[48] It was promulgated in the wake of an amendment in the Central Goods and Services Tax Act 2017 by the Central Government.[49] Similar amendments were required to be incorporated in the Tripura GST Act 2017 to avoid repugnancy with the Central Act. The Legislative Assembly of Tripura was not in session and therefore the Governor was satisfied that circumstances exist which render it necessary for him to take immediate action. Thus, in exercise of the power conferred by clause (1) of Article 213 of the Constitution of India,[50] the Governor of Tripura promulgated the Tripura State Goods and Services Tax (Seventh Amendment) Ordinance, 2023. Ordinance amended Sections 2 and 24, and schedule 3 of The Tripura State Goods and Services Tax Act, 2017. The Tripura State Goods and Services Tax (Seventh Amendment) Bill, 2023 will be placed in the Assembly to replace the Ordinance in the third Session scheduled in January 2024.

Subordinate Legislations

The government of Tripura in exercise of powers conferred by Section 164 of the Tripura State Goods and Services Tax Act 2017[51] and on the recommendations of the GST Council have framed and notified following Rules in the year 2023.

Sl. No.	Title of Rules	Notification Date	Implemented w.e.f.
1.	The Tripura State Goods and Services Tax (Third Amendment) Rules, 2023.	04 November 2023	26 October 2023
2.	The Tripura State Goods and Services Tax (Second Amendment) Rules, 2023.	02 November 2023	01 October 2023
3.	The Tripura State Goods and Services Tax Amendment Rules, 2023.	18 September 2023	04 August 2023
4.	The Tripura State Goods and Services Tax (Fifth Amendment) Rules, 2022.	17 January 2023	26 December 2022
5.	The Tripura State Goods and Services Tax (Fourth Amendment) Rules, 2022.	07 January 2023	01 December 2022

[48] The Tripura State Goods and Services Tax (Seventh Amendment) Ordinance, 2023 (September 30, 2023).
[49] The Central Goods and Services Tax (Amendment) Act, 2023.
[50] The Constitution of India, 1950, Art. 213(1).
[51] The Tripura State Goods and Services Tax Act, 2017, §164.

Conclusion

The Year 2023 was an election year for the state of Tripura and as stated earlier, the Assembly witnessed less legislative work and little productive debate. A major part of the legislative work was confined to Appropriation of funds and amendment in the Goods and Services Act. In terms of substantive laws, only two statutes establishing two private Universities in the State were enacted.

Legislative sessions confined to Appropriation Bills may sideline pressing public concerns that require legislative attention. Issues such as social justice, human rights, and environmental matters may receive insufficient consideration, impacting the overall responsiveness of governance. The Government has though planned to establish a Directorate of Good Governance in the state which will collaborate with national institutions and international agencies to facilitate “ease of living” in the State. Its outcome and functioning will be the subject matter of subsequent years.

UTTAR PRADESH

FAIZAN MUSTAFA★ and SHREY SHALIN♦

Introduction

Uttar Pradesh has a bicameral legislature. The current composition of the legislative assembly consists of 403 members and the legislative council comprises 100 members. Currently, the Legislative Assembly possesses a total strength of 403 members.[1] The Bharatiya Janata Party commands the majority of the house in the 18th Legislative Assembly ("Assembly") with its 252 MLAs[2] while there are 48 women representatives in the lower house[3]

Performance of Uttar Pradesh Assembly: An Overview

The Assembly met just for 20 days for in 2023 which is a big leap forward from 15 sittings for the preceding year 2022 (see Figure 1). A total of 20 Ordinances[4] were promulgated whereas 23 Acts[5] (excluding 2 Appropriation Acts) have been enacted this year. The conversion rate from Bills to Acts stood at 100% as all the Bills introduced in the Legislature were passed and granted assent by the Governor. Except for the Indian Stamp (Uttar

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[1] Uttar Pradesh Legislative Assembly, "The Legislative Assembly", *available at:* https://uplegisassembly.gov.in/About/About_en.aspx#/legislative_assembly (last visited on Mar 21, 2024).
[2] Uttar Pradesh Legislative Assembly, "Sitting Members", *available at:* https://uplegisassembly.gov.in/Members/main_members_en.aspx#/ElectedMembers/18 (last visited on Mar 21, 2024).
[3]Uttar Pradesh Legislative Assembly, "Women Members", *available at:* https://uplegisassembly.gov.in/Members/main_members_en.aspx#/femaleMembers/18 (last visited on Mar 21, 2024).
[4] Uttar Pradesh Legislative Assembly, "Ordinance", *available at:* https://uplegisassembly.gov.in/Legislation/Legislation_en.aspx#/Ordinance (last visited on Mar 21, 2024).
[5] Uttar Pradesh Legislative Department, "Uttar Pradesh Act as per year wise", *available at:* https://www.upvidhai.gov.in/Act.aspx (last visited on Mar 21, 2024).

Pradesh Amendment) Ordinance, 2023, all the other promulgated Ordinances have been confirmed by the legislature.

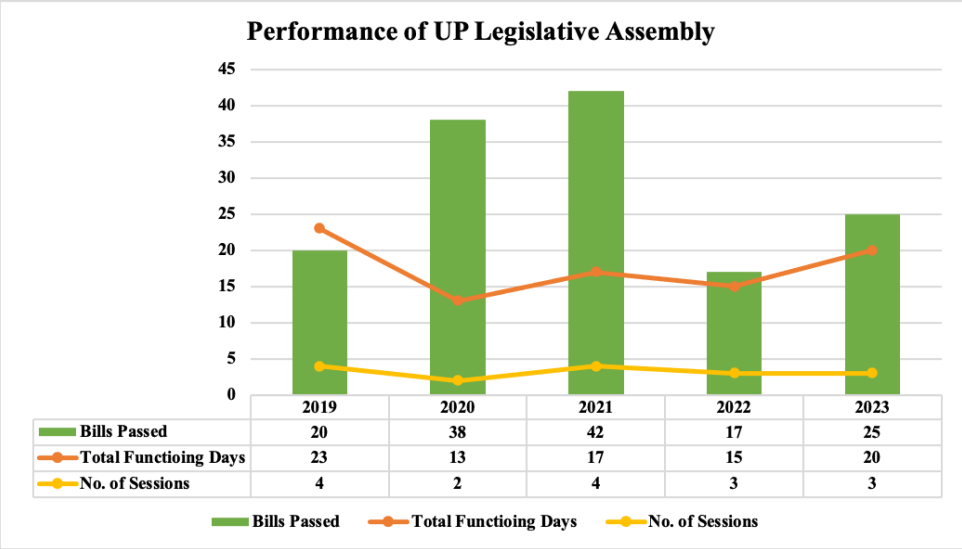


Figure 1: Performance of the Uttar Pradesh Legislative Assembly (2019-2023)

Name of Act	Introduction Date	Date of Passing	If Requested for Committee Scrutiny	Ordinance Earlier?
The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 2023	22 – 02 – 23	28 – 02 – 23	Yes, by Mata Prasad Pandey, Not Accepted.	Yes.
The Uttar Pradesh State Legislature (Members' Emoluments and Pension) (Amendment) Act, 2023	22 – 02 – 23	28 – 02 – 23	No.	No.
The Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2023	07 – 08 – 23	08 – 08 – 23	Yes, by Lalji Verma, Not Accepted.	Yes.
The Uttar Pradesh Municipalities (Amendment) Act, 2023	07 – 08 – 23	08 – 08 – 23	Yes, by Rakesh Pratap Singh, Not Accepted.	Yes.
The Uttar Pradesh Private Universities (Amendment) Act, 2023	07 – 08 – 23	08 – 08 – 23	Yes, by Pankaj Mallik, Not Accepted.	Yes.
The Uttar Pradesh Private Universities (Second Amendment) Act, 2023	07 – 08 – 23	08 – 08 – 23	Yes, by Atul Pradhan, Not Accepted.	Yes.
The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023	07 – 08 – 23	09 – 08 – 23	Yes, by Atul Pradhan, Not Accepted.	Yes.

Name of Act	Introduction Date	Date of Passing	If Requested for Committee Scrutiny	Ordinance Earlier?
The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2023	07 – 08 – 23	09 – 08 – 23	Yes, by Sachin Yadav, Not Accepted.	Yes.
The Uttar Pradesh Education Service Selection Commission Act, 2023	07 – 08 – 23	09 – 08 – 23	Yes, by Lalji Verma, Not Accepted.	No.
The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya (Sanshodhan) Adhiniyam, 2023	07 – 08 – 23	09 – 08 – 23	Yes, by Lalji Verma, Not Accepted.	No.
The Uttar Pradesh Jagadguru Rambhadracharya Divyang State University Act, 2023	07 – 08 – 23	09 – 08 – 23	Yes, by Lalji Verma, Not Accepted.	Yes.
The Uttar Pradesh Goods and Services Tax (Amendment) Act, 2023	07 – 08 – 23	10 – 08 – 23	Yes, by Uma Shankar Singh, Not Accepted.	Yes.
The Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 2023	07 – 08 – 23	10 – 08 – 23	Yes, by Dr. Pallavi Patel, Not Accepted.	Yes.
The Uttar Pradesh National Law University Prayagraj (Amendment) Act, 2023	08 – 08 – 23	10 – 08 – 23	No.	Yes.
The Uttar Pradesh Private Universities (Third Amendment) Act, 2023	08 – 08 – 23	10 – 08 – 23	No.	Yes.
The Uttar Pradesh Goods and Services Tax (Second Amendment) Act, 2023	29 – 11 – 23	29 – 11 – 23	No.	Yes.
The Uttar Pradesh Inland Waterways Authority Act, 2023	29 – 11 – 23	29 – 11 – 23	Yes, by Lalji Verma, Not Accepted.	No.
The Uttar Pradesh Sheera Niyantran (Dwitiya Sanshodhan) Adhiniyam, 2023	29 – 11 – 23	29 – 11 – 23	Yes, by Aradhana Mishra, Not Accepted.	Yes.
The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023	29 – 11 – 23	30 – 11 – 23	Yes, by Aradhana Mishra, Not Accepted.	No.
The Uttar Pradesh Shree Devipatan Dham Teerth Vikas Parishad Act, 2023	29 – 11 – 23	30 – 11 – 23	Yes, by Sachin Yadav, Not Accepted.	No.
The Uttar Pradesh Shree Ayodhya Jee Teerth Vikas Parishad	29 – 11 – 23	30 – 11 – 23	Yes, by Rakesh Kumar Verma, Not Accepted.	No.

Name of Act	Introduction Date	Date of Passing	If Requested for Committee Scrutiny	Ordinance Earlier?
The Uttar Pradesh Private Universities (Fourth Amendment) Act, 2023	30 – 11 – 23	30 – 11 – 23	Yes, by Atul Pradhan, Not Accepted.	Yes.
The Uttar Pradesh State Universities (Amendment) Act, 2023	30 – 11 - 23	30 – 11 – 23	Yes, by Atul Pradhan, Not Accepted.	Yes.

Table 1: Legislative Review[6] excluding Appropriation Acts

A closer look at the legislative measures shows that none of the Acts were sent to Select Committees for scrutiny. This has become the trend in other states and even in Parliament. This is the case even when a demand for such a reference was made in 19 out of 23 cases. (See Table 1) Most of the Bills i.e. 16 out of 23 were first promulgated as ordinances. More than half of the Bills ie., 52% were either passed on the same day or the next day from the day of introduction which is a cause of concern as it leaves hardly any time for the members to gather important inputs and contribute to the debates and discussions within the assembly. (See Figure 2). The statistics also point out the fact that more than 90% of the Bills were passed within 3 days of their introduction.

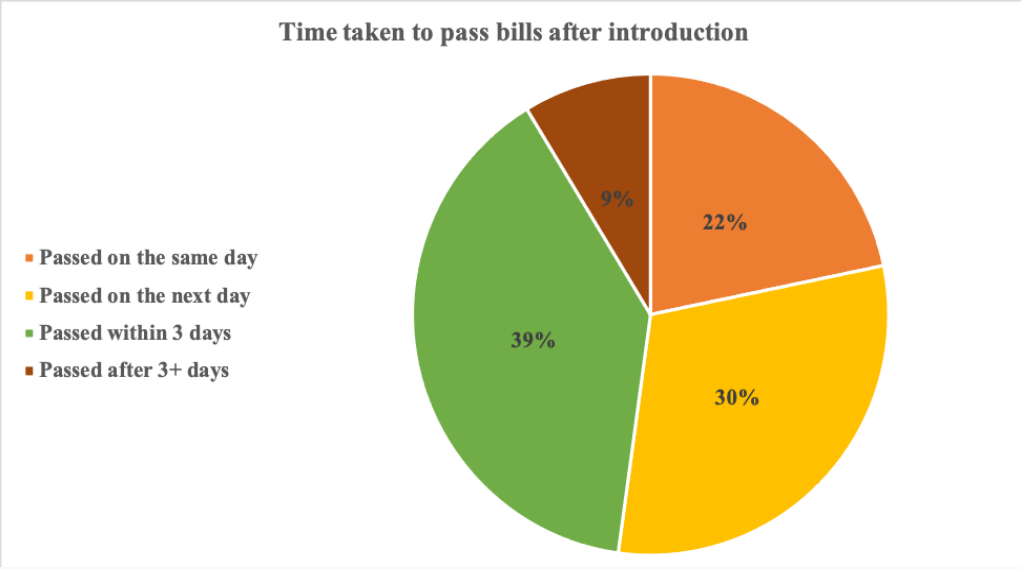
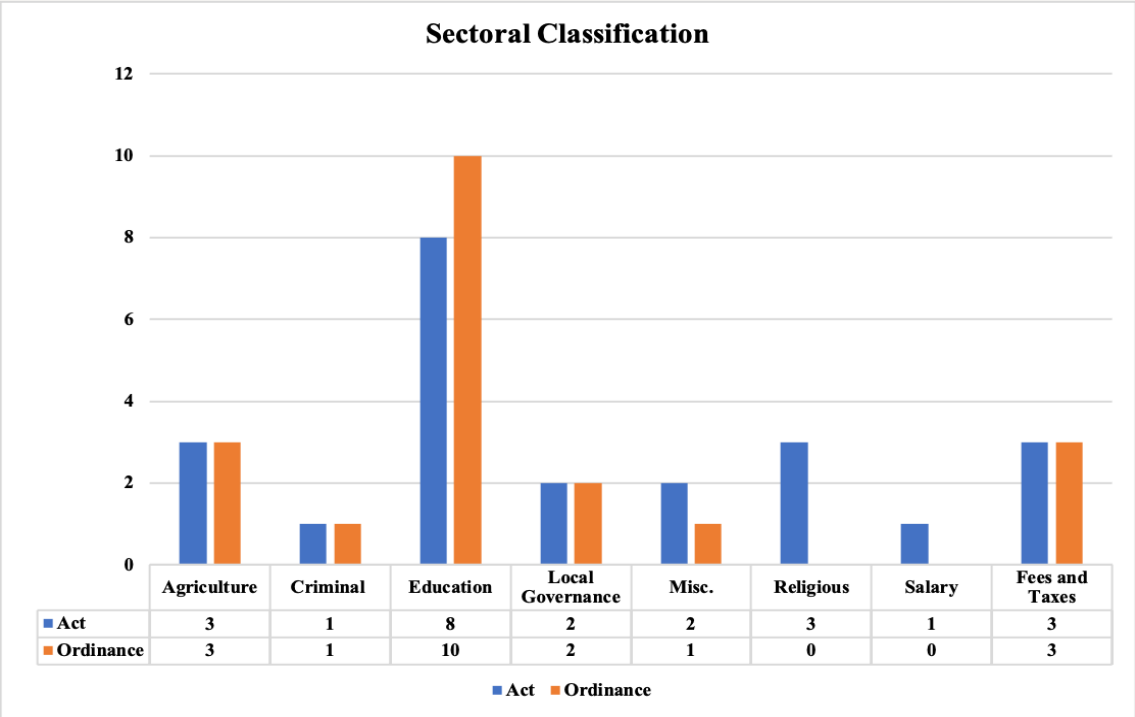


Figure 2: Time taken to pass Bills after introduction excluding Appropriation Bills based on Table 1.

[6] Uttar Pradesh Legislative Assembly, "Proceedings and Synopsis", *available at:* https://uplegisassembly.gov.in/Karyawahi/Proceeding_Synopsis_en.aspx#/proceeding (last visited on Mar 21, 2024).

Sectoral Classification of Statutes/Ordinances

The statutes enacted and ordinances promulgated in 2023 may be categorised under the following sectors: Agriculture, Criminal Law, Education, Local Governance, Miscellaneous, Religious Affairs, Salary and Allowances and Taxation. (See Figure 3)



	Agriculture	Criminal	Education	Local Governance	Misc.	Religious	Salary	Fees and Taxes
Act	3	1	8	2	2	3	1	3
Ordinance	3	1	10	2	1	0	0	3

Figure 3: Sectoral Classification of Acts and Ordinances enacted during the year 2023

Agriculture

In the year 2023, Uttar Pradesh has enacted three laws on Agriculture namely – (i) The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 2023; (ii) The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2023; (iii) The Uttar Pradesh Sheera Niyantran (Dwitiya Sanshodhan) Adhiniyam, 2023.

The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 2023[7] now also regulates *khandsari* manufacturing units along with sugar factories. Earlier, sugar mills were regulated, *khandsari* manufacturing units were unregulated and were involved in the production of k*hankdsari* as well as its derivatives including molasses. The illegal conversion of such molasses into alcoholic liquor caused a loss to the revenue of the state and also led to the loss of human lives. Therefore regulation of these *khandsari* manufacturing units became expedient. As an immediate response, an ordinance was

[7] The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 2023.

promulgated that was subsequently replaced by the aforesaid Act.[8] Now, the controller with the prior approval of the State Government can require any sugar factory or *khandsari* manufacturing unit to sell or supply any quantity of molasses to such person as may be specified in the order notwithstanding any contract.[9] Further provisions to impose regulatory fees have also been added on the sale or supply of molasses.[10]

The Uttar Pradesh Sheera Niyantran (Dwitiya Sanshodhan) Adhiniyam,[11] 2023 gave a retrospective application to the imposition of regulatory fees imposed via the Uttar Pradesh Sheera Niyantran (Sanshodhan)[12] Adhiniyam, 2023 to validate actions taken under it with effect from the date of commencement of Uttar Pradesh Sheera Niyantran[13] (Dwitiya Sanshodhan) Adhiniyam, 2021 viz, December 2021.[14]

The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam,[15] 2023 focuses on the food processing industry under the food processing industry policy 2023. Provisions have been made in this Act to exempt industries from market fees and development cess[16] in order to attract investments in the state and to generate employment in the sector. Provisions have also been made to consider the entire state of UP as a common market area[17] for food processing industries.

U.P. is already the biggest producer of food grains in India. The state has already managed to bag Rank 2 among all the Indian states in ease of doing business. The amendment to the aforesaid Act promises further development to bring in more Investments into the state.[18] These amendments also promise a good return to farmers for their yield and contribute to direct and indirect employment generation.

Criminal Law

In 2023, the state amended the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act of 1979. The Act allows for the consolidation of

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[8] *Statement of Objects &Reasons of* The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 2023.
[9] The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 2023, Cl. 6.
[10] The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 2023, Cl. 6.
[11] The Uttar Pradesh Sheera Niyantran (Dwitiya Sanshodhan) Adhiniyam, 2023.
[12] The Uttar Pradesh Sheera Niyantran (Sanshodhan) Adhiniyam, 2023.
[13] Uttar Pradesh Sheera Niyantran (Dwitiya Sanshodhan) Adhiniyam, 2021.
[14] Uttar Pradesh Sheera Niyantran (Dwitiya Sanshodhan) Adhiniyam, 202, Cl. 2. 1.
[15] The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2023.
[16] The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2023, Cl. 3.
[17] *Id.* Cl. 2.
[18] Invest India, *Uttar Pradesh: Food Basket of India*, INVEST INDIA, available athttps://www.investindia.gov.in/state/uttar-pradesh (last visited on March 22, 2024).

certain crimes and the reduction of trials for specific crimes over a total of seven Acts.[19] The legislation granted temporary suspension of proceedings for specific offences—outlined in the Code of Criminal Procedure, 1973—which were awaiting adjudication by a Magistrate until December 31, 2016. These trials involved the offences of (i) causing a disturbance in public or disrupting public tranquillity, and (ii) the attempt to hide one's physical presence or identity to commit a cognisable offence.[20] The current amendment prolongs the duration of trial abatement for the aforementioned offences, extending it from December 31, 2016 to December 31, 2021.[21] Interestingly the Criminal Law related Act was passed around the same time when the three new bills replacing the Indian Penal Code, 1860, Indian Evidence Act, 1872 and The Code of Criminal Procedure, 1973[22] were introduced in parliament.

Education

Uttar Pradesh enacted 8 Acts on education which constitutes the highest sectoral legislative activity in the year 2023. The Acts include the following sector are : (i) The Uttar Pradesh Private Universities (Amendment) Act, 2023; (ii) The Uttar Pradesh Private Universities (Second Amendment) Act, 2023; (iii) The Uttar Pradesh Private Universities (Third Amendment) Act, 2023; (iv) The Uttar Pradesh National Law University Prayagraj (Amendment) Act, 2023; (v) The Uttar Pradesh Jagadguru Rambhadracharya Divyang State University Act, 2023; (vi) The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya (Sanshodhan) Adhiniyam, 2023; (vii) The Uttar Pradesh Private Universities (Fourth Amendment) Act, 2023; (viii) The Uttar Pradesh State Universities (Amendment) Act, 2023.

The Uttar Pradesh Private Universities Act, 2019 has been amended four times[23] in the year 2023 to include 7 more private universities under Schedule 2 of the aforesaid Act. These additions have taken the number of private universities in the state to 37 by the end of 2023.

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[19] (i) The Motor Vehicles Act, 1939, (ii) The Minimum Wages Act, 1948, (iii) The Factories Act, 1948, (iv) The Police Act, 1861 and (v) The Public Gambling Act, 1867 (in their application to Uttar Pradesh) and (vi) The Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, and (vii) The Uttar Pradesh Dookan Aur Vanijya Adhisthan Adhiniyam, 1962

[20] Arpita Mallick, Ordinance Summary: *The Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Ordinance, 2023*, PRS LEGISLATIVE RESEARCH, available at https://prsindia.org/bills/states/the-uttar-pradesh-criminal-law-composition-of-offences-and-abatement-of-trials-amendment-ordinance-2023 (last visited on March 22, 2024).

[21] The Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 2023, Cl. 2.

[22] Mustafa Faizan, *New penal code falls short of its laudable objectives*, INDIAN EXPRESS, August 18, 2023, available at https://indianexpress.com/article/opinion/columns/faizan-mustafa-writes-new-penal-code-falls-short-of-its-laudable-objectives-8889348/ (last visited on March 24, 2024).

[23] The Uttar Pradesh Private Universities (Fourth Amendment) Act, 2023.

The Uttar Pradesh National Law University, Prayagraj Act, 2020 (U.P. Act no. 26 of 2020) has been amended[24] to name the aforesaid University after the country's first President, Dr. Rajendra Prasad.

The Uttar Pradesh Jagadguru Rambhadracharya Divyang State University Act, 2023 has been enacted to take control over Jagadguru Rambhadracharya Divyang Vishwavidyalaya. The Uttar Pradesh Jagadguru Rambhadracharya Divyang University Act, 2001 was enacted[25] to establish and incorporate a University sponsored by Jagadguru Rambhadracharya Divyang Siksha Sansthan, Chitrakoot Dham in the State. Due to his inability to operate the University owing to his old age and limited financial resources, the Chancellor of Jagadguru Rambhadracharya Divyang University requested the State Government to incorporate it as a State University. Thus the amendment established Jagadguru Rambhadracharya Divyang Vishwavidyalaya as a State University under an MoU entered between the State Government and the Chancellor Raghviyo Jagadguru Swami Rambhadracharya.[26]

The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya Adhiniyam, 1958 was amended[27] by the Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya (Sanshodhan) Adhiniyam, 2023 to make the benefits of new technology and research in the field of agriculture more accessible to the farmers of Purvanchal region of the State Uttar Pradesh and to provide the benefits of agriculture education to the students of Purvanchal region near their place of residence by establishing Mahatma Buddha Krishi Evam Prodyogik Vishwavidyalaya in the district Kushinagar.[28]

The Uttar Pradesh State Universities Act, 1973 was passed to amend and consolidate the legislation pertaining to certain universities in the state of Uttar Pradesh.[29] The state of U.P. has amended[30] the aforesaid act to include three more public universities each in Devipatan division, Vindhyachal division and Moradabad division to ensure availability of higher education. The amendment has provided for the establishment of Maa Pateshwari Devi State University, Balrampur in Devipatan division, Gonda; Maa Vindhyavasini State

[24] The Uttar Pradesh National Law University Prayagraj (Amendment) Act, 2023.
[25] The Uttar Pradesh Jagadguru Rambhadracharya Divyang University Act, 2001.
[26] The Uttar Pradesh Jagadguru Rambhadracharya Divyang State University Act, 2023.
[27] The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya Adhiniyam, 1958.
[28] The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya (Sanshodhan) Adhiniyam, 2023
[29] The Uttar Pradesh State Universities Act, 1973.
[30] The Uttar Pradesh State Universities (Amendment) Act, 2023.

University, Mirzapur in Vindhyachal division, Mirzapur; and Uttar Pradesh State University, Moradabad in Moradabad division, Moradabad.[31]

U.P. seems to be pushing a lot in the Education Sector. The U.P. Private Universities Act is continuously being amended to include more and more private Institutions within its purview.

Local Governance

The state enacted two laws in the Local Governance sector namely – (i) The Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2023; and (ii) The Uttar Pradesh Municipalities (Amendment) Act, 2023.

The Uttar Pradesh Municipalities Act, 1916 was enacted to consolidate and amend the legislation concerning Municipalities. Similarly, the Uttar Pradesh Municipal Corporation Act, 1959 was enacted to form Municipal Corporations for certain cities in Uttar Pradesh.

General Elections were held for the urban local bodies in the State in the year 2017. At that time 653 municipal bodies were in existence including 16 Nagar Nigams, 199 Nagar Palika Parishads and 438 Nagar Panchayats. In 2019 and 2022, new municipal bodies were created by the State Government and some bodies were merged and upgraded as a result of which Presently there are 762 urban bodies including 17 Municipal Corporations, 200 Municipal Councils and 545 Nagar Panchayats. Due to the expiry of the tenure of the Chairpersons of the municipal bodies elected in the general election of 2017, there was a constitutional obligation to conduct general elections of all the municipal bodies of the State at the earliest.

The State Government set up the Uttar Pradesh State Local Bodies Dedicated Backward Classes Commission to identify backward classes for reservation purposes. [32] The commission is responsible for conducting a thorough and empirical investigation into the nature and consequences of backwardness in urban local bodies, as required by the Supreme Court.[33] The Commission in its report, presented to the State Government had recommended making changes in the procedure for the determination of the reservation to provide representation to the backward classes in the urban local bodies so that the reservation is equally distributed in each district and division of the State. The amendment[34]

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[31] *Statement of Objects & Reasons of* The Uttar Pradesh State Universities (Amendment) Act, 2023

[32] Government of Uttar Pradesh, setting up of the Uttar Pradesh State Local Bodies Dedicated Backward Classes Commission, notification. no. 4032/9-1-2022-6-Nirva-22, (Notified on December 28, 2022).

[33], K. Krishnamurthy Vs. Union of India, (2010) 7 SCC 202; Vikas Kishan Rao Gawli Vs. State of Maharashtra, (2021) 6 SCC 73 and Suresh Mahajan Vs. State of Madhya Pradesh (2022) 12 SCC 770

[34] The Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2023.

was thus required to implement the recommendations and suggestions of the Commission.[35]

The Uttar Pradesh Municipalities (Amendment) Act, 2023 was passed to amend[36] the process of determining the reservation for the position of Chairperson in Municipal Councils and Nagar Panchayats. This was done by making changes to sub-section (5) of section 9-A of the Uttar Pradesh Municipalities Act, 1916 and sub-section (5) of section 7 of the Uttar Pradesh Municipal Corporation Act, 1959.

Religious Affairs

In secular India, religion is increasingly occupying a central place. The state of U.P. has enacted three new laws relating to religious affairs. These are : (i) The Uttar Pradesh Shree Ayodhya Jee Teerth Vikas Parishad;[37] (ii) The Uttar Pradesh Shree Devipatan Dham Teerth Vikas Parishad Act, 2023;[38] (iii) The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023.[39]

All three laws have a common normative structure with minor terminological modifications Each Act has created a Parishad with the Chief Minister as Chairperson and[40] the Minister of Tourism Department Government of U.P being the Vice-Chairperson.[41] Provisions for other officials including the Executive Vice Chairperson,[42] Chief Executive Officer[43] as well as Ex - Officio members have also been provided. There is even a provision for nominating members to the Parishad.[44]

The Parishad has the authority to ensure that the development, enforcement, and execution of a plan or project aligns with the cultural and architectural characteristics of the region. Additionally, it has the authority to impose fees or charges on tourists for the provision of services, facilities, maintenance, and development. The Parishads have the responsibility to ensure that the participating departments follow a proper and organized approach in terms of project planning, setting priorities in the region, and implementing the development of tourism infrastructure and preservation of the heritage. This should be done in accordance

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[35] *Statement of Objects & Reasons of* The Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2023.
[36] The Uttar Pradesh Municipalities (Amendment) Act, 2023.
[37] The Uttar Pradesh Shree Ayodhya Jee Teerth Vikas Parishad.
[38] The Uttar Pradesh Shree Devipatan Dham Teerth Vikas Parishad Act, 2023.
[39] The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023.
[40] The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §3(a).
[41] The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §3(b).
[42] The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §3(c).
[43] The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §3(p).
[44] The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §§3(s), 3(t)

with the stages outlined in the plan.[45] The Parishad's functions include working to increase awareness and interest in intangible cultural heritage. It also focuses on documenting, conserving, safeguarding, promoting, displaying, and disseminating this heritage in a systematic manner. Additionally, the Parishad shall conduct and encourage research in the field of heritage specific to the region. On a very positive side, the Parishad shall have the responsibility for the conservation and development of rivers, water bodies, and their surrounding areas in the region. This would include implementing measures to control pollution and enhancing the aesthetics of river fronts and water bodies. The Parishad is required to formulate architectural regulations to ensure that buildings and structures in the region adhere to the heritage architecture style, thus promoting uniformity.[46]

A separate bank account is to be opened to hold funds received by the Parishad. These funds are to come from various sources, including grants or loans[47] provided by the State Government, payments made by participating departments, contributions from Temple Trusts, donations from non-government organizations, companies, firms, and individuals, and any other funds determined by the State Government in consultation with the Parishad.[48]

All of the three Acts were introduced on November 29, 2023 and were passed by the assembly the next day ie., November 30, 2023. None of these laws were subjected to scrutiny by a select committee even as demands for such scrutiny were raised for each legislation. More than 15 officials, whether holding permanent or ex-officio positions are connected with the Parishad .The involvement of state officials and ministries in religious affairs is said to be contrary to the ideals of secularism and religious neutrality of the state enshrined under Article 27 of the Constitution of India. [49] Laws of this kind have invited a lot of criticism in the southern states of the country.[50] Even as several state governments have been spending huge amounts of public money on religious affairs.[51]

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[45] . The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §13.
[46] The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §14.
[47] The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §23.
[48] The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §24.
[49] The Constitution of India, 1950, Art. 27.
[50] Adarsh Kuniyillam, *Time to Repeal Hindu Religious Institutions and Charitable Endowments Act*, NEWS18, February 20, 2024, available at https://timesofindia.indiatimes.com/city/lucknow/up-assembly-passes-bill-for-imposition-of-higher-tax-on-online-games-casinos-and-lottery/articleshow/105593612.cms (last visited on March 24, 2024).
[51] Faizan Mustafa, *Cancelling Haj Subsidy Is a Good Step, Now the Government Should Stop Spending on All Religions*, THE WIRE, January 17, 2018, available at https://thewire.in/politics/haj-subsidy-government-spending-on-religion (last visited on March 24, 2024).

Salary of Legislators

The Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980 was enacted to consolidate and amend the law relating to the payment of salaries, allowances and other facilities to the members of the State Legislature.

The Act was amended in 2016 to raise the pension for former members from ₹10,000 to ₹25,000 under section 24(1). As a result, the spouses of former members who died after the Amendment took effect on 11 September 2016 became entitled to a minimum family pension of ₹25,000, or the pension otherwise admissible to the deceased member, whichever was higher. However, spouses of former members who died before 11 September 2016 remained capped at a family pension of ₹10,000 (or the pension otherwise admissible), creating a significant disparity. The Uttar Pradesh State Legislature (Members' Emoluments and Pension) (Amendment) Act, 2023 removes this anomaly by extending the minimum family pension of ₹25,000 to these spouses as well. The law is thus on the lines of one rank-one pension demand of army personnel.

Fees and Taxes

The state of U.P. has enacted three laws relating to Fees and Taxes in the year 2023 namely – (i) The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023; (ii) The Uttar Pradesh Goods and Services Tax (Amendment) Act, 2023; (iii) The Uttar Pradesh Goods and Services Tax (Second Amendment) Act, 2023.

The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023 has been enacted[52] to protect the development authorities from possible financial losses due to elevated land use proposed under the new master plan of AMRUT Yojna by the Government of India. Provisions for collection of "urban use charges"[53] at the time of approval of the map for elevated land use, the levy of a "special amenity fee"[54] by defining infrastructure projects with heavy investment as "special amenity facilities"[55] has been made. The amendment has also provided for the revision of approved master plans after a period of ten years or earlier.[56]

The Uttar Pradesh Goods and Services Tax Act, 2017 (hereinafter referred to as the "said Act") has been enacted[57] to make provision for levy and collection of tax on intra-state supply of goods or services or both by the State of Uttar Pradesh and for matters connected

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[52] The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023.
[53] The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023 Cl. 2(e) .
[54] The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023, Cl. 2(c)
[55] The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023, Cl. 2(c)
[56] The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023, Cl. 4.
[57] The Uttar Pradesh Goods and Services Tax Act, 2017.

therewith or incidental thereto. According to the provisions of Article 246 A(1) of the Constitution of India, both the Parliament and the State Legislature have the power to make laws for the imposition of Goods and Services Tax. On the recommendation of the GST Council, certain amendments were made to the Central Goods and Services[58] Tax Act, 2017 vide the Finance[59] Act, 2023, which was enacted by the Parliament and received the assent of the President on 31 March. 2023. This necessitated the need to amend the state Act and consequently the Uttar Pradesh Goods and Services Tax (Amendment) Act, 2023 was enacted.[60]

The second amendment to the said Act[61] via The Uttar Pradesh Goods and Services Tax (Second Amendment) Act, 2023 has been enacted to bring in "Online money gaming"[62] within the ambit of G.S.T. following the recommendations of the G.S.T. Council.[63]

Miscellaneous

The Uttar Pradesh Education Service Selection Commission Act, 2023

At present there are various commissions for the selection of teachers: (i) Uttar Pradesh Higher Education Service Commission for the selection of teachers of non-government aided colleges of the state; (ii) Uttar Pradesh Secondary Education Service Selection Board for the selection of teachers of non-government aided intermediate colleges; (iii) Concerned management committee for the selection of the posts of assistant teachers in aided junior high schools and affiliated primary schools; (iv) District Basic Education Officer and Secretary, Basic Education Council for selection of assistant teachers in council schools; (v) Uttar Pradesh Subordinate Services Selection Commission for the selection of instructors in the Department of Vocational Education.

