7) the loan together with interest should be repaid in 8 annual instalments. The P. R. Institutions shall abide by the conditions as the Bank may prescribe in consultation with Government with regard to rate of interest, period of repayment, submission of accounts, etc. from time to time;

8) the Bank should give its specific consent to finance each scheme;

9) prior sanction of Government for each scheme and loan should be obtained;

10) a board of management should be constituted for implementing each scheme.

(c) No Panchayats were granted loans by the Banks under this scheme during the year 1968-69 as the scheme was finalised only by the end of December. 1969.

The scheme for remunerative and productive schemes like fisheries, coconut trees plantation, markets and godowns and such things.
Oral Answers to Questions

22nd July, 1970.

Dr. N. Lakshminarasaih:— Development of fisheries and planting of coconut trees.

Dr. M. N. Lakshminarasaih:—

Dr. N. Lakshminarasaih:—

Dr. M. N. Lakshminarasaih:—

Dr. N. Lakshminarasaih:—

Dr. M. N. Lakshminarasaih:—
227 22nd July, 1970.

Oral Answers to Questions.

Mr. A. P. S. Prasad:—Madam, the Panchayati Raj is the Head of the Panchayati Raj at the district level. The Collector is the Head of the Panchayati Raj.

Mr. P. S. Gopala Reddy:—That is one of the conditions imposed by the Bank itself.

Mr. G. Venkataramani:—That is my point, Sir, or else no scheme will fructify in a backward area.

Dr. M. N. Lakshminarasayya:—It is not possible now, Sir.
SANCTION OF BYEPASS ROAD AT ONGOLE

* 1450—(P) Q — Sarvasri Ch Ramachandra Reddy (Ongole) and G. Venkata Reddy — Will Hon. the Deputy Chief Minister be pleased to state:

(a) whether the byepass road at Ongole on National Highway of Madras is estimated and sanctioned;
(b) whether the land required for it was acquired or not;
(c) when the work will be commenced;
(d) if the land is already acquired whether there is any danger for encroachments due to delay in commencing the work; and
(e) if so the steps taken by the Government in this regard?

Dr. M. N Lakshmi Narasiah —

(a) Yes, Sir. Estimate for Rs. 19-22 lakhs was recently sanctioned by the Government of India.
(b) Required land except 69 cents has already been acquired.
(c) The work will be taken up for execution during the current year.
(d) No Sir.
(e) Does not arise.

Whether it is true or not; if it is true what action Government will take?

CONSTRUCTION OF BRIDGES ON BROOKS IN KURNOOL DISTRICT

* 1453 (H)— Q — Sri G. Thimma Reddy (Put by Sri Ch Vengaiah) — Will the Hon. Minister for Panchayati Raj be pleased to state:

(a) whether the Government are aware of the fact that eight buses are plying daily on the Zilla Parishad road from Siruvella to Rudravaram in Kurnool District;
The Minister for Panchayat Raj (Sri T. Ramaswamy) -

(a) Two buses are plying from Atmakur to Rudravaram and Rudravaram to Atmakur two times a day. Another bus is plying from Nandyal to Rudravaram and Rudravaram to Nandyal four times a day.

(b) In the monsoon season the three brooks affect the traffic twice or thrice in a year due to floods. This obstruction will be for a short time of two to three hours.

(c) Proposals for improvements of the road including the construction of submersible causeways on the three brooks in question were submitted to the Ryalaseema Development Board.

(d) No Sir, but these may cost about Rs. 3 Lakhs.

(e) Does not arise.

(f) As and when funds become available.

Absorption of Trained V. L. Ws.

1447—(B) Q.— Sri Vavilala Gopalakrishnayya (Sattenapalli):— Will the Hon. Minister for Panchayathi Raj be pleased to state:
Oral Answers to Questions. 22nd July, 1970. 230

(a) whether the Village Level Workers who were trained at Rajendranagar since two years were absorbed, if so how many; if not, why; and

(b) when they will be absorbed in the services?

Sri T. Ramaswamy:— (a) and (b) All the Village Level Workers trained in the Gramasevika Training Centre, Rajendranagar, since two years have been allotted to the Zilla Parishads. The Zilla Parishads and Panchayat Samithis are taking action to appoint them as Village Level Workers.

Sri. N. Venkaiah:— Arre, Sri, Venkaiah, Kona sundara reddy, maru madhav

Sri. K. Ramaiah:— Arre, Kona, Sundara Reddy, maru, Madhav

Sri. N. Venkaiah:— Arre, Kona, Sundara Reddy, maru, Madhav

Sri. K. Ramaiah:— Arre, Kona, Sundara Reddy, maru, Madhav

Sri. N. Venkaiah:— Arre, Kona, Sundara Reddy, maru, Madhav

Sri. K. Ramaiah:— Arre, Kona, Sundara Reddy, maru, Madhav

We will see that it is done.
Oral Answers to Questions. 22nd July, 1970.

