

Topic: Reorganisation Of States (Article 3)

Name of the case: Babu Lal Parate v. State of Bombay, AIR 1960 SC 51

Bench: Chief Justice Sudhi Ranjan Das, Justice SK Das, Justice AK Sarkar, Justice KN Wanchoo, Justice M Hidayatullah

Ratio: The exercise of power by Parliament under Article 3 is subject to following condition:

A bill for any such purpose cannot be introduced in a house of Parliament except on the recommendation of the President.

If the bill affects the area, name or boundaries of a state, then before recommending its consideration to the Parliament, the president has to refer the same to the state legislature concerned for expressing its view on it within such time as he may fix.

The term stated in Article 3 includes a Union Territory, but in the case of Union Territory, no reference need to be made to the concerned legislature to ascertain its view and Parliament cannot take any action in the like manner.

The purpose of the provision is to give an opportunity to the state legislature concerned to express its view on the proposal contained in the bill. Parliament is in no way bound by these views.

All that is contemplated is that Parliament should have before it the view of the State Legislature affected by the proposal contained in the bill, but the Parliament is free to deal with the matter in any manner it thinks fit and accept or reject what state legislature says. Parliament is not bound to accept or act upon the views of the state legislature.

If the state legislature fails to express his views within the stipulated time, Parliament is free to proceed with the matter as it likes. If once a bill has been referred to the state legislature it can later be amended by Parliament and no fresh reference to the state legislature is required to ascertain its view on the proposed amendments.