Due to variance in the competence and efficiency of the above-mentioned Commissions/Institutions, both the process and quality of selection suffered. Since timely selection of teachers was not done, there were a large number of vacancies in various institutions. This adversely affected the education/training of the students/trainees in the

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[58] The Central Goods and Services Tax Act, 2017.
[59] The Finance Act, 2023.
[60] The Uttar Pradesh Goods and Services Tax (Amendment) Act, 2023.
[61] The Uttar Pradesh Goods and Services Tax (Second Amendment) Act, 2023.
[62] The Uttar Pradesh Goods and Services Tax (Second Amendment) Act, 2023, Cl. 2.
[63] Pankaj Shah, *UP Assembly passes bill for the imposition of higher tax on online games, casinos and lottery*, THE TIMES OF INDIA, November 29, 2023, available at https://timesofindia.indiatimes.com/city/lucknow/up-assembly-passes-bill-for-imposition-of-higher-tax-on-online-games-casinos-and-lottery/articleshow/105593612.cms (last visited on March 24, 2024).

State. The institution level selection committees lacked transparency which precipitated litigation.

The Uttar Pradesh Education Service Selection Commission Act, 2023 was enacted to establish 'Uttar Pradesh Education Service Selection Commission' so that the multiple abovementioned selection processes could be managed by one Commission in a uniform, transparent and timely manner.[64]

The Uttar Pradesh Inland Waterways Authority Act, 2023

The Uttar Pradesh Inland Waterways Authority Act, 2023 has established an Inland Waterways Authority at the State Level.[65] With the formation of this Authority, a separate administrative unit has been established to ensure development, regulation and environmental protection in water transport, water tourism and shipping and navigation in the State.

The constitution of the said Authority will ensure growth and conservation of rivers through the development of waterways. Religious and historical places situated at the banks of rivers will be developed and water tourism boosted by the development of waterways. Large-scale employment is also expected to be created by the development and expansion of water transport and water tourism.[66]

Conclusion

Even as there was an increase in the total number of sittings by the State Legislature, the legislative output was small. A detailed scrutiny shows that only six fresh legislations were enacted by the State of U.P. Of these six fresh legislations, The Uttar Pradesh Education Service Selection Commission Act, 2023 is a significant effort to reform the recruitment of teaching and non – teaching staff at all levels. The Uttar Pradesh Inland Waterways Authority Act, 2023 is also a major legislation enacted to revive the water transport of the state. This year also saw the enactment of three laws relating to the formation of Parishads for the preservation of culture and development of the region. The Chief Minister of the state heads all three Parishads formed in 2023.

The quantitative survey shows that there is little or no deliberation in the making of laws. The reduction of the time spent on discussing bills is not good for either the health of democracy or the quality of the laws enacted.

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[64] The Uttar Pradesh Education Service Selection Commission Act, 2023.
[65] The Uttar Pradesh Inland Waterways Authority Act, 2023. (U.P. Act no. 22 of 2023).
[66] *Statement of Objects & Reasons of* The Uttar Pradesh Inland Waterways Authority Act, 2023.

UTTARAKHAND

NIHARIKA SALAR*

Introduction

The Indian State of Uttarakhand was in the news in 2023 for several reasons: a nerve-wracking 17 days rescue operation in the Silkyara-Barkot tunnel, speculations over a uniform civil code and a global investors summit. As a relatively young state, carved out of Uttar Pradesh in 2000, Uttarakhand faces unique challenges in establishing and maintaining effective administrative structures.

This contribution aims to examine important legislative developments for the North-Indian state of Uttarakhand in the year 2023. This will be accomplished by highlighting legal and administrative developments, majorly through navigating the State Assembly's performance. The State Budget, previous year numbers, and other states' performances will also be looked at wherever required to corroborate narratives and analyse emerging themes. The narrative on the state has been composed by consulting the digital sources on state websites, gazettes and other digital repositories. While most state websites were updated only until 2022, additional information for 2023 was gathered through recent press releases, government notifications, and reliable news outlets reporting on Assembly proceedings and legislative updates. This approach helped to mitigate the limitations posed by incomplete archival updates on official portals.

Uttarakhand is geographically partitioned into two distinct regions known as Garhwal and Kumaon. The state has a unicameral legislature. Hindi serves as Uttarakhand's designated language, with most of the population speaking in the Garhwali and Kumaoni dialects.

An Overview of the State Assembly's Performance in 2023

In the year 2023, Uttarakhand state Assembly only met for two sessions: the budget session and the monsoon session. Subject to Article 174 of the Constitution of India, the Assembly

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is required to have three regular meetings each year, namely the Budget meeting, the Monsoon meeting, and the Winter meeting. The time period between two sessions of the state legislatures should not exceed six months. Nevertheless, it does not stipulate a specific number of days for the legislatures to convene.

A national commission proposed that State Legislatures consisting of fewer than 70 members convene for a minimum of 50 days per year, while larger legislatures should meet for a minimum of 90 days.[1] At present, there are 70 seats in the Uttarakhand Legislative Assembly[2] so it qualifies for the 50 days limit. The Rajya Sabha has been deliberating on a private member's bill[3] making it mandatory for Parliament to sit for 100 days.[4] In Uttarakhand, there is no set rule governing the number of legislative sittings[5], and the frequency of these sittings has varied over the years.

According to the Assembly Agenda, all the bills presented during the Uttarakhand Legislative Assembly Session in 2023 were allocated 15 minutes each for discussion.[6] This marks an increase from the 5-minute discussion time per bill allocated in 2022.[7] Most bills in 2023 were passed by voice vote. The relatively short discussion time, combined with the

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[1] NATIONAL COMMISSION TO REVIEW THE WORKING OF THE CONSTITUTION (NCRWC) REPORT, (2002), https://legalaffairs.gov.in/national-commission-review-working-constitution-ncrwc-report (last visited Jan 24, 2024).

[2] *Profile*, LEGISLATIVE ASSEMBLY UTTARAKHAND, https://ukvidhansabha.uk.gov.in/dpages/brief-profile (last visited on January 31, 2024).

[3] *Private Members' Legislation*, RAJYA SABHA SECRETARIAT NEW DELHI, June2023, available at https://cms.rajyasabha.nic.in/UploadedFiles/ElectronicPublications/pm_legislation2013.pdf (Last visited on January 31 2024).

[4] Vidhatri Rao, *What are Private Members' Bills: Only 14 have become laws, the last one in 1970*, THE INDIAN EXPRESS (Aug. 11, 2023), available at https://indianexpress.com/article/political-pulse/private-members-bills-parliament-8887297/ (last visited on January 15, 2024).

[5] Only Six states provide for a minimum number of sessions in their Rules of Procedure. Uttar Pradesh, Himachal Pradesh, Odisha and Manipur have fixed the number of sessions in each calendar year at three, and Manipur and Odisha provide that the legislature must have at least three sessions, for the rules of procedure and conduct of business of Uttarakhand Legislative Assembly, *see* Rules of Procedure and Conduct of Business of Uttarakhand Legislative Assembly, 2005 (last visited on January 24, 2024); *see also Discussion Paper: Working of State Legislatures*, PRS LEGISLATIVE RESEARCH (2022), available at https://prsindia.org/files/parliament/discussion_papers/Working_of_State_Legislatures.pdf; *also see* PTI, *State Assemblies Met for Average 21 Days in 2022: Report*, THE HINDU, June 1, 2023, available at https://www.thehindu.com/news/national/state-assemblies-met-for-average-21-days-in-2022-report/article66919318.ece (last visited on January 24, 2024).

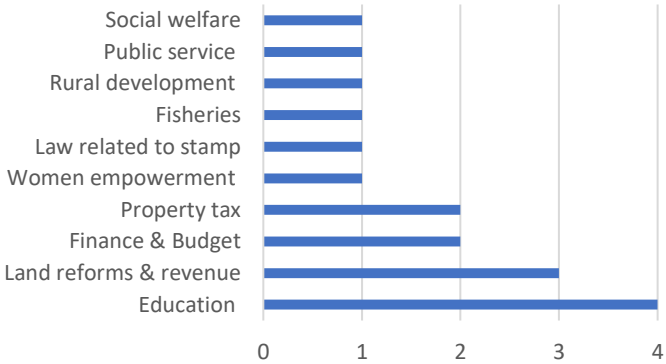
[6] *Agenda 2023*, LEGISLATIVE ASSEMBLY UTTARAKHAND, available at https://ukvidhansabha.uk.gov.in/dpages/agenda (last visited on January 24, 2024).

[7] Barring two Bills which were allocated 20 minutes each for discussion and passing - the Haridwar Universities Bill, 2022, and the Public Service (Horizontal Reservation for Women) Bill, 2022, *see Agenda 2022*, LEGISLATIVE ASSEMBLY UTTARAKHAND, available at .https://ukvidhansabha.uk.gov.in/dpages/agenda-2022 (last visited on January 24, 2024).

rapid passage of bills, has been noted as a factor that sometimes contributes to legislative measures being challenged in court (see, for example, the reservation section below). The 5th State Assembly elections were held in 2022. In 2017, 44% of the Members of the Legislative Assembly (MLAs) held at least a bachelor's degree, a figure that decreased to 41% in 2023.[8]

347 government orders were issued in 2023. The irrigation and minor irrigation department, drinking water department and technical education department issued most of these orders.[9] 16 bills were put up for discussion in the budget session while 11 bills were discussed in the monsoon session. A total of 17 bills were passed and enacted as Acts by notification in the Gazette.[10] A majority of these 17 bills were in the education sector (See Figure 3). Three bills were carried forward to 2023 as they were passed by the Uttarakhand Legislative Assembly but did not obtain assent from the Governor.[11]

Figure 3



Emphasis on Education

Uttarakhand's political landscape is shaped by a dual-party system, comprising the Bharatiya Janata Party ('BJP) and the Congress Party, which are both prominent national

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[8] Payoja Ahluwalia *Vital Stats: Profile of the 5th Uttarakhand Legislative Assembly*, PRS LEGISLATIVE RESEARCH, March 11, 2022, available at https://prsindia.org/legislatures/state/vital-stats/profile-of-the-5th-uttarakhand-legislative-assembly (last visited on January 24, 2024); *also see* Rahul Lahoti & Soham Sahoo, *Are Educated Leaders Good for Education? Evidence from India*, Vol. 176, JOURNAL OF ECONOMIC BEHAVIOR & ORGANIZATION 42 (2020).

[9] UTTARAKHAND GOVERNMENT ORDERS / SHASANADESH PORTAL, available at https://go.uk.gov.in/en/Search/index (last visited on January 31, 2024).

[10] Acts no 1-16 & 25 of 2023 are available online but Acts no 17-24 of 2023 are unavailable as they are awaiting the Governor's assent, as confirmed by the State Governor Secretariat's office.

[11] Uttarakhand Public Services (Horizontal Reservation for Women) Bill, 2022, which was passed by the Legislative Assembly on November 30, 2022, received the assent of the Honourable Governor on January 10, 2023 and became the 1st Act of 2023 of Uttarakhand, The Indian Stamp (Uttarakhand Amendment) Bill, 2022, which was passed by the Legislative Assembly on November 30, 2022, received the assent of the Honourable Governor on February 21, 2023 and it became the of 2nd Act of 2023 of Uttarakhand, and , Haridwar University Bill, 2022 which was passed by the Legislative Assembly on November 30, 2022, received the assent of the Honourable Governor on May 16, 2023, and became the 16th Act of 2023 of Uttarakhand, for the acts, *see* Uttarakhand Public Services (Horizontal Reservation for Women) Act, 2022, The Indian Stamp (Uttarakhand Amendment) Act, 2022, and Haridwar University Act, 2022

parties in India. This contrasts with the fragmented, multi-party system that exists in Uttar Pradesh and other nearby states. The efficacy of two-party systems in India lies in their ability to deliver public goods effectively. This is attributed to the fact that political parties strive to garner support from many social factions, hence incentivizing the provision of public goods to secure victory in elections.[12] Partly for this reason, public spending on education is comparatively high in Uttarakhand. The state allocated 16.6% of its expenditure on education in 2023-24. This is higher than the average allocation for education by states in 2022-23 (14.8%).[13] It is worth mentioning here that social service provision is far more costly in hilly terrain, which also contributes to the higher spending .

The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Bill, 2023

Incidents of cheating and paper leaks have occurred on several occasions in Uttarakhand with over 800 persons being arrested in 2022-23.[14] The Uttarakhand Public Service Commission papers were also leaked in January 2023,[15] leading to protests and unrest in Uttarakhand.[16]

Such incidents not only undermine the fairness and integrity of the examination process but also disrupt fair competition when some individuals succeed through illicit means rather than through genuine merit and hard work. In response, the state promulgated an ordinance to bar and penalise the use of unfair means in public examinations.[17] The Uttarakhand Assembly passed the Bill replacing the Ordinance in March 2023.[18] The law aims to ensure

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[12] Pradeep Chhibber & Irfan Nooruddin, *Do Party Systems Count? The Number of Parties and Government Performance in the Indian States*, Vol. 37(2), Comparative POLITICAL STUDIES, 152 (2004).

[13] *Uttarakhand Budget Analysis 2023-24*, PRS LEGISLATIVE RESEARCH, available at https://prsindia.org/budgets/states/uttarakhand-budget-analysis-2023-24 (last visited on January 22, 2024).

[14] Over 800 Arrested for Rigging Exams in Uttarakhand in 1 Year: Police, NDTV.COM, https://www.ndtv.com/india-news/over-800-arrested-for-rigging-exams-in-uttarakhand-in-1-year-police-3943763 (last visited on January 26, 2024).

[15] TNN, *Uttarakhand Public Service Commission paper leak: Questions were sold to over 50, say police* | THE TIMES OF INDIA, January 17, 2023, available at https://timesofindia.indiatimes.com/city/dehradun/uttarakhand-public-service-commission-paper-leak-questions-were-sold-to-over-50-say-police/articleshow/97043240.cms (last visited on January 26, 2024).

[16] *Protests against multiple paper leak scams continue in Uttarakhand*, THE TIMES OF INDIA, February 11, 2023, available at https://timesofindia.indiatimes.com/city/dehradun/protests-against-multiple-paper-leak-scams-continue-in-uttarakhand/articleshow/97812483.cms?from=mdr (last visited on January 22, 2024).

[17] The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Ordinance, 2023 (February 9, 2023).

[18] Avaneesh Mishra, *Fine of Rs 10 Crore, Life Term: What Is Uttarakhand's New Anti-Cheating Law*, THE INDIAN EXPRESS, February 14, 2023, available at https://indianexpress.com/article/explained/fine-of-rs-10-crore-life-term-what-is-uttarakhands-new-anti-cheating-law-8443033/ (last visited on January 26, 2024).

that students can obtain their qualification through honest and fair means and to promote a culture of academic integrity.

The Act introduces a comprehensive definition of "unfair means," including a wide array of illicit activities beyond traditional cheating. This includes the leakage, possession, or distribution of question papers and answer keys; impersonation; tampering with answer sheets or digital systems; and any form of conspiracy or abetment to commit such acts.[19] Crucially, the law extends liability to printing presses, service providers, coaching centres, examination authorities, and their employees, if they are found to be complicit in malpractice, thereby targeting the entire ecosystem of cheating.[20]

One of the Act's striking features is its extraordinarily stringent penalties. For those involved in organized crime, paper leaks, or large-scale facilitation of unfair means, the law prescribes life imprisonment, fines up to ₹10 crore, and the confiscation of property acquired through illegal gains.[21] This severe deterrence is specifically designed to incapacitate the "cheating mafias" that have plagued the examination system.[22] Individual candidates caught using unfair means face a minimum of three years imprisonment and a ₹5 lakh fine for a first offense, escalating to a minimum of ten years imprisonment and a ₹10 lakh fine for subsequent offenses. Furthermore, candidates can be debarred from all competitive examinations for periods ranging from 2 to 10 years, and even lifetime debarment for repeated convictions.[23] All offenses under the Act are classified as cognizable, non-bailable, and non-compoundable, emphasizing the gravity with which the state views these crimes.[24] The Act also provides for the establishment of Special Courts to ensure speedy trials.[25]

The law's key strength is its rather strong deterrent focus on organized malpractice, with the goal of dismantling networks behind exam fraud through severe penalties. However, one significant concern is the proportionality of punishment for individual candidates,

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[19] § 2 (g), The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

[20] § 12 and 21, The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

[21] § 12, The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

[22] Statement of object and reasons, The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

[23] § 12, The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

[24] § 22, The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

[25] § 26, The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

particularly the fixed three-year imprisonment for a first offense, which might be deemed excessively harsh for minor infractions. The provision to debar candidates from future exams upon the filing of a chargesheet rather than upon conviction raises serious questions about the presumption of innocence, potentially prejudicing individuals before their guilt is legally established.[26] This could lead to the premature termination of careers based solely on accusations. Furthermore, while the law excels at punishment, it does not directly address the underlying socioeconomic drivers of cheating, such as high unemployment, intense competition for limited government jobs, and disparities in educational quality. Its effectiveness will also heavily depend on the investigative agencies' capacity to handle sophisticated cybercrimes and gather robust evidence, as well as the judiciary's ability to conduct swift and fair trials in a high volume of cases.

Besides, the Act, as currently published, presents notable structural and substantive inconsistencies. The legislation was initially promulgated as an Ordinance, which included explicit provisions regarding disbarment upon the filing of a chargesheet. However, a comparison between the Ordinance and the published Act reveals that key sections, specifically sections 12 (in part), 13, and 14, are missing from the Act. It appears that the sections themselves are absent, and the content of section 12 flows abruptly into what should have been the concluding part of section 14. It remains unclear whether the chargesheet-related provisions have been substantively carried over to the final Act, due to these textual inconsistencies.

University of Engineering and Technology Roorkee (Amendment) Bill, 2023

The University of Engineering and Technology Roorkee (Amendment) Bill, 2023, primarily focused on changing the name of the "University of Engineering and Technology Roorkee" to "COER University." This amendment was enacted through Uttarakhand Act No. 14 of 2023, which received the Governor's assent on April 28, 2023, and was subsequently notified in the Uttarakhand Gazette on May 2, 2023.[27]

The rationale behind this name change is to reflect the historical connection and existing rights of the sponsoring trust, Seth Roshan Lal Jain Trust, which had been operating educational institutions under the "COER" name.[28] The amendment essentially sought to

[26] § 13, The Uttarakhand Competitive Examination (Measures for control and prevention of unfair means in recruitment) Ordinance, 2023

[27] The University of Engineering and Technology Roorkee Act, 2020.

[28] Statement of Objectives and Reasons, The University of Engineering and Technology Roorkee (Amendment) Act, 2023

align the university's legal name with its operational identity and the history of its sponsoring body.

Haridwar University Bill, 2022

The Haridwar University Bill, 2022, was among the only two bills that were allocated 20 minutes for discussion before they were approved.[29] The Act's purpose is to construct and integrate a university named 'Haridwar University' with the goal of offering educational, training, and research facilities in many academic fields. Previously known as Roorkee College of Engineering, this institution has been operational since 2010.[30]

Veer Madho Singh Bhandari Uttarakhand Technical University (Amendment) Act, 2023

Veer Madho Singh Bhandari Uttarakhand Technical University, Dehradun was established in 2005 through the Uttarakhand Technical University Act 2005. The amendment bill was brought in 2023 to allow legal education to be imparted in the University by adding definition of legal education and redefining 'approved institution'. [31]

State Universities Uttarakhand Bill, 2023 and Uttarakhand Private Universities Bill, 2023

As of today, universities in Uttarakhand are governed through their own respective Acts. A need for an umbrella legislation was felt, to remove the inconsistencies which at present prevail in the governance of different universities and to ensure better education and better teachers.

Following extensive discussions, two separate bills were introduced during the monsoon session: the State Universities Uttarakhand Bill, 2023, which pertains to all 11 government universities in the state, and the Uttarakhand Private Universities Bill, 2023, which applies to the existing 22 private universities throughout the state. Both bills aimed to create consolidated frameworks to streamline university governance and introduce greater accountability and transparency.

The Uttarakhand Private Universities Bill, 2023 has since been enacted as the Uttarakhand Private Universities Act, 2023 (Act no 2 of 2024). This Act came into force following the Governor's assent on January 1, 2024, repeals the individual acts governing private universities and brings them under a unified regulatory framework. Key provisions include a 25% quota for students who are permanent residents of Uttarakhand and a 25 % fee

[29] The Haridwar University Act, 2022.
[30] Private Universities, Rajbhawan Uttarakhand available at https://governoruk.gov.in/private-universities (last visited on July 06, 2025).
[31] The Veer Madho Singh Bhandari Uttarakhand Technical University (Amendment) Act, 2023.

concession for these students.[32] While private universities retain autonomy to set tuition fees, they must now follow a transparent, publicly accessible procedure when determining fee structures.

The State Universities Uttarakhand Bill, 2023 also progressed, with cabinet approval granted in September 2023.[33] The bill proposes significant reforms, including granting state universities direct authority to affiliate colleges, which was previously under the purview of the Governor (as Chancellor). It also seeks to standardize governance across state universities, replacing the previously applicable Uttar Pradesh University Act, 1973, and extending the retirement age of vice-chancellors to 75 years. During the time of writing this piece, there is little to no evidence to suggest that it has been enacted.

A similar legislative effort was made in 2020 through a consolidated bill, but it was returned by the then-governor, who raised several concerns, including an objection to the proposed retirement age.[34] The current legislative package incorporates revisions that address some of the earlier objections, particularly those related to administrative processes and university autonomy. However, the retirement age provision remains unchanged at 75 years, despite the Governor's earlier recommendation to limit it to 65 years.

Crossroads of Sovereignty and Demands: Dynamics along Reservation Row

For Statehood Agitators

The Uttarakhand Movement[35] emerged from the longstanding neglect of the region's distinct challenges as a hilly area as compared to the plains. The demand for statehood traces back to 1815 after the East India Company's capture of Kumaon, with the first major recognition in 1938 when Jawaharlal Nehru supported the cause at a Congress session, acknowledging the region's unique identity. Despite this, Uttarakhand remained part of Uttar Pradesh post-independence. The movement gained momentum in 1979 with the formation of the Uttarakhand Kranti Dal (UKD), though unlike similar movements elsewhere, UKD failed to become a dominant political force. The BJP's endorsement of the statehood

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[32] § 13, The Uttarakhand Private Universities Act, 2023

[33] Private varsities to keep 25 % seats reserved for Uttarakhand students, THE PIONEER, September 3, 2023, available at https://www.dailypioneer.com/2023/state-editions/pvt-varsities-to-keep-25---seats-reserved-for-u---khand-students.html (last visited on January 23, 2024).

[34] *Uttarakhand assembly passes umbrella university bill which was returned by Guv for reconsideration*, HINDUSTAN TIMES , December 23, 2020, available at https://www.hindustantimes.com/dehradun/uttarakhand-assembly-passes-umbrella-university-bill-which-was-returned-by-guv-for-reconsideration/story-nkSePr3IbLdlmOyZl8OXOL.html (last visited on January 23, 2024).

[35] Shekhar Pathak, *Beyond an Autonomous State Background and Preliminary Analysis of Uttarakhand Movement*, 60 PROCEEDINGS OF THE INDIAN HISTORY CONGRESS 893 (1999).

demand, coupled with its growing influence through the Ram Mandir movement[36] and the decline of the Congress, significantly shaped the region's political landscape in the 1990s.

Statehood agitators or *Rajya Andolankari* played an immense role in the movement.[37] The demand for employment reservations, as a means of recognizing the contributions of individuals who were injured or jailed during the movement, had been steadily growing among the relatives of such members.

In the monsoon session in 2023, The Uttarakhand Reservation in Government Service for the Identified Andolankari of Uttarakhand and their Dependents Bill, 2023 was agreed to be tabled but many members felt there were still some gaps due to which the State Assembly speaker constituted a seven-member select committee headed by parliamentary affairs minister Prem Chand Aggarwal to examine the bill.[38] The Uttarakhand Reservation in Government Service for the Identified Andolankari of Uttarakhand State Movement or their Dependants Act, 2023 (Uttarakhand Act No. 11 of 2024) was passed by the Uttarakhand Legislative Assembly and received the Governor's assent on August 17, 2024, with official notification in the Gazette on August 18, 2024.[39] The Act mandates a 10% horizontal reservation in direct recruitment to government services in Uttarakhand.[40] This means that within the existing vertical reservation categories (like SC, ST, OBC, and General), 10% of the posts will be earmarked for eligible Andolankaris and their dependents. Importantly, the Act is granted retrospective effect from August 11, 2004, for validating prior selections and appointments, while other provisions apply from the date of

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[36] Anand Mishra, *How the Ramjanmabhoomi Movement Fuelled BJP's Rise and Reshaped India's Political Landscape*, FRONTLINE, January 22, 2024, available at https://frontline.thehindu.com/the-nation/project-temple-ayodhya-ram-mandir-birth-growth-of-idea-that-changed-india-political-landscape/article67755692.ece (last visited on January 31, 2024).

[37] Mohammad Anab, *20 years of Uttarakhand: Statehood agitators recall struggle, press for long-pending demands*, THE TIMES OF INDIA, November 10, 2020, available at https://timesofindia.indiatimes.com/city/dehradun/20-years-of-uttarakhand-statehood-agitators-recall-struggle-press-for-long-pending-demands/articleshow/79134884.cms (last visited on January 22, 2024).

[38] *Uttarakhand assembly sets up 7-member panel on job quota for statehood activists*, HINDUSTAN TIMES , September 10, 2023, available at https://www.hindustantimes.com/cities/dehradun-news/uttarakhand-assembly-sets-up-7-member-panel-on-job-quota-for-statehood-activists-101694351032657.html (last visited on January 25, 2024); *see also* BI News Desk, *Uttarakhand Statehood Agitators Demand Passage of Uttarakhand Movement and Dependents Bill 2023 in Upcoming Assembly,* BEYOND INDIA, November 5, 2023, available at https://beyondindia.in/uttarakhand-statehood-agitators-demand-passage-of-uttarakhand-movement-and-dependents-bill-2023-in-upcoming-assembly/, (last visited on January 18, 2024).

[39] Page 1, The Uttarakhand Reservation in Government Service for the Identified Andolankari of Uttarakhand State Movement or their Dependents Act, 2023

[40] Statement of Objects and Reasons, The Uttarakhand Reservation in Government Service for the Identified Andolankari of Uttarakhand State Movement or their Dependents Act, 2023

notification.[41] This retrospectivity provides legal certainty and protection for those who might have previously secured jobs under similar reservation provisions that were later challenged or struck down by courts (as happened in August 2013 with a High Court order).[42] It essentially legalizes and secures their positions. Beneficiaries include identified Andolankaris and their immediate family members, including spouses, sons, daughters, and dependents from vulnerable categories. Initially introduced in September 2023, the Bill was reviewed by a Select Committee, refined, and subsequently enacted. The legislation is expected to benefit thousands of families linked to the statehood movement.

For Women

Uttarakhand's challenging geography disproportionately affects women in remote and high-altitude areas, limiting their access to transportation, employment, and reproductive health services.[43] These constraints contribute to lower living standards compared to women in more accessible regions. High travel costs for administrative tasks further restrict participation, raising concerns about women's representation in local governance. The diverse geographical nature of the state makes life particularly challenging for women.

Responding to the situation, a government order was issued in 2006 that granted 30% horizontal reservations to women with domicile certificates. The reservations were applicable to female candidates possessing domicile certificates appearing for the Uttarakhand Combined Service and Senior Service examinations conducted by the State Public Service Commission. Years later, in 2022, a petition led by 16 women challenged the 2006 order, claiming that reservations in public service recruitments based on domicile were

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[41] § 5, The Uttarakhand Reservation in Government Service for the Identified Andolankari of Uttarakhand State Movement or their Dependents Act, 2023

[42] The Uttarakhand High Court, through Writ Petition (PIL) No. 67 of 2011, struck down the 2004 Government Orders granting direct appointments and 10% reservation for Andolankaris, deeming them unconstitutional. See In the matter of appointments of activists on Group 'C' and Group 'D' posts under the Uttarakhand Rajya Andolan Ke Ghayal/Jail Gaye Andolankariyon Ki Sewayojan Niyamawali, 2010 v. State of Uttarakhand, WP No. 67 of 2011, https://highcourtofuttarakhand.gov.in/files/wppil_no67--.pdf

[43] Rajendra P.Mamgain and D.N.Reddy, Outmigration from hill region of Uttarakhand: Magnitude, challenges and policy options, National Institute of Rural Development and Panchayati Raj (2017);NITI Aayog, Enumeration and Valuation of the Economic Impact of Female Labour in the Hills: A study of Indian Himalayan Region (2022) available at https://www.hnbgu.ac.in/sites/default/files/2024-09/Theme-1.pdf last visited on July 6, 2025; Akshay Mangla, *Bureaucratic Norms and State Capacity in India: Implementing Primary Education in the Himalayan Region*, Vol. 55(5), ASIAN SURVEY, 882 (2015); Suman Kumari & Vasu Siotra, *Indian Females in the Twenty-First Century: How They Have Fared? An Analysis Using Geospatial Techniques*, Vol. 88(1), GEOJOURNAL (2023); Vaneeta Chandna et al., *Status of Reproductive Health of Women in Himalaya: A Case Study of Selective Villages of, Uttarakhand, India*, Vol. 71(1), JOURNAL OF THE ANTHROPOLOGICAL SURVEY OF INDIA, 41 (2022).

discriminatory.[44] The petitioners were women from neighbouring states like Haryana and Uttar Pradesh who were not part of any reserved category and had appeared for the civil services examinations in the state. The women alleged that they were refused permission to take the final examination, despite achieving a higher score than the minimum requirement for students with domicile certificates. Responding to the petition, the Uttarakhand High Court stayed the operation of the order only for state-domiciled individuals and said the quota shall be construed as a horizontal reservation for women irrespective of their domicile or place of residence. The learned bench was of the view that the state government cannot, merely by issuing a government order, provide for reservation for women candidates based on their domicile. The state government challenged the High Court's order in the Supreme Court. The state government argued that the 2006 Government Order granting 30% horizontal reservation for women has been in continuous operation for over 15 years, benefiting thousands and forming the basis for ongoing recruitment. The State highlighted the unique geographical and socio-economic challenges faced by women in remote hill regions, justifying the reservation as a measure of social justice and positive discrimination. It also contended that the High Court erred in granting what amounted to final relief at an interim stage. The Supreme Court in November 2022 reversed the Uttarakhand High Court's order which stayed the state government's decision.[45]

Wasting no time, the Uttarakhand Public Services (Horizontal Reservation for Women) Bill, 2022, which was passed by the Legislative Assembly on November 30, 2022, received the assent of the Honourable Governor on January 10, 2023, and became the first act of 2023 of Uttarakhand.[46] According to the Uttarakhand government, the Act ensures "social justice, equality of opportunity, improvement in standard of living" among other guarantees for women.[47]

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[44] Ananya Attri & Ors v. State of Uttarakhand & Anr., *Writ Petition (S/B)* No. 492 OF 2022.

[45] Deepankar Malviya, *Supreme Court Lifts Stay On 30% Quota For Women Domiciled In Uttarakhand In State Services*, LIVE LAW, November 4, 2022, available at https://www.livelaw.in/top-stories/supreme-court-lifts-stay-on-30-quota-for-women-domiciled-in-uttarakhand-in-state-services-213263 (last visited on January 31, 2024).

[46] Ishita Mishra, *Governor Gave Nod to 30% Reservation in Government Jobs for Uttarakhand Women*, THE HINDU, January 10, 2023, available at https://www.thehindu.com/news/national/other-states/governor-gave-nod-to-30-horizontal-reservation-in-government-jobs-for-native-women-in-uttarakhand/article66360372.ece (last visited on January 25, 2024).

[47] *Uttarakhand Passes Bill For 30% Horizontal Reservation For Local Women: What It Means*, OUTLOOK INDIA, January 18,2024, , https://www.outlookindia.com/national/uttarakhand-passes-bill-for-30-horizontal-reservation-for-local-women-what-it-means-news-243607 (last visited on January 25, 2024).

During the time of writing of this survey, a division bench of the Uttarakhand High Court is hearing another plea challenging the Act.[48] All the reserved appointments under the Act have been made are subject to the Court's final decision in the matter.

The Uniform Civil Code in Uttarakhand : Developments in 2023[49]

A Uniform Civil Code (UCC) was part of BJP's manifesto in the 2022 assembly elections, for which a Committee of Experts was established to analyse the current legislation governing the personal civil matters of Uttarakhand residents.[50] In January 2023, the Supreme Court declined to entertain a Public Interest Litigation (PIL) challenging the formation of such a committee. The court held that states had the authority to establish committees to assess the practicality of applying a UCC.[51]

Concluding Thoughts: Legislative Future in Uttarakhand

Uttarakhand's development policy has increasingly focused on tourism,[52] arguably at the cost of its extremely fragile ecology. The state has experienced a surge in cloudbursts, resulting in widespread flooding and landslides. In 2023, Uttarakhand experienced over

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[48] Pankul Sharma & Sonali Mishra, *HC seeks govt reply on plea over horizontal reservation for women*, THE TIMES OF INDIA, Oct. 12, 2023, available at https://timesofindia.indiatimes.com/city/dehradun/hc-seeks-govt-reply-on-plea-over-horizontal-reservation-for-women/articleshow/104356023.cms (last visited on January 31, 2024).

[49] Most of the developments around the UCC in Uttarakhand have occurred in the subsequent years and will be covered in the forthcoming issues of ASSL. Only the start of the saga is being recorded in this year's survey {Ed.]

[50] *Committee of Experts: Laws regulating personal civil matters & Uniform Civil Code*, UNIFORM CIVIL CODE UTTARAKHAND , available at https://ucc.uk.gov.in (last visited on January 22, 2024); *also see* Home Department, Constitution of Expert Committee, No. 452/ xx-5-2022-03(32)2022, (May 27, 2022).

[51] Padmakshi Sharma, *States Have Power To Constitute Committees On Uniform Civil Code: Supreme Court*, LIVE LAW, January 09, 2023, available at https://www.livelaw.in/top-stories/supreme-court-dismisses-pil-challenging-states-forming-committees-for-implementing-uniform-civil-code-218453 (last visited on January 28, 2024).

