

## **STATE OF ARUNACHAL PRADESH ACT, 1986**

**69 of 1986**

**[24th December, 1986]**

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**STATE OF ARUNACHAL PRADESH ACT, 1986**

**69 of 1986**

**[24th December, 1986]**

An Act to provide for the establishment of the State of Arunachal Pradesh and for matters connected therewith Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows :-

PART 1

PRELIMINARY

## **1. Short title :-**

This Act may be called the State of Arunachal Pradesh Act, 1986.

## **2. Definitions :-**

In this Act, unless the context otherwise requires,\_\_\_

(b) "appointed day" means the dayFeb. 20, 1987 vide Noti. No. S. O. 74(E) dt. 11-1-1987 which the Central Government may, by notification in the Official Gazette, appoint;

(c) "article" means an article of the Constitution;

(e) "existing Union territory of Arunachal Pradesh" means the Union territory of Arunachal Pradesh as existing immediately before the appointed day;

(f) "law" includes any enactment, Ordinance, regulation, order bye-law, rule, scheme, notification or other instrument having immediately before the appointed day, the force of law in the whole or any part of the existing Union territory of Arunachal Pradesh;

(g) "sitting member", in relation to either House of Parliament or of the Legislative Assembly of the existing Union territory of Arunachal Pradesh, means a person who, immediately before the appointed day, is a member of that House or that Assembly;

(h) "treasury" includes a sub-treasury.

## **PART 2**

### **ESTABLISHMENT OF THE STATE OF ARUNACHAL PRADESH**

## **3. Establishment of the State of Arunachal Pradesh :-**

On and from the appointed day, there shall be established a new State, to be known as the State of Arunachal Pradesh comprising the territories which immediately before that day were comprised in the existing Union territory of Arunachal Pradesh.

## **4. Amendment of First Schedule to the Constitution :-**

On and from the appointed day, in the First Schedule to the Constitution,-

(b) under the heading "II. THE UNION TERRITORIES", entry 8 relating to Arunachal Pradesh shall be omitted.

## **PART 3**

### **REPRESENTATION IN THE LEGISLATURES**

## **PART 4**

### **HIGH COURT**

**18. Common High Court for Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh :-**

(2) The expenditure in respect of the salaries and allowances of the Judges of the common High Court shall be allocated amongst the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura in such proportion as the President may, by order, determine.

**19. Provision as to advocates :-**

(2) Any person who, immediately before the appointed day, is an advocate entitled to practise in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall be entitled to practise as an advocate in the common High Court.

(3) All persons who, immediately before the appointed day, are advocates on the roll of the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall, as from that day, become advocates on the roll of the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh.

(4) The right of audience in the common High Court shall be regulated in accordance with the like principles as, immediately before the appointed day, are in force with respect to the right of audience in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram : Provided that as among the Advocates-General of the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, the right of audience shall be determined with reference to their, dates of enrolment as advocates.

**20. Practice and procedure in the common High Court :-**

Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall, with the necessary modifications, apply in relation to the common High Court.

**21. Custody of seal of the common High Court :-**

The law in force immediately before the appointed day with respect to the custody of the Seal of the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall, with the necessary modifications, apply with respect to the custody of the Seal of the

common High Court.

**22. Form of writs and other processes :-**

The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued Or awarded by the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall, with necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the common High Court.

**23. Powers of judges :-**

The law in force immediately before the appointed day with respect to the powers of the Chief Justice, single Judges and division courts of the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram and with respect to all matters, ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the common High Court.

**24. Principal seat and other places of sitting of the common High Court :-**

(1) The principal seat of the common High Court shall be the same place at which the principal seat of the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram is located immediately before the appointed day.

(2) The President may, by notified order, provide for the establishment of a permanent bench or benches of the common High Court at one or more places within the territories to which the jurisdiction of the High Court extends, other than the principal seat of the High Court, and for any matters connected therewith: Provided that before issuing any order under this sub-section, the President shall consult the Chief Justice of the common High Court and the Governor of the State in which the bench or benches is or are proposed to be established.

(3) Notwithstanding anything contained in sub-section (1) or subsection (2), the Judges and division courts of the common High Court may also sit at such other place or places in the States of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh as the Chief Justice may, with the approval of the Governor of the State concerned, appoint.

**25. Procedure as to appeals to Supreme Court :-**

The law in force immediately before the appointed day relating to

appeals to the Supreme Court from the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the common High Court.

**26. Transfer of proceedings from the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram to the common High Court :-**

(1) All proceedings pending in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram immediately before the appointed day shall, from such day, stand transferred to the common High Court.

(2) Every proceeding transferred under sub-section (1) shall be disposed of by the common High Court as if such proceeding was entertained by that High Court.

**27. Interpretation :-**

For the purposes of Section 26 ,-

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(b) references to a High Court shall be construed as including references to a Judge or division court thereof; and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

**28. Right to appear or to act in proceedings transferred :-**

Any person who, immediately before the appointed day, is an advocate entitled to practise in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram and was authorised to appear or to act in any proceedings transferred from the said High Court to the common High Court under Section 26 shall have the right to appear or to act, as the case may be, in the common High Court in relation to those proceedings.