MISAPPROPRIATION BY THE SIRPANCH, DARSI

765—

* 1454-(C) Q.—Sri R. Mahananda:— Will the hon. Minister for Panchayati Raj be pleased to state:

(a) whether it is a fact that there are complaints from the M.I.A., Ex.M.I.A. and members of Darsi, Ongole District, against the Sirpanch, Darsi about maladministration and misappropriation of huge sums;

(b) whether it is a fact that a show cause notice was served on him, one year back for removal; and

(c) at what stage this matter stands now?

Sri T. Ramaswamy:—

(a) Yes, Sir.

(b) Yes, Sir.

(c) The Sirpanch was of the charges levelled exonerated against him.
233 22nd July, 1970.

Oral Answers to Questions.

The Minister for Education (Sri P.V. Narasimha Rao):

(a) No, Sir.

(b) Does not arise.

The Minister for Education (Sri P.V. Narasimha Rao):

(a) No, Sir.

(b) Does not arise.

**STARTING OF A GIRLS’ POLYTECHNIC AT ANANTAPUR**

766—

* 1478 O — Sri P. O. Satyanarayana Raju (Yemmiganur) — Will the hon. Minister for Education be pleased to state:

(a) whether there are proposals to start a Girls’ Polytechnic at Anantapur; and

(b) if so, the stage at which the matter now stands?

The Minister for Education (Sri P.V. Narasimha Rao):

(a) No, Sir.

(b) Does not arise.
STARTING OF A JUNIOR COLLEGE AT CUMBUM

767—

* 1297 Q. — Sri Pooja Subbiah (Yerragondipalem) :— Will the hon. Minister for Education be pleased to state:

(a) whether it is a fact that the Government decided to start a Junior College at Cumbum, Kurnool District in August 1969 and dropped the proposal later; and

(b) if so, what are the reasons therefor?

Sri P. V. Narasimha Rao :—

(a) No Sir, it has not been dropped. It will be considered during the current academic year, provided there is need to start the Junior College and the required conditions are fulfilled in time.

(b) Does not arise.

Sri P. V. Narasimha Rao :— That is what I said. It is going to be considered in this Academic year.

Sri P. V. Narasimha Rao :— It will just start.
22nd July, 1970.

Oral Answers to Questions.

We have already asked the D. E. O. to give us the report about the facilities available there and the additional facilities required. After that report comes, we will take action.

One thing I would like to add. From Kakinada there has been a request recently. It is not as if we are starting the new college. May be one Institution wants to start a junior College. We would reduce our own Intermediate sections in the Government College and allow them. That is under consideration.

Sri P. V. Nasiha R. O. :- Two days back orders have been issued and I will give a copy of the orders to the hon. Member.
Oral Answers to Questions. 22nd July, 1970.

Mr. K. Venkataratnam:—

(a) and (b): Yes Sir, The Stockman training Course was started at Warangal. 20 were trained in first batch from December 66 and 50 in the second batch from July 68.

*1447-(Y) O —Sri C. Janga Reddy (Put by Dr. T. S. Murthy):— Will the hon. Minister for Agriculture be pleased to state:

(a) whether G. O Ms No 2169, dated 5-7-66 was issued for the starting of 'Stockman Training Centre' at Warangal;

(b) whether a Memo No. 5591-A. I/66-2, dated 19-12-66 was also issued for constructing buildings for the Centre there;

(c) if so, the reason why it has not been started so far; and

(d) whether any Government Officials have recommended for shifting it to Hyderabad?

The Minister for Agriculture (Sri K. Venkataratnam):—

(a) and (b): Yes Sir, The Stockman training Course was started at Warangal. 20 were trained in first batch from December 66 and 50 in the second batch from July 1968.

(c) The matter with regard to construction of buildings during 1966-67 was pursued with the Chief Engineer. The Superintending Engineer informed that there was no response to the tender notice and the Executive Engineer was asked to invite short notice...
Oral Answers to Questions. 22nd July, 1970. 234

Q. Sir, on a point of order:— Is it in order to discuss?

A. Sir, on a point of order:— Is it in order to discuss?

Q. Sir, may I ask:— Is it in order to discuss?

A. Sir, may I ask:— Is it in order to discuss?

Q. Sir, may I ask:— Is it in order to discuss?

A. Sir, may I ask:— Is it in order to discuss?
239 22nd July, 1970.

Oral Answers to Questions.