[52] *Uttarakhand govt rolls back decision to cap pilgrim numbers for Char Dham yatra*, HINDUSTAN TIMES , April 21, 2023, available at https://www.hindustantimes.com/cities/dehradun-news/uttarakhand-govt-rolls-back-daily-cap-on-pilgrims-for-char-dham-yatra-online-and-offline-registration-to-continue-for-crowd-management-101682081799747.html (last visited on January 29, 2024); *see also Tourism Police to be formed in U'khand: Radha Raturi*, GARHWAL POST, October 11, 2023, available at https://garhwalpost.in/tourism-police-to-be-formed-in-ukhand-radha-raturi/ (last visited on January 31, 2024); *also see Uttarakhand govt to conduct comprehensive survey of state's disaster-prone cities*, THE ECONOMIC TIMES, August. 20, 2023, https://economictimes.indiatimes.com/news/india/uttarakhand-govt-to-conduct-comprehensive-survey-of-states-disaster-prone-cities/articleshow/102879029.cms?from=mdr (last visited on January 31, 2024); *also see* Pratima Pandey, *Uttarakhand Government Must Rethink Tourism Development,* POLICY CIRCLE, February 7, 2023, available at https://www.policycircle.org/environment/uttarakhand-government-tourism/ (last visited on January 29, 2024).

1,000 instances of landslides, resulting in the highest fatality count in eight years, as opposed to 245 incidences in 2022.[53] It has impacted indigenous communities as well.[54] However, no legislation related to environmental damage has been up for discussion since 2021. The Disaster Management Department issued no government orders in 2023.

On the other hand, the Uttarakhand government is keen to introduce an ordinance to tighten the laws for buying land in the state to prevent people with criminal antecedents from making such purchases.[55] Five ordinances[56] were introduced in 2023 and it has been observed that government orders have been relied upon to introduce initial legal changes. Most of the encroachments occurred on land designated as forest areas. Nearly 500 'mazars' (tomb shrines) and around 50 temples have been demolished since the start of this anti-encroachment campaign, which has also been referred to as 'land jihad'.[57] The term has been used in certain political discourses to refer to alleged instances where certain groups are accused of using tactics such as land acquisition or demographic changes to assert influence or control over particular areas.[58]

In conclusion, the legislative landscape of Uttarakhand stands as a testament to the collective aspirations and endeavours of its people and their struggle to get the Centre's attention. This contribution attempted to navigate through the State Legislative Assembly's performance and significant laws implemented in 2023 to provide contextual information to explore the underlying aims of the government. As the State navigates through the intricate

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[53] Gaurav Talwar, *Uttarakhand disasters kill 100 in 3 months, most in landslides*, TIMES OF INDIA, September 19, 2023, available at https://timesofindia.indiatimes.com/city/dehradun/uttarakhand-disasters-kill-100-in-3-months-most-in-landslides/articleshow/103768992.cms (last visited on January 25, 2024).

[54] Sushmita Grantee, *Climate Crisis Ravages Uttarakhand's Nomadic Herders As Government Looks Away*, THE MORNING CONTEXT, January 10, 2024, https://pulitzercenter.org/stories/climate-crisis-ravages-uttarakhands-nomadic-herders-government-looks-away (last visited on January 25, 2024).

[55] *Uttarakhand government to bring ordinance to prevent people with criminal antecedents from buying land*, THE ECONOMIC TIMES, May 5, 2023, available at https://economictimes.indiatimes.com/news/india/uttarakhand-government-to-bring-ordinance-to-prevent-people-with-criminal-antecedents-from-buying-land/articleshow/100007151.cms?from=mdr (last visited on January 28, 2024).

[56] The Uttarakhand Competitive Examination (Measures For Control And Prevention Of Unfair Means In Recruitment) Ordinances, 2023, (February 10, 2023); Uttarakhand (United Provinces Rakshak Dal Act, 1948) Amendment Ordinance, 2023, (May 25, 2023); Uttarakhand Investment and Infrastructure (Development and Regulation) Ordinance, 2023, (May 26, 2023); Uttarakhand Martyrs Dependent Ex-gratia Grant (Amendment) Ordinance, 2023, (July 5, 2023); Uttarakhand Goods and Services Tax (Amendment) Ordinance, 2023, (August 9, 2023).

[57] PTI, *Illegal Encroachments in Name of "Land Jihad" Will Not Be Allowed in Uttarakhand: Dhami*, THE HINDU, May 26, 2023, available at https://www.thehindu.com/news/national/other-states/illegal-encroachments-in-name-of-land-jihad-will-not-be-allowed-in-uttarakhand-dhami/article66896362.ece (last visited on January 28, 2024).

[58] Grantee, *supra* note 105.

challenges and opportunities that define the state's trajectory, it is imperative to recognize the pivotal role of effective legislation in fostering growth and stability, without any interference from the Centre. However, that has not always been the case, as previous instances in Uttarakhand[59] have shown that political calculations frequently take priority over constitutional obligations and federal principles in government affairs. Engaging in short-term political calculations only encourages judicial intervention and weakens the executive branch, while also eroding the government's legitimacy.[60] This statement is particularly relevant today as some previous ordinances and government orders have been held unconstitutional or stayed, as mentioned above, reminding the state government that government orders cannot be a law-making procedure. It will be intriguing to see the outcomes of these legislations for the residents of Uttarakhand in the years to come.

[59] Utkarsh Anand, *Lessons from Uttarakhand and Arunachal: What court orders on Central rule say*, THE INDIAN EXPRESS July 15, 2016, available at https://indianexpress.com/article/explained/arunachal-pradesh-verdict-nabam-tuki-harish-rawat-uttarakhand-president-rule-supreme-court-modi-government-2914435/ (last visited on January 29, 2024).

[60] Jayaprakash Narayan, *Reimagining Governor's Institution and Federalism*, Vol. 63, INDIAN JOURNAL OF PUBLIC ADMINISTRATION, 418 (2017); *also see* Christophe Jaffrelot & Sanskruthi Kalyankar, *To What Extent Is India a Union of States? From "Quasi Federalism" to "National Federalism"*, INSTITUT MONTAIGNE, June 13, 2019, available at https://www.institutmontaigne.org/ressources/pdfs/blog/indian-federalism-under-modi-theory-practice-policy-brief.pdf (last visited on January 29, 2024).

WEST BENGAL

ANIRBAN CHAKRABORTY*

Introduction

West Bengal has a unicameral house. 2023 is significant because the working of the West Bengal legislatures was severely impaired due to assembly elections between 2020-22. The research data is collected from multiple sources. These sources include the information available on the website of the assembly, reports and proceedings published by the assembly, the gazette notifications, newspaper reports, online blog posts and research studies conducted by private institutions.

Further, studying West Bengal is slightly different and unique from the rest of the country. This is mainly because of the nature of the polity of the state. The ruling political parties of successive governments in West Bengal since the post-emergency era have been in strong opposition to the political parties ruling in the Union.[1] The State Government has made a conscious effort to assert its independent identity and not mechanically submit to the policies adopted by the Centre.

Quantitative Legislative Survey

The Third and the Fourth Sessions of the 17th West Bengal Legislative Assembly were held in the year 2023. The Assembly worked in two sessions for a total of 40 sitting days and the same is represented in the table below:

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[1] The government of the Congress-I party headed by Shri. Siddharth Sankar Ray between 1972-77 was the last occasion when West Bengal was ruled by a political party which was also in power in the Centre. This was followed by 34 years of the Left Front government and finally replaced by the All-India Trinamool Congress in 2011 by an overwhelming majority. The All-India Trinamool Congress has also won the subsequent state assembly elections in 2016 and continues to remain in power. Both Left Front and All-India Trinamool Congress are in opposition to the political party in power in the Centre.

Session[2]	Dates	Functioning Days
17th WBLA: Session 3	February 08, 2023 - March 13, 2023	13
17th WBLA: Session 4	July 24, 2023 - December 07, 2023 (Session was adjourned *sine die*)	27

Functioning of the Assembly

The Third Session of the Legislative Assembly commenced from 08.02.2023 and was concluded on 13.03.2023. The Assembly functioned for eight days in February and five days in March respectively. The Fourth Session commenced on 04.07.2023 and on 07.12.2023 the Assembly was adjourned *sine die*. The Fourth Session did not conclude in 2023 and continued in 2024. The 4th Session of the Assembly was convened every month between July to December with a total of 27 sitting days.[3] The information of the total annual working days of the Assembly between 2016-23 is represented in the table below:[4]

Year	2016	2017	2018	2019	2020	2021	2022	2023
Total Number of Functioning Days	30	46	37	35	14	19	42	40

Compared with the information on average annual working days of legislative assemblies across the States in India, the West Bengal Assembly between 2022-23 (average 40 days) held 50 percent more working days compared to the national average of 21 days in 2022[5]. It recorded 40 working days which is almost double the national average of working days (21 days). Further, in 2022 among all the legislative assemblies in India West Bengal (42 Days) was amongst the high functioning ones. The average hourly duration of working of the West Bengal Assembly was two and half hours in 2023. The Assembly met in two sessions - the budget session held between February and March followed by a prolonged monsoon session starting from July. On December 7, 2023 the Assembly session was

[2] The information is based on the data available Legislative Assembly Bulletin-Part-I available in website of the West Bengal Legislative Assembly http://www.wbassembly.gov.in/ (Visited on January 31, 2024)
[3] The information is based on the data available Legislative Assembly Bulletin-Part-I available in website of the West Bengal Legislative Assembly http://www.wbassembly.gov.in/ (Visited on January 31, 2024)
[4] The information is based on the data available Legislative Assembly Bulletin-Part-I available in website of the West Bengal Legislative Assembly http://www.wbassembly.gov.in/ (Visited on January 31, 2024)
[5] The information is based on the data on national average of sitting days of state assemblies in 2022 in Annual Review of State Laws 2022, prepared by PRS Legislative Research, https://prsindia.org/policy/analytical-reports/annual-review-of-state-laws2020#:~:text=In%202020%2C%20states%20passed%20an,two%20and%20three%20Bills%2C%20respectively (Visited on January 31, 2024).

adjourned *sine-die*.[6] The budget was presented on March 15, 2023 and was discussed for eight days.[7]

Legislative Output

The annual legislative output of the Assembly between 2016-23 is provided in the table below:

Year	2016-19 (Average)	2020	2021	2022	2023
Bills Introduced[8]	33	6	11	33	18
Bills Passed	N.A.	6	11	33	18
Acts[9]	31	5	10	24	10

In the year 2023, 18 Bills were introduced and passed by the Assembly. Most Bills were passed quickly without much debate and deliberation. This is natural because the party in power enjoys three-fourth majority in the Assembly. In 2023 Assembly passed all the Bills on the day of introduction or the very next day.[10]

Among the 18 Bills passed in 2023 only 10 Bills received the assent of the Governor till 15.10.2023. This figure compared to the number of legislations enacted in 2022 and the average between 2016-19 in West Bengal is also far less. One Ordinance was promulgated on 12 May 2023 to amend the law relating to universities in the state.[11]

Qualitative Analysis

The legislation can be classified in major heads Original Acts, Amendment Acts and Repealing Acts.

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[6] Legislative Assembly Bulletin-Part-I available in website of the West Bengal Legislative Assembly http://www.wbassembly.gov.in/ (Visited on January 31, 2024)

[7] Legislative Assembly, List of Business available in website of the West Bengal Legislative Assembly http://www.wbassembly.gov.in/wblaBusiness.aspx (Visited on January 31, 2024)

[8] The list of the Bills by titles introduced and passed by the Assembly in 2023 is available on West Bengal Legislative Assembly, Digital Archive, Legislations, Bills http://www.wbassembly.gov.in/report_bill.aspx# (Visited on January 31, 2024)

[9] The list of the Acts by titles introduced and passed by the Assembly in 2023 is available on West Bengal Legislative Assembly, Digital Archive, Legislations, Acts http://www.wbassembly.gov.in/report_bill.aspx# (Visited on January 31, 2024)

[10] Legislative Assembly Bulletin-Part-I available in website of the West Bengal Legislative Assembly http://www.wbassembly.gov.in/ (Visited on January 31, 2024)

[11] The West Bengal Universities Laws (Amendment) Ordinance 2023, West Bengal Ordinance No 1 of 2023, May 12 2023.

Original Acts

Three Original Acts have been passed by the Assembly and enacted. Among these two are Appropriation Acts. The third Original Act is called the West Bengal Finance Act 2023.[12] The Act introduces changes to the Bengal Agricultural Income-tax Act, 1944, and the West Bengal Sales Tax (Settlement of Dispute) Act, 1999. The modification to the Bengal Agricultural Income-tax Act, 1944 extends relief from payment of agricultural income tax for two more years from 2023 to 2025. The proposed changes made in West Bengal Sales Tax (Settlement of Dispute) Act, 1999 include provision to give relief to taxpayers by introducing a very liberal and comprehensive scheme for settlement of all types of disputes involving tax arrears, tax, interest, penalty, late fee pending before any authority on 10.02.2023 if application is made before 31/05/2023. The Act also modifies some important definitions to facilitate settlement of disputes. It mandates payment of advance amount to the tune of 15% in disputes involving non-furnishing of forms or certificates and matters of disputed computation of taxes. The Act also lays down provision for settlement of disputes involving West Bengal Tax on Entry of Goods into the Local Areas, 2012 with an amount of 50% advance payment. The Acts states that these advance amounts will be returned if the dispute is not settled. It also provides that proceedings that are revived due to refusal or revocation of the settlement amount must be completed within six months for such date of refusal or revocation.

Amendment Acts

The next category of legislation falls in the class of amending laws. In this category 10 Bills were passed by the assembly but only four have received the assent of the Governor. The first one is the West Bengal Lokayukta (Amendment) Act 2023[13] which amended the West Bengal Lokayukta Act, 2003 to vest in the Governor the power to extend the term of Office of the Lokayukta for the purposes of carrying out the provisions of the said Act more effectively.[14] This change was considered both necessary and expedient because in the majority of states legislation the term of office of Lokayukta is five years but in West Bengal it was three years. The West Bengal law now empowers the Governor to extend the term of office of a Lokayukta for any period till the person has attained seventy years of age.

[12] The West Bengal Finance Act,.2023.
[13] The West Bengal Lokayukta (Amendment) Act, 2023.
[14] The West Bengal Lokayukta (Amendment) Act, 2023, Cl. 2.

The West Bengal Maintenance of Public Order Act, 1972 was amended by an Amendment Act.[15] West Bengal Maintenance of Public Order Act, 1972 lays down special powers for the maintenance of public order by the prevention of illegal acquisition, possession or use of arms and the suppression of subversive activities endangering public safety and tranquility.[16] The Amendment Act of 2023 extended the power to allow the state authority to handle such cases more stringently.[17] It enables the state authority to attach the property of the persons convicted of offence involving damaging of public or any private properties, looting or setting them on fire. It provides that state can attach any properties or an asset, tangible or intangible, corporeal or incorporeal, movable or immovable. These attached properties can be auctioned and the proceeds be used to fund the victim compensation scheme introduced by the Amendment Act.[18]

The West Bengal Land Reforms Act, 1955 was amended in 2023 to make transfer of government land parcels for commercial and industrialization.[19] The main amendments are inclusion of the term "Township"[20] to provide an option to transfer ceiling surplus land held on freehold basis; to provide an additional option of freehold transfer of government land to lessee for improving ease of doing business, hassle free transfer/mortgage of land and to invite more investment; to protect ceiling exemption in deserving cases and to enable specially empowered officer to make correction of finally published record of rights of *mouza* concerned, on information or on his own motion, at any point of time, under the said Act. However, this change from leasehold to freehold is major shift. Acquisition of land for commercial purposes has been a very controversial area in the history of West Bengal politics. The amendment brings a major alteration in the political position of the ruling Trinamool Congress government in its land related policy. Although the change has been welcomed by industry bodies.

Finally, many states have amended their state GST Acts based on the recommendations of the GST Council. West Bengal in 2023 amended the West Bengal Goods and Services Tax Act.[21] The amendment sought amendments in the state Goods and Services Tax Act on the basis of the recommendations of the GST Council. It mainly aimed to provide firstly certain relief to taxpayers; secondly to remove the major inconveniences caused to the taxpayers,

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[15] The West Bengal Maintenance of Public Order (Amendment) Act, 2023.
[16] The West Bengal Maintenance of Public Order Act, 1972.
[17] The West Bengal Maintenance of Public Order (Amendment) Act, 2023, Cl. 4
[18] The West Bengal Maintenance of Public Order (Amendment) Act, 2023, Cl. 5.
[19] The West Bengal Land Reforms (Amendment) Act, 2023.
[20] The West Bengal Land Reforms (Amendment) Act, 2023, Cl. 3
[21] The West Bengal Goods and Services Tax (Amendment) Act, 2023.

especially micro and small entrepreneurs and traders; and lastly to decriminalize certain offences committed by taxpayers.

Bills that were passed by the Assembly but not received the assent of the Governor:

1. West Bengal Town and Country (Planning and Development) (Amending) Bill 2023.
2. West Bengal Labour Welfare Funds (Amending) Bill 2023
3. West Bengal University Laws (Amending) Bill 2023
4. Kolkata Municipal Corporation (Amending) Bill 2023
5. Bengal Legislative Assembly (Members Emoluments) (Amending) Bill 2023
6. The West Bengal Salaries and Allowances (Amendment) Bill, 2023

The Amendment bill dealing with Town and Country Planning aims to remove the development fee that people have to pay for the construction of buildings within the Kolkata Municipal Corporations jurisdiction. The amending bill to the Labour Welfare Funds Act was introduced to align the state law with the central laws that have been pressing for decriminalisation in respect of violation of labour laws.[22] The Kolkata Municipal Corporation (Amending) Bill 2023 exempted the lands or buildings comprising educational institutions, administered or aided, by the state government from payment of property tax.[23] It was stated by the Minister In-Charge that property taxes for nearly 1,963 institutions will be waived. The West Bengal University Laws (Amending) Bill 2023[24] is introduced to replace the West Bengal University Laws (Amending) Ordinance 2023. It is unclear why these Bills did not receive the Governor's assent.

However, the Bengal Legislative Assembly (Members Emoluments) (Amending) Bill 2023[25] and The West Bengal Salaries and Allowances (Amendment) Bill, 2023[26] were controversial legislative proposals. These Bills propose an increase in the salary of MLAs and ministers in the state. The proposed increase is Rs 40,000 per month to the existing monthly salaries of MLAs and ministers. The Leader of Opposition claimed that these bills were introduced in the Assembly without the approval of the Governor and the same as illegal. The Minister of Parliamentary Affairs denied such claims of the Leader of Opposition and said that it was sent to the Governor for his approval well in advance.[27]

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[22] West Bengal Labour Welfare Funds (Amendment) Act, 2023.
[23] Kolkata Municipal Corporation (Amendment) Bill, 2023.
[24] The West Bengal University Laws (Amending) Bill 2023.
[25] Bengal Legislative Assembly (Members' Emoluments) (Amendment) Bill, 2023.
[26] The West Bengal Salaries and Allowances (Amendment) Bill, 2023.
[27] *Controversy erupts as Bill to revise emoluments of MLAs introduced in Bengal assembly*, THE ECONOMIC TIMES (Politics), October 16, 2023 available https://ecoti.in/EgghCb.

Repealing Laws

The final category consists of repealing laws. Two Acts titled West Bengal Land Laws (Repealing) Act[28] and West Bengal Land Laws (Second Repealing) Act[29] repealed sixteen colonial land revenue and settlement legislations. It was recommended by the State Law Commission to repeal these laws because they were unnecessarily crowding the statute books and have long eclipsed due to post independent laws modernizing the land revenue system in the state. The third repealing legislation was titled West Bengal Agricultural Income Tax (Notices) (Repealing) Act.[30] This law annuals the West Bengal Agricultural Income Tax (Notices) Act 1952 which was passed in the public interest to validate certain notices, assessments and proceedings under Bengal Agricultural Income-tax Act, 1944. The fourth repealed the Bengal Alluvial Lands Act.[31] The Act was enacted to prevent disputes concerning the possession of certain lands in Bengal gained by alluvion, or by dereliction of a river or the sea. But now the specific Land laws suggest that states can vest alluvial land. Hence the earlier law does not hold any significance.

The Fifth one repealed The Bengal Orphanages and Widows' Homes Act.[32] The law was framed for better control and supervision of orphanages, widows' homes and marriage bureau, in Bengal. However, such institutions are redundant or covered under other statutes hence the repeal was justified.

Ordinance

Ordinances are not frequently promulgated in West Bengal. One Ordinance was promulgated on 12th May 2023 to amend laws relating to West Bengal Universities Laws.[33] The University Grants Commission issued Regulations for the Maintenance of Standards in Higher Education. This necessitated certain changes to be made in the different Acts of the State-aided Universities in the State particularly with reference to the appointment of Vice-Chancellors and constitution of the Search Committee for the appointment of Vice-Chancellors of the said Universities to maintain the provisions in line with the Regulations of 2018 of the University Grants Commission. Since the Legislative Assembly was not in session, an ordinance namely the West Bengal University Laws (Amendment) Ordinance, 2023 was promulgated for the purpose. The ordinance was laid in the Assembly on August

[28] The West Bengal Land Laws (Repealing) Act, 2023.
[29] The West Bengal Land Laws (Second Repealing) Act, 2023.
[30] The West Bengal Agricultural Income Tax (Notices) (Repealing) Act, 2023.
[31] The Bengal Alluvial Lands (Repealing) Act, 2023.
[32] The Bengal Orphanages and Widows' Homes (Repealing) Act, 2023.
[33] The West Bengal Universities Laws (Amendment) Ordinance 2023, West Bengal Ordinance No 1 of 2023, May 12 2023.

03, 2023 and on August 05, 2023 a bill in lieu of this ordinance was introduced in the Assembly, discussed and passed.[34] However, the said Bill has not become law as yet because the Governor has not assented.

The Legislative Limbo

Although the Constitution provides that the Governor must give his assent to the Bills as soon as possible, it takes an unusually long time in West Bengal to receive the Governor's assent.[35] Usually the time taken to receive the Governor's assent varies between a few days to months. Among all States and Union territories it takes the longest time to obtain the approval of the Governor in West Bengal.[36] The delay on the part of the Governor in assenting to the bills passed by the assembly resulted in filing of a public interest litigation (PIL) concerning the legality of the issue of Governor's withholding assent to the West Bengal University Laws (Amendment) Bill, 2022. The PIL is admitted and placed before the division bench of Calcutta High Court. The Court has directed that an affidavit-in-opposition be filed by the office of the Governor, disclosing the current status of the bill.[37]

Successive Governors have attributed the failure on the part of the state government to provide information on the bills or official report of debates and relevant details within appropriate time. Recently, the West Bengal Governor Shri. CV Ananda Bose claimed in a media statement that he had approved 22 Bills since assuming office on 22/11/2022. According to him all Bills have been cleared barring those that are awaiting presidential approval or are *sub- judice*.[38] The *sub- judice* bills include the one introduced in the assembly without the approval of the Governor or the one with serious legal implications e.g. the Bills to replace the Governor as the Chancellor of State Universities by Chief Minister. But shortly afterwards the parliamentary affairs minister gave a contradictory

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[34] *Legislative Assembly List of Business* available in website of the West Bengal Legislative Assembly http://www.wbassembly.gov.in/ (Visited on January 31, 2024)

[35] *Annual Review of State Laws 2022*, prepared by PRS Legislative Research, (https://prsindia.org/policy/analytical-reports/annual-review-of-state-laws2020#:~:text=In%202020%2C%20states%20passed%20an,two%20and%20three%20Bills%2C%20respectively (Visited on February 10, 2022)

[36] *Annual Review of State Laws 2022*, prepared by PRS Legislative Research, (https://prsindia.org/policy/analytical-reports/annual-review-of-state-laws2020#:~:text=In%202020%2C%20states%20passed%20an,two%20and%20three%20Bills%2C%20respectively (Visited on February 10, 2022)

[37] SCC Online Blog, *Calcutta High Court directs Governor's office to submit Affidavit-in-Opposition on West Bengal University Laws (Amendment) Bill, 2022's status,* 09 December 2023 available at https://www.scconline.com/blog/post/2023/09/16/ (Visited on February 10, 2022)

[38] *Bengal Governor says no Bills pending with him, sets up cell for 'spot decisions*', THE INDIAN EXPRESS (Kolkata), 9 November 2023, available at https://indianexpress.com/article/cities/kolkata/bengal-governor-says-no-bills-pending-with-him-sets-up-cell-for-spot-decisions-9019604/.

media statement citing several Bills passed by the assembly pending with the Governor. He criticized the Governor for acting in a partisan manner leading to uncertainties at various places, including higher education institutions.[39]

This existing rift between the State Government and the Governor in West Bengal has a long and chequered history. In the past the State Government has bypassed the Governor, by labelling him as the agent of the centre. The differences have even become public in the past.[40] But in 2023 the Hon'ble Speaker's action to summon a special session of the Assembly allowing the Government to introduce the controversial Bills to increase the emoluments and salaries of the MLA's and ministers and the Governor's subsequent action of withholding the bills by declaring it as contentious has again fuelled this controversy.[41]

The current state of affairs raises important constitutional questions from the perspective of the Indian parliamentary system. *First*, when a subject is treated extremely urgently an ordinance is usually promulgated. Subsequently, a Bill in lieu to replace the ordinance is introduced and passed by the Assembly within six weeks from its date of reassembling. But when the Governor withholds his assent indefinitely—w*hat is the fate of that law? Secondly*, when Bills are passed by the assembly and sent to the governor for his assent- *what is the reasonable time frame available to the governor to decide to assent or return the bill? Thirdly,* if the governor is not willing to give assent to a bill or wishes to seek more information or details- *what is the necessary action to be undertaken by the governor?*

Finally, an assembly session begins with a summons by the governor, and ends when the governor issues a notice of prorogation. Both the summons and prorogation are issued on the advice of the state cabinet. But it was observed that the 4th session of the West Bengal Assembly in December 2023 didn't conclude by a notice of prorogation by the Governor. The same session continued with a long adjournment and resumed in January, 2024. If the same session is continued with long adjournment between sittings, does it allow the Assembly to convene its sitting without a summon issued by the governor. This also raises

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[39] TMC cites SC ruling, urges W.B. Governor to end Bill deadlock, THE HINDU (Kolkata), 3 December 2023, available at https://www.thehindu.com/news/national/other-states/tmc-cites-sc-ruling-urges-wb-governor-to-end-bill-deadlock/article67600211.ece.

[40] Economic Times, *Centre receives report from West Bengal Governor on law and order situation in state,* , 11 December 2020, available at https://economictimes.indiatimes.com/news/politics-and-nation/centre-receives-report-from-west-bengal-governor-on-law-and-order-situation-in-state/articleshow/79676046.cms?from=mdr (Visited on February 10, 2022).

[41] *Controversy erupts as Bill to revise emoluments of MLAs introduced in Bengal assembly*, THE ECONOMIC TIMES (Politics), 16 October 2023, available at https://m.economictimes.com/news/politics-and-nation/controversy-erupts-as-bill-to-revise-emoluments-of-mlas-introduced-in-bengal-assembly/articleshow/104476585.cms. .

a constitutional question—*whether this process of continuing a session with a long adjournment is a correct constitutional practice?*

The crisis between the constitutional functionaries of West Bengal has definitely affected the harmonious working of the state's legislative machinery in the past. Hearing a similar matter the Supreme Court has stated, "*that the exercise of unbridled discretion in areas not entrusted to the discretion of the governor risks walking roughshod over the working of a democratically elected government in the state.*"[42] Further, the CJI has remarked that "*governance will be paralysed*" if a governor is allowed to withhold bills indefinitely.[43] The West Bengal Governor in a media statement in the aftermath of this Supreme Court's observation has mentioned that he will implement the Supreme Court's guidelines on clearing pending bills.[44]

Executive Action: Government Schemes

The Trinamool Congress ruled West Bengal government has since its inception had adverse political relations with the centre. To uphold its own political mandate the West Bengal government has hugely relied on executive notifications along with legislative measures. The following new or revised schemes have been introduced in 2023:

Lakshmi Bhander Scheme 2023[45]

This scheme is piloted by the Women & Child Development and Social Welfare Department. It aims to provide the adult female members of all families of the state an assured monthly income to improve their financial condition and promote women empowerment. The scale of the financial benefit to be provided to eligible women from Scheduled Caste / Scheduled Tribes Households: Rs. 1,000/- and all other women: Rs. 500/- per month. The cash incentives are rolled out to 1.88 crore women beneficiaries of the State from 25 to 60 years of age with an old age pension scheme once the beneficiaries turn 60. To be eligible under the scheme the women must not be employed in a permanent employment, retired government employee of Central/State Government, Statutory Bodies, Government

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[42] *Governors Cannot Keep Bills Pending Indefinitely: SC*, DECCAN HERALD, 24 November 2023, available at https://www.deccanherald.com/india/governors-cannot-keep-bills-pending-indefinitely-without-any-action-sc-2783561.

[43] *The State of Tamil Nadu v Governor of Tamil Nadu,* Writ Petition(s) (Civil) No(s). 1239/2023

[44] *Debashish Konar, Bengal guv: Will follow SC on pending bills, VC appts*, TIMES OF INDIA (Kolkata), 22 November 2023, available at https://timesofindia.indiatimes.com/city/kolkata/bengal-guv-will-follow-sc-on-pending-bills-vc-appts/articleshow/105402440.cms.

[45] Women & Child Development and Social Welfare Department, *Lakshmi Bhandar Scheme,* March 31, 2023; Details of Lakshmi Bhander Scheme 2023 available at https://govtschemes.in/west-bengal-lakshmir-bhandar-scheme#gsc.tab=0 (Visited on February 10, 2024).

Undertakings, Panchayats, Municipal Corporations/ Municipalities, Local Bodies, teaching and non-teaching employees of Government aided Educational Institutions etc. receiving regular salary/ pension. Financial assistance under the scheme will be credited by direct bank transfer to an AADHAR linked bank account held solely by the eligible adult female member/s of the household.

West Bengal Bhabishyat Credit Card Scheme 2023[46]

This is a new scheme for the young entrepreneurs in the age group 18-55 years offering subsidy linked and collateral free loans for setting up new ventures/ projects/ micro enterprises in manufacturing, service and business/ trading/ agro based activities. The scheme provides young entrepreneurs the following benefits:-

- margin money in the form of subsidy on setting or expanding a business;
- subsidy of 10% or a maximum of Rs. 25,000/- of a project cost; and
- collateral free bank loan facility for the remaining project cost.

The Scheme attempts to promote and develop the Micro, Small and Medium Enterprise Industry in West Bengal. However, the family and employees of Central or State Government or Government Undertakings are not eligible to apply under this scheme.

Matsyajeebi Bandhu Scheme in 2023[47]

This scheme provides for one-time financial assistance of Rs. 2 lakh to dependent family members of fishermen due to their untimely demise, for any reason whatsoever, of a registered fisherman of the age group 18-60 years. Under this scheme only those fishermen eligible who registered himself in the fishermen registration portal of department of fisheries, aquaculture , Aquatic Resources and Fishing Harbours, government of west Bengal. To be eligible under the scheme Age of deceased fisherman should be between 18 to 60 years old. Only registered nominees of deceased registered fishermen will be eligible to apply this scheme. Only those dead Fishermen are eligible under this scheme who do this type of work :- Boat Making, Fishery Industry, Fishermen, Stitching fishing nets and Manufacturing Boats. Department of Fisheries, Aquaculture, Aquatic Resources and Fishing Harbours, has been declared as nodal department for the scheme.

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[46] Government of West Bengal, Department of Micro, Small and Medium Enterprises and Textiles, *West Bengal Bhabishyat Credit Card Scheme,*. April 1, 2023; Details of West Bengal Bhabishyat Credit Card Scheme available at https://bccs.wb.gov.in/home.html (last visited on December 12 2025)

[47] Government of West Bengal, Department of Fisheries, Aquaculture, Aquatic Resources and Fishing Harbours, Government of West Bengal, Matsyajeebi Bandhu Scheme, April 1, 2023. Details of Matsyajeebi Bandhu Scheme in 2023 available at https://govtschemes. in/sites/default/files/2023 08/West% 20Bengal%20Matsyajeebi%20Bandhu%20 guidelines..pdf (last visited on December 12 2025)

Conclusion

The study concludes that statistics on the functioning of the assembly suggests that 2023 was quite a productive year of the legislature. It can be also definitely inferred that the reduced working period of the West Bengal Assembly in 2020-21 was an unusual departure from its normal practice primarily due to Covid-19 induced interruption and the assembly elections. However, the number of legislations introduced and passed by the assembly in 2023 remains lower than 2022 but more than 2020-21. The differences between the State Government and the Governor remains a cause of continuing concern for the State. The West Bengal Government has always taken the route of subordinate legislations, schemes and programs to meet its social welfare measures. This year was no exception . Three important social welfare measures were introduced by way of pure executive action. This asserts the ruling party's continued political antagonism with the centre.

ANDAMAN AND NICOBAR ISLANDS

SAHEB CHOWDHURY[★]

Introduction

The Andaman and Nicobar Islands are a union territory of India. The territory consists of three districts, has two separate groups of islands known as Andaman and Nicobar and has a total land area of 8294 square kilometres.[1] The islands were classified as a union territory by virtue of the seventh amendment of the Constitution of India in 1956.[2] The union territory is administered by the President of India through an administrator appointed by the President called Lieutenant Governor.[3] While some union territories have legislative assemblies under the Constitution,[4] the Andaman and Nicobar Islands don't have such a legislative body. The Constitution of India empowered the President of India with the power to make regulations for peace, progress and good governance of the union territory.[5] And, the lawmaking power has been conferred on Parliament.[6] Therefore, legislative documents for this survey shall include Bills and Acts of the Parliament specific to the union territory of the Andaman and Nicobar Islands, regulations issued by the President and rules, orders and notifications issued by the Lieutenant Governor of the union territory under the abovementioned powers.

The Bills and Acts specific to the Andaman and Nicobar Islands, have been accessed from the website "digital sansad",[7] Regulations promulgated by the President have been collated

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[1] The State Portal of U.T. Administration, A & N Islands, available at https://www.andaman.gov.in/index (Last visited on January 21, 2024).

[2] The Constitution (Seventh Amendment) Act, 1956.

[3] The Constitution of India, 1950, Article 239(1).

[4] *Id*., Art 239 A and Art 239 AA.

[5] *Id*., Art 240.

[6] *Id*., Art 239.

[7] Digital Sansad, available at https://sansad.in/poi/search (Last visited on January 21, 2024).

from the Gazette of India[8] and the Rules and Orders issued by the Lieutenant Governor have been downloaded from the official website of the Andaman and Nicobar Islands administration.[9] One of the difficulties faced in the collection of data is that despite repeated mails to the offices of the Lieutenant Governor, Chief Secretary of A&N Islands and the MP of the A&N Islands, there has been no response from their respective offices, while some mails have even bounced back. However, this non-response did not impact on the survey as the relevant information and data were available on the official websites. All the relevant legal output have been digested in order of their introduction and issuance.

