

Scrapping Obsolete Laws for a New Beginning in Telangana and Andhra

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Many Governments do not have the will or the ability to repeal age-old, useless and dysfunctional laws which are technically in force. This is because, once they are in power, ruling parties do not care about the laws as they think they are above them. However, these same laws are likely to come in the way of development of the State or unnecessarily empower petty authorities who will invoke them in order to extract bribes and harass citizens

Recently, the Chief Minister of Rajasthan, Vasundhara Raje, in a signed article stated: "Rajasthan today has 592 Acts. More than 150 of these will be repealed next month. The last such review was in 1964 and even then no principal Act of the state was repealed. An interesting side story of repealing 15% of our Acts was the inability of implementing departments to provide our review committee with physical copies of 55 Acts they were 'implementing' - these documents had to be obtained from the state printing press and state archives in Bikaner".

This state of affairs is very likely to exist not only in all other States but also at the Union level as well. Successive Law Commissions of India have been appointed to clean up the statute book by identifying laws that are redundant. They have not succeeded in the task. What is needed is political will.

Telangana is unique in the sense that it really has no laws of its own except the one or two passed by its Legislature in the first year of its establishment. However, the Andhra Pradesh Reorganisation Act 2014 allows Telangana Government to adopt laws passed earlier by the AP Legislature. Section 101 states: "For the purpose of facilitating the application in relation to the State of Andhra Pradesh or the State of Telangana of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority."

A full year has passed, and apart from the Acts needed to collect taxes and revenues very few seem to have been adopted. The continuing litigation that the Telangana government has to engage in due to the actions of the Andhra ruling clique is occupying all the time and energy of the small Legal Department and that of the Advocate General. There is only so much they can do and they are firefighting all the time.

The Telangana government should consider appointing a commission headed by a retired HC judge with experience and interest in cleaning up the statute book. The recommendations of the commission should be adopted without extensive discussion and, by June 2 , 2016, Telangana should have a Statue book which is useful, citizen-friendly, workable and rational. Old Acts which have served their purpose and which now serve only to deter investment and development should be left alone and Acts which are of use should be adopted with suitable amendments. This is a simple task and excellent and unique opportunity for the new State. It may even set an example for Andhra Pradesh to do likewise.

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