**29. Saving :-**

Nothing in this Part shall affect the application to the common High

Court of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provisions.

#### PART 5

#### AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

### **30. Authorisation of expenditure pending its sanction by the Legislature :-**

(1) The President may, at any time before the appointed day, authorise by order such expenditure from the Consolidated Fund of the State of Arunachal Pradesh as he deems necessary for a period of not more than six months beginning with the appointed day, pending the sanction of such expenditure by the Legislative Assembly of the State of Arunachal Pradesh: Provided that the Governor of Arunachal Pradesh may, after the appointed day, authorise by order such further expenditure as he deems necessary from the Consolidated Fund of the State of Arunachal Pradesh for any period not extending beyond the said period of six months.

(2) The President or, as the case may be, the Governor of Arunachal Pradesh shall make separate orders under sub-section (1) in respect of periods falling in different financial years.

### **31. Reports relating to the accounts of the existing Union territory of Arunachal Pradesh :-**

### **32. Allowances and privileges of Governor of Arunachal Pradesh :-**

The allowances and privileges of the Governor of Arunachal Pradesh shall, until Governors (Emoluments, Allowances and Privileges) Act, 1982, comes into force, be such as the President may, by order, determine.

### **33. Distribution of revenues :-**

The President shall, by order, determine the grants-in-aid of the revenues of the State of Arunachal Pradesh and the share of that State in the Union duties of excise, estate duty and taxes on income and for that purpose amend thereby the relevant provisions of Additional Duties of Excise (Goods of Special Importance) Act, 1957, Union Duties of Excise (Distribution) Act, 1979, Estate Duty (Distribution) Act, 1962, and Constitution (Distribution of Revenues) Order, 1985 in such manner as he thinks fit.

## PART 6

### ASSETS AND LIABILITIES

#### **34. Property, assets, rights, liabilities, obligations, etc :-**

(1) All such property and assets within the existing Union territory of Arunachal Pradesh as are held immediately before the appointed day by the Union for purposes of governance of that Union territory shall, on and from that day, pass to the State of Arunachal Pradesh unless the purposes for which such property and assets are so held are Union purposes: Provided that the cash balances in the treasuries in the existing Union territory of Arunachal Pradesh before the appointed day shall, as from that day, vest in the State of Arunachal Pradesh.

Explanation.-For the purposes of this section,- (a) "liability" includes liability in respect of any civil deposit, local fund deposit, charitable or other endowment, provident fund account, pension or actionable wrong; (b) "Union purposes" means the purposes of Government relating to any of the matters mentioned in the Union List.

## PART 7

### PROVISIONS AS TO SERVICES

#### **35. Provisions relating to All-India Services :-**

Every member of the Indian Administrative Service, the Indian Police Service and the Indian Forest Service who, immediately before the appointed day, is holding any post in the existing Union territory of Arunachal Pradesh shall, until otherwise directed by the Central Government, be deemed to be on deputation, on and from the appointed day, to the Government of the State of Arunachal Pradesh on the same terms and conditions of service as are applicable to him under the relevant cadre rules: Provided that the period of such deputation shall in no case extend beyond a period of three years from the appointed day.

#### **36. Provisions relating to other services :-**

(1) Every person who immediately before the appointed day is serving in connection with the affairs of the Union under the administrative control of the Administrator of the existing Union territory of Arunachal Pradesh shall, unless otherwise directed by an order of the Central Government, be deemed to have been allocated for service as from that day in connection with the affairs of the State of Arunachal Pradesh : Provided that no directions shall



be issued under this section after the expiry of a period of one year from the appointed day.

**37. Other provisions as to services :-**

**38. Provisions as to continuance of officers in same posts :-**

Every person who, immediately before the appointed day, is holding or discharging the duties of any post or office in connection with the affairs of the existing Union territory of Arunachal Pradesh shall continue to hold the same post or office and shall be deemed, on and from that day, to have been duly appointed to the post or office by the Government of, or other appropriate authority in, the State of Arunachal Pradesh on the same terms and conditions of appointment and on the same tenure as he was holding the post or office immediately before that day : Provided that nothing in this section shall be deemed to prevent a competent authority on or after the appointed day from passing in relation to such person any order affecting his continuance in such post or office.

**39. Advisory Committees :-**

The Central Government may, by order, establish one or more Advisory Committees for the purpose of assisting it in regard to-

(a) the discharge of its functions under this Part; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this Part and the proper consideration of any representations made by such persons.

**40. Prohibition of representation after certain period :-**

Notwithstanding anything to the contrary contained in any law or rule for the time being in force, no representation shall lie against any order passed under the provisions of this Part on the expiry of three months from the date of publication or service, whichever is earlier, of such order : Provided that the Central Government may, suo motu or otherwise and for reasons to be recorded, re-open any matter and pass such orders thereon as may appear to it to be appropriate if it is satisfied that it is necessary so to do in order to prevent any miscarriage of justice to any affected person.