Legislative Developments Specific to the Andaman and Nicobar Islands

Three Bills have been introduced in the parliament specific to the Union Territory of the Andaman and Nicobar Islands on the fourth of August, 2023. All three bills are private member's bills introduced by the member of parliament (MP) (Lok Sabha) of the union territory, Shri Kuldeep Rai Sharma. The bills are the Anganwadi Workers of Andaman and Nicobar Islands (Regularization of Service and Welfare) Bill, 2023 (Bill number 70 of 2023), The Welfare of shopkeepers in Andaman and Nicobar Islands Bill, 2023 (Bill number 72 of 2023) and The Andaman and Nicobar Islands (Right to Health) Bill, 2023 (Bill number 73 of 2023). All three bills introduced are still pending. It is worth noting in this regard that a private member's bill has a very low likelihood of being enacted into laws and till now only 14 private member's bills have been successfully enacted into laws.[10] Nevertheless, the importance of such bills lies in their capacity to influence public opinion and allow voicing of scholarly arguments, which might be ignored by the government. The bills introduced by the Member of Parliament drew attention to some important issues of welfare and social justice which have not received attention till now.

The President of India promulgated The Andaman and Nicobar Islands Tenancy Regulation, 2023 under Article 240 of the Constitution of India.[11]

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[8] The Gazette of India, available at https://egazette.gov.in/(S(5bpmxhwljnv4g3vjdq0kk1de))/default.aspx, (Last visited on March 21, 2024)

[9] Andaman and Nicobar Administration, available at https://www.andaman.gov.in/ (Last visited on January 21, 2024)

[10] Rajya Sabha Secretariat, Private members' Legislation, available at https://cms.rajyasabha.nic.in/UploadedFiles/ElectronicPublications/pm_legislation2013.pdf (Last visited on March 21, 2024).

[11] *The Andaman and Nicobar Islands Tenancy Regulation, 2023* (No. 2 of 2023), Extraordinary, Part II-Section 1, No. 38, Ministry of Law and Justice (Legislative Department), New Delhi (24 November 2023), available at https://egazette.gov.in/WriteReadData/2023/250253.pdf.

Furthermore, the Lieutenant Governor of the Andaman and Nicobar Islands made rules in exercise of the powers conferred by Sections 41 and 42 of the Indian Forest Act, 1927 and the Rules are called the Andaman and Nicobar Islands Forest Produce Transit Rules, 2022.[12] These rules were notified in the Andaman and Nicobar Islands Extraordinary Gazette on the fifth of July, 2023.

The Lieutenant Governor of the Andaman and Nicobar Islands revised/declared minimum wages for six schedules of employment apart from government offices/departments/ industrial establishments under the powers conferred by Section 5 of the Minimum Wages Act, 1948.[13] The order was notified on the seventh of July, 2023. There has been an effective increase in the minimum wages.

The Lieutenant Governor also declared the revenue village of Bimblitan in the Port Blair tehsil under South Andaman District as a Local Area for the purpose of a revenue survey on the fourth of September, 2023 in pursuance of Sec 48 (1) of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966.[14] As per Section 44 of the Regulation "revenue survey" is done to determine or revise land revenue payable on lands in any local area. Such revenue survey is done to inquire into profits of agriculture and into the value of the land for agricultural and non-agricultural purposes for the purpose of assessment of land revenue. Section 48(1) empowers the chief commissioner to decide the revenue survey of any local area and conduct such survey for the said purpose.

A Comprehensive Review of the Laws

In this section a detailed overview of the legislative interventions, as mentioned above, has been provided.

Private Member Bills

The first bill introduced in the Lok Sabha is bill number 70 of 2023, titled the Anganwadi Workers of Andaman and Nicobar Islands (Regularization of Service and Welfare) Bill, 2023.[15]

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[12] Andaman and Nicobar Administration Department of Environment and Forests, The Andaman and Nicobar Islands Forest Produce Transit Rules, 2022, No. 74/2023/F.No.F.(T)/21/Vol-IV/03. (Notified on July 5, 2023).
[13] Andaman and Nicobar Administration Office of the Labour Commissioner, Declaration of Minimum Rates of Wages, F. No. 16/1/MW/2019-20/LC&DET/667. (Notified on July 7, 2023).
[14] Andaman and Nicobar Islands Secretariat, Notification Regarding Declaration of Local Area, No...../F No. 907/ Sett/2022. (Notified on September 4, 2023).
[15] The Anganwadi Workers of Andaman and Nicobar Islands (Regularization of Service and Welfare) Bill, 2023, 70 of 2023

In order to appreciate the context of the bill, reference is being made to a representation of the demands of the anganwadi workers and helpers to the Chief Secretary of Andaman and Nicobar Islands. In their memorandum the anganwadi workers sought an increase of their own remuneration to rupees 15,000 and of the helpers to rupees 10,000.[16] The charter of demands pointed out that they were not being paid salary at par with the 6th Pay Commission Grade III and Grade IV government employees nor was a special pay scale which had been implemented elsewhere paid to them. In fact even the meagre wages that they were entitled to remain unpaid for months due to non-availability of central funds A large number of Anganwadi Centres were operating in rented rooms, and anganwadi workers are compelled to pay the rent for these premises from their own pockets due to delayed payment from the government.[17] The charter also highlighted the absence of a proper grievance redressal mechanism for resolution of grievances of the workers in a democratic manner.[18]

In the light of these peculiar challenges faced by the anganwadi workers and helpers in the Union Territory the bill was introduced, by the MP. Among others, the Bill intends to regularise the services of Anganwadi workers[19] by giving them the status of at least Group C employees of the central government.[20] Since accommodation is a major challenge, the bill also requires the government to provide housing facilities to the workers in the vicinity of their workplace.[21]

The second bill introduced in the Lok Sabha is bill number 72 of 2023 titled the Welfare of shopkeepers in Andaman and Nicobar Islands Bill, 2023, and it intends to put in place a social security net for shopkeepers by providing them with old-age pension, free healthcare, free insurance coverage and housing facilities in light of their economic vulnerability.[22] The absence of social security for shopkeepers on the island, who are particularly vulnerable to

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[16] Andaman Chronicle, *All India Federation of Anganwadi Workers & Helpers Demand Increase in Remuneration for Anganwadi Workers and Helpers in A&N Islands*, available at https://www.andamanchronicle.net/index.php/27467-all-india-federation-of-anganwadi-workers-helpers-demand-increase-in-remuneration-for-anganwadi-workers-and-helpers-in-a-n-islands, (Last visited on March 27, 2024).

[17] *Id.*

[18] *Id.*

[19] *Statement of Objects and Reasons*, supra note 15,

[20] Id preamble. ,and Cl. 3 (1) & (2)

[21] *Id.*, Cl. 4.

[22] *Statement of Objects and Reasons* of The Welfare of shopkeepers in Andaman and Nicobar Islands Bill, 2023, 72 of 2023.

life's conditions and uncertainties, has been a major issue.[23] This issue had become further pronounced in light of the COVID-19 pandemic, during which they were left with a complete absence of any safety net whatsoever.[24] Therefore, this bill intends to provide a social security safety net to shopkeepers' who are extremely vulnerable during such adversities. The bill, among others, requires the central government to create a fund which is to be called Shopkeeper's Welfare Fund, which is to be created from the contributions of both the central government and the Andaman and Nicobar Islands administration.[25] It intends to cover various aspects of wellbeing including old-age pension, health facilities, insurance coverage housing etc. and thereby provide a safety net to the shopkeepers who form part of the informal sector.

Access to healthcare in the Union Territory of the Andaman and Nicobar Islands has been an issue of major concern. A recent study into the healthcare system in Port Blair and Andaman and Andaman and Nicobar Islands has revealed the inconveniences faced by people with chronic diseases, particularly those with non-communicable diseases like stroke, diabetes, kidney diseases, cancer etc., during COVID 19 lockdown due to lack of access to care including emergency care which highlights the inadequacy of healthcare facilities and services on the islands.[26] Other similar studies and news reports too point towards inadequacy of healthcare workers and in particular specialist doctors in hospitals.[27] In the light of these problems of lack of access to healthcare facilities of the people of islands, infrastructure and personnels, the Member of Parliament of the Union Territory of the Andaman and Nicobar Islands introduced in the Lok Sabha the private members bill titled the Andaman and Nicobar Islands (Right to Health) Bill, 2023, provides a legally guaranteed right to have free access to healthcare by imposing enforceable duties of the State.[28] More specifically, the bill aims to provide, among others, a legal right to free inpatient and outpatient services including consultation, free drugs and medicines,

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[23] Andaman Sheekha, *Member of Parliament moves yet another Private Member's Bill "Welfare of Shopkeepers in Andaman and Nicobar Islands Bill, 2023*", available at https://www.andamansheekha.com/118178/, (Last visited on March 27, 2024).

[24] *Id.*

[25] *Id.*, Cl. 3(1) & (2).

[26] Rakhi Kumari et.a., Pandemics and Patients with Chronic Diseases: A Study on the Health Care System in Port Blair, Andaman and Nicobar Islands, Journal of the Anthropological Survey of India, 71(2), 220-235 (2022).

[27] Salma Begum, A Case Study of the Health Status of the Three Districts of Andaman and Nicobar Islands, A Union Territory of India, Humanities and Social Sciences Review, 2395-6518, Vol 7, No 6, (2019);Andaman Sheekha, Lack of Specialist Doctors in Nicobar Islands' Healthcare System Sparks Concern, available at http://www.andamansheekha.com/115859/, (Last visited on March 27, 2024)

[28] The Andaman and Nicobar Islands (Right to Health) Bill, 2023, 73 of 2023, Statement of objects and reasons.

diagnostics, emergency transport, procedure and emergency care etc.[29] The bill lays particular emphasis on individual's right to have prompt access to treatment and care under any emergency, without prior -payment of requisite fee or charges.[30] Furthermore, the bill also requires the government to ensure equitable distribution of healthcare personnel[31] and provide a grievance redressal mechanism in case of violation of such rights.[32] The bill essentially intends to give legal recognition to the right to health and more specifically to healthcare as required under international human rights treaties and conventions.

The above narrative on the legislative initiatives of the member of parliament therefore, highlights the problem of lack of democratic lawmaking in the context of the union territory of the Andaman and Nicobar Islands. Furthermore, it also demonstrates the absence of legislative activity, when it comes to the welfare of the people of the islands. The problem also arises from the fact that while the Member of Parliament representing the Union Territory gets to vote on legislation affecting the entire country, their concerns specific to the territory have little to no chances of being heard in the Parliament. The Parliament is predominantly concerned with matters of national importance and therefore local concerns of the territory remain unaddressed.

In order to understand the representative travails of the lone member of parliament a comparison is being drawn between the situation of the member of parliament of the Islands and the resident commissioner of Puerto Rico. In this regard an important comparison can be made with the United States' Territory of Puerto Rico which is not a State of the US. The US Congress has the full and final authority when it comes to making policy decisions about islands under Article 4, Section 3 of the Constitution of the United States. The territory is represented by the Resident Commissioner of the territory elected by the people of Puerto Rico in the General Elections to represent them before the US Federal Government. The Resident Commissioner only has power to participate in the proceedings of the House of Representatives, including power to introduce legislations and speak before the house on behalf of the territory, but has no right to vote in the final passing of the bills including those specific to the territory. Furthermore, due to lack of apportionment of districts based on population, a single person represents five times more citizens than the average member of the house.

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[29] *Id.*, Cl. 3 (b).
[30] *Id.*, Cl. 3 (c).
[31] *Id.*, Cl. 4.
[32] *Id.*, Cl. 7.

In this disproportionate burden of representation there are striking similarities between the case of the US territories like Puerto Rico and the Union Territories like the Andaman and Nicobar Islands in India. While Puerto Rico, being an unincorporated territory and not a state, gets no voting rights in legislative matters in the house, the Member of Parliament of the Union Territory of the Andaman and Nicobar Islands has voting rights as any other Member of Parliament. Even with this little advantage, the fact that only one Member of Parliament represents the Union Territory, there is still an extremely inadequate representation of matters of local importance of the territory in the parliament. This is further worsened by the absence of a legislative body in the union territory to represent the voices, concerns and interests of the people of the islands. On the other hand, the US territory of Puerto Rico has a bicameral legislature consisting of the House of Representatives and the Senate.[33] Therefore, unlike the union territories in India the people living in the US territory of Puerto Rico have representation within the territory on matters that affect them locally.

Executive Law Making

The President of India promulgated the Andaman and Nicobar Islands Tenancy Regulation, 2023 on the twenty fourth of November, 2023, under Article 240 of the Constitution of India, to establish a Rent Authority in order to regulate renting of premises, to protect the interests of landlords and tenants and to provide an adjudicative mechanism for speedy resolution of disputes.[34] The new regulation replaces The Andaman and Nicobar Islands Tenancy Regulation, 2021 which too had the similar objectives including, among others, to provide a legal framework for creating an accountable and transparent ecosystem for renting premises in the union territories of the Andaman and Nicobar Island by balancing the interests and rights of both the landlord and tenant.[35]

The regulation accordingly lays down elaborately the rights and obligations of the landlord and tenant in Chapter IV, provides a mechanism for eviction and recovery of possession of premises by the landlord in Chapter V and also provides an adjudicative mechanism for disputes that includes Rent Courts and Rent Tribunals in Chapter VII. Some of the major intentions behind the new regulation seems to be to encourage private investment and entrepreneurship in the rental market, create new housing stock for all and formalisation of

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[33] Library of Congress, Guide to Online Law: U.S.. Puerto Rico, available athttps://guides.loc.gov /law-us-puertorico/legislative, (Last visited on March 27, 2024).
[34] Supra note 11.
[35] *Id.* at Preamble.

the rental housing market.[36] While the government claims that the regulation will encourage private investment and entrepreneurship in the rental market and thereby ensure adequate housing for all by clearly laying down the rights and duties of landlords and tenants, it also raises worries about how the same might affect the islands and its pristine ecology when more private money and investments pour in to the market leading to a rise in tourism.

These concerns become relevant particularly in the wake of the recent rise in developmental and construction activities on the islands and plans of the government to initiate commercial, industrial and military activities which will seriously affect the islands coastal and forest ecology.[37] Construction projects planned on the islands by the NITI Aayog that includes massive shipping terminals and airports, power plants, townships etc. would result in the destruction of forests and coastal regions that fall within UNESCO Biosphere Reserve.[38] The government has already denotified land falling within these biospheres for such construction activities.[39]

This puts the pristine ecology, biodiversity and particularly the indigenous people of the islands in great danger. A spurt in tourist activities leading to the coming up of more new hotels and resorts will most certainly affect the conservation efforts made to protect the islands' ecology. Given that the government is single mindedly concerned with boosting private investments on the island and increasing tourism and commercial activities, the ecology of the islands is in great danger.[40]

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[36] Press Information Bureau, Promulgation of (i) The Andaman and Nicobar Islands Tenancy Regulation, 2023 (ii) The Dadra and Nagar Haveli and Daman and Diu Tenancy Regulation, 2023 (iii) The Lakshadweep Tenancy Regulation, 2023, available at https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1964105 (Last visited on March 27, 2024).

[37] The Wire, Misguided Mega-Projects Threaten to Devastate the Andaman and Nicobar Islands, available at https://thewire.in/environment/misguided-mega-projects-threaten-to-devastate-the-andaman-and-nicobar-islands, (Last visited on March 27, 2024); Geographical 'It will destroy them': Indian mega-development could cause 'genocide' and 'ecocide', says charity, available at https://geographical.co.uk/culture/shompen-india-government-genocide-great-nicobar-island, (Last visited on March 27, 2024).

[38] Frontline, Massive infrastructure project threatens Great Nicobar Island, available at https://frontline.thehindu.com/environment/massive-infrastructure-project-proposed-by-central-government-threatens-great-nicobar-island/article65991977.ece, (Last visited on March 27, 2024; The Guardian, India's plan for untouched Nicobar isles will be 'death sentence' for isolated tribe, available at https://www.theguardian.com/global-development/2024/feb/07/india-port-airport-power-plant-military-project-great-nicobar-island-death-sentence-shompen-indigenous-people-warning, (Last visited on March 27, 2024).

[39] *Id.*

[40] The Economic Times, '2024 will be transformational year for Andaman and Nicobar Islands', available at https://infra.economictimes.indiatimes.com/news/urban-infrastructure/2024-will-be-transformational-year-for-andaman-and-nicobar-islands/106341740, (Last visited on March 27, 2024).

The Lieutenant Governor of the Andaman and Nicobar Islands has made rules in exercise of the powers conferred by Sections 41 and 42 of the Indian Forest Act, 1927 which are called the Andaman and Nicobar Islands Forest Produce Transit Rules, 2022.[41] The rules apply to any forest produce from any source within the union territory that are imported or exported and moved within the islands.[42] The rules prohibit movements of such forest produce without a transit pass. It also prohibits removal of timber from the islands.[43] It further empowers the chief conservator of forest to control the import and export of forest produce.[44] It then also lays down the process for importing and exporting forest produce from the island including the various punishments and penalties for contravening any provisions of the rules as laid down.

The Lieutenant Governor of the Andaman and Nicobar Islands has also revised/declared minimum wages for six schedules of employment apart from government offices/ departments/industrial establishments under the powers conferred by Section 5 of the Minimum Wages Act, 1948 and was notified on the seventh of July, 2023.[45] The minimum wages per day have been determined according to the category of employees, which for unskilled employees have been set at rupees 538 per day, for semi-skilled/unskilled employees at rupees 595 per day, for skilled/clerical employees at rupees 680 per day and for highly skilled employees at rupees 738 per day.

Apart from the above various draft rules relating to recruitments to various posts and amendments to various rules and regulations have been proposed by the Lieutenant Governor in exercise of various powers and functions.[46] These regulations, rules and orders have been issued by officials who are not elected by the inhabitants of the islands and therefore the norms laid down by them are deficient of the legitimacy of democracy.

Conclusion

The lawmaking exercise in the Islands are not driven by the needs of the Islands and where the interest of the people of the Islands is motivating the law such as in the private member bills the mover of the legislation does not possess the legal and political power to translate the bills into full-fledged statutes. Executive law-making is driven by the interest of the

[41] Andaman and Nicobar Islands Forest Produce Transit Rules, 2022, r 1.
[42] *Id.*, r. 3.
[43] *Id.*, r. 4 (c).
[44] *Id.*, r. 5.
[45] *Supra* note 8.
[46] Andaman and Nicobar Administration, *Draft Recruitment Rules and Notifications*, available at https://www.andaman.gov.in/RecruitmentRules (Last visited on January 10, 2023).

market more than the wellbeing of the native residents of the islands. There have been demands for a legislative assembly similar to the ones in the National Capital Territory of Delhi and Puducherry. The Member of Parliament, Mr. Kuldeep Rai Sharma, had introduced the Constitution (Amendment) Bill, 2019 for the insertion of a new Article 239 (C) in order to create a legislative assembly for the union territory of the Andaman and Nicobar Islands.[47] The demand for a legislative assembly has been reiterated by political parties active in the Islands[48] but despite local support bureaucratic governance remains the rule in the Andaman and Nicobar Islands.

[47] The Constitution of India Amendment Bill, 2019.

[48] Andaman Sheekha, *CPI (M) Demands Establishment of Legislative Assembly for Andaman and Nicobar Islands*, available at https://www.andamansheekha.com/103874

CHANDIGARH

VANAJA DOVARI[★]

Introduction

This survey presents a focused review of the statutory and executive developments in the Union Territory of Chandigarh during 2023. Following the Partition of India in 1947, the province of Punjab was split, with Lahore, its historic capital, becoming part of Pakistan. To provide the Indian state of Punjab with a new capital, the city of Chandigarh was conceived and developed in the early 1950s as a modern, planned city under the architectural vision of Le Corbusier. Designed to reflect the aspirations of a progressive, independent India, Chandigarh initially served as the exclusive capital of Punjab.[1] However, the city's status fundamentally changed with the enactment of the Punjab Reorganisation Act, 1966, passed by the Indian Parliament on 18 September 1966 and brought into effect on 1 November 1966. This legislation reorganized the former state of Punjab along linguistic lines, leading to the creation of two new states: Punjab (Punjabi-speaking) and Haryana (Hindi-speaking). Certain hilly regions were also transferred to Himachal Pradesh.

Owing to its strategic location near the border of the newly formed states and its political symbolism, both Punjab and Haryana laid claim to Chandigarh as their capital. To resolve this conflict and maintain administrative neutrality, the Central Government declared Chandigarh a Union Territory, placing it under direct federal control. It was simultaneously designated the shared capital of both Punjab and Haryana, although it was not formally part of either state's territory. An Administrator was appointed by the President to oversee Chandigarh's governance. Until 31 May 1984, this Administrator held the title of Chief Commissioner. From 1 June 1984 onward, the role was taken over by the Governor of Punjab in an ex-officio capacity, while the Chief Commissioner's position was redesignated as the Adviser to the Administrator.

★ Advocate, Telangana High Court.

[1] *Administrator – Chandigarh Administration*, available at https://chandigarh.gov.in/administration/administrator (Last visited on January 15, 2024).

In the absence of a local legislative assembly, Chandigarh's legal landscape is shaped primarily through the application of central legislation and the issuance of administrative orders by the UT Administration. This survey traces how governance in Chandigarh is operationalized through delegated legislation, departmental notifications, and municipal actions offering insight into how a Union Territory navigates law-making responsibilities without direct legislative power. Despite its administrative significance, Chandigarh remains unrepresented in the Rajya Sabha, a gap that has drawn increasing political and institutional attention.[2]

In the absence of legislative activity, the quantitative section assesses the working of administrative committees and the extent of delegated law-making through rules, notifications, and circulars. The qualitative section identifies and evaluates key executive actions and central legislation implemented in Chandigarh, organizing them thematically based on their social significance, novelty, or constitutional relevance.

The year 2023 saw notable activity in the form of committee formations and delegated legislation via notifications, rules, and policy amendments across multiple sectors. The table below provides a quantitative snapshot of these developments.

Quantitative Overview

Administrative Committees and Delegated Legislation

Governance Area	Action Taken	Instrument Type	Count / Date
Child Welfare (Juvenile Justice Act)	Reconstitution of JJB & Inspection Committees	Notifications	2 (under JJ Act & 2017 Rules)
Adoption Oversight	Delegation of adoption authority to District Magistrate	Amendment to JJ Rules (Central)	1 (as per 2023 Amendment Rules)
Tobacco Control	Ban on gutkha and nicotine-containing pan masala	Food Safety Notification	1 (DO-2023/3988, 25 Oct 2023)

[2] In March 2022, the Municipal Corporation of Chandigarh passed a unanimous resolution seeking a Rajya Sabha seat for the city, proposing that MCC councillors act as the electoral college. This resolution was reportedly a result of the Union Government seeking the local body's response to a private members' bill moved by Congress MP Manish Tewari. Mr. Tewari reintroduced this Bill in Parliament seeking to amend Article 80 and the Fourth Schedule of the Constitution on January 22, 2023.
Municipal Corporation House Nod to Rajya Sabha Seat for Chandigarh (1 March 2022), available at https://www.tribuneindia.com/news/chandigarh/mc-house-nod-to-rs-seat-for-city-373975/ (Last visited on January 15, 2024). *Cong MP Manish Tewari's Bill Seeking RS Seat for Chandigarh Likely to Be Considered in Budget Session* (22 January 2023), available at https://economictimes.indiatimes.com/news/politics-and-nation/cong-mp-manish-tewaris-bill-seeking-rs-seat-for-chandigarh-likely-to-be-considered-in-budget-session/articleshow/97228601.cms?utm_source=chatgpt.com (Last visited on January 15, 2024).

Governance Area	Action Taken	Instrument Type	Count / Date
Manual Scavenging	Establishment of vigilance, monitoring, and survey committees	Notifications	3 (Nos. 10308, 10312, 10316; 2023)
EV Policy	Amendments to the EV Policy 2022	Policy Notifications	2 (7 July & 18 Oct 2023)
Hit-and-Run Compensation	Constitution of District-Level Committee	Transport Notification	1 (18 Sept 2023)
Transgender Welfare	Establishment of State and District Transgender Protection Cells	Rule 11(5) Order under TG Rules 2020	1 (Oct 2023)

Statutory Legislation

While Chandigarh, as a Union Territory without a legislature, does not enact statutes of its own, statutory changes applicable to it largely originate from a central legislation and subsequent executive adaptation at the UT level. In 2023, relevant statutory frameworks such as the Juvenile Justice Act, the Manual Scavenging Act, and the Transgender Persons (Protection of Rights) Act saw implementation through UT-specific notifications and administrative actions, thereby extending the reach of central statutes within Chandigarh's jurisdiction.

Type	Details
Laws Enforced	Central Acts implemented in the UT: - *Juvenile Justice (Care & Protection of Children) Act, 2015* - *Transgender Persons (Protection of Rights) Act, 2019* - *Motor Vehicles Act, 1988 (amended)* - *Food Safety and Standards Act, 2006*
Notable Notifications	- DO-2023/3988 (ban on gutkha and pan masala) - Notification No. 417 (Transgender Protection Cells) - S&T&RE Notifications (Chandigarh EV Policy Amendments – July & Oct 2023) - Notification No. 2/7/235-H-III(7)-2023/18915 (Hit-and-Run Compensation Committee)

Qualitative Survey

This section examines the substantive impact of key legislative and executive developments in Chandigarh during 2023. In undertaking the analysis emphasis has been placed on themes of institutional compliance, public welfare, and legal innovation, with particular attention to areas such as juvenile justice, manual scavenging, public health, electric mobility, and transgender rights.

Juvenile Justice (Care and Protection of Children) Act, 2015

In 2023, the Union Territory of Chandigarh undertook key administrative measures to operationalize the Juvenile Justice (Care and Protection of Children) Act, 2015, and the corresponding Chandigarh Juvenile Justice Rules, 2017, thereby reinforcing its constitutional obligations toward child protection and welfare. The Juvenile Justice Board (JJB) was reconstituted under Section 4 of the Act and Rule 4 of the local Rules to handle cases involving children in conflict with the law. Similarly, in compliance with Section 41(2) of the Act and Rule 41 of the Rules, the Inspection Committee was reconstituted to oversee Child Care Institutions (CCIs) within the territory.

These actions resonate strongly with Article 15(3) of the Constitution, which permits the State to make special provisions for children, and Article 21, which guarantees the right to life and dignity—both of which are foundational to the JJ framework. Chandigarh has by using the Monitoring App for Seamless Inspection (MASI)—(developed by the National Commission for Protection of Child Rights (NCPCR taken the technological route to seek accountability and to realise the child's right to safety and humane care through real-time, standardized inspection of CCIs. As of July 24, 2023, Chandigarh was among the 32 states and Union Territories where over 4,200 inspections had been carried out via this portal.

Chandigarh meets its responsibilities under the Mission Vatsalya Scheme, by allocating ₹9,25,800 towards the establishment of dedicated rooms for Child Welfare Committees (CWCs) and JJBs in integrated child care complexes.

Chandigarh Electric Vehicle (EV) Policy, 2022 - Amendments in 2023

The Chandigarh Electric Vehicle Policy, 2022 was introduced by the Department of Science, Technology & Renewable Energy. With the goal of achieving one of the highest penetrations of zero-emission vehicles in India., the Chandigarh Administration framed as a state-level policy which operates within the broader regulatory scope of the Motor Vehicles Act, 1988 and central EV frameworks like the Faster Adoption and Manufacturing of Electric Vehicles Scheme (hereinafter FAME-II). The policy came into force in September 2022 and was intended to be valid for a five-year period until September 2027. A core provision of the original policy was Clause 2.3, which capped the registration of internal combustion engine (ICE) vehicles in order to accelerate the adoption of electric vehicles (EV) . This restriction clause became a subject of legal challenge. In 2023, the Federation of Chandigarh Region Automobile Dealers approached the Punjab and Haryana High Court, arguing that the capping violated their right to trade under Article 19(1)(g) of the Constitution and contradicted the central government's EV promotion guidelines which refer to incentives not restrictions. In response to these constitutional and administrative concerns, the

Administration issued two key amendment notifications, S&T&RE/2023/504 dated 07.07.2023 and S&T&RE/2023/1119 dated 18.10.2023.

These notifications removed Clause 2.3, thereby lifting the cap on ICE vehicle registrations. Additionally, a new provision (Clause 4.1.2, Point 10) was added to provide a 50% tax rebate for strong hybrid vehicles priced under , ₹ 20 lakh This rebate was applicable only to vehicles registered within Chandigarh. With this change the policy escaped the charge of unreasonable restriction on business.

Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 – Committee Constitution (2023)

In 2023, the Union Territory of Chandigarh took concrete steps to advance compliance with the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, by constituting key oversight bodies as mandated under the Act and its accompanying Rules of 2013. These included the District Vigilance Committee (under Section 24), the State Monitoring Committee (under Section 26), and the District Level Survey Committee (under Rule 11). These institutional formations were formalized through notifications issued by the UT Administrator, aimed at operationalizing the statutory mandate to identify and rehabilitate individuals doing manual scavenging.

The practice of manual scavenging, especially when it involves entry into sewers or handling of human excreta without safety equipment, violates the fundamental right to life and dignity under Article 2. It has also been judicially recognized as “forced labour” which is prohibited under Article 23 of the Constitution. This interpretation was reinforced by the Supreme Court in People’s Union for Democratic Rights v. Union of India[3] and more recently in Dr. Balram Singh v. Union of India[4], where the Court held that hazardous cleaning, regardless of consent or compensation, amounts to constitutionally prohibited labour.

Chandigarh launched a range of monitoring procedures in response to the Supreme Court’s national-level scrutiny highlighting a range of administrative deficiencies in implementing the Act t. These included failures in conducting proper surveys which resulted in scanty data, a situation further aggravated by a weak d institutional framework By establishing the required statutory committees, Chandigarh took the first set of necessary steps to fulfil the constitutional and statutory imperative of eliminating manual scavenging, ensuring that affected individuals are not only identified but also rehabilitated through policy-backed processes.

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[3] AIR 1982 SC 1473.
[4] 2023 INSC 950.

Tobacco Control and Public Health – Gutkha and Pan Masala Ban Order

In 2023, the Chandigarh Administration issued a notification banning the manufacture, storage, sale, and distribution of gutkha and pan masala containing tobacco or nicotine within the Union Territory. The order, issued under the Food Safety and Standards Act, 2006, aimed to curb tobacco-related health risks and advance public health objectives.

The ban was formally notified vide Order No. DO-2023/3988, dated 25 October 2023, and was set to be in force for a duration of one year. The prohibition was framed in the context of India's broader tobacco control policy and increasing evidence of the health and economic burden of tobacco use. Notably, a 2023 study published in Nicotine and Tobacco Research estimated that second-hand smoke exposure alone costs India ₹567 billion annually, with 71% of direct medical costs borne by women.

Chandigarh has long been proactive in tobacco regulation, having declared itself a smoke-free city in 2007. The 2023 ban continues this trajectory by addressing smokeless tobacco products, reinforcing the UT's commitment to public health and regulatory compliance.

Transgender Persons (Protection of Rights) Act, 2019

In line with the obligations under the Transgender Persons (Protection of Rights) Act,[5] 2019 and the Rules[6] notified in 2020, the Chandigarh Administration issued directions for institutional compliance in 2023. As mandated under Rule 11(5) of the Transgender Persons (Protection of Rights) Rules, 2020, Transgender Protection Cells were to be established at both State and District levels.

These Cells are tasked with addressing offences and discrimination against transgender persons and ensuring timely redressal. In 2023, the Administrator of Chandigarh issued a formal direction to set up these protection cells under the chairpersonship of the Director General of Police (State level) and District Magistrate (District level).

This administrative action aligns with the broader legal framework advanced by landmark judgments such as NALSA v. Union of India[7] and Navtej Singh Johar v. Union of India,[8] which affirm the right to self-identification and equal treatment of transgender persons. These Cells are essential for addressing violence and discrimination faced by transgender persons.

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[5] The Transgender Persons (Protection of Rights) Act, 2019, No. 40 of 2019, Gazette of India, Extraordinary, Part II, Section 1, dated 5 December 2019.
[6] G.S.R. 441(E), Gazette of India, 13 July 2020.
[7] AIR 2014 SC 1863.
[8] AIR 2018 SC 4321.

Compensation to Victims of Hit and Run Motor Accidents Scheme, 2022 – Implementation in Chandigarh

The Compensation to Victims of Hit and Run Motor Accidents Scheme, 2022, was introduced under the Motor Vehicles (Amendment) Act, 2019, replacing the older Solatium Scheme of 1989. The scheme provides for enhanced compensation of ₹2 lakh in case of death, and ₹50,000 in case of grievous hurt, specifically where the offending vehicle is unidentified.

This welfare scheme draws its legitimacy not only from statute but also from the constitutional right to life under Article 21, which includes the right to safety and post-accident redress. The compensation mechanism reflects the State's positive duty to protect and assist victims of road accidents, even in cases where no individual perpetrator is identified.

Additionally, the scheme furthers the objectives of Article 41 of the Constitution (Directive Principles of State Policy), which requires the State to provide public assistance in cases of disablement and undeserved want. It also aligns with Article 38, mandating the State to secure a social order promoting welfare and justice.

To implement the scheme at the local level, the Chandigarh Administration, vide Notification No. 2/7/235-H-III(7)-2023/18915, constituted a District Level Committee (DLC) in 2023. The DLC is responsible for, monitoring the implementation of the scheme, coordinating with authorities and claimants, ensuring timely processing of claims, and publicising the availability of compensation to potential beneficiaries.

Conclusion

Chandigarh like other union territories without a legislative assembly and without any representation in the Rajya Sabha primarily is a unit of governance which implements union laws. The local needs of the union territory are addressed either by customising union legislation to the needs of the UT or through non-statutory executive orders.

DADRA AND NAGAR HAVELI DAMAN AND DIU

ANIKET R. SAWANT*

Introduction

Dadra & Nagar Haveli and Daman & Diu is a Union Territory administered under Articles 239 and 240 of the Constitution of India and does not have a legislative assembly. In the absence of an elected legislature, law applicable to the territory is made through constitutionally recognised mechanisms, including Presidential Regulations issued under Article 240 and rules, notifications, policies, and orders notified by the Union Territory administration in the Official Gazette.

This institutional arrangement shapes the form through which law is produced in the territory. Rather than legislative enactments passed through deliberative processes, regulatory norms emerge through notified instruments that give binding legal effect to policy choices, administrative frameworks, and statutory implementation. As a result, law-making in the Union Territory is characterised by selective statutory intervention and a wider body of subordinate and notified instruments that structure governance across different sectors.

This paper surveys the laws and legal instruments notified in Dadra & Nagar Haveli and Daman & Diu during the year 2023, mapping the subject areas regulated and the legal forms through which regulation occurred. It distinguishes between primary statutory intervention through Presidential Regulation and other notified instruments that create enforceable norms of general application. Parliamentary enactments of nationwide application are excluded unless accompanied by territory-specific adaptation, in order to maintain focus on law-making attributable to the Union Territory during the year.

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Research Methodology and Constraints

The analysis draws primarily upon the Official Gazette of Dadra & Nagar Haveli and Daman & Diu, accessed through the UT Administration's website, and the e-Gazette of India for Presidential Regulations. Departmental portals relating to town planning, transport, and local governance were also consulted. Gazette notifications issued during 2023 were reviewed chronologically and classified according to their legal character.

A key limitation of this study arises from the fragmented and non-centralised nature of UT lawmaking records. Unlike States, there is no annual legislative report, session calendar, or consolidated list of laws enacted. Lawmaking activity is scattered across departmental notifications, often without cross-referencing or thematic grouping. This structural opacity itself reflects the limited visibility and accountability of executive-led lawmaking in non-legislative Union Territories.

