



The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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CASE COMMENTARY ON *Babulal Parate v. State of Bombay (1959)*

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In the years immediately after independence, India was not just building political institutions it was also figuring out what its internal map should look like. The Constitution described India as a “Union of States,” but it did not permanently fix the boundaries of those states. Very soon, demands began emerging from different regions for reorganisation, especially on linguistic lines. These demands were emotional, political, and deeply tied to identity. At the same time, the central government had to ensure that reorganising states did not threaten national unity. It was in this sensitive atmosphere that *Babulal Parate v. State of Bombay (MANU/SC/0008/1959)* came before the Supreme Court. Although the case appeared to involve a procedural question under Article 3, it ultimately clarified how Indian federalism actually works in practice.

The background to the case lies in the appointment of the States Reorganisation Commission in 1953. The Commission was tasked with examining whether state boundaries needed to be reorganised, particularly to reflect linguistic majorities. Acting on its recommendations, Parliament introduced the States Reorganisation Act, 1956. As required under Article 3 of the Constitution, the Bill was introduced with the President’s recommendation and referred to the concerned State Legislatures so that they could express their views.

With respect to the Bombay region, the original proposal suggested dividing it into three separate units: a Union Territory of Bombay, a State of Maharashtra, and a State of Gujarat. However, as the Bill moved through Parliament, the proposal did not remain unchanged. Debates, negotiations, and political considerations led to significant amendments. Ultimately, instead of creating three distinct entities, Parliament passed a law establishing a single, enlarged State of Bombay by merging territories from various regions. This new composite State came into existence on 1 November 1956.

Before the Act fully took effect, *Babulal Parate* challenged its constitutional validity before the Bombay High Court under Article 226. His main argument was quite straightforward. He claimed that the final version of the law which created one composite State was substantially different from the original three-unit scheme that had been referred to the State Legislature. Since this altered arrangement had not been sent back to the Legislature for fresh consideration, he argued that the

procedure required under Article 3 had not been properly followed. The High Court rejected his argument, and the matter was appealed to the Supreme Court.

The Supreme Court had to interpret Article 3 carefully, particularly its proviso, which had been amended by the Constitution (Fifth Amendment) Act, 1955. Article 3 gives Parliament the power to form new States, alter boundaries, increase or decrease territory, and even change names. However, the proviso lays down two procedural safeguards. First, such a Bill can only be introduced on the recommendation of the President. Second, if the proposal affects the area, boundaries, or name of a State, it must be referred to that State's Legislature for the purpose of expressing its views within a specified period.

What is crucial here is that the Constitution does not require the consent of the State Legislature. It only requires that the Legislature be given an opportunity to express its views. This distinction between "consultation" and "consent" became central to the Court's reasoning.

Parate tried to argue for a broader interpretation of these safeguards. He contended that the word "State" should not be understood narrowly as a mere administrative unit. Instead, it should be seen as representing the people of that region. Therefore, if the structure of the proposal changed significantly, meaningful consultation required that the revised scheme be sent back to the elected representatives of the people. Otherwise, the safeguard under Article 3 would become purely formal. He also argued that the term "Bill" in the proviso should include substantial amendments. According to him, if Parliament made major structural changes during debate, the altered version was effectively a new Bill. Therefore, it should again be referred to the State Legislature.

The Supreme Court, however, did not accept these arguments. The judgment took a fairly textual approach. The Court emphasised that Parliament's power under Article 3 is wide and significant. The requirement is only that the State Legislature must be given an opportunity to express its views. Once that opportunity has been provided within the time specified, the constitutional condition is satisfied. Parliament is not bound by the State's opinion, nor is it required to obtain its approval.

On the issue of amendments, the Court noted that the Constitution does not expressly state that every substantial amendment requires a fresh reference. Where the Constitution intends to include amendments specifically, it uses clear language. Article 3 contains no such wording. If every important modification required renewed consultation, the legislative process could become unnecessarily complicated and potentially unworkable. Parliamentary debate naturally involves changes, and the Constitution cannot be interpreted in a way that makes law-making impractical.

The Court also observed that although the final arrangement differed from the original proposal, it was still connected to the same subject the reorganisation of the Bombay region. The creation of a composite State was not something entirely unrelated or outside the scope of the original Bill. Therefore, the initial reference to the State Legislature could not be said to be meaningless or deceptive. Ultimately, the Supreme Court upheld the validity of the States Reorganisation Act,

1956 and dismissed the appeal. It concluded that the procedural requirements under Article 3 had been complied with.

The importance of this decision lies in what it tells us about Indian federalism. The judgment makes it clear that Indian States do not have a veto over changes to their boundaries. Their role under Article 3 is advisory, not decisive. Parliament, representing the people of India as a whole, retains the final authority to reorganise state territories. This reflects the Union-centred nature of the Indian Constitution.

At the same time, the case also raises interesting questions. While the Court's interpretation is firmly grounded in the constitutional text, one might wonder whether deeper consultation would better reflect the spirit of federalism, especially in matters involving regional identity and language. However, given the political climate of the 1950s, the Court's approach ensured that large-scale reorganisation could proceed without being stalled by procedural challenges.

In conclusion, *Babulal Parate v. State of Bombay* is more than a technical ruling on Article 3. It clarifies the difference between consultation and consent, confirms Parliament's broad power in territorial matters, and highlights the distinctive character of Indian federalism one that balances regional aspirations with a strong central authority.