**41. Power of Central Government to give directions :-**

The Central Government may give such directions to the Government of the State of Arunachal Pradesh as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Government shall comply with

such directions.

PART 8

LEGAL AND MISCELLANEOUS PROVISIONS

**42. Amendment of Articles 210, 239-A and 240 of the Constitution :-**

On and from the appointed day,-

**43. Amendment of Act 28 of 1958 :-**

On and from the appointed day, in Armed Forces (Special Powers) Act, 1958 , in the long title and in sub-section (2) of Section 1 , for the words "Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union territory of Arunachal Pradesh", the words "Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura" shall be substituted.

**44. Amendment of Act 20 of 1963 :-**

On and from the appointed day, in Government of Union Territories Act, 1963 ,-

**45. Amendment of Act 84 of 1971 :-**

On and from the appointed day, in North-Eastern Council Act, 1971,-

**46. Continuance of existing laws and their adaptations :-**

(1) All laws in force, immediately before the appointed day, in the existing Union territory of Arunachal Pradesh shall continue to be in force in the State of Arunachal Pradesh until altered, repealed or amended by a competent Legislature or other competent authority.

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

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

law, the Government of the State of Arunachal Pradesh.

**47. Power to construe laws :-**

Notwithstanding that no provision or insufficient provision has been made under Section 46 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Arunachal Pradesh, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

**48. Provisions as to continuance of courts, etc :-**

All courts and tribunals and all authorities discharging lawful functions throughout the existing Union territory of Arunachal Pradesh or any part thereof immediately before the appointed day shall, unless their continuance is inconsistent with the provisions of this Act or until other provision is made by a competent Legislature or other competent authority. Continue to exercise their respective functions.

**49. Effect of provisions of Act inconsistent with other laws**

**:-**

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

**50. Power to remove difficulties :-**

(1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty: Provided that no such order shall be made after the expiry of three years from the appointed day.

(2) Every order made under this section shall be laid before each House of Parliament.

**51. Power to make rules :-**

(1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in

one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### SCHEDULE 1

##### First Schedule

[See Section 16(1)] Amendments to Constitution (Scheduled Castes) Order, 1950 In Constitution (Scheduled Castes) Order, 1950 , - (1) in paragraph 2, for the figures "XX", the figures "XXI" shall be substituted; (2) in the Schedule, after Part XX, the following Part shall be inserted, namely:- "PART XXI.- Arunachal Pradesh 1. Bansbhor 2. Bhuimali or Mali 3. Brittial Bania or Bania 4. Dhupi or Dhobi 5. Dugla or Dholi 6. Hira 7. Jalkeot 8. Jhalo, Malo or Jhalo-Malo 9. Kaibartta or Jaliya 10. Lalbegi 11. Mahara 12. Mehtar or Bhangi 13. Muchi or Rishi 14. Namasudra 15. Patni 16. Sutradhar."

#### SCHEDULE 2

##### Second Schedule

[See Section 16(2)] Amendments to Constitution (Scheduled Castes) (Union Territories) Order, 1951 In the Constitution (Scheduled Castes) (Union Territories) Order, 1951,- (1) in paragraph 2, for the words and figures "Parts I to III", the words and figures "Parts I and II" shall be substituted, (2) in paragraph 4, for the figures "1956,", the figures and word "1956 and" shall be substituted and the portion beginning with the words "and any reference to a Union territory" and ending with the words, brackets and figures "the North-Eastern Areas (Reorganisation) Act, 1971" shall be omitted; (3) in the Schedule, PART III-Arunachal Pradesh shall be omitted.

#### SCHEDULE 3

##### Third Schedule

[See Section 17(1)] Amendments to Constitution (Scheduled Tribes) Order, 1950 In Constitution (Scheduled Tribes) Order, 1950,- (1) in Paragraph 2, for the figures "XVII", the figures "XVIII" shall be substituted ; (2) in the Schedule, after Part XVII, the following Part shall be inserted, namely:- "PART XVIII.- Arunachal Pradesh All tribes in the State including:- 1. Abor 2. Aka 3. Apatani 4. Dafia 5. Galong 6. Khampti 7. Khowa 8. Mishmi 9. Momba 10. Any Naga tribes 11. Sherdukpen 12. Singpho."

#### SCHEDULE 4

##### Fourth Schedule

[See Section 17(2)] Amendments to Constitution (Scheduled Tribes) (Union Territories) Order 1951 In the Constitution (Scheduled Tribes) (Union Territories) Order 1951,- (1) in paragraph 2, for the words and figures "Parts I and II" the word and figure "Part I" shall be substituted; (2) in paragraph 3, the portion beginning with the words "and any reference" and ending with words, brackets and figures "the North-Eastern Area

(Reorganisation) Act, 1971" shall be omitted; (3) in the Schedule, PART II.-  
Arunachal Pradesh shall be omitted.