The analysis was undertaken through a systematic review of Official Gazettes and materials published on the official websites of the Union Territory Administration of Dadra & Nagar Haveli and Daman & Diu, covering outputs from a wide range of departments and authorities. These included, inter alia, Information Technology, Legal Metrology, Municipal Administration, Electricity, Tourism, the UT Election Commission, Labour and Employment, VAT, Police and security forces, Social Welfare, Health, Education, Urban and Rural Development, Environment and Forests, Transport, Agriculture, Disaster Management, Planning and Statistics, and allied administrative bodies.

The documents so identified were then sorted and analysed by the author using established constitutional and administrative law principles, particularly the distinction between normative instruments that create or modify legal rights and obligations and routine executive or administrative actions that merely implement existing law. This classificatory exercise was based on a reasoned legal assessment of the source of power, form, and legal effect of each instrument, rather than on their nomenclature alone, to determine whether they constituted instances of statutory or delegated law-making within the Union Territory.

Institutional Context

Following the merger of Dadra & Nagar Haveli with Daman & Diu in 2020,[1] governance in the UT has been marked by a gradual process of regulatory consolidation. Rather than

[1] *Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019* — the legislation that merged the two UTs into one effective 26th January, 2020, vide notification No. S.O. 4542(E), dated 19th December, 2019, see Gazette of India, Extraordinary, Part II, sec. 3(ii).

comprehensive statutory reform, the administration has relied on piecemeal rule-making and policy notifications to harmonise regulatory frameworks across the unified territory.[2] This approach continued through 2023 and shaped the character of lawmaking during the year.

Qualitative Analysis

Tenancy and Housing Regulation

The principal instance of statutory law-making in the Union Territory during 2023 was the promulgation of the Dadra and Nagar Haveli and Daman and Diu Tenancy Regulation, 2023, issued by the President under Article 240 of the Constitution. As a Presidential Regulation, it carries the force of primary legislation and represents the highest form of law-making available within the constitutional framework governing the Union Territory.[3]

The Regulation establishes a uniform legal framework governing landlord–tenant relations across the territory.[4] It mandates written tenancy agreements,[5] regulates rent revision[6] and security deposits,[7] and codifies the rights and obligations of landlords and tenants.[8] In addition to substantive regulation, it restructures dispute resolution by creating Rent Authorities, Rent Courts, and Rent Tribunals with exclusive jurisdiction over tenancy matters.[9] Civil court jurisdiction is expressly barred[10] for issues covered by the Regulation, indicating an intention to create a self-contained adjudicatory regime.[11]

Through these provisions, the Regulation standardises tenancy practices and reallocates institutional authority in the housing sector. It addresses tenancy not merely as a contractual matter but as an area requiring dedicated regulatory and adjudicatory mechanisms. The

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[2] Press Information Bureau, Government of India, *Cabinet approves Amendments/Extension/Repeal in Acts dealing with Goods and Services Tax, Value Added Tax and Excise Duty in view of merger of Dadra & Nagar Haveli and Daman & Diu*, PIB Delhi, January 22, 2020, available at https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1600087 (Last visited on October 3, 2025) (stating that the merger was aimed at eliminating duplication of administrative structures, ensuring uniformity in taxation and regulatory frameworks, and advancing the governance objective of "Minimum Government, Maximum Governance").

[3] The Constitution of India, 1950, Art. 240(2).

[4] The Dadra and Nagar Haveli and Daman and Diu Tenancy Regulation, 2023, No. 3 of 2023, §§ 3–7.

[5] *ibid.*, § 4(1)–(2).

[6] *ibid.*, § 9–10.

[7] *ibid.*, § 11.

[8] *ibid.*, Chapter IV (ss. 12–20).

[9] *ibid.*, § 30, 33 & 34.

[10] *ibid.*, § 40.

[11] *ibid.*, § 35–38 read with s. 40

framework combines substantive norms with procedural pathways and enforcement structures, enabling tenancy disputes to be resolved within a specialised statutory system.[12]

The Tenancy Regulation was the only Presidential Regulation promulgated for the Union Territory during 2023. No other subject areas were addressed through Article 240 during the year. This suggests that statutory intervention was confined to a discrete regulatory domain rather than deployed as a broader legislative strategy.[13] The Regulation therefore occupies a distinctive position in the 2023 law-making record, both as a substantive intervention in housing law and as an indicator of the selective use of primary law-making powers in the Union Territory.[14]

Labour and Employment Rules

Labour and employment constituted the most extensive area of law-making in the Union Territory during 2023. The regulatory framework was shaped through the notification of three sets of rules under the central labour codes: the Occupational Safety, Health and Working Conditions Rules, 2023, the Industrial Relations Rules, 2023, and the Social Security Rules, 2023. Together, these instruments form the operative legal regime governing labour relations within the territory.[15]

The rules operationalise parliamentary labour codes by prescribing detailed norms relating to registration of establishments, working conditions, safety standards, inspection regimes, dispute resolution mechanisms, and the constitution and functioning of welfare boards.[16] They also regulate enforcement processes, compliance obligations, and administrative oversight.[17] In effect, they translate broad statutory frameworks into concrete, territorially

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[12] *ibid.,* Chapters II–VIII

[13] *Cabinet okays tenancy regulations to provide transparent ecosystem for renting premises* (ET Online, 4 Oct 2023) https://economictimes.indiatimes.com/news/economy/policy/cabinet-okays-tenancy-regulations-to-provide-transparent-ecosystem-for-renting-premises/articleshow/104158212.cms accessed 23 December 2025.

[14] Express News Service, *Cabinet approves tenancy regulations for three union territories*, ECONOMIC TIMES (Realty) (October 5, 2023), available at https://realty.economictimes.indiatimes.com/news/regulatory/cabinet-approves-tenancy-regulations-for-three-union-territories/104174518 (Last visited on October 3, 2025)

[15] The Dadra and Nagar Haveli and Daman and Diu Occupational Safety, Health and Working Conditions Rules, 2023, Rule 1; The Dadra and Nagar Haveli and Daman and Diu Industrial Relations Rules, 2023, Rule. 1; The Dadra and Nagar Haveli and Daman and Diu Social Security Rules, 2023, Rule 1.

[16] See generally chs. II–VIII, Occupational Safety, Health and Working Conditions Rules, 2023 (registration, inspections, safety and compliance); chs. II–VII, Industrial Relations Rules, 2023 (works committees, trade unions, standing orders, dispute resolution); chs. II–VII, Social Security Rules, 2023 (welfare boards, benefits, adjudicatory mechanisms).

[17] The Dadra and Nagar Haveli and Daman and Diu Occupational Safety, Health and Working Conditions Rules, 2023, Ch. VIII (Inspector-cum-Facilitator); The Dadra and Nagar Haveli and Daman and Diu Industrial Relations

applicable legal norms that directly affect workers, employers, and regulatory authorities. Rather than functioning as ancillary instruments, these rules collectively structure the substantive content of labour governance in the Union Territory.[18] They determine institutional design, enforcement architecture, and the practical balance between regulatory oversight and employer obligations.[19] As a result, the lived experience of labour law in the territory is shaped primarily by these notified rules.

The volume and scope of labour-related rules notified in 2023 distinguish this domain from others addressed during the year. Unlike tenancy regulation, which was dealt with through a single statutory intervention, labour governance was structured through multiple, detailed instruments addressing different aspects of employment relations and social security. The labour sector thus reflects a pattern of comprehensive regulation achieved through delegated instruments rather than through primary legislation.

Urban Planning, Land Use, and Development Control

Urban planning and land use regulation in the Union Territory during 2023 was governed primarily through the notification of the Dadra and Nagar Haveli and Daman and Diu General Development Rules, 2023.[20] These Rules constitute the principal legal framework regulating zoning, land use classification, development permissions, and construction standards across the territory.[21]

The Rules prescribe permissible land uses, regulate the grant of development permissions, and lay down conditions governing construction activity.[22] They also allocate regulatory authority among planning bodies and administrative officials, establishing procedural requirements for approvals, compliance, and enforcement.[23] Through these provisions, the

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Rules, 2023, Chs. VI–VII; The Dadra and Nagar Haveli and Daman and Diu Social Security Rules, 2023, Chs. III, V, VI.

[18] For the breadth and density of regulation across wages, conditions of work, industrial relations, and social security, see Occupational Safety, Health and Working Conditions Rules, 2023; Industrial Relations Rules, 2023; Social Security Rules, 2023.

[19] See provisions relating to constitution and functioning of Works Committees, Grievance Redressal Committees, Welfare Boards, Inspectors and adjudicatory authorities under the Industrial Relations Rules, 2023 and Social Security Rules, 2023.

[20] General Development Rules, 2023 for Dadra and Nagar Haveli District, rr. 1.1–1.3, framed under ss. 30, 140(y) & 141, Dadra and Nagar Haveli and Daman and Diu Town & Country Planning Act, 1974.

[21] *See generally rr. 2 (definitions and land-use categories), 4 (development permission), 5 (procedure during construction) and 6 (occupancy and use), General Development Rules, 2023.*

[22] General Development Rules, 2023, rr. 2.125 (use and occupancy classifications), 4.1 (development permission required), 5.1–5.6 (construction regulation and inspections).

[23] See rr. 2.35 & 2.98A (Competent and Prescribed Authorities), r. 5 (inspection and compliance), rr. 4.7, 4.9 and 6.4 (unauthorised development and penalties), General Development Rules, 2023.

Rules directly affect property rights, development activity, and patterns of urban growth within the Union Territory.[24]

Although framed as delegated legislation, the General Development Rules perform a function that is substantively legislative.[25] They structure the legal conditions under which land may be developed or utilised and impose binding constraints on landowners and developers.[26] In practical terms, they shape real estate markets and economic activity by determining how land can be used and transformed.[27]

The adoption of a comprehensive set of development rules reflects the need for a uniform planning framework following the administrative merger of the territories.[28] Rather than relying on ad hoc permissions or fragmented norms, the Rules provide a consolidated regulatory basis for development control. As such, they form a central component of the Union Territory's legal architecture governing land and urban planning during 2023.

Transport and Environmental Regulation

Transport and environmental governance in the Union Territory during 2023 was shaped through the notification of the Registered Vehicle Scrapping Policy, 2023 for Dadra & Nagar Haveli and Daman & Diu.[29] Although styled as a policy, the instrument operates as a binding regulatory framework governing the scrapping of end-of-life vehicles within the territory.[30]

The policy prescribes eligibility conditions for Registered Vehicle Scrapping Facilities, regulates operational and compliance standards, and establishes inspection and monitoring mechanisms.[31] It also provides for penalties in cases of unauthorised scrapping, incentives for compliance, and procedural avenues for appeal.[32] Through these provisions, the policy

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[24] *General Development Rules, 2023, rr. 4 (development permission), 6 (occupancy and use), and 4.7 (unauthorised development).*

[25] See rr. 1.4 and 1.6 (overriding effect and binding nature), read with the comprehensive regulatory scheme contained in Parts A–F, General Development Rules, 2023

[26] General Development Rules, 2023, rr. 3.1–3.3 (responsibilities of owners, developers and persons on record).

[27] *See rr. 2.60 (FSI/FAR), 2.123 (Transferable Development Rights) and 6.6 (change of use), General Development Rules, 2023.*

[28] *General Development Rules, 2023, rr. 1.3, 1.4 and 1.6.*

[29] Registered Vehicle Scrapping Policy of Dadra & Nagar Haveli and Daman & Diu, 2023, Notification No. DDTR/DMN/Scrapping Policy/2023/140, dated 2 August 2023, cl. 3.

[30] Ibid., clauses. 3(b), 11 and 14 (providing for enforceability, inspection and penalties).

[31] Ibid., clauses 4–5 (general conditions and eligibility), clauses, 11 and 15 (inspection, audits and certifications).

[32] Ibid., clauses 7 (incentives), 14 (penalty) and 16 (appeal).

creates enforceable rights and obligations affecting vehicle owners, scrapping facilities, and regulatory authorities.[33]

Functionally, the policy translates central motor vehicle and environmental objectives into a territorially applicable regime.[34] It aligns local implementation with national priorities relating to pollution control, recycling, and road safety, while structuring the market for vehicle scrapping within the Union Territory.[35] The notification of the policy in the Official Gazette gives it legal force, notwithstanding its designation as a policy instrument.

The use of a policy notification to achieve regulatory outcomes comparable to delegated legislation reflects the administrative approach adopted in this sector.[36] Environmental and transport regulation, which requires technical standards and coordinated enforcement, is addressed through an executive instrument that combines normative effect with administrative flexibility. As a result, the Vehicle Scrapping Policy forms an integral part of the legal framework governing transport and environmental regulation in the Union Territory during 2023.

Infrastructure and Telecommunications Regulation

Infrastructure governance in the Union Territory during 2023 was shaped through the notification extending the Right of Way framework for Telecom Service Providers to Dadra & Nagar Haveli and Daman & Diu.[37] Through this notification, the Indian Telegraph Right of Way Rules were made applicable within the territorial jurisdiction of the Union Territory, thereby providing a uniform legal framework for the deployment of telecom infrastructure.[38]

The notification regulates access to land and property for the installation of telecom infrastructure, including underground and overground cables, towers, and associated facilities.[39] It prescribes procedural requirements for seeking permissions, sets timelines for approvals, standardises compensation payable for damage or use of land, and delineates

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[33] Ibid., clauses 3(xi), 4 and 6, Registered Vehicle Scrapping Policy, 2023 (mandatory use of authorised RVSF and compliance obligations).

[34] Ibid., *Introduction and clauses 1–2, adopting MoRTH Notifications G.S.R. 653(E) dated 23 September 2021 and Chapter XI, Central Motor Vehicles Rules, 1989*.

[35] Ibid., cl. 2 (objectives relating to pollution reduction, recycling and road safety).

[36] See cls. 8 and 10, Registered Vehicle Scrapping Policy, 2023 (finality of interpretation and power to amend).

[37] *Dadra and Nagar Haveli and Daman & Diu Administration, Notification No. DIR(IT)/Right of Way/2019/266, dated 23 November 2023, issued under art. 239 of the Constitution, extending the Indian Telegraph Right of Way Rules, 2016 (as amended)*.

[38] See also r. 3, Indian Telegraph Right of Way Rules, 2016 (applicability to establishment and maintenance of telegraph infrastructure).

[39] Ibid., Chs. II and III, Indian Telegraph Right of Way Rules, 2016 (regulating underground and overground telegraph infrastructure), as applied to Dadra and Nagar Haveli and Daman & Diu.

the responsibilities of authorities involved in granting right of way.[40] These provisions directly affect land use, administrative discretion, and infrastructure deployment within the territory.[41]

Although the substantive norms originate from central rules, their enforceability within the Union Territory depends upon territorial notification.[42] By giving local legal effect to the Right of Way framework, the notification integrates national digital infrastructure standards into the UT's regulatory landscape.[43] It thus reshapes the legal relationship between telecom service providers, landowners, and administrative authorities.

The adoption of this framework reflects the regulatory approach taken towards infrastructure development in 2023, where alignment with national standards was achieved through executive notification rather than independent territorial legislation. The Right of Way notification therefore forms a key component of the Union Territory's legal framework governing telecommunications and infrastructure during the year.

Electoral and Democratic Governance

Electoral governance in the Union Territory during 2023 was regulated through the notification of Election Rules and allied electoral instruments, which together constitute the legal framework governing the conduct and administration of elections within the territory.[44] These instruments prescribe procedural requirements relating to electoral administration, eligibility, supervision, and the roles of election authorities.[45]

The Election Rules structure how electoral processes are carried out in practice, including the management of electoral rolls, conduct of polling, and oversight mechanisms.[46] By laying down binding procedural norms, they determine the legal conditions under which electoral participation is organised and exercised.[47] The rules therefore operate not merely

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[40] Ibid., rr. 5–6, 9–10 (permission and timelines), r. 2(b) (appropriate authority), and Schedule Parts II–III (restoration charges and compensation).

[41] *Ibid., rr. 8, 12 and 13, Indian Telegraph Right of Way Rules, 2016 (supervision, withdrawal of permission, and removal or alteration of infrastructure).*

[42] see also r. 2(c), Indian Telegraph Right of Way Rules, 2016 (defining 'State Government' to include Union Territory administration).

[43] r. 4(2) (centralised electronic portal), as amended in 2021, 2022 and 2023, and applied to the Union Territory by notification dated 23 November 2023.

[44] Dadra and Nagar Haveli and Daman and Diu Panchayats (Election Procedure) Rules, 2023, Notification dated 23 March 2023, rr. 1–2, issued under s. 121 of the Dadra and Nagar Haveli and Daman and Diu Panchayat Regulation, 2012.

[45] Ibid., chs. III–V and r. 2 (definitions of election authorities).

[46] Ibid., ch. IV (electoral rolls), ch. VIII (administrative machinery), and ch. XI (polling and counting of votes).

[47] Ibid., rr. 4 and 20, (conferring legal force on electoral orders and vesting control in the Election Commission).

as administrative guidance but as enforceable legal standards governing democratic processes.[48]

Unlike legislative enactments, electoral regulation in the Union Territory proceeds through delegated instruments that are notified and implemented by the administration. The resulting framework ensures continuity and procedural certainty in electoral administration, while situating the regulation of democratic processes within the broader body of executive-issued law applicable to the territory.[49]

In the context of the Union Territory's 2023 law-making record, the Election Rules illustrate how core democratic functions are structured through notified legal instruments that operate independently of legislative enactment. They form an essential part of the territory's normative framework governing participation and representation during the year.

Public Employment and Service Administration

Public employment in the Union Territory during 2023 was regulated through the notification of Recruitment Rules framed under Article 309 of the Constitution, including the Recruitment Rules for the post of Head Master (Primary School).[50] These rules form part of the formal legal framework governing eligibility, qualifications, methods of recruitment, and service-related conditions for public posts within the UT administration.

The Recruitment Rules specify educational qualifications, age limits, modes of selection, and conditions for appointment and promotion. By determining who may enter public service and on what terms, they directly affect access to government employment and the composition of the public workforce. Although confined to particular posts, such rules possess statutory force and are binding on both the administration and prospective candidates.

Service rules under Article 309 operate as a specialised category of law-making, regulating public employment through constitutionally authorised rule-making rather than legislative enactment. In practice, they provide the operative legal basis for personnel administration across departments, shaping institutional capacity and administrative continuity within the Union Territory.

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[48] *Ibid., ch. VI (qualifications and disqualifications) read with chs. VII–VIII.*

[49] Ibid., *rr. 5 and 22–30 (maintenance, correction, and conduct of elections)*.

[50] Administration of Dadra and Nagar Haveli and Daman and Diu, *Head Master Primary School, Group 'B' (Non-Gazetted, Non-Ministerial) Posts Recruitment Rules, 2022*, notified in the *Official Gazette of Dadra and Nagar Haveli and Daman and Diu*, Series II, Notification dated 5 January 2023.

In the overall law-making landscape of 2023, recruitment and service rules represent a routine but consequential form of regulation. While often viewed as internal administrative instruments, they constitute enforceable legal norms that structure public employment and form an integral part of the Union Territory's normative framework during the year.

Conclusion

The survey of law-making in Dadra & Nagar Haveli and Daman & Diu during 2023 reveals a legal landscape shaped through a limited number of statutory interventions and a wider body of delegated and notified instruments. The promulgation of the Tenancy Regulation under Article 240 stands out as the sole instance of primary legislation, addressing landlord–tenant relations through a comprehensive statutory framework. Other key areas of governance, labour and employment, urban planning, transport and environmental regulation, infrastructure deployment, electoral administration, and public employment, were regulated through rules, policies, and notifications that were issued during the year.

By mapping the subject areas regulated and the forms of law employed, this survey provides a baseline account of the Union Territory's law-making activity in 2023. Such a descriptive record is essential for tracking change over time, assessing continuity across years, and situating future legal developments within an identifiable regulatory trajectory. The value of this survey lies not in abstract critique, but in documenting how law is made, structured, and applied in the everyday governance of a non-legislative Union Territory.

JAMMU AND KASHMIR

BURHAN MAJID*

Introduction

Jammu and Kashmir (J&K) has held a distinctive position within India's federal architecture. This status was altered on 5 August 2019, when the central government changed its special constitutional status[1] and carved two Union Territories out of the erstwhile State.[2] There have been innumerable instances of Union territories being elevated to full status of a state in the history of independent India;[3] however, this is the first instance of a State being converted into a Union Territory.

The primary distinction that the Indian Constitution makes between a State and a Union Territory is that a State is accorded its independent legislative jurisdiction (with some federal oversight) whereas a Union Territory is under direct governance of the Union. The conversion holds special significance for Jammu and Kashmir as the State had been accorded greater law-making autonomy under Article 370 of the Constitution.[4] This decision of the Union Parliament was challenged in the Supreme Court of India which upheld its validity.[5]

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[1] The Constitution (Application to Jammu and Kashmir) Order, 2019, available at https://ladakh.gov.in/document/the-constitution-application-to-jammu-and-kashmir-order-2019-c-o-272/ (Last visited on December 21, 2025).

[2] The Jammu and Kashmir Reorganisation Act, 2019, available at https://igr.jk.gov.in/files/J&K%20Reorganisation%20Act,%202019.pdf (Last visited on January 30, 2024).

[3] These include Himachal Pradesh (1971); Manipur, Tripura, and Meghalaya (1972); Goa (1987); Mizoram (1987); and Arunachal Pradesh (1987).

[4] Article 370 of the Indian Constitution recognised that the State has the autonomy to make laws on all subjects except defence, external affairs and communication.

[5] In re: Article 370 of the Constitution, 2023 INSC 1058, available at https://www.scobserver.in/wp-content/uploads/2023/07/Judgement-Abrogation-of-Article-370.pdf (Last visited on December 22, 2025).

Legislative History

Jammu and Kashmir was under President's Rule from December 19, 2018 to October 13, 2024 in pursuance of Section 73 of the J&K Reorganisation Act, 2019.[6] This followed a six-month period of Governor's Rule, which was imposed after the Bharatiya Janata Party (BJP) withdrew its support from the coalition government led by the Peoples Democratic Party (PDP). Consequently, during this time, the primary authority for enacting laws and quasi-legal directives, including circulars, orders, bylaws, and notifications remained with the Union Parliament, Union executive or the administration of J&K led by a centrally appointed Lieutenant-Governor.

Despite J&K being designated as a Union Territory with an Assembly in August 2019, there was no elected government in place in 2023. And, the prospect of an elected government taking charge only opened when the Indian Supreme Court mandated in December 2023 that elections be held in Jammu and Kashmir by September 2024. After 2014, these would be the first elections to be held in the newly constituted Union Territory. Since an elected Assembly was not in power in 2023, this report on J&K surveys the legislation enacted by the Union Parliament during the year, along with executive directives issued at both the central and local levels. It is pertinent to note that only a limited number of statutes were passed by Parliament in this period. The bulk of legal and quasi-legal activity occurred through a wide array of executive instruments issued by various central and local authorities. Given their sheer volume - numbering in hundreds and issued across multiple departments - these executive instructions defy precise quantification. Accordingly, this survey, organised under separate subheadings, focuses on those legislative and quasi-legislative measures that evoked public response and that have a bearing on the altered constitutional status of Jammu and Kashmir.

Executive Law Making

Following constitutional changes of 2019, J&K witnessed a surge in the proliferation of new laws, regulations, policies, and executive decrees aimed at expanding the central executive's

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[6] The Jammu and Kashmir Reorganisation Act, 2019, §73: If the President, on receipt of a report from the Lieutenant Governor of Union territory of Jammu and Kashmir, or otherwise, is satisfied,—
(a) that a situation has arisen in which the administration of the Union territory of Jammu and Kashmir cannot be carried on in accordance with the provisions of this Act, or
(b) that for the proper administration of Union territory of Jammu and Kashmir it is necessary or expedient so to do, the President may, by order, suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the Union territory of Jammu and Kashmir in accordance with the provisions of this Act.

authority over legal and quasi-legal matters within the Union Territory. The year 2023 saw the issuance of several executive directives by the Jammu and Kashmir administration, including a circular dated 9 January 2023 on the demolition of "encroachments on state land," which directed deputy commissioners to remove all encroachments on state land by 31 January 2023.[7] This sparked widespread protests, leading to legal challenges questioning the circular's constitutionality and subsequent suspension. Moreover, the government expanded its surveillance and regulatory measures affecting government employees, media institutions, and the general public, citing the need to maintain administrative control and public order.[8] During the same period, the central government introduced the Jammu and Kashmir Reorganisation (Amendment) Bill, 2023[9] and the Jammu and Kashmir Reservation (Amendment) Bill, 2023,[10] which altered the framework governing reservations in the legislative assembly and public employment. These legislative interventions have been understood as having significant political consequences, particularly in the Jammu region, where changes to reservation policies have the potential to reshape electoral alignments and influence patterns of political support. Significantly, these changes were not introduced by an elected Assembly but were promulgated by executive authorities responsible for governance.

Delimitation

The recent delimitation exercise has further complicated the political landscape in Jammu and Kashmir by recalibrating its electoral architecture in a manner that increases the relative significance of the Jammu region within the Union Territory's representative framework. Pursuant to the Delimitation Commission's final order notified in 2022,[11] the strength of the Jammu and Kashmir Legislative Assembly was increased from 83 to 90 seats. Of the seven additional constituencies created through this process, six were allocated to the Jammu region - raising its representation from 37 to 43 seats - while only one additional seat was assigned to the Kashmir region, increasing its total from 46 to 47. This redistribution has

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[7] Revenue Department, Government of Jammu and Kashmir, Circular No. 02-JK(Rev) of 2023 (Issued on January 09, 2024), available at https://thedispatch.blob.core.windows.net/thedispatchimages/2023/01/Circular-2-of-2023.pdf (Last visited on January 28, 2024).

[8] General Administration Department, Government of Jammu and Kashmir, Circular No.09-JK(GAD) of 2023 (Issued on March 24, 2023), available at https://jkgad.nic.in/common/showOrder.aspx?actCode=C42387 (Last visited on January 30, 2024).

[9] The Jammu and Kashmir Reorganisation (Amendment) Bill, 2023,

[10] The Jammu and Kashmir Reservation (Amendment) Bill, 2023.

[11] Delimitation of Constituencies in Union Territory of Jammu & Kashmir Publication of Commission's Final Notification & Order-regarding., available at https://udhampur.nic.in/notice/notifications-and-order-by-delimitation-commission-notification-no-282-jk-2022/ (Last visited on December 21, 2025).

had the effect of narrowing the representational gap between the two regions and thereby altered the pre-existing pattern of political power within the Assembly. Situated within this broader context of the reorganisation of Jammu and Kashmir, this report aims to survey the region's legislative landscape in 2023.

Land and Domicile

Legislative History

Prior to 5 August 2019, Article 370 continued to signify Jammu and Kashmir's constitutional autonomy, most visibly through Article 35A,[12] which entrenched protective measures relating to land ownership, public employment, and other residency-based rights. Article 35A, which owes its origins to pre-independence definitions of permanent residency, restricted access to state government jobs, property acquisition, settlement rights, and educational assistance exclusively to permanent residents of Jammu and Kashmir. However, with the abrogation of Article 370 through the Constitution (Application to Jammu and Kashmir) Order, 2019,[13] the protections embodied in Article 35A also ceased to operate. Article 35A derived its constitutional force from the Constitution (Application to Jammu and Kashmir) Order, 1954 (also called the Basic Order), which had been issued under Article 370 and was superseded by the 2019 Order.

New Land Regulations

Post 2019, the central government introduced new land regulations, effectively opening up property acquisition to individuals from across India, aiming to attract investments from beyond Jammu and Kashmir.[14] These regulations were implemented through the Union Territory of Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Third Order, 2020,[15] and the Union Territory of Jammu and Kashmir Reorganisation (Adaptation of State Laws) Fifth Order, 2020,[16] resulting in the repeal of 12 laws and revisions to 14 others,[17] including significant amendments to key legislations like the Jammu and Kashmir

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[12] Burhan Majid, *Why Article 35A Matters*, The Wire, August 05, 2019, available at https://thewire.in/law/why-article-35a-matters (Last visited on January 21, 2024).
[13] Supra note 2.
[14] Mudasir Ahmad, *Anyone From Anywhere Across India Can Now Buy Land in J&K*, The Wire, October 27, 2020, available at https://thewire.in/rights/jammu-kashmir-ladakh-land-rights-leh-polls (Last visited on January 21, 2024).
[15] Jammu and Kashmir Reorganisation (Adaptation of State Laws) Order, 2020.
[16] Union Territory of Jammu and Kashmir Reorganisation (Adaptation of State Laws) Fifth Order, 2020.
[17] Bhadra Sinha, *12 laws repealed, 14 amended — what exactly changes under new land orders in J&K*, The Print, October 29, 2020, available at https://theprint.in/judiciary/12-laws-repealed-14-amended-what-exactly-changes-under-new-land-orders-in-jk/533038/ (Last visited on January 21, 2024).

Development Act, 1970, The Jammu and Kashmir Land Revenue Act, 1996, The Agrarian Reforms Act, 1976, and The Jammu and Kashmir Land Grants Act, 1960.

Ramifications of New Land Regulations

The ramifications of these new land regulations became evident in January 2023 when a circular issued by the Jammu and Kashmir administration on 9 January directed deputy commissioners to clear all "encroachments" on the state land by January 31, 2023.[18] Bulldozers were deployed across Jammu and Kashmir to demolish properties deemed to be on "encroached" land, including residential structures.[19] Following public protests and the filing of legal challenges, the administration suspended the circular,[20] pending further review.

In one such case, a petitioner approached the J&K and Ladakh High Court with a plea that he was willing to offer his 2,000 square feet of proprietary land in lieu of the *Kachharie* (grazing) land that he was alleged to be encroaching over.[21] Such an exchange was possible according to the laws before 2019. However, the prayer was declined by the court as Section 133(2) of the Jammu and Kashmir Land Revenue Act, 1996 which allowed such conversion no longer existed in its earlier form, thereby limiting available remedies for regularisation. That same month, a petition challenging the circular directing removal of encroachments on state land including Roshni land and Kachharie land was also dismissed by the Supreme Court with an oral instruction to the government “not to demolish any houses.”[22] Notably, on 9 October 2020, the J&K and Ladakh High Court had declared the J&K State Land (Vesting of Occupants Ownership) Act, 2001 (Roshni Act) *void ab initio* and ordered a CBI investigation into irregularities in the transfer of state land to private individuals.[23] Subsequently, the J&K administration declared all actions taken under the Roshni Act null

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[18] Supra note 8.
[19] Safwat Zargar, *Why a demolition drive has sparked panic and anxiety in Jammu and Kashmir*, Scroll.in, February 09, 2023, available at https://scroll.in/article/1043516/why-a-demolition-drive-has-sparked-panic-and-anxiety-in-jammu-and-kashmir (Last visited on January 31, 2024).
[20] Shakir Mir, *2023: A Year of Ironies and Paradoxes in J&K*, The Wire, December 31, 2023, available at https://thewire.in/rights/2023-a-year-of-ironies-and-paradoxes-in-jk (Last visited on February 05, 2024).
[21] Id., 21.
[22] Express News Service, *Roshni land: SC declines to stay J&K order on clearing encroachments,* Indian Express, January 21, 2023, available at https://indianexpress.com/article/india/roshni-land-sc-declines-to-stay-jk-order-on-clearing-encroachments-8394848/ (Last visited on February 03, 2024).
[23] Livelaw News Network, *Have Not Come Across Any Such Legislative State Action Legitimizing Criminal Activity': J&K HC Holds 'Roshni Act' Unconstitutional,* LiveLaw, October 11, 2020, available at https://www.livelaw.in/news-updates/jammu-kashmir-hc-holds-roshni-act-unconstitutional-164285 (Last visited on February 04, 2024).

and void.[24] The Roshni Act had conferred ownership rights on unauthorised occupants of state land against payment of a premium. Since the money raised was to be used for power generation in the erstwhile State, the scheme earned the moniker of Roshni (electricity).

Land Redistribution

Prior to these changes, land reform legislation such as the Big Landed Estates Act, 1950, had imposed ceilings on landholdings and transferred surplus land to tillers without compensation. Consequently, over 9,000 proprietors lost excess land. By the end of 1952, approximately 790,000 landless peasants, including about 250,000 lower-caste Hindus in Jammu, received proprietary titles.[25] These reforms were supplemented by the Agrarian Reforms Act, 1976. By 1970, of the 9.5 lakh acres redistributed nationally, approximately 4.5 lakh acres were located in Jammu and Kashmir.[26]

The earlier land reform framework had contributed to equitable land redistribution outcomes across religious and caste groups. Under the post-2019 framework, land acquisition is not restricted by domicile status, and the government may designate areas as "strategic" for specified purposes.[27] In a significant departure from the protections afforded by the scrapped Article 35A, the 2020 domicile rules liberalise eligibility criteria for jobs in Jammu and Kashmir, including migrants, central government employees, and armed forces personnel and their children, with implications for the demographic composition of the region.[28]

Free Speech and Media

On 24 March 2023, the Jammu and Kashmir administration reiterated a 2017 social media policy applicable to government employees.[29] The policy restricts online expression by employees and extends to dependents under their care. Violations may attract penalties

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[24] Suni Bhat, *J&K administration declares Roshni Act as 'null and void'*, India Today, November 04, 2020, available at https://www.indiatoday.in/india/story/j-k-administration-declares-roshni-act-as-null-and-void-1737452-2020-11-03 (Last visited on February 07, 2024).

[25] Shakir Mir, *Modi Govt's New Land Policy for J&K Overturns 7 Decades of Land Reform,* The Wire, October 28, 2020, available at https://thewire.in/government/jammu-and-kashmir-land-policy-reform (Last visited on February 01, 2024).

[26] Anirudh Kumar Prasad, *Sheikh Abdullah and Land Reforms in Jammu and Kashmir,* Economic and Political Weekly, Vol. 49, Issue No. 31, August 02, 2014, available at https://www.epw.in/journal/2014/31/special-articles/sheikh-abdullah-and-land-reformsin-jammu-and-kashmir.html (Last visited on February 04, 2024).

[27] Supra note 26.

[28] Azaan Javaid, *What new J&K domicile rule is and how it impacts residents of the union territory*, The Print, April 03, 2020, available at https://theprint.in/theprint-essential/what-new-jk-domicile-rule-is-and-how-it-impacts-residents-of-the-union-territory/394038/ (Last visited on February 06, 2024).

[29] Supra Note 9.

under the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, including dismissal. A Task Force constituted in 2021 to examine employee conduct has led to termination of services of 56 government employees under Article 311(2)(c) of the Constitution.[30]

This reiteration forms part of a broader post-2019 regulatory framework governing speech and media in Jammu and Kashmir. In 2020, the administration notified a media policy authorising government departments to assess news content for misinformation.[31] The policy, framed as a measure to regulate misinformation, vests government officials with discretionary authority to determine what constitutes "fake news" or "anti-national" content, with implications for the regulation of speech and press freedoms. Since 2019, multiple instances further indicate an expansion of surveillance and regulatory oversight, particularly affecting journalists and media organisations.[32]

Reservations and Representation

During the 2023 winter session of Parliament, three legislative measures relating to Jammu and Kashmir were enacted. The Jammu and Kashmir Reorganisation (Amendment) Bill, 2023, provides for the reservation of two assembly seats for Kashmiri migrants and one for displaced persons from Pakistan-administered Kashmir.[33] The nominations, which are to be made by the Lieutenant Governor, have been criticised by opposition parties for conferring discretionary power on the executive.[34]

Jammu & Kashmir Reorganisation (Second Amendment) Bill, 2023

Similarly consequential was the passing of the Jammu & Kashmir Reorganisation (Second Amendment) Bill, 2023, which mandated 33% reservation of seats for women in the Legislative Assembly,[35] subject to a delimitation exercise, a process slated to commence

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[30] Hakeem Irfan Rasheed, *Administration terminates four employees including a doctor and police constable for 'anti-national' activities in Kashmir*, The Economic Times, November 22, 2023, available at https://economictimes.indiatimes.com/news/india/doctor-policeman-among-4-govt-employees-sacked-for-terror-links-in-jk/articleshow/105404070.cms?from=mdr (Last visited on January 31, 2024).

[31] Media Policy, 2020, available at https://jkgad.nic.in/common/showOrder.aspx?actCode=O35760 (Last visited on February 01, 2024).

[32] Amnesty International, *India: Government must immediately stop intimidation of journalists in Jammu and Kashmir*, April 22, 2020, available at https://www.amnesty.org/en/latest/news/2020/04/journalists-in-jammu-and-kashmir/ (Last visited on February 02, 2024).

[33] The Jammu and Kashmir Reorganisation (Amendment) Bill, 2023.

[34] Umer Maqbool, *Reservation of J&K Assembly Seats for Kashmiri Migrants, Refugees Sparks Nomination Debate*, The Wire, July 24, 2023, available at https://thewire.in/government/reservation-of-jk-assembly-seats-for-kashmiri-migrants-refugees-sparks-nomination-debate (Last visited on February 01, 2024).

[35] The Jammu and Kashmir Reorganisation (Second Amendment) Bill, 2023.

after the publication of the next census report, thereby deferring its impact until at least 2029. The Parent Act of 2019 also authorises the Lieutenant Governor to nominate two women MLAs if representation is deemed inadequate. In addition to this, the Union Parliament passed the Jammu & Kashmir Reservation (Amendment) Bill, 2023, which sought to reclassify "weak and underprivileged classes (social castes)" as Other Backward Classes, following recommendations of the Socially and Educationally Backward Classes Commission.[36] Seen in the context of the 2022 delimitation exercise that altered the distribution of electoral constituencies within Jammu and Kashmir and increased the relative representation of the Jammu region,[37] these amendments were the subject of political debate, with some commentators characterising them as measures the ruling party aims at courting favour from Kashmiri Pandits and the Pahari-speaking community in the elections.[38]

Conclusion

The legislative developments of 2023 reflect significant restructuring of land governance, media regulation, and political representation in Jammu and Kashmir following the abrogation of its special constitutional status, and the concomitant reorganisation. Following the Supreme Court's judgment upholding the constitutional changes, the legal developments of 2023 assume particular significance as they operationalise the reorganisation through concrete changes to everyday governance. Taken together, these measures illustrate how the post-abrogation legal order is being implemented through incremental legislative and executive action, shaping the relationship between the Union and the administration of Jammu and Kashmir.

[36] The Jammu and Kashmir Reservation (Amendment) Bill, 2023.

[37] Supra note 12.

[38] Muzamil Jaleel, *Proposed ST and OBC Reservations for New Groups in J&K: How the BJP Could Benefit Electorally*, The Indian Express, August 9, 2023, available at https://indianexpress.com/article/explained/explained-politics/reservations-jk-bjp-benefit-electorally-8882715/ (Last visited on December 22, 2025).

LADAKH

MUSTAFA HAJI*

Introduction

On August 5, 2019 the Union Home Minister of India moved two bills and two resolutions before the Lok Sabha with regard to Jammu and Kashmir ("J&K").[1] The two bills which were supported by the majority of the members became Acts and altered the 70-year relationship of J&K with the Union of India. Not only was the special status of the state of J&K changed but the state was also bifurcated into two Union Territories making this a sole example of a state disintegrated into two union territories. Ladakh, a constituent unit of the erstwhile state was created as a separate Union Territory without a legislature, while the regions of Jammu and Kashmir were reorganised as a single UT with a legislature.

With the coming into effect of the Jammu and Kashmir (Reorganisation) Act, 2019 some laws were repealed, some amended and some Union laws were extended to J&K and Ladakh.[2] Quite expectedly the 2019 Act followed a string of petitions (21 petitions in total) before the Supreme Court challenging various aspects of the two Acts. The Supreme Court took four years to decide the matter, and pronounced judgment on December 11, 2023. The Court made several observations to the arguments raised. With regard to Ladakh, on the

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[1] Constitution (Application to Jammu & Kashmir) Order, 2019 (Ref. Article 370(1) of Constitution of India– issued by President of India to supersede the 1954 order related to Article 370); Resolution for Repeal of Article 370 of the Constitution of India (Ref. Article 370 (3)); Jammu & Kashmir (Reorganisation) Bill, 2019, 29 of 2019 (Ref. Article 3 of Constitution of India); Jammu & Kashmir Reservation (2nd Amendment) Bill, 2019, 28 of 2019 (Home Minister withdrew the Bill from both Houses as the provisions of this act would become applicable to J&K once article 370 gets repealed and the laws of Union of India become applicable there).

[2] Fifth schedule of the Reorganization Act 2019 lists all laws that shall be applicable in the newly formed UTs. It lists all laws made by the J&K State assembly that have been repealed (153) also the Governor's Acts that have been repealed (11) and the ones that are allowed to continue (166) and also those which have been made applicable with some amendments and (7). All federal laws that shall become applicable (106 in number) and also all Federal laws which were applicable with special provisions are also mentioned in this Schedule. Available at https://www.indiacode.nic.in/handle/123456789/12030 (Last visited 5th September, 2023).

one hand, it upheld the UT status for Ladakh and on the question of "Whether Parliament can extinguish the character of statehood by converting a state into one or more Union Territories in exercise of power under Article 3",[3] the court left the question open.[4] The court further held that statehood should be restored for J&K in the interest of participatory and representative democracy, both of which, the court held are important aspects of the federal structure of the country. However, the Supreme Court remained silent with regard to Ladakh which lost six seats in the state assembly and the council of J&K. Although there was no petition on behalf of Ladakh against the abrogation of Article 370, the judgment of the Supreme Court does have an impact on Ladakh and puts the very legitimacy of the UT of Ladakh into jeopardy and leaves many questions on federalism unanswered.

This survey shall focus on the developments in Ladakh-the interplay of the administration and the Autonomous Hill Councils. And since the first few years of the UT administration were engulfed by the Covid 19, the author shall focus on the last two years, during which the major developments took place.

The Autonomous Hill Development Councils and the New Forms of Federalism

The Hill Development Councils in Ladakh were a special arrangement which could not be found in any of the other regions of Jammu and Kashmir and this was a model that resembled the north-eastern states with Autonomous District Councils. However, in the case of Ladakh the Council was only statutory in nature and only had rule making powers and no power to enact legislation. The biggest advantage of the councils was that they allowed the people to choose local representatives alongside with seats that were already reserved for Ladakh in the Legislative Assembly and the Legislative Council of J&K.[5] There has rarely been a case in India where a region had autonomous councils within a bicameral legislative system with the protection of Article 370. Ladakh was, as such, the biggest beneficiary of Article 370.

After the Reorganisation Act 2019, the Autonomous Hill Development Council (one in Kargil and one in Leh) were kept as is and at present the polity of Ladakh comprises UT

[3] This argument was raised in the Yousuf Tarigami petition and several other petitions. *See* Mohammed Yusuf Tarigami v. Union of India, Writ Petition (Civil) No. 1210 of 2019, Supreme Court of India.
[4] In Re: Article 370 of the Constitution, 2023 INSC 1058, ¶504.
[5] Ladakh had four Legislative Assembly seats and two Legislative Council seats and in the state of Jammu and Kashmir. At present there is only one member of the Parliament for Ladakh.

administration headed by the LG and the Hill Councils as the main elected bodies.[6] The Hill Councils of Leh[7] and Kargil[8] work alongside the UT administration and have control over 28 subjects[9] and at the district level play a significant role in the administration.[10]

Resolutions of the Hill Council

Besides going on about the usual business, the Hill Councils of Leh[11] and Kargil[12] have passed interesting resolutions in the last two years. In the Leh Council a resolution was moved by Stanzin Chospel, executive councillor for the need of constitutional safeguard for Ladakh and the leader of opposing Tsering Namgyal seeking constitutional safeguard for Ladakh within the sixth schedule of the Constitution. Similarly, in the Kargil Hill Council, resolutions were passed for statehood, sixth schedule and making Ladakh Resident Certificate mandatory for government jobs. A common streak in both the resolutions is the assertion of the local identity and its preservation which amounts to seeking the restoration of powers and privileges Ladakh has lost after becoming a union territory.

The Budget/ Fiscal Development

One of the sparkling features of the new Union Territory has been the huge increase in the budget. The budget for the UT Ladakh has been increased from 1135.56 Cr in 2018 to 5,958 Crores in 2023. A drastic increase in the budget has led to many new projects and work on

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[6] The autonomous councils have thirty members each and in both the councils seats are reserved for women and minorities, *see* Jammu and Kashmir Reorganization Act, 2019, §13 rw §57.

[7] DISTRICT LEH–LADAKH, *Ladakh Autonomous Hill Development Council, Leh,* available at https://leh.nic.in/lahdcleh/ (Last visited on 30 September 2023).

[8] KARGIL–LADAKH, *Ladakh Autonomous Hill Development Council, Kargil,* available at https://kargil.nic.in/lahdc/ (Last visited on 30 September 2023).

[9] Ladakh Autonomous Hill Development Council Act 1997, §23.

[10] Both Leh and Kargil have their respective websites and LAHDC Kargil also issues a yearly report namely Kargil Nama. *See* KARGIL–LADAKH, *Kargil Nama,* available at https://kargil.nic.in/kargilnama/ (last visited on 6 October 2023).

[11] Constitutional safeguards for protection of Land; employment guarantee; protection of culture, trade and environment; and, extension of provisions of the Constitution to the hill councils. *See* Naseer Ganai, *BJP Led Ladakh Hill Council Seeks Article 371 Or Sixth Schedule, Passes Resolution Amid India-China Crises,* OUTLOOK INDIA, 17 January 2024, available at https://www.outlookindia.com/website/story/india-news-bjp-led-ladakh-hill-council-seeks-article-371-or-sixth-schedule-passes-resolution-amid-india-china-crises/359782/. (last visited on 12 August 2023).

[12] Statehood status for Ladakh, Sixth Schedule status for Ladakh, increase in the number of Parliamentary seats to two from Ladakh instead of one currently; and, Job security and early job recruitment. Peerzada Ashiq, *Kargil hill council passes resolution for Ladakh's statehood, jobs for locals, special status*, THE HINDU, 26 November 2022, available at https://www.thehindu.com/news/national/other-states/kargil-hill-council-passes-resolution-for-ladakhs-statehood-jobs-for-locals-special-status/article66187239.ece. (last visited on 16 August 2023).

the projects which were pending earlier have been expanded.[13] The work on the construction of the roads has been quite fast.[14] In a very recent announcement the central government has sanctioned an unprecedented number of roads for Ladakh.[15] As per the reports of the UT administration 224 projects worth ₹ 3,155 Cr have been approved for roads under UT budget" which is the major chunk of the Budget."[16] Apart from the roads there has been a significant investment in other areas such as water connection [17] under the Jal Jeevan Mission,[18] infrastructure of the Courts,[19] bridges, and libraries.[20]

Spending Powers

While this move of the government has been appreciated, there are two major reservations the people on the ground have shown against this. The members of the Hill Councils have lamented that the budget for the UT Ladakh has increased in terms of the numbers however the powers of the councils to spend the funds has diminished. As per the LAHDC Act 1997 and Rules, there used to be an arrangement of a plan and a non-plan budget system and

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[13] Ministry of Road Transport and Highways, *Shri Nitin Gadkari inspects Zojila Tunnel , Asia's longest tunnel to establish all weather connectivity for Ladakh with Lieutenant Governor of Jammu and Kashmir Shri Manoj Sinha*, PIB, 10 April 2023, available at https://pib.gov.in/PressReleasePage.aspx?PRID=1915271 (last visited on 1 September 2023).

[14] Ministry of Defence, *Major Road Projects launched in Ladakh to be constructed by BRO*, PIB, 1 October 2021, available at https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1760110 (last visited on 20 October 2023).

[15] Ministry of Road Transport and Highways, *Shri Nitin Gadkari sanctions 29 road projects in Ladakh worth Rs 1170.16 crore,* PIB, 29 December 2023, available at https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1991429 (last visited on 8 January 2024).

[16] THE ADMINISTRATION OF THE UNION TERRITORY OF LADAKH, *Ladakh: From Potential TO Prosperity The 4-Year Journey*, available at https://ladakh.gov.in/publication/ladakh-from-potential-to-prosperity-the-4-year-journey-2019-2023-english-bhoti/ (last visited on 13 October 2023).

[17] INDUS DISPATCH, *JJM: Ladakh tops large UTs in tap water connections, tenth overall,* 1 January 2024, available at https://indusdispatch.in/jjm-ladakh-tops-large-uts-in-tap-water-connections-tenth-overall/ (last visited on 15 September, 2023).

[18] Ministry of Jal Shakti, *Every household in North-West India to get tap water connection by 2022, Impact of 100 Days Campaign: all schools and anganwadi centres in Punjab, Haryana & Himachal Pradesh now have tap water supply, More than 5 Crore people to benefit from four-fold increase in Central allocation*, 5 June 2021, available at https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1724713 (last visited on 20 August 2023).

[19] INDUS DISPATCH, *New District Court Complex Coming Up in Kargil,* 16 April 2022, available at https://indusdispatch.in/new-district-court-complex-coming-up-in-kargil/ (last visited on 20 August 2023); REACH LADAKH, *Chief Justice, Pankaj Mithal lays foundation stone of new District Court Complex, Leh,* 21 July 2021, available at https://www.reachladakh.com/news/social-news/chief-justice-pankaj-mithal-lays-foundation-stone-of-new-district-court-complex-leh (last visited on 20 August 2023).

[20] *Supra* note 16.

the same used to be non-lapsable.[21] This basically meant that in the previous arrangement there was a concept of carrying forward of the budget, which meant that the council had more funds at their disposal. Now having a lapsable budget keeps the LAHDC at the mercy of the UT administration.[22] Secondly, there is apprehension in the minds of the people that the budget for Ladakh and especially on the road and infrastructure is increased keeping in mind the border security which has always been the case and this had led to a certain alienation of the people of Ladakh.[23]

Education

Higher Education

Ladakh did not have a university of its own for the longest time and one of the major developments of the UT administration has been to operationalise the University in Ladakh which came into existence in the year 2018[24] The university has six colleges under its umbrella and offers courses which are specific to the Himalayan regions.[25]

Primary and Secondary Education

Apart from the university of Ladakh there have been many changes at the primary and secondary education level. The state board of Jammu and Kashmir has been changed to the Central Board of Secondary Education and in the year 2023, hostels are being run for the students who shall be facing the 10th board of the CBSE for the first time.[26] For the year

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[21] In the previous arrangement there was a concept of carrying forward of the budget, which meant that the council had more funds at their disposal. Not having a lapsable budget keeps the LAHDC at the mercy of the UT administration.

[22] This has been brought up by the Chief Executive Councillors of both Leh and Kargil in the meetings with the Ministry of Home.

[23] "The image of the border manifests itself in popular representations of Ladakh that tend to portray it as a remote land located at the edge of modernity. Ladakh is described in binary terms, either as a self-sustaining and unique paradise open for adventure, sport, and tranquil spiritual self-discovery, a surviving remnant of the glory and mysticism of an unsalvageable Tibet, or else as a backward border on the fringes of India, a stark, hazard-filled wilderness where men of courage battle nature and enemies.14 Government directives, academic writings, and travel literature have all spawned images that add to the region's marginalization." Ravina Aggarwal, BEYOND LINES OF CONTROL, 232 (Duke University Press, 2004).

[24] The University of Ladakh Act 2018.

[25] Although the University of Ladakh Act was passed in the year 2018, the University came into being in the year 2019 and since then there have been many developments. *See* UNIVERSITY OF LADAKH, *About University of Ladakh,* available at https://uol.ac.in/about (last visited on 19 August 2023).

[26] Nusrat Habib, *DSE UT Ladakh Launches 45-days Winter Coaching Program for CBSE Board Exams,* VOICE OF LADAKH, 26 December 2023, available at https://www.voiceofladakh.in/2023/12/dse-ut-ladakh-launches-45-days-winter-coaching-program-for-cbse-board-exams/ (last visited on 14 December 2023).

2023-24 the budget for Higher Education has been increased to Rs 104.05 crores.[27] There has also been recruitment by the Service Selection Committee for the first time for the divisional posts and many non-gazetted posts have been referred to the SSC.[28] The UT administration has further reserved the jobs for the residents of Ladakh and only the residents with Ladakh Resident Certificates (LRC) can apply for the jobs.[29] Similarly the reservation rules have also been amended which among other steps has done away with the Other Social Caste and the reduction in the Schedule Caste percentage resulting in the distribution of the percentage as per the existing population of the STs and the SCs.[30] The new education policy is being implemented in its letter and spirit.[31]

Recruitment

There is resentment among the people for not having any recruitments to the gazetted posts for the last four years.[32] Until the Reorganization Act of 2019, the recruitment for the gazetted jobs in J&K was done by the J&K Public Service Commission. The Reorganization Act of Jammu and Kashmir provides for a public service commission for the UT of J&K but the same provisions have not been extended to Ladakh.[33]

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[27] *Supra* note 16.

[28] ADMINISTRATION OF UNION TERRITORY OF LADAKH, *SSC Corner,* available at https://ladakh.gov.in/ssc-corner/ (last visited on 18 October 2023).

[29] Department of Law and Justice, Leh–Ladakh, Union Territory of Ladakh Grant of Resident Certificate (Procedure) Order, 2021, Order No: 18-LA (LD) of 2021 (8 October 2021) available at, https://cdnbbsr.s3waas.gov.in/s395192c98732387165bf8e396c0f2dad2/uploads/2021/10/2021100893.pdf (last visited on 20 October, 2023).

[30] Social Welfare Department, Ladakh, Amendments in the Jammu and Kashmir Reservation Rules, 2005, S.O.14 (Notified on 23 April 2023), available at https://cdnbbsr.s3waas.gov.in/s395192c98732387165bf8e396c0f2dad2/uploads/2020/04/2020042714.pdf (last visited on 22 October 2023).

[31] National Education Policy, 2020, available at https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English.pdf (last visited on 1 December 2023).

[32] Ummul Huda, *Ladakh's Silent Struggle for a Secure Future Yields Little Progress*, VOICE OF LADAKH, 22 March 2025, available at https://voiceofladakh.in/2025/03/ladakhs-silent-struggle-for-a-secure-future-yields-little-progress/ (last visited on 22 October 2023); ETV BHARAT, *Halted Recruitment And Domicile Deadlock: Ladakh's Youth Left In Limbo,* 19 December 2024, available at https://www.etvbharat.com/en/!state/ladakhs-youth-caught-in-limbo-stalled-and-halted-recruitmentand-domicile-deadlock-fuel-unemployment-crisis-enn24121906607 (last visited on 22 October 2023).

[33] In the last exams conducted in the year 2019, there were four officers (3 Kashmir Police Service and 1 Account Officer) from Ladakh, however, for the last five years, there have not been any gazette-level recruitments. On the other hand, in the Union Territory of Jammu and Kashmir, two more batches have come up and one exam is in process. *See* Section 93 of the Reorganization Act, 2019, §93.

Land

The state of Jammu and Kashmir had many laws for land which made the state very unique in the Indian federal system. This uniqueness could be seen in the several land reforms acts such as the Jammu and Kashmir Alienation of Land Act, 1938, the Big Landed Estates Abolition Act, 1950, the Jammu and Kashmir Land Grants Act, 1960, and the Jammu and Kashmir Agrarian Reforms Act, 1976 which among other rights gave the tillers the rights over land and democratized and decentralized ownership of land.[34] The LAHDC Acts further transferred the land to the Councils which gave the people of Ladakh more powers over land.[35] After the abrogation of Article 35A and Article 370 one of the biggest changes in the UT Ladakh has been that with regard to land and the first step of the UT administration was to change the registration powers of the Courts and transfer the same to the Administration.[36] This led to two things mainly: the administration now has hegemony over land. Secondly, this step led to a disappointment of the lawyers[37] who had a huge part of their earnings from the registration.[38]

Similarly the UT administration's order which took away the powers of the Tehsildar to attest 'Nautor mutations' under Alain No. 38.[39] Nautor refers to barren land which is owned by the

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[34] Vishwadeepak, *Economist Jean Dreze: Article 370 helped reducing poverty in Jammu and Kashmir,* NATIONAL HERALD, 9 August 2019, available at https://www.nationalheraldindia.com/india/economist-jean-dreze-jandk-more-developed-than-gujarat-special-status-helped-reducing-poverty (last visited on 22 October 2023).

[35] Ladakh Autonomous Hill Development Council Act 1997. §42.

[36] Revenue Department, Ladakh, Assigning of duties of Registrar/Sub-Registrar for the purpose of Registration Act, 1908 (Central Act), Order No. 01- Rev (UTL) of 2019 (18 December 2019).

[37]A run Sharma, *Jammu: Lawyers protest Art 370, want registration powers back*, THE INDIAN EXPRESS, 20 November 2019, available at https://indianexpress.com/article/india/jammu-lawyers-protest-art-370-want-registration-powers-back-6127827/; Pallavi Sareen, *Jammu Lawyers Go on Indefinite Strike to Protest Administrative Council's Move,* THE WIRE, 2 November 2019, available at https://thewire.in/politics/in-jammu-bjp-lawyers-support-indefinite-strike-against-centres-move (last visited 20 July 2023).

[38] The judiciary in Jammu and Kashmir was responsible for handling the registration of papers pertaining to immovable property prior to the establishment of a new department. The chief judge of the J&K high court was designated by the state government as inspector general of registrations, and land registration was carried out in accordance with the J&K Registration Act SVT 1977 (1920 AD). Sub-registrars (sub-judges, munsiffs, and judicial magistrates) at the district and tehsil levels supported the chief district and sessions judges in their roles as district registrars. Under the commissioner secretary of law, the state law department maintained overall administrative supervision.

[39] Alian No. 38, dated 31st Har.,1989 (1932 A.D) allowed Nautor (breaking of barren land and waste land for cultivation purpose) and it provided that the mutation of 'Nautor' shall be attested by officer of Revenue Department not below the rank of Tehsildar. The new order transfers the powers to the Deputy Commissioner without any solid rationale. *See* INDUS DISPATCH, *Ailan 38: Ladakh withdraws 'nautor' mutation powers from Tehsildars, confers upon DCs,* 18 April 2022, available at https://indusdispatch.in/ailan-38-ladakh-withdraws-nautor-mutation-powers-from-tehsildars-confers-upon-dcs/ (last visited on 27 September 2023).

government and which is brought under cultivation for the first time by individuals who are the “kaashtgars” (meaning tillers of that land in Urdu). This land can be used for cultivation purposes only.[40]

Land Industrial Policy

The UT administration also passed the Land Industrial Policy in the year 2023.[41] The Industrial Policy among other things speaks about strengthening economic growth, entrepreneurship, investment and generation of jobs etc.[42] This policy was flagged by the civil society organizations for being a step to bring in big industrialists to Ladakh,[43] reserving 40 % of the land for the priority sectors and the decision making for larger projects being in the control of people outside of Ladakh.[44]

Ecology and Environment

Ladakh has severe weather and is a semi-arid region. Water has never been an abundant resource. The primary source of water in the past has been glacier melts, but due to the region's notable population growth in recent decades, these melts are no longer adequate. A considerable reduction in snowfall throughout the winter months has made the situation worse.[45] Numerous glaciers in the region have receded as a result of the negative effects on climate change. Keeping in view the vulnerability of the ecology of Ladakh the administration has taken various initiatives to make Ladakh carbon neutral,[46] and electric buses and vehicles for government purposes have been introduced.[47] The largest solar plant

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[40] Justice Hakim Imtiyaz Hussan, REVENUE MANUAL: LAND LAWS JAMMU AND KASHMIR, Vol. 3, 230.
[41]Department of Industries and Commerce, Ladakh Industrial Land Allotment Policy 2023, available at https://cdnbbsr.s3waas.gov.in/s395192c98732387165bf8e396c0f2dad2/uploads/2023/10/20231026111643071.pdf (last visited on the 23 November 2023).
[42] *Mission & Objective of* The Draft Industrial Policy, p. 3.
[43] Safwat Zargar, *Why a proposed industrial policy is being seen as an assault on rights of Ladakh residents*, THE SCROLL, 24 November 2023, available at https://scroll.in/article/1059522/why-a-proposed-industrial-policy-is-being-seen-as-an-assault-on-rights-of-ladakh-residents (last visited 29 January 2024).
[44] Id.
[45] Alind Chauhan and Amitabh Sinha, *Why Kashmir and Ladakh are without snow this winter, its implications*, THE INDIAN EXPRESS, 19 January 2024, available at https://indianexpress.com/article/explained/explained-climate/kashmir-ladakh-without-snow-why-implications-9110841/ (last visited on 29 January 2024).
[46] THE ENERGY AND RESOURCES INSTITUTE, *Carbon Neutral and Climate Resilient Ladakh: A strategy document–Action plan and Roadmap,* available at https://www.niti.gov.in/sites/default/files/2023-03/Carbon%20Neutral%20Resource%20Efficient%20Strategy%20for%20Ladakh%20UT.pdf (last visited on 15 August, 2023).
[47] HINDUSTAN TIMES AUTO, *Electric Buses in Ladakh Complete One Year, Cover Over 10 Lakh Kilometres,* 19 December 2023, available at https://auto.hindustantimes.com/auto/news/electric-buses-in-ladakh-cover-over-10-lakh-kilometres-complete-one-year-41702878782462.html (last visited on 24 September 2023).

in India is currently under construction at Pang near Leh,[48] which has been a bone of contention between the locals and the government.[49]

Tourism

Ladakh is heavily dependent on the tourism industry and a big chunk of the revenue comes from tourism.[50] The administration in collaboration with the Councils has taken various initiatives such as opening of new areas for tourism,[51] organizing festivals[52] and inner permits have been scrapped for the local tourists.[53] The administration has also come up with a Homestay Policy for Ladakh and as of now 1253 homestays have been given benefits.[54]

Politics and the Emergence of Popular Voices

The fact that the UT setup has not been able to strike a chord with the people of Ladakh even after its promise of development and financial package is best manifested by the emergence of two major groups in Ladakh: the Apex Body in Leh and the Kargil Democratic Alliance in Kargil.[55] These two groups represent all religious and political bodies of Ladakh.

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[48] THE ADMINISTRATION OF UNION TERRITORY OF LADAKH, *Clean Transport UT Ladakh*, available at https://heyzine.com/flip-book/6dbcb680fe.html#page/55, 107; *See also* Ministry of New and Renewable Energy, *Cabinet approves Green Energy Corridor (GEC) Phase-II – Inter-State Transmission System (ISTS) for 13 GW Renewable Energy Project in Ladakh*, PIB, 18 October 2023, available at https://pib.gov.in/PressReleasePage.aspx?PRID=1968733 (last visited on 12 December 2023).

[49] Vaishnavi Rathore, *What's driving the protests against the Centre in Ladakh?* THE SCROLL, 12 February 2023, available at https://scroll.in/article/1043580/whats-driving-the-protests-against-the-centre-in-ladakh (last visited on 10 December 2023).

[50] DISTRICT LEH–LADAKH, *Tourism,* available at https://leh.nic.in/tourism/ (last visited on 5 December 2023).

[51] Prateek Prabhat, *Ladakh Sustainable Tourism: Balancing Economic Development and Environmental Preservation,* GREEN TOURISM, 20 February 2023, available at https://greentourism.world/ladakh-sustainable-tourism/ (last visited on 5 December 2023).

[52] THE INDIAN EXPRESS, *Ladakh's Apricot Blossom Festival to enthrall tourists from April 13; know more about it*, 31 March 2022, available at https://indianexpress.com/article/lifestyle/destination-of-the-week/ladakh-apricot-blossom-festival-april-2022-kargil-leh-chuli-mentok-details-7845600/ (last visited on 3 October, 2023).

[53] Zulfiqar Majid, *Indian citizens no longer need Inner Line Permit to visit protected areas in Ladakh*, DECCAN HERALD, 7 August 2021, available at https://www.deccanherald.com/india/indian-citizens-no-longer-need-inner-line-permit-to-visit-protected-areas-in-ladakh-1017167.html (last visited 12 November 2023).

[54] Department of Tourism & Culture, Ladakh, Ladakh Homestay Policy 2023 for Promotion of 'Rural/Border' Tourism Including Protected Areas (Wildlife Sanctuaries/Parks), UT of Ladakh, No. LA(Trm)/Homestay/2023/(53)/3748-55, (Notified on 22 October 2023) available at https://cdnbbsr.s3waas.gov.in/s395192c98732387165bf8e396c0f2dad2/uploads/2023/10/20231022112816 5803.pdf (last visited on 10th November, 2023); Ladakh Homestay Policy, 2023.

[55] The author is also a member of these groups and has been advising them for the last two years.

The Apex and the KDA came into being through different sets of demands, however, on August 1, 2021, in a historic turn of event both the groups came up with a common agenda of statehood. The joint group has since then been advocating for a statehood status for Ladakh along with other constitutional safeguards on the lines of the North East and had another round of meeting with the Ministry of Home on the 4th of December 2023.[56] The Ministry of Home has formed a High-Powered Committee to address the demands of the people of Ladakh.[57]

Conclusion

The last two years have been very productive in terms of the investment in numerous projects and UT administration's focus has been on the development of Ladakh. The developmental work on the ground is unprecedented and purely as per the aims and objectives of the "overall development"[58] of Ladakh. However, in the last few years the resentment on ground[59] has also become more prominent and it appears that the increase in budget alone will not be able to solve the anxieties of the people which are more oriented towards participatory democracy, de-centralisation of power and preservation of the distinct tribal identity and ecology of Ladakh.

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[56] THE KASHMIR LIFE, *KDA, Apex Body Leh to Hold Deliberations Ahead of HPC Meet in Delhi,* 2 December 2023, available at https://kashmirlife.net/kda-apex-body-leh-to-hold-deliberations-ahead-of-hpc-meet-in-delhi-334380/ (last visited on 10 December 2023).

[57] Vijaita Singh, *Explained | Why has a high-power Ladakh committee been formed?*, THE HINDU, 5 January 2023, available at https://www.thehindu.com/news/national/explained-why-has-a-high-power-ladakh-committee-been-formed/article66339539.ece (last visited on 20 January 2024).

[58] DAILY EXCELSIOR, *Modi Govt committed for overall development of Ladakh: Koul*, 21 December 2023, available at https://www.dailyexcelsior.com/modi-govt-committed-for-overall-development-of-ladakh-koul/ (last visited 26 January 2024).

[59] Anando Bhakto, *Ladakh's struggle for identity and survival*, FRONTLINE, 7 September 2023, available at https://frontline.thehindu.com/the-nation/ladakh-struggle-for-identity-and-survival-demand-for-statehood-sixth-schedule-status-border-security-environment/article67263184.ece; Mustafa Haji, *Protests on the rise in Ladakh as push for statehood gains momentum*, FRONTLINE, 7 September 2023, available at https://frontline.thehindu.com/the-nation/slow-burn-anger-ladakh-sees-protests-over-denial-of-political-empowerment-ladakhis-frustrated-as-home-ministry-drags-feet-over-statehood-and-sixth-schedule/article67262960.ece (last visited on 26 January 2024).

LAKSHADWEEP

NANDINI BISWAS*

Introduction

The Union Territory (hereinafter UT) of Lakshadweep is an archipelago of 36 islands off the Kerala Coast, with a total area of 32 square km, 12 atolls, three reefs, 10 inhabited islands while 26 are uninhabited. The population as per 2011 census is approx. 64,473 of which about 96.58% of the inhabitants follow Islam and average literacy rate is 91.85%. Malayalam is spoken on all the islands except Minicoy where people speak the indigenous language Mahl.

Owing to its unique historical and cultural standing, Lakshadweep was accorded UT status in 1956. The territory is directly governed by the Union Government under Part VIII of Constitution and has no legislature of its own. Article 239 and 240 empower the President to administer the territory through an appointed Administrator. To ensure due recognition to the cultural heritage of the tribal population, one scheduled tribe member represents the entire UT in the Lok Sabha.

The data for this survey has been collected from the UT administration and the Official Gazette. Occasionally, information on some circulars and case law has also been obtained from private legal websites.

Qualitative Survey

Tenancy and Occupancy

The Lakshadweep Tenancy Regulation 2023 approved by the Union Cabinet and promulgated by the President seeks to create a regulatory system to protect the interests of landlords & tenants and provide transparency, speedy adjudication mechanism for

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settlement of disputes.[1] The regulation mirrors the Model Tenancy Act 2021 as a proposed framework for the states and union territories to pass their own tenancy laws. The Model Law enables contract enforcement and rent control ensuring affordable housing. Though the regulation provides clarity on rental housing, there are concerns for informational self-determination and privacy since the registration of rental agreements requires Aadhaar numbers to be made public on the Rent Authority's website.

The Laccadive, Minicoy and Amindivi Islands Land Revenue and Tenancy (Amendment) Regulation, 2023[2] omitted Section 15A, originally inserted in the 2020 regulation[3] to amend the principal regulation of 1965. The principal regulation aims to regulate the settlement and assessment of land revenue, rights and liabilities of landholders and other matters relating to land in UT. Pandaram lands as defined under Section 2(s) read with section 14 of the 1965 regulation were held by the government and empowered the government authorities to allot to any person for the purpose of agriculture, construction of dwelling houses, industrial or public utility. Section 15A permitted transfer of Pandaram lands by way of sale or gift to Scheduled Tribes Islanders , and also granted occupancy rights to them.

Economic and Public Benefits

The Central Government, exercising its powers under Section 67 of the Code of Wages 2019, issued the draft Code on Wages (Central) Rules 2020,[4] although they are yet to come into force. The 2019 Code aims to consolidate and simplify the central labour legislations for the stakeholders from both formal and informal sectors linking economic with social policies. The Code will bring significant changes in the labor sector, some of it could lead to interpretational ambiguity. While the Code of Wages, Industrial Relations Code and the Occupational Safety Health and Working Conditions Code draws out the difference between employee and worker in the definitional clause, many of their provisions lack clarity

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[1] *The Lakshadweep Tenancy Regulation, 2023* (No. 4 of 2023), Gazette of India, Extraordinary, Part II, Section 1, No. 40 (24 November 2023).

[2] *The Laccadive, Minicoy and Amindivi Islands Land Revenue and Tenancy (Amendment) Regulation, 2023* (No. 1 of 2023), Gazette of India, Extraordinary, Part II, Section 1, No. 37 (25 October 2023), available at https://egazette.gov.in/WriteReadData/2023/249686.pdf. Last visited January 1, 2025.

[3] *The Laccadive, Minicoy and Amindivi Islands Land Revenue and Tenancy (Amendment) Regulation, 2020* (No. 6 of 2020), Gazette of India, Extraordinary, Part II — Section 1, No. 11 (18 March 2020), available at https://thc.nic.in/Central%20Governmental%20Regulations/Laccadive,%20Minicoy%20and%20Amindivi%20Islands%20Land%20Revenue%20and%20Tenancy%20(Amendment)%20Regulation,%202020.pdf. Last visited January 1, 2024

[4] *The Code on Wages (Central) Rules, 2020*, Gazette of India, Extraordinary, Part II, Section 3(i), No. 329 (7 July 2020), available at https://labour.gov.in/sites/default/files/gazette_notification.pdf#page=1.00&gsr=0 (Last visited on January 25, 2024).

on the conceivable distinction between the two terms as they have been often used interchangeably.[5]

On the other hand, the Social Security Code does not provide any definition of worker but seeks differentiation between various types of workers as unorganised workers, home based worker, gig worker, self-employed worker, platform worker, and in the proviso dealing with the calculation of the wages,[6] mentions wages paid by the employer to an employee, having no mention of the workers. This also comes as a recommendation by the Standing Committee on Social Security Code[7] that the Code should have a model framework on the mandatory minimum entitlement to all the workers across all the states. This could be achieved through a compact delivery system run by a unified registration platform for seamless accessibility of social security benefits. .in the Through a notification[8] issued on 6 January 2023 the draft Code was notified in the UT. The notification of the draft invited objections within 45 days from the date of publication of the said notification. Lakshadweep has not yet issued its draft rules pertaining to any of the new Labour Codes.[9]

In exercise of powers conferred by Section 139(1) of Lakshadweep Co-operative Societies Regulation 2022,[10] the Administrator introduced the Lakshadweep Co-operative Societies Rules 2023[11] to 'regulate registration, incorporation and management of co-operative societies in the UT' giving effect to Article 243ZS in Part IX of Constitution of India. It also aims at restructuring the present economic system by promoting public benefit through the principles of shareholding, autonomy and coordination. The present regulation repeals the Laccadive, Minicoy and Amindivi Islands Cooperative Societies Regulation 1960 which was introduced to regulate and 'facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among the agriculturalists and other persons', in the UT. There have been substantial changes in the present regulation. For

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[5] Section 24, Welfare Provisions, Occupation, Safety and Health Code 2020, Chapter IV

[6] Section 2(88) of Social Security Code

[7] The Code of Social Security 2019, Standing Committee on Labour, Ministry of Labour and Employment, 9th Report, July 2020.

[8] Lakshadweep Administration, F.No.13/1/2022-23-LGP (January 1 2023) republished by Ministry of Labour and Employment, F.No.8/9/2022-LE&T (July 7 2023).

[9] Zia Haq, Implementation of 4 labour codes stalled, HINDUSTAN TIMES, 8 May 2023

[10] *The Lakshadweep Co-operative Societies Regulation, 2022* (No. 4 of 2022), Gazette of India, Extraordinary, Part II, Section 1, No. 23 (19 September 2022), available at https://thc.nic.in/Central%20Governmental%20Regulations/Lakshadweep%20Co%20operative%20Societies%20Regulation%202022.pdf (Last visited on January 25, 2024).

[11] *Lakshadweep Cooperative Societies Rules, 2023* (F. No. 41/4/2022-Coop dated 4 November 2023), Lakshadweep Gazette, Vol. LIX No. 34 (8 November 2023), available at https://cdn.s3waas.gov.in/s358238e9ae2dd305d79c2ebc8c1883422/uploads/2023/11/2023111723.pdf (Last visited on January 25, 2024).

example, societies can be exempted from particular conditions of registration.[12] prior approval of the Administrator to enter into collaboration with any undertaking to carry industrial investment, financial aid and management expertise with the condition they are in line with the cooperative character and public interest,[13] increase in the powers of Registrar to direct amalgamation and reorganisation of societies in the public interest or in the interest of cooperative movement, or for the purpose of securing proper management of any society,[14] and even cancellation order against the registration of society,[15] deregister due to misrepresentation.[16] The Administrator has also appointed the Registrar of Cooperative Societies, in exercise of the powers conferred under Societies Registration Act '1860'[17] It needs to be noted that the Administrator has preferred to refer to their powers under a pre-independence statute in making the appointment and no mention is made of the recently notified Lakshadweep Cooperative Societies Regulation 2022.

Decentralised Governance and UT Constituency

Lakshadweep Panchayat Regulations (hereinafter LPR) 2022 confer immense powers on the Administrator. The 2022 regulations in supersession of LPR 1994 are effective from 26 September 2022. According to LPR 1994, a village (Dweep) panchayat shall be constituted for each of the ten islands and a district panchayat for the UT determined as per the distribution of population and seats allocated through a direct election.[18] With the promulgation of LPR 2022, multiple notifications were issued.[19] These notifications declared 18 new panchayat areas in place of the 10 village (Dweep) panchayats. The notifications also provided for the delimitation of wards on the basis of island's data in the 2011census. The census data was relied upon even when Rule 3 of Lakshadweep Panchayat (Election Procedure) Rules 2022 required the population data of the panchayat area to be the basis of constituting a gram panchayat. The LPR 2022 defines 'Panchayat Area'[20] as a territorial area of Gram Panchayat declared by the Administrator under sub-section (1) of section 3.[21]

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[12] Section 7 of Lakshadweep Cooperative Societies Regulation 2022
[13] Section 24 of the abovementioned Regulation
[14] Section 8 of the abovementioned Regulation
[15] Section 21 of the abovementioned Regulation
[16] Section 22 of the abovementioned Regulation
[17] Lakshadweep Administration, Secretariat Service Section F.No. 24/01/2012- Services (1)/1858 (4 May 2023), The operative statute is of 1860 but the notification has incorrectly printed it as 1869.
[18]First Schedule read with Section 8(1) of LPR 1994.
[19]Lakshadweep Administration, Department of Panchayats, No. 9/4/2022-DOP(PE) (1) (16 November 2022)
[20] Section 2(t) of LPR 2022
[21] The Administrator shall, after making such inquiry as may be necessary, by notification, declare a local area, comprising of a village or a group of villages as any part or parts thereof or a combination of any two or

LPR 1994 defined the same to mean the territorial area of the respective island which is included in the first schedule of the Act. The authorities contended that the modification is within the scope of Article 243L of Constitution of India. Under the said Article, the Administrator is entitled to make exceptions and modifications provided the president has directed application of this modification by public notification of LPR 2022.

A writ petition was filed challenging the modification of the ward delimitation. The Court, referring to the issued notifications, held that the delimitation of the Gram Panchayat—undertaken without any population data for the territorial area and without issuing a prior notification—is ultra vires to Part IX of the Constitution of India and Sections 2(zj), 8, and 12 of the LPR, 2022.[22] The panchayat elections had to be completed before 18 February 2022, but this could not happen because the delimitation process was delayed. Consequently, as permitted by sub-sections (3) & (4) of section 63 of LPR 2022[23] the Administrator citing 'unforeseen circumstances' postponed the conduct of the elections.

Lakshadweep District Panchayat (Procedure for Consultation with the President and Vice President) Rules 2023 was floated for pre-legislative consultation for 30 days until 16 June 2023 and upon receiving no objections, have been notified and are in effect from 23 August 2023.[24] The Rules specify the procedure by which the Administrator may consult with the President and Vice President of the District Panchayat on any matter specified in the fourth schedule of the LPR 2022. The consultation shall be sought in writing and the president and vice president would need to respond within the time specified by the Administrator. If the panchayat functionaries require more time to respond, they would need to make a request to that effect to the Administrator. Even as the language of consultation is employed, the procedure provided is more commandeering than consultative.

In exercise of the powers conferred under section 130 of LPR 2022, the Administrator has notified Lakshadweep Panchayats (Taxation and Appeal) Rules 2023,[25] Lakshadweep Panchayats Business Rules 2023[26] and Lakshadweep Panchayat (Services) Rules 2023,[27] Panchayat (grant in aid) Rules 2023,[28] whereas pre-consultation for Lakshadweep

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more of them to be Panchayat area, for the purposes of this Regulation and shall also specify its headquarters.

[22] A.P. Nazeer vs Union Territory of Lakshadweep & Ors (2022) W.P.(C) No. 40183

[23] Lakshadweep Administration, Department of Panchayat, F.No. 9/4/2022-DOP(PE) (30 December 2022)

[24] Lakshadweep Administration, Department of Panchayat, F.No. 2/9/2023-DOP (10 August 2023)

[25] Lakshadweep Administration, Department of Panchayat, F. No. 2/3/2023-DOP (25 September 2023)

[26] Lakshadeep Administration, Department of Panchayat, F.No.2/4/2023-DOP (27 September 2023)

[27] Lakshadeep Administration, Department of Panchayat, F.No. 2/5/2023- DOP (19 October 2023)

[28] Lakshadeep Administration, Department of Panchayat, F.No. 2/7/2023-Dop (19 October 2023)

Panchayat Servants (Punishment and Appeal) Rules 2023[29] and Lakshadweep Panchayat (Finance and Accounts) Rules 2023[30] was carried out in June 2023 .

Cultural and Religious Co-optation

The renaming of the public spaces structures and institutions has been a strategic step taken by many a state to assert the superiority of a particular culture or people. The Directorate of Education decided to replace the names of Government Bi Umma Memorial Junior Basic School and Government Dr. K.K. Mohammed Koya Senior Secondary School in Kalpeni Island with Subhash Chandra Bose and Sardar Patel respectively.[31] Another instance of naming the gram panchayat headquarters has been under Section 3(2) of LPR 2022, power exercised by the Administrator for naming one Gram Panchayat Lal Bahadur Shastri and the other Bhagat Singh.

Furthermore, an order dated 12 December 2023[32] with a three-language policy (English, Malayalam and Hindi) was issued by the Director of Education to transform the syllabus from state education (SCERT), which was in Malayalam medium to CBSE English medium 'with the aim of elevating the standards of education and aligning with the dynamic education landscape' for academic year 2024-2025. This ended the Kerala based educational system (Malayalam and English) being followed in the UT for more than 50 years . This decision was not only taken without consultation with the stakeholders but also sidelined the socio-cultural objectives of the Right to Education Act. The Directorate of Education issued instructions requiring strict adherence of the rules relating to school uniform in order to ensure "uniformity, unity, spirit of brotherhood" The instruction warned that non-compliance with the order will be viewed seriously. The uniform described in the circular does not make mention of a hijab, even though it is the religio-cultural preference of many students. [33]

The UT also witnessed multiple administrative decisions with regard to cattle regulation along with the draft Animal Preservation Regulation 2021. The latter regulates the preservation of animals classified as bulls, cows, calves suitable for milch, breeding or agricultural purposes. The regulation has not yet been notified and formally published in the official gazette. The 'notional' manner in which the pre-legislative scrutiny of these draft

[29] Lakshadweep Administration, Department of Panchayat, F.No. 2/8/2023-DOP (15 May 2023)
[30] Lakshadweep Administration, F.No. 2/6/2023-DOP (16 May 2023)
[31] Lakshadweep Administration, Directorate of Education, F.No. 6/3/2019-Edn/Estt Part (31 January 2023)
[32] Order not found in official website. PTI, Lakshadweep education department announces switch to CBSE English Medium for all Schools, TIMES OF INDIA, 13 December 2023
[33] New uniform pattern in Lakshadweep schools: Congress warns of intense protest, THE ECONOMIC TIMES, 12 August 2023.

regulations was conducted has been challenged through a writ petition before the High Court. The petition argues that the short deadline and lack of proactive or sufficient publicity deprived affected stakeholders of a real opportunity to participate, thereby violating the requirement of meaningful public disclosure for those directly impacted by the draft regulations.[34] Another petition[35] was filed challenging an order issued by the Director, Department of Animal Husbandry on closing down of all the dairy farms (Bulls, Calves, Ducks) run by the department as well as removal of meat in the mid-day meal in schools (hereinafter MDMS).[36] This violates the cultural ethos, food habits of the community and the petitioner prayed for the writ of mandamus on Lakshadweep Animal Prevention Regulation since they were introduced without publishing in local language such as Malayalam and Mahal, infringing Constitutional rights guaranteed under article 19 and 300A of the Indian Constitution. The Court stayed the Administration's orders, noting reasons such as budgetary allocations for the MDMS and the non-acceptance of submissions regarding the discontinuation of dairy farms. However, it did not address the petitioner's arguments concerning the lack of public consultation in the local language or the draft Lakshadweep Animal Prevention Regulation. When the matter was taken to the Supreme Court in 2023, it stayed the High Court order stating that "it is not within the court's domain to decide as to what would be the choice of food for children of a particular region... the court will have to accept the administrative decision in this regard unless some outstanding arbitrariness is pointed out."[37]

Further, an order prohibited all activities related to the unscientific handling of cattle and unscientific slaughter of cattle, improper disposal of leftover meat in the open, and slaughter of cattle by unlicensed establishments in the UT of Lakshadweep.[38]

Land Development and Tourism

The draft Lakshadweep Development Authority Regulation 2021 ("LDAR 2021") proposed the creation of a Lakshadweep Development Authority. It also provided for the establishment of townships, land acquisition, alterations, transfer of land. and. In view of the ecological fragility of the archipelago, the legality of the draft regulation has been

[34] Rawther Federation vs. UTL and Ors., 8 June 2021, W.P. (c). No. 11950/2021
[35] Ajmal Ahmed vs. UOI, 22 June 2021, W.P.(C) No. 12508/2021
[36] Minutes of UT Steering cum Monitoring Committee Meeting and District Task Force on Mid Day Meal Programme dated 27 January 2021
[37] Ajmal Ahmed vs UOI, SPL (civil) No. 5404/2023
[38] Lakshadweep Administration, Office of the District Collector & District Magistrate, F.No. 2/1/2022- Dist. Col (7 August 2023)

challenged in violation of Articles 15, 16, 19 and 21 of the Constitution.[39] The Court, while finding the petitioner's prayers premature, declined to stay the implementation of the Regulation. It is to be noted that the pre-legislative consultation notice dated 28 April 2021 for LDAR 2021 was for the period of 21 days i.e., on or before 19 May 2021.[40]

Also awaiting promulgation is the Draft Lakshadweep Town and Country Planning Regulation 2021 that defines development as 'carrying out of building, engineering, mining, quarrying or other operations in, on, over, land the cutting of a hill or any portion thereof or the making of any material change in any building or land....'[41]

Multiple tenders for multi-crore projects for tourism in the UT have been issued[42] Despite the dangers to ecology inherent in prioritising development, there seems to be pressures to recover from the economic depression caused by the pandemic. This was also expressed by the Ministry of Tourism's proposals for development of tourism in unexplored areas.[43] A total of 19,258 sqm land for the construction of Beach Road at Kiltan Island has been acquired for public purpose under the Land Acquisition Act 2013 but the official declaration made after public consultation, does not include the final Social Impact Assessment report.[44] This land acquired is under the Union government's Smart City project under the Beach Front Development and Corridor Beautification and Fishermen Relocation Cum Entrepreneurship Developmental Scheme.[45]

A public notice inviting consultation on the draft Lakshadweep Excise Regulation, 2022—open until 5 September 2023—also remains pending. The Regulation proposes to lift the liquor prohibition operative in the island since 1979, and allow the manufacture, sale, and consumption of liquor across the islands for both tourists and residents.[46]

Public Welfare and Social Schemes

The Department of Animal Husbandry and Agriculture had notified schemes for financial assistance for welfare measures through Aadhaar identity to obtain government delivery of services and benefits/subsidies under Section 7 of Aadhaar (Targeted delivery of Financial

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[39] K.P. Noushad Ali vs UTL& Ors, 17 June 2021, W.P.(c) No. 11519/2021
[40] Lok Sabha, Request for Proposals, Process for development of Minicoy Island, May 2022
[41]There is no notification for public consultation on the official website separately from LDAR.
[42] Lakshadweep Administration, Department of Tourism, F.No. 109/58/2018-SPORT(Part) (31 July 2021)
[43] Ministry of Tourism, Proposals received for development of tourism in unexplored areas dated 24 July 2023.
[44] Lakshadweep Administration, Department of Revenue, F.No. 34/17/2019-LR/1205 (04 December 2023)
[45] Official Website of Kavaratti Smart City, Smart City Mission project details, accessed at https://kscl.utl.gov.in/pages/project_details/all/smart-city-mission/all/4
[46] Lakshadweep Administration, Office of Collectorate, F.No. A.14/90/2022-COL (03 August 2023)

and other subsidies, Benefits and Services) Act 2016[47]. The Department of Education had published its notification[48] for availing the benefits under the scheme and mandates the registration and bio-metric authentication of the beneficiary enrolled using the facilities located in respective Block or Taluka. In the 2018 judgement on Aadhaar card[49], the Apex Court clarified on the inclusion of children between ages 5-15 years to avail the benefits under section 7 & 8 of the 2016 Act, wherein it was upheld that parental/guardian consent was mandatory and they are entitled to opt out attaining majority. Under the MNREG Act 2005, the wage rate payable has been fixed at Rs. 304/- per day without Dearness Allowance in respect of UT to come into effect from 01 April 2023.[50] The Department of Ayush and Health services declared the functioning of 20 bed facilities at Ayush Deen Dayal Upadhyay Ayush Hospital.[51]

In a protest dated 27 March 2023, the protesters representing the Lakshadweep Disabled' Welfare Association (LDWA) demanded the implementation of Rights of Persons with Disabilities (RPWD) Act 2016 by providing for reservation in permanent government jobs: ensure availability of rehabilitation workers and address the inaccessibility in passenger ships.[52] On 12 July 2023, a bunch of copies from the year 2013 on welfare schemes to Divyang (state pension scheme, special job to PwDs, marriage assistance to PwD, financial assistance for medical claim under Disabilities Act 2016 were uploaded on the official website.[53] But as in this case, uploading existing welfare schemes as a response to the protests may not necessarily solve the problem of implementation of the desired public demands. There is an evident mismatch between what the disability community was demanding and what the government provided.

Conclusion

The Annual Survey of the Union Territory Lakshadweep gives an overview of the exercise of powers by the politically elected Administrator which have been consistently contested

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[47] Lakshadweep Administration, Department of Animal Husbandry, F.No. 22/26/2021-AH(STAT) (18 April 2023), Lakshadweep Administration, Department of Agriculture, F.No. 12/29/2023-Agri (3 February 2023)
[48] Lakshadweep Administration, Department of Education, No. 20/06/2021-Edn(SC) (01 November 2023)
[49] Justice K.S. Puttuswamy vs UOI, 26 September 2018, W.P.(Civil) No. 494/2012
[50] Lakshadweep Administration, Department of Rural Development, Notification F.No. 11/4/2020-DPC/315 (04 May 2023)
[51] Department of Ayush and Health Services, F.No. 4-10 Ayush/2016 (03 February 2023)
[52]Salahuddin, Lakshadweep: Disability rights Activists hold another protest as accessibility issues continue, THE WIRE, 28 May 2023
[53] Welfare Schemes to Divyang under UT Lakshadweep, implementation of RPWDACT 2016 accessed at https://lakshadweep.gov.in/notice/welfare-schemes-to-divyang-under-ut-of-lakshadweep-implementation-of-rpwdact-2016/ (No notification number has been provided)

on the grounds of insufficient involvement of public in the process of decision making, inadequate publicity of the draft laws. There have been several executive orders which have disappointed the legitimate expectations of the people that their cultural heritage, religious sentiments and environmental fragility shall be protected. Majority of the draft regulations and rules have been promulgated against the collective will. The orders and notices are either ambiguous, or they are hidden. Democratic governance in UT will prevail only with the ancient coin of transparency and accountability. With the increasing population and ecologically fragility of the location, it seems desirable to reexamine the viceroy system of governance of the colonial era and create a strong resilient system showcasing good governance.

NCT OF DELHI

PRANAV VERMA*

Introduction

This survey quantitatively and qualitatively analyses the legislative output of the National Capital Territory of Delhi (hereinafter, the "NCTD") for 2023 . In findings consistent with the survey's 2020 edition, it notes that while the output of the Legislative Assembly of the NCTD (hereinafter, the "Assembly") remained amongst its lowest in the past five years, the administration of the NCTD continued to be managed through a large quantity of subordinate legislation, in particular, notifications published by the Government of the NCTD (hereinafter, "GNCTD") in the Delhi Gazette.

These observations have been situated in the context of the power-sharing arrangements unique to the constitutional scheme of the NCTD, which continue to remain uncertain till date despite two Constitution Bench rulings by the Supreme Court (hereinafter, the "SC"). The most recent instance of the conflict between the Union represented by the Lieutenant Governor (hereinafter, the "LG") and the GNCTD is of legislative and executive control over 'services', i.e. transfers, postings, and conditions of service of civil servants in the NCTD. The SC's 2023 Constitution Bench verdict declared that the GNCTD and not the LG have control over 'services', excluding matters relating to land, police, and public order[1], only to be promptly overturned by an Ordinance.[2] The Ordinance was later replaced by the Government of National Capital Territory of Delhi (Amendment) Act 2023 (hereinafter, the "GMCTD (Amendment) Act 2023). A challenge to this new law remains pending before the SC.[3] This uncertainty and constant tussle between the GNCTD and the LG on sharing power

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[1] Government of NCT of Delhi v. Union of India, (2023) 9 SCC 1.

[2] Government of National Capital Territory of Delhi (Amendment) Ordinance, 2023 (May 19, 2023).

[3] Government of National Capital Territory of Delhi v. Union of India and another, Writ Petition (Civil) No. 678 of 2023 (S.C.) (Pending). The last order of the SC is dated October 30, 2023, available at https://main.sci.gov.in/supremecourt/2023/25700/25700_2023_1_27_47837_Order_30-Oct-2023.pdf (last visited on January 30, 2024) ('GNCTD 2023 Service Case').

may explain the continued reliance by the GNCTD on executive law-making to administer the national capital, and its low output of primary legislations.

At the same time, however, the GNCTD also continues to cede ground to the LG in other instances. All twenty-two rules surveyed as part of subordinate legislations were promulgated by the LG under Article 309 of the Constitution despite the provision to that Article giving primacy to the Assembly's enactments.[4] This may perhaps be explained by the relatively low-stake nature of such rules, which were primarily concerned with service and pay conditions of various subordinate administrative and support staff in Government departments.

The data on the working of the legislature (total hours worked, number of sessions and sittings, Bills introduced, etc.) which forms part of the quantitative survey has been primarily sourced from the official website of the Assembly. The details of Acts passed by the Assembly have been in the first instance sourced from the Assembly's website and cross-verified from online legal databases. The list of subordinate legislations has been sourced from the state-wise repository maintained by online legal databases.

Section 2 of the paper provides context for the uncertain power-sharing arrangement in the NCTD tracing some recent developments. Section 3 quantitatively surveys the legislative activity in the NCTD in the period under study, and section 4 qualitatively analyses the findings of the survey, with concluding remarks in section 5.

The Lawmaking Powers of the NCTD

The NCTD's special status in the constitutional scheme is provided by Article 239AA of the Constitution.[5] It provides for the NCTD to have an elected legislative assembly and requires the LG to act on the "aid and advise" of the Council of Ministers headed by the Chief Minister. The Assembly can make laws on any of the subjects in the State List apart from 'land', 'police', and 'law and order'. The Article requires that in cases of differences of opinion, the LG must refer the disagreements to the President whose decision is then binding. In rare and exigent situations, the LG is enabled to pass directions without waiting for the President's decision.[6] The Constitution Bench of the SC in 2018 ruled that the LG cannot act in a "mechanical manner" in making such referrals, but should duly apply their mind, and not refer every decision of the Council of Ministers to the President.[7] Justice Chandrachud

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[4] The Constitution of India, 1950, Art. 309 ('Article 309').
[5] The Constitution of India, 1950, Art. 239AA(4).
[6] *Id*.
[7] State (NCT of Delhi) v. Union of India, (2018) 8 SCC 501, ¶ 248.18 (per Misra CJI)

(as he then was) in his concurring opinion indicated that such referrals could be made in cases of "substantial issues of finance and policy which impact upon the status of the national capital or implicate vital interests of the Union"[8], as opposed to "every trivial difference" of opinion.[9] The Court had also clarified that the LG has "not been entrusted with any independent decision-making power".[10]

This 2018 Constitution Bench ruling, however, far from settled the contentious power-sharing disputes between the LG and the GNCTD. In 2019 a two-Judge Bench of the Court was called upon to interpret its past year ruling and it further clarified that the Union shall have authority over the Anti-Corruption Bureau and setting up inquiries under the Commissions of Inquiry Act, 1952. The GNCTD was declared to have control over matters under the Electricity Act, Stamp Act, and the appointment of special public prosecutors. The two-Judge Bench, however, disagreed over control of 'services'.[11]

This led to a second Constitution Bench ruling in 2023 by the SC, which gave the GNCTD legislative and executive control over 'services'. This, however, did not settle the dispute. The President promptly promulgated an ordinance to overturn the Court's verdict and soon thereafter the GNCTD (Amendment) Act 2023 was enacted to give primacy to the LG on 'services'. Under this new law, decisions regarding the transfer, posting, and disciplinary proceedings of civil servants in Delhi are to be taken by the LG on the recommendations of the newly constituted 'National Capital Civil Service Authority', which in turn is to comprise of the Chief Minister, Chief Secretary of GNCTD, and the Home Secretary of GNCTD. The LG has been given the final say in case of any differences of opinions. A challenge to the vires of this Act is currently pending before the SC.[12]

Quantitative Survey

Legislations Notified in 2023

In the period surveyed, the GNCTD notified ten legislations in the official gazette as having come into force.

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[8] *Id*., ¶ 464 (per Chandrachud J).
[9] *Id*., ¶ 475.21 (per Chandrachud J).
[10] *Id*., ¶ 248.17 (per Misra CJI)
[11] Government (NCT of Delhi) v Union of India, (2020) 12 SCC 259.
[12] GNCTD 2023 Service Case, *supra* note 3. During the pendency of the petition, the SC upheld on November 29, 2023 the decision of the Union Government to extend the tenure of the then incumbent Chief Secretary by six months on the basis of the new law without prejudice to the pending petition challenging the law's validity. See Government of NCT of Delhi v. Union of India and others, 2023 SCC OnLine SC 1621.

These were:

1. The Delhi Goods and Services Tax (Amendment) Act, 2023[13]
2. The Leader of Opposition in the Legislative Assembly of the National Capital Territory of Delhi (Salaries and Allowances) (Amendment) Act, 2023[14]
3. The Members of the Legislative Assembly of the National Capital Territory of Delhi (Salaries, Allowances, Pension, Etc.) (Amendment) Act, 2023[15]
4. The Ministers of the Government of National Capital Territory of Delhi (Salaries and Allowances) (Amendment) Act, 2023[16]
5. The Salary and Allowances of the Chief Whip in the Legislative Assembly of the National Capital Territory of Delhi (Amendment) Act, 2023[17]
6. The Speaker and Deputy Speaker of the Legislative Assembly, National Capital Territory of Delhi (Salaries and Allowances) (Amendment) Act, 2023[18]
7. The Delhi Appropriation (No. 1) Act, 2023[19]
8. The Delhi Appropriation (No. 2) Act, 2023[20]
9. The Delhi Appropriation (No. 3) Act, 2023[21]
10. The Delhi Appropriation (No. 4) Act, 2023[22]

Only five of the above ten Acts notified in 2023, however, were introduced in the Assembly in 2023. These were: (i) The Delhi Goods and Services Tax (Amendment) Act, 2023; (ii) The Delhi Appropriation (No. 1) Act, 2023; (iii) The Delhi Appropriation (No. 02) Act, 2023; (iv) The Delhi Appropriation (No. 03) Act, 2023; and (v) The Delhi Appropriation (No. 04) Act, 2023. The other five legislations had been introduced in the year 2022 but received assent of the LG or the President, in the year 2023.[23]

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[13] The Delhi Goods and Services Tax (Amendment) Act, 2023 [Act No. 02 of 2023].
[14] The Leader of Opposition in the Legislative Assembly of the National Capital Territory of Delhi (Salaries and Allowances) (Amendment) Act, 2023 [Act No. 07 of 2023].
[15] The Members of the Legislative Assembly of the National Capital Territory of Delhi (Salaries, Allowances, Pension, Etc.) (Amendment) Act, 2023 [Act No. 04 of 2023].
[16] The Ministers of the Government of National Capital Territory of Delhi (Salaries and Allowances) (Amendment) Act, 2023 [Act No. 03 of 2023].
[17] The Salary and Allowances of the Chief Whip in the Legislative Assembly of the National Capital Territory of Delhi (Amendment) Act, 2023 [Act No. 05 of 2023].
[18] The Speaker and Deputy Speaker of the Legislative Assembly, National Capital Territory of Delhi (Salaries and Allowances) (Amendment) Act, 2023 [Act No. 6 of 2023].
[19] The Delhi Appropriation (No. 1) Act, 2023 [Act No. 1 of 2023].
[20] The Delhi Appropriation (No. 2) Act, 2023 [Act No. 8 of 2023].
[21] The Delhi Appropriation (No. 3) Act, 2023 [Act No. 9 of 2023].
[22] The Delhi Appropriation (No. 4) Act, 2023 [Act No. 10 of 2023]
[23] The Ministers of the Government of National Capital Territory of Delhi (Salaries and Allowances) (Amendment) Act, 2023 was introduced in the Assembly in 2022; received the President's assent in 2022; but was notified in 2023. The Bills concerning the salaries and allowances of MLAs, Ministers, Leader of Opposition, Chief Whip had been sent by the LG to the President who gave the assent. Legislative Assembly,

The legislations mentioned in (ii) – (v) may be excluded from analysis as these Appropriation Acts are routinely passed in every Budget Session of the Assembly. The Delhi Goods and Services Tax (Amendment) Act, 2023 (hereinafter, the "Delhi GST Amendment Act 2023"),[24] therefore, emerges as the only substantive legislation, introduced in and passed by the Assembly, in the year 2023, and which was notified in the same year. The Delhi GST Amendment Act 2023 further amended the Delhi Goods and Services Tax Act 2017 and brought some of the provisions such as on payment of interest on wrongly availed and utilized input tax credit, into effect retrospectively.

Further, the Delhi Goods and Services Tax (Second Amendment) Bill 2023 (hereinafter, the "Delhi GST Second Amendment Bill")[25] was introduced and adopted by the Assembly on December 15, 2023, and it received the assent of the LG on January 10, 2024.[26] While it has not been notified within the period surveyed, such notification is expected to follow in the official gazette as a matter of formality, since the assent of the LG has already been obtained. The GST Second Amendment Bill was introduced to bring the Delhi Goods and Services Tax Act, 2017 in uniformity with the Central Goods and Services Tax Act, 2017, following the amendments recommended to the latter by the GST Council in its 47th, 48th and 49th meetings.[27]

The Delhi GST Amendment Act 2023 and the Delhi GST Second Amendment Bill 2023, therefore, constitute the only two substantive legislations passed by the Assembly in 2023, with the only the former being notified within the period under study. This can be seen in the backdrop of the fact that in the year 2023, the Assembly convened for only eighteen sittings.[28] Two substantive legislations being passed in eighteen sittings amounts to a low legislative output of about 11 per cent. This was even lower than the Assembly's output of 12.5 per cent during the pandemic year 2020, as found in this survey's 2020 edition.[29] The

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National Capital Territory of Delhi, *Bills in Delhi Legislative Assembly*, available at https://delhiassembly.delhi.gov.in/dlas-govt-bills (last visited on January 30, 2024).

[24] The Delhi Goods and Services Tax (Amendment) Act 2023 [Act No. 02 of 2023].

[25] The Delhi Goods and Services Tax (Second Amendment) Bill 2023 [Bill No. 05 of 2023].

[26] SNS, *LG gives assent to 'The Delhi Goods and Services Tax (Second Amendment) Bill, 2023*, The Statesman, January 10, 2024, available at https://www.thestatesman.com/cities/lg-gives-assent-to-the-delhi-goods-and-services-tax-second-amendment-bill-2023-1503258334.html (last visited on January 30, 2024).

[27] *Delhi LG VK Saxena gives assent to The Delhi Goods and Services Tax (Second Amendment) Bill, 2023*, ANI, January 10, 2024, available at https://www.aninews.in/news/national/general-news/delhi-lg-vk-saxena-gives-assent-to-the-delhi-goods-and-services-tax-second-amendment-bill-202320240110175515/ (last visited on January 30, 2024).

[28] Legislative Assembly, National Capital Territory of Delhi, *Session Reviews*, available at https://delhiassembly.delhi.gov.in/dlas-session-reviews (last visited on January 30, 2024) ('Session Reviews').

[29] Pranav Verma, *The National Capital Territory of Delhi*, The Annual Survey of State Laws in India, 1 ASSL 2022, 208 ('ASSL 2022').

year 2023 for the Assembly surpassed 2020 as the second-most unproductive year for the Assembly when compared with the past five years.[30] The Assembly worked for just about 3 full days when the working hours across all its sessions are taken cumulatively.[31]

Subordinate Legislations

The subordinate legislative activity of the GNCTD can be categorized into (i) Notifications/Circulars, (ii) Rules, (iii) Regulations, (iv) Schemes, and (v) Statutes of universities.[32]

Notifications/Circulars

This category of subordinate legislation was the most utilized to run the routine day-to-day administration of the GNCTD. A total of 104 Notifications were issued across thirty-two departments of the GNCTD. About 28 per cent of all the Notifications pertained to the public purse with the Department of Finance alone issuing twenty-three Notifications; the Department of Trade and Taxes issuing following with five Notifications; and the Department of Revenue issuing one Notification.

Rules

There were a total of twenty-two rules promulgated – all by the LG under Article 309 of the Constitution.[33] In most of these Rules, the LG exercised their rule-making power to regulate the number of posts, classification and pay matrix levels, method of recruitment, age limit and other qualifications, disqualifications etc. for several service cadres. These mostly concerned subordinate administrative and support staff such as storekeepers, canteen attendants, prisons deputy superintendents, prison head matrons, prison head warders, prison staff car drivers, archaeology department recruitments, Delhi Archives recruitments, accounts service etc. Some of these rules were framed by the LG after prior consultations with the Union Public Service Commission, and with the High Court of Delhi for the rules pertaining to the higher judicial service.

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[30] *Id*., 208, footnote 30.

[31]The Assembly worked for 13 hours and 54 minutes in the Fourth Part of the third session (16.01.2023 to 19.01.2023); 22 hours and 40 minutes in the Fourth Session (Budget Session) (17.03.2023 to 29.03.2023); 4 hours and 13 minutes in the Second Part of Fourth Session (17.04.2023); 13 hours and 56 minutes in the Third Part of Fourth Session (16.08.2023 to 18.08.2023); and 08 hours and 46 minutes in the Fourth Part of Fourth Session (15.12.2023 to 18.12.2023). Session Reviews, *supra* note 28.

[32]There is an overlap between these categories to the extent that almost all categories would be published as 'Notifications' in the Delhi Gazette, apart from stand-alone notifications not falling part of the other categories.

[33] Article 309, *supra* note 4.

Regulations

There were three primary regulations promulgated in 2023 – all under the Electricity Act, 2003. First, the Delhi Electricity Regulatory Commission (Business Plan) Regulations, 2023, *inter alia*, provided for "Business Plan for Generating Entity", "Business Plan for Transmission Licensee", and Business Plan for Distribution Licensee". *Second*, the Delhi Electricity Regulatory Commission (Renewable Purchase Obligation and Renewable Energy Certificate Framework Implementation) (First Amendment) Regulations, 2023, provided for, *inter alia*, the mandatory purchase of electricity from renewable energy resources for a defined minimum percentage of the total annual consumption. Finally, the Delhi Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) (First Amendment) Regulations, 2023 provided detailed criteria for tariff determination.

Schemes

Two Schemes were formulated by LG, each under the Motor Vehicles Act, 1998. These were: (i) the Delhi Motor Vehicle Aggregator and Delivery Service Provider Scheme 2023 and (ii) the Delhi Motor Vehicles Licensing Aggregator (Premium Buses) Scheme, 2023. These sought to regulate app-based cab aggregators (such as the likes of Ola and Uber) and premium bus aggregators, respectively, extending to them several existing mandates for regulating road transport under the Motor Vehicles Act, 1998. These mandates included licensing of such aggregators, declaration of fleet, establishing full time command centres within the NCTD, fare regulation, and mandatory targets to shift to electronic vehicles.

Statutes of Universities

These 'Statutes' refer to the internal working regulations of universities formulated as subordinate legislation notified in the official gazette. There were two statutes notified in 2023. *First*, The Delhi Teachers University, Delhi (First) Statutes, 2023 was promulgated by the LG under the Delhi Teachers University Act, 2022 containing provisions on the powers and responsibilities of the Visitor, Chancellor, Vice Chancellor, and other employees and office bearers of the Delhi Teachers University which was established through an Act of the Assembly in 2022.

Second, the Indira Gandhi Delhi Technical University for Women (Amendment) Statute, 2023 was promulgated under the Indira Gandhi Delhi Technical University for Women Act, 2012 (Delhi Act No. 9 of 2012) by the Board of Management of Indira Gandhi Delhi Technical University for Women providing for the appointment of a Controller of Finance and their service conditions.

Qualitative Analysis

Low Legislative Output, Increase in Subordinate Legislation

It may be recalled that the 2020 edition of this Survey had found that the Assembly remained at one of its lowest legislative outputs, even as the routine administration of the GNCTD continued to run apace through subordinate legislations.[34] Notifications/Circulars across several GNCTD departments formed the bulk of these subordinate legislations through which the routine administration of the GNCTD was managed. This was true even for the years 2021 and 2022. The Assembly passed only three substantive legislations in the year 2021[35], and only one in the year 2022.[36] Yet, the administration of NCTD was run through several subordinate legislations – 102 Notifications in 2021 and 40 Notifications in 2022; and 61 Rules, Regulations, and Policy in 2021 and 2022 each. The 2023 edition of the survey confirms similar trends for the period under study. This leads to a consistent finding that the GNCTD relies upon subordinate legislation – Notifications in particular – to run its routine administration, as opposed to primary legislations.

It was felt in the 2020 survey that the low legislative output and increase in subordinate legislations could be attributed to the public health emergency of the time, as also the uncertain power sharing arrangement between the Union and GNCTD, influencing the latter's choice to govern more through delegated lawmaking.[37] While the effects of the pandemic have largely abated, the continued low levels of primary legislative output and increased delegated law-making suggest that the GNCTD nonetheless continues to prefer to rely more heavily on subordinate legislations than primary enactments. This can again be explained by the uncertain power sharing arrangement in the national capital as suggested in the Survey's 2020 edition – only more pronounced now by the GNCTD (Amendment) Act 2023 overturning the earlier SC ruling on 'services' in favour of the GNCTD. The GNCTD's choice to avail itself of the legislative instruments already at its disposal in the form of subordinate legislations is, thus, better understood in the context of its history of tussles

[34] ASSL 2022, *supra* note 29, 208.
[35] The Delhi Goods and Services Tax (Amendment) Act, 2021; The National Capital Territory of Delhi (Incredible India) Bed and Breakfast Establishments (Registration and Regulation) (Amendment) Act, 2021; and the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2021.
[36] The Delhi Teachers University Act, 2022.
[37] ASSL 2022, *supra* note 29, 213.

with the LG on lawmaking in the national capital, and its past experiences with the LG withholding assent even on routine matters of administration. [38]

Rule-making under Article 309

As far as rules are concerned, the entirety of the rule-making activity of the GNCTD was centered around Article 309 of the Constitution, the proviso of which enables state governments to exercise legislative control over recruitment and conditions of service over persons serving the union or the state, and specifically grants state legislatures primacy and an overriding power over the rules made by Governors. It is only in the absence of such rules made by the State Governments that the rule-making power of the Governors or LGs operates.[39] The 2020 edition of this Survey had found that notwithstanding this primacy given to the legislature, the GNCTD had ceded ground to the union on at least four instances.[40] This stands true at a larger scale for this edition of the survey – all twenty-two rules promulgated in the year 2023 for the GNCTD and its various Departments were issued by the LG acting under Article 309. This might be explained by the fact that all such rules pertained to relatively low stake matters – mostly concerned with recruitment, service and pay conditions of subordinate administrative and support staff across several GNCTD departments.

Conclusion

The uncertain power sharing arrangement between the Union represented by the LG and the GNCTD continues to define the context in which the output of the Assembly has remained among its lowest, while its subordinate legislative activity has continued to thrive. It is through subordinate legislation that the administration of the NCTD continues to be run. Notifications continue to be the most used mechanism with 104 notifications having been published in the Delhi Gazette in the period under study, with a large number pertaining to the public purse.

Even as the unique constitutional arrangements pertaining to the NCTD under Article 239AA have been the source of long drawn legal battles and bitter public disputes between the LG and the GNCTD, the latter continues to cede ground to the LG on rulemaking on a series of subject matters, which are otherwise low stakes and without political significance.

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[38] Pranav Verma, *Delhi Power Tussle: LG Is Flirting Dangerously Close to Contempt of Court*, The Wire, August 21, 2018, available at https://thewire.in/law/delhi-power-tussle-lg-is-flirting-dangerously-close-to-contempt-of-court (last visited on January 30, 2024).
[39] Article 309, *supra* note 4.
[40] ASSL 2022, *supra* note 29, 214.

PUDUCHERRY

CHARAN TEJ*

Introduction

The Constitution (Fourteenth Amendment) Act, 1962 empowered Parliament to establish a Legislature or Council of Ministers or both for Union Territories, including Pondicherry.[1] Accordingly, a Legislative Assembly for the Union Territory of Puducherry was constituted under Article 239A of the Constitution of India.[2] Pondicherry was also allotted one seat in the Rajya Sabha and one seat in the Lok Sabha, as outlined in the Fourth Schedule of the Constitution.[3] Following the elections in 2021, the 15th Legislative Assembly of the union territory was constituted.

Research Methodology

For the purpose of this survey, Extraordinary Gazette-II has been chosen as the most appropriate source as it specifically publishes legislative matters including delegated legislation/Executive Legislations. In addition to the Gazette of Pondicherry, online news sources were also surveyed to identify any significant legislative developments that cannot be discerned from the gazette or to corroborate information published in the Gazette.

Quantitative Analysis

In the 12 monthly issues published in Extraordinary Gazette Part-II in 2023 the survey identified 102 entries and shortlisted 78 notifications after excluding duplicate entries and notifications not directly related to legislative matters. These notifications were categorised

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[1] The Constitution (Fourteenth Amendment) Act, 1962, §4.

[2] Parliament enacted the Government of Union Territories Act, 1963, which provided for the establishment of a 30-member Legislative Assembly and a Council of Ministers for the Union Territory of Puducherry.

[3] The Constitution (Fourteenth Amendment) Act, 1962, §6.

into distinct sectors, allowing for a comprehensive understanding of the legislative priorities and focus areas of the government during this period.

Legislative Assembly

In 2023, the Puducherry Assembly experienced limited activity, as only four bills were introduced and passed. Among these two were appropriation Acts. In addition, changes were made to the Puducherry Members of the Legislative Assembly (Prevention of Disqualification) Amendment Bill, 2023. And the Puducherry Goods and Services Tax (Amendment) Bill, 2023.

Further, two significant resolutions were passed in the Puducherry Assembly: the first being a demand for statehood and the second sought the declaration of 'Thirukural' as the national book.

Delegated Legislation

The Lieutenant Governor who heads the executive plays a significant role in creating and amending the rules, guidelines, bye-laws etc. 2023 witnessed a flurry of activity in this regard. The 72 notifications have been categorised by sector and by the nature of the legislation. This dual categorization provides a multi-dimensional view of the legislative process, highlighting both the thematic areas of governance and the specific legal instruments used to address issues within those sectors.

Sectoral Breakdown

The notifications are categorized into distinct sectors reflecting the thematic areas of governance and public policy addressed by the government as follows:

Sector	Number	Percentage
Primary Sector (Agriculture, Animal Husbandry, and Fisheries)	25	34.72%
Welfare (Social Welfare, Adi Dravidar, STs, Housing)	17	23.61%
Development (Education, Health, Environment, Transport, Civil Supplies)	8	11.12%
Industry and Labour	6	8.33%
Administration and Governance (Revenue, Municipality, Local Administration, Home, Finance, Law, Legislative Assembly, Chief Secretariat)	15	20.84%
Art and Culture	1	1.39%

Nature Of Notification

The following breakdown provides insights into the specific nature of actions undertaken.

Type of Update	Number	Percentage
Guidelines/Rules	18	25%

Type of Update	Number	Percentage
Amendments to existing schemes, rules etc.	31	43.06%
Mandating Aadhaar for accessing benefits and services	6	8.33%
Central Schemes	5	6.94%
Bye Laws	2	2.78%

Qualitative Analysis

Legislative Assembly

The Puducherry Members of the Legislative Assembly (Prevention of Disqualification) Amendment Act, 2023

The Principal Act protected the holders of certain offices of profit to be chosen as Members of the Legislative Assembly. According to Section 3 of the Act, a list of offices specified in the Schedule are exempted from disqualification for Legislative Assembly membership. Over time, amendments have been made to include additional offices within the Schedule as and when the need arose. The 2023 Amendment, to the Schedule includes members of the "Union Territory of Puducherry Animal Welfare Board"[4] in this list.

The Puducherry Goods and Services Tax (Amendment) Act, 2023

Pursuant to the amendments prescribed vide Central Goods and Services Tax (Amendment) Act, 2023 and Integrated Goods and Services Tax (Amendment) Act, 2023, the Puducherry Goods and Services Tax (Amendment) Act, 2023 was enacted.[5] The amendments introduced are notably focused on the realm of online gaming. These amendments bring about specific rules for the determination of the value of the supply of specified actionable claims in the context of online gaming. This indicates a targeted effort to regulate any tax transactions involving actionable claims in the online gaming sector. The imposition of mandatory registration for overseas online money gaming service providers is reflective of the government's intention to bring foreign operators within the regulatory ambit, ensuring that they comply with local tax laws and contribute to the tax base.

Statehood for the Union Territory of Puducherry

The demand for statehood for Puducherry has been a longstanding issue, evidenced by the fact that this is the fourteenth time that a statehood resolution has been passed. Though

[4] The Puducherry Members of The Legislative Assembly (Prevention of Disqualification) Amendment Act, 2023 (Act no 5 of 2023).

[5] Puducherry Goods and Services Tax (Amendment) Act,2023 (Act 4 of 2023).

this resolution was tabled by a private member and Leader of Opposition, it was passed unanimously.[6]

The Chief Minister of Puducherry saw statehood as the only solution to deal with the stress caused by the attitude of officers towards the government. However, the Union Ministry of Home Affairs reiterated its stand of retaining the status of a union territory for Puducherry.[7]

'Thirukural' As National Book

A resolution was passed urging the Centre to declare 'Thirukural' as the national book. Thirukural is a collection of moral couplets, penned by the revered saint-poet Thiruvalluvar. This resolution seeks to acknowledge the universal appeal and enduring wisdom of 'Thirukural', making it a symbol of India's cultural diversity and moral values.

Delegated Legislation

In stark contrast to the modest number of bills passed by the Assembly, executive legislation dominated the legislative landscape covering a wide range of issues across different sectors, from agriculture and welfare to administration and industry. The delegated legislation in Puducherry reveals certain clear patterns that reflect the government's evolving approach towards welfare delivery, governance, and regulatory reforms.

A trend towards 'Aadhaarisation'

This reflects a broader national movement toward integrating Aadhaar as a central mechanism for delivering public welfare benefits and services. Six notifications were issued to mandate Aadhaar authentication across numerous welfare programs targeting marginalised and disabled individuals. These initiatives include financial incentives for specific life events, scholarships, and essential aid to promote accessibility and well-being. Programs supporting the elderly and vulnerable communities, such as distribution of basic necessities and assistance to NGOs running care facilities, also require Aadhaar authentication.[8] The Department of Women and Child Development mandated Aadhaar to ensure targeted delivery of benefits to vulnerable women and children of two prominent

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[6]"Resolution seeking statehood passed in Puducherry Assembly," *ANI News available at*: https://www.aninews.in/news/national/general-news/resolution-seeking-statehood-passed-in-puducherry-assembly20230401000707/ (last visited December 28, 2024).

[7] The Hindu Bureau, *Puducherry's Status as Union Territory to Continue for Now: Union Ministry of Home Affairs*, THE HINDU, Oct. 9, 2023, https://www.thehindu.com/news/cities/puducherry/puducherrys-status-as-ut-to-continue-for-now-says-mha/article67399129.ece (last visited Dec 30, 2024).

[8] Directorate of Social Welfare, Aadhaar as Identity Document for Delivery of Services or Benefits (G.O. Ms. No. 11/SWS/2023-24/7401, Puducherry, Dated 18th September 2023); Social Welfare Department, Aadhaar as Identity Document for Delivery of Benefits (G.O. Ms. No. 01/SWS/2022-23/5615, Puducherry, Dated 2nd January 2023).

schemes—the Monthly Financial Assistance for Women Heads of BPL Families and the Chief Minister Cares Scheme for the Empowerment of Newborn Girl Children.[9]

To streamline subsidies related to energy consumption, targeting low-income domestic users and agricultural consumers Aadhaar has been made mandatory.[10] Programs supporting education and skill enhancement for backward classes and minorities also require Aadhaar verification. These include financial aid for students at various educational levels, skill development support for artisans, and other measures aimed at improving educational outcomes.[11] The Revenue and Disaster Management Department made Aadhaar mandatory for the two schemes viz., the Monthly Financial Assistance for BPL Women Heads of Families and the Chief Minister Cares Scheme for the Girl Child.[12]

Trend of Amending

A notable trend in Puducherry's delegated legislation is the focus on amending existing schemes, guidelines, rules, and byelaws, comprising nearly 43% of all executive legislation. These amendments aim to enhance benefits for vulnerable groups, modernize schemes, and ensure inclusivity.

Several amendments have substantially increased financial assistance and benefits for marginalized groups. Incentives for marriages between disabled and non-disabled persons have been quadrupled, ostensibly to encourage inclusion.[13] Financial assistance for funeral expenses of deceased fishermen pensioners[14] and subsidies for aquaculture have also been significantly enhanced.[15]

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[9] Women And Child Development Secretariat, Aadhaar as an Identity Document for Delivery of Services or Benefits or Subsidies [G.O. Ms. No. 10/2023-WCD(SW-IV)/1205, Puducherry, Dated 7th August 2023].

[10] Industrial Development (Power) Department, Aadhaar as an Identity Document for Subsidies (G.O. Ms. No. 07, Puducherry, Dated 31st January 2023).

[11] Directorate For The Welfare Of Backward Classes And Minorities, Aadhaar as an Identity Document for Delivery of Services or Benefits (G.O. Ms. No. 15/SWS/2023-24/429, Puducherry, Dated 28th November 2023).

[12] Department Of Revenue And Disaster Management, Aadhaar as an Identity Document for Applying for Online Certificates(G.O. Ms. No. 11/31523/DRDM/DPA/CENTAC Software/2023/4958, Puducherry, Dated 14th July 2023).

[13] Directorate of Social Welfare, Amendment to the Rules for the Grant of Incentive for the Marriage between Disabled and Normal Persons, 1986. [G.O. Ms. No. 04/2022/Wel.(SW)/5641, Puducherry, Dated 29th December 2022], https://styandptg.py.gov.in/2023/exordinaryIIjan23.html.

[14] Chief Secretariat, Enhancement of Financial Assistance for Funeral Expenses of the Deceased Fishermen Pensioners (G.O. Ms. No. 10/FY, Puducherry, Dated 29th March 2023).

[15] Chief Secretariat, Enhancement of Grant of Input Subsidy to Fish Farmers in the Union Territory of Puducherry (G.O. Ms. No. 06/FY., Puducherry, Dated 19th September 2023).

Trend towards Modernisation

Many sector-specific schemes have been revised to include modern components, reflecting a focus on safety, technological advancement, and efficiency. Notable examples include the addition of life-saving appliances and communication devices in fisheries schemes.[16] Additionally, rural property ownership cards have been introduced, allowing beneficiaries to use these as financial assets, improving their access to loans and other financial services.[17]

Trend towards Inclusiveness

Inclusivity and social justice are at the core of many amendments. Age limits for financial assistance to Scheduled Caste and Tribe members suffering from prolonged diseases have been eliminated, extending support to all age groups.[18] Gender-neutral language has been introduced in municipal election rules, ensuring equal recognition and inclusivity for all genders in civic processes.[19] Funeral assistance for Scheduled Caste beneficiaries has been increased.[20]

To streamline benefit delivery, several schemes now employ Direct Benefit Transfer (DBT) mechanisms. Financial assistance for Scheduled Caste and Tribe students pursuing education in private schools and higher education institutions is transferred directly to bank accounts, reducing delays and ensuring accountability.[21] Increased budgets for school events further enhance educational opportunities and experiences for students.[22]

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[16] Chief Secretariat, Supply of Subsidized Fishery Requisites and Life Saving Appliances and Communication Devices Including Transponder Scheme, 2023 (G.O. Ms. No. 12/FY/378, Puducherry, Dated 31st March 2023).
[17] Chief Secretariat, The Puducherry House Sites/Houses Allotment (Under The Scheme Of Provision Of House Sites/ Houses to Scheduled Castes) (Amendment) Rules, 2022 [G.O. Ms. No. 07/2023/Wel(SCW), Puducherry, Dated 27th June 2023].
[18] Chief Secretariat, Grant of Financial Assistance to Scheduled Caste/Scheduled Tribe Patients Suffering from Prolonged Diseases, Rules 2001 [G.O. Ms. No. 12/2023/Wel.(SCW), Puducherry, Dated 02nd November 2023].
[19] Local Administration Secretariat, Puducherry Municipalities (Registration of Electors) (Amendments) Rules, 2023 (G.O. Ms. No. 20/LAS/A1/2023, Puducherry, Dated 17th March 2023).
[20] Adi Dravidar Welfare And Scheduled Tribes Welfare Secretariat, The Pondicherry Grant of Financial Assistance to Scheduled Caste for Funeral Rites, 1982. [G.O. Ms. No. 01/2023/Wel.(SCW)/1344, Puducherry, Dated 09th January 2023].
[21] Chief Secretariat, Scheme for the Grant of Full Fees to the Eligible Scheduled Caste and Scheduled Tribe Students, Irrespective of Their Family Income Studying in Any Government/Government Aided/Private School Recognized by Government and to Pursue Higher/Professional Courses in Colleges and Universities Anywhere in India (Amendment) Rules, 2023 [G.O. Ms. No. 11/2023/Wel(SCW), Puducherry, Dated 09th October 2023].
[22] Chief Secretariat, Quantum of Expenditure Applicable (G.O. Ms. No. 45, Puducherry, Dated 18th November 2023).

Sectoral View

In this part, significant legislative measures introduced through delegated legislation across various sectors are analyzed. While legislative measures span a wide range of areas, only prominent reforms having significant impact have been considered for this analysis.

Primary Sector

A major reform in this sector is the introduction of new/revised guidelines[23] for regulating groundwater extraction, aligned with the Puducherry Ground Water (Control and Regulation) Act, 2002. These guidelines, implemented in accordance with the directives of the Central Ground Water Authority (CGWA), aim to control over-extraction of groundwater. Under these provisions, users must obtain permits before sinking tubewells in notified areas. Exemptions for agriculture, however, are granted, provided tubewells are registered with the Puducherry Ground Water Authority. Further, strict restrictions are imposed in the Coastal Regulatory Zone (CRZ), prohibiting the construction of tubewells within 500 meters of the high-tide line to protect coastal water resources.

Another significant initiative in this sector is the "*En Veedu En Nalam*" scheme[24], which promotes rooftop and backyard cultivation of vegetables and fruits. This scheme, launched on a pilot basis in urban and rural areas, focuses on improving household nutritional security by distributing horticultural inputs worth ₹5,000 per beneficiary. The scheme adopts a cluster-based approach, encouraging community participation with groups of 15–20 members per cluster. This initiative not only supports urban agriculture but also promotes self-sufficiency in food production for families across Puducherry.

Social Welfare

Much of the delegated legislation in the social welfare sector focused on targeted financial support for vulnerable groups, particularly women and children. A notable legislative reform is the "*Monthly Financial Assistance to Women Heads of Families Living Below Poverty Line (BPL) Rules, 2023*"[25], which provides monthly financial assistance of ₹1,000 to eligible women aged between 21 and 55 years. This scheme aims to reduce gender-based financial disparities and enhance women's economic participation. The assistance is disbursed

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[23] Chief Secretariat, Regulations of Ground Water Usage(G.O. Ms. No. 2/Ag., Puducherry, Dated 12th April 2023).

[24] En Veedu En Nalam (G.O. Ms. No. 19/Ag., Puducherry, dated 18th January 2023).

[25] Women And Child Development Secretariat, Grant of Monthly Financial Assistance to Women Who Are Heads of Families Living Below Poverty Line (BPL) (G.O. Ms. No. 01/2023-WCD(SW-IV)/203, Puducherry, Dated 13th January 2023).

directly to beneficiaries through Direct Benefit Transfer (DBT) into Aadhaar-linked bank accounts, ensuring transparency and efficiency in payment.

Additionally, the *"CM Cares Scheme for the Empowerment of the Newborn Girl Child"*[26] seeks to improve the financial security of girl children by depositing ₹50,000 in a Sukanya Samriddhi Account for every eligible girl born on or after March 17, 2023. The account matures when the child attains the age of 21, providing a substantial corpus for higher education or other financial needs. This scheme symbolizes a long-term commitment to promoting gender equality by addressing socio-economic challenges faced by girl children and their families.

In a bid to ensure fair opportunities for students from government schools, the Puducherry administration has announced a 10% horizontal reservation[27] for government school students in medical admissions under the government quota. The reservation applies to MBBS, BDS, and BAMS courses in both government and private self-financing medical colleges across the Union Territory, starting from the 2023-24 academic year. The decision by the Government was on account of mounting public demand for equitable treatment of students studying in government institutions, who have struggled to secure seats in medical colleges since the introduction of NEET. By the State's own admission, the data from the last five years indicated that only a small number of government school students managed to gain admission in medical courses, as they often could not compete with students from private schools who had access to specialized coaching.[28] The Puducherry Council of Ministers resolved to implement a 10% reservation policy for local government school students qualifying NEET and following the approval by the Lieutenant Governor and consultations with the Ministry of Home Affairs, the same has been notified.

Development

These schemes are intended to improve the quality of life for the residents of Puducherry, particularly vulnerable groups, by enhancing access to healthcare, ensuring cleaner cooking alternatives, improving road safety, and providing nutritious food to students.

The Puducherry State Health Agency[29] was established to improve access to quality healthcare and reduce the out-of-pocket expenses incurred by families for secondary and

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[26] Women And Child Development Secretariat, CM Cares Scheme for the Empowerment of New Born Girl Child of the Union Territory of Puducherry Rules, 2023 [G.O. Ms. No. 08/2023-WCD(SW-IV)/1056, Puducherry, Dated 06th July 2023].

[27] Chief Secretariat (Health), Horizontal Reservation (G.O. Ms. No. 52).

[28] Id.

[29] Health Secretariat, The Memorandum of Association, Rules and Regulations and Bye-Laws for the Puducherry State Health Agency (G.O. Ms. No. 39, Puducherry, Dated 08th June 2023).

tertiary health services. It aims to provide trauma and critical illness care, as well as specialty and super-specialty treatments for all sections of the population, including Below the Poverty Line (BPL) families. This initiative reflects the government's commitment to reducing catastrophic health expenditures and ensuring healthcare coverage for the vulnerable population.

To promote the use of clean cooking *"Chief Minister's Scheme for LPG Subsidy Scheme"*[30] was enacted whereby subsidies will be provided for LPG cylinders to BPL and APL ration cardholders. The subsidy, which is credited directly to beneficiaries' bank accounts through Direct Benefit Transfer (DBT), is intended to facilitate the adoption of LPG and support the goal of smokeless cooking, reducing reliance on traditional, polluting fuels. The scheme, which provides a subsidy of ₹300 per LPG cylinder for Below Poverty Line (BPL) and Antyodaya Anna Yojana (AAY) ration card holders, and ₹150 for Above Poverty Line (APL) card holders, is capped at 12 cylinders of 14.2 kg per year. However, on implementation, it has been reported that only 52% of families have benefitted.[31]

Further, *"The Provision of Millet Snacks Scheme"*[32] aims to provide healthy and nutritious millet-based snacks to students in government and government-aided schools across Puducherry. This initiative, which targets students from Pre-KG to 12th standard, seeks to improve student enrolment, reduce dropouts, and promote better nutritional habits. By providing millet cookies or chikkies twice a week, the scheme enhances student well-being and supports their overall development.

The Puducherry Energy Conservation Fund[33] was established to meet the financial requirements for promoting energy efficiency across various sectors within the Union Territory. Funded by grants and loans from the Government of Puducherry, the Central Government, and other organizations, the fund is managed by a State Level Steering Committee. It supports energy-saving projects in public buildings, street lighting, water pumping stations, and industrial sectors, focusing on reducing energy consumption and

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[30] Department Of Civil Supplies And Consumer Affairs, Grant of Subsidy for LPG Cylinder" to All the BPL and APL Ration Cardholders Excluding Honorary/Green Ration Cards of Union Territory of Puducherry Rules, 2023. (G.O. Ms. No. 1, Puducherry, Dated 06th July 2023).

[31] Debjani Dutta, *Only 52 per Cent Families Benefit from LPG Subsidy Scheme in Puducherry*, THE NEW INDIAN EXPRESS (2024), https://www.newindianexpress.com/states/tamil-nadu/2024/Aug/27/only-52-per-cent-families-benefit-from-lpg-subsidy-scheme-in-puducherry (last visited Jan 3, 2025).

[32] Directorate Of School Education, Provision of Millet Snacks Scheme (G.O. Ms. No. 41, Puducherry, Dated 16th November 2023).

[33] Chief Secretariat, Puducherry Energy Conservation Fund Rules, 2023 (G.O. Ms. No. 13/2023-Envt., Puducherry, Dated 03rd November 2023).

costs. The fund operates on a revolving investment model, where savings from energy efficiency projects are reinvested into future initiatives.

The Puducherry Employees' State Insurance Society was established to manage healthcare services under the Employees State Insurance (ESI) Act 1948.[34] It operates and maintains various medical facilities, including dispensaries, hospitals, and emergency services, ensuring that ESI beneficiaries receive quality care. The Society aims to encourage employer and employee participation in the scheme, thus expanding coverage and benefits. Additionally, the Society is responsible for formulating policies to efficiently manage ESI medical establishments, including the admission process, charges, and services provided. It also focuses on capacity building through training programs and workshops, enhancing the skills of healthcare professionals and beneficiaries alike. This contributes to the overall well-being of the workforce in Puducherry by providing accessible and effective healthcare services.

Puducherry has seen a significant increase in the number of registered vehicles, with over 13 lakh vehicles as of 2023. As a response to concerns over road accidents, which have been on the rise due to increased urbanization, vehicle ownership, and traffic congestion Puducherry Road Safety Policy and Action Plan 2023-2028[35] was enacted. The road safety policy addresses the urgent need for a systematic approach to reducing accidents and fatalities, with a specific focus on the highest-risk areas, including urban roads. The policy has set ambitious goals to reduce road accidents by at least 10% over the next five years, aiming for zero growth in accident rates thereafter. It lays out a comprehensive strategy based on the six E's of road safety: Education, Enforcement, Engineering (infrastructure), Engineering (safer vehicles), Emergency care, and Enactment (strengthening institutional mechanisms). These measures will be implemented through coordinated efforts across various government departments, and the use of advanced technologies will be central to improving enforcement and road user behaviour. Additionally, the post-accident management aspect of the policy ensures that trauma care and social security systems are in place to reduce fatalities and improve recovery outcomes for accident victims.

The Puducherry Child and Adolescent Labour Rehabilitation Fund Scheme[36] provides financial assistance to children or adolescents rescued from labour in violation of the Child

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[34] Labour Department, Puducherry Employee's State Insurance Society (G.O. Ms. No. 5/AIL/Lab./G/2023, Puducherry, Dated 10th April 2023).
[35] Transport Secretariat, Road Safety Policy and Action Plan 2023-2028 (g.o. Ms. No. 07/Tr.Sectt./2023, Puducherry, Dated 19th October 2023).
[36] Labour Department Labour Department, Puducherry Child and Adolescent Labour Rehabilitation Fund Scheme (G.O. Ms. No. 07/Lab./LO(WS)/AIL/2023, Puducherry, Dated 16th May 2023).

and Adolescent Labour (Prohibition and Regulation) Act, 1986. Eligibility for the fund requires the child to have been employed illegally, rescued, and enrolled in a school or training centre under the Right to Education Act, 2009. The rescued child must continue their education, and their personal details, including bank account information, must be collected.

The Puducherry City Gas Distribution (CGD) Policy 2023[37] aims to promote the use of natural gas as a cleaner, greener fuel in the Union Territory of Puducherry. This policy supports the Government of India's goal to increase the share of natural gas in the country's energy mix. It focuses on the development of natural gas infrastructure, including Piped Natural Gas (PNG) for households and Compressed Natural Gas (CNG) for vehicles. The policy aims to ensure safe operations, reliable supply, and timely permissions for CGD projects, with a focus on industrial, commercial, transportation, and household use. Additionally, it encourages CNG/LNG use in transportation and aims to provide value-added services and employment opportunities.

The Government enacted the *"Integrated Logistics Infrastructure, Multi-Modal Logistics Park, and Warehouse Policy,"*[38] recognizing the critical role logistics plays in economic growth. With the region's unique geography, comprising four coastal enclaves, this policy aims to streamline logistics by addressing challenges such as inadequate infrastructure, unorganized operations, and a lack of skilled workers. The goal is to position Puducherry as a global logistics hub, connecting seamlessly with neighboring states and enhancing its role in both domestic and international trade. By creating state-of-the-art logistics parks and warehouses, the policy promotes the use of green energy, cost-effective solutions, and modern technologies. It also focuses on fostering public-private partnerships, boosting investment, and developing a skilled workforce through targeted training programs for the logistics sector.

Other Significant Events

Green Budgeting

In a progressive step towards integrating environmental consciousness into government initiatives, Puducherry has introduced Green Budgeting as a strategic tool to promote sustainability. This policy innovation focuses on embedding environmental and climate

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[37] Directorate Of Industries and Commerce, PUDUCHERRY CITY GAS DISTRIBUTION POLICY, 2023 (G.O. Ms. No. 7/Ind&Com/Tech/U-I/T10/2023-24, Puducherry, Dated 09th October 2023).

[38] Directorate Of Industries and Commerce, *Puducherry Integrated Logistics Infrastructure, Multi-Modal Logistics Park and Warehouse Policy, 2023* (g.o. Ms. No. 12/Ind&com/T10/Logistic Policy/2023-24, Puducherry, Dated 10th November 2023)).

sensitivity across departmental goals, schemes, and policies. By fostering a system-wide approach, it aims to align government actions with global sustainability efforts. The report highlights five baseline indicators, including the total green budget, the proportion of green allocations within identified schemes, and the percentage of green expenditure relative to the total budget.[39] Additionally, it tracks departmental contributions and the number of budget line items featuring green components.

With the 2022-23 baseline indicators in place, Puducherry's green budgeting initiative marks a significant move towards achieving sustainable development and enhancing environmental accountability in governance. The government hopes this will inspire more departments to innovate and invest in green components, ensuring a sustainable future for the region.

The Government of Union Territories (Amendment) Bill, 2023[40]

It was introduced in the Lok Sabha with the aim to provide one-third reservation for women in the Legislative Assembly of Puducherry. The proposed amendment to the Government of Union Territories Act, 1963 seeks to enhance women's representation and participation in the legislative process. This is in pursuant to the Constitution (One Hundred and Sixth Amendment) Act, 2023 enacted by the Parliament to pave way for reservation of one-third of the total number of seats for women in the House of the People, Legislative Assembly of every State and the Legislative Assembly of the National Capital Territory of Delhi. The reservation will come into effect after the publication of the next census, following which delimitation will be carried out to allocate reserved seats for women. The provision is intended to be in place for 15 years, with scope for extension as determined by future parliamentary legislation. Additionally, the Bill mandates rotation of reserved seats after each delimitation exercise, ensuring equitable representation over time.

Conclusion

The Assembly of Puducherry in 2023 witnessed a relatively low level of legislative activity, with the passage of only four acts and two resolutions. This limited legislative output raises concerns about the effectiveness of the Assembly in addressing crucial issues and fulfilling its role as the representative body of the people.

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[39] The Energy And Resources Institute: Shailly Kedia, Palak Khanna, & Department Of Science, Technology And Environment: Sagaya Alfred, Kalamegam K And Balaji T, *Puducherry Green Budget Report 2023*.
[40] Government of Union Territories (Amendment) Bill 2023.

Two of the Acts passed were appropriation acts, which primarily focus on budgetary allocations and financial matters. While essential, the preponderance of such Acts may indicate a lack of diversity in legislative initiatives and a possible oversight in addressing pressing non-financial issues. The Goods and Services Tax (GST) Amendment, was a mere reiteration of changes prescribed by the Centre.

However, the executive legislation was significant, with several significant policy measures introduced to address administrative priorities and socio-economic challenges. This highlights the dominating role of executive actions in shaping the governance landscape of Puducherry. While delegated legislation is crucial for effective administration, it cannot substitute the broader legislative mandate of debate, discussion, and lawmaking on diverse issues impacting citizens' lives. Fostering a more dynamic legislative environment, encouraging comprehensive deliberations, and expanding the scope of legislative activity will be vital to ensuring that the Assembly of Puducherry fulfils its democratic role effectively.

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