NATIONALISATION OF BUS-ROUTES IN THE STATE

769—

* 1450-(Q) Q.—Sarvesri G. Rajaram (Balkonda) and P. Narasinga Rao (Huzurabad):— Will the hon. Minister for Transport be pleased to state (a) whether it is a fact that 80 routes have been notified in Kurnool District for Nationalisation and not one has been taken over; (b) whether it is a fact that four routes have been notified and approved and permits are under issue in Warangal and Khammam District; and (c) if so, the reasons for the above discrimination for not taking at least one out of 80 and taking 4 routes in Telangana?

Dr. M. N. Lakshminarasayya:—

(a) No Sir, out of six approved schemes, only two have been taken over.

(b) No Sir, out of five approved schemes the High Court vacated stay orders in respect of three cases and necessary steps have been taken for implementation.

(c) No Sir, there is no discrimination. Due to paucity of funds and on account of the ban imposed by the Government that no capital expenditure should be incurred in Andhra area, the schemes could not be implemented in Andhra area. In Kurnool district the remaining four routes are new and require additional buses for operation, for which funds are not available.

Mr. M. V. R. Venkatasubbaiah:— The reasons are the same. We are not able to take any decision.

Mr. M. V. R. Venkatasubbaiah:— If so, I am very much disappointed. We cannot go on like this.
Sri G. Rajaram:— May I know from the Minister that whether the 80 routes have been nationalised in Kurnool District or not?

Dr. M. N. Lakshminarasayya:— Long back, bus routes in Kurnool District were nationalised.

Mr. Speaker:— The Supreme Court said that the procedure followed by the Government is not proper and they set aside the orders. The Government are not in a position to advance moneys for putting extra A. P. S. R. T. C. Buses.

**Conversion of Three—Wheels Vespa Pick-up Van into an Auto—Rickshaw**

*1448—(1) Q.— Sarvasri Sultan Salahuddin Owaisi (Charminar) and Khaja Nizamuddin (Yakutpura):— Will the Hon. Minister for Transport be pleased to state:

(a) whether it is a fact that the three wheels vespa 1.50 cc pick-up van is eligible for conversion into an auto-rickshaw under the Motor Vehicles Act, 1939;

(b) if so, whether the R. T. A., Hyderabad has accorded any sanction for such conversions during the last two years; if so, what are they;

(c) whether it is also a fact that the R. T. A. Hyderabad, is now refusing permission for such conversion;

(d) if so, what are the reasons therefor; and

(e) whether the Government will declare a clear cut and consistent policy in this regard to avoid inconvenience to scores of aspirants and applicants?

Dr. M. N. Lakshminarasayya:—

(a) There is no restriction under Motor Vehicles Act, 1939 for conversion of the 3 wheelers Vespa, 1-50 cc pick-up van into an Auto-Rickshaw.
22nd July, 1970.

Oral Answers to Questions.

(b) Yes Sir. Three vehicles bearing Nos. A. P. T. 7210, 7212, and 8965 were permitted such conversion.

(e) Yes Sir.

(d) The President of the Auto Rickshaw Operators Association has represented that the conversion of pick-up vans into Auto-Rickshaws will defeat the very purpose for which they are manufactured and requested not to entertain such applications, on the ground that conversion of pick-up vans into Auto-Rickshaws within a period of two years is not in order as the vehicle should be used for the purpose for which it is delivered for a period of two years.

(e) This is under the active consideration of the Government.

Dr. M. N, Lakshminarasayya:— That is what I said. It is under the active consideration of the Government to decide the policy.

SALES TAX DUES IN SRIKAKULAM AND VIZAG DISTRICTS

771—

* 324 (1922) Q.— Sri Nicherla Ramulu Takkali:— Will the Hon. Minister for Finance be pleased to state:

(a) the yearwise details of sales tax dues outstanding in Visakhapatnam and Srikakulam district as on 31—3—1969; and

(b) the reasons for the delay to collect the arrears?

The Minister for Finance (Sri K. Vijayabhaskar Reddy):—

(a) A statement showing the yearwise details of sales tax arrears which include old and current arrears in Visakhapatnam and Srikakulam districts as on 31—3—1969 is placed on the Table of the House.

(b) A statement showing the various stages at which the amounts were pending recovery is placed on the Table of the House.
Oral Answers to Questions. 22nd July, 1970  242

PAPERS PLACED ON THE TABLE OF THE HOUSE
(VIDE ANSWER TO L. A. Q. No. 1922 [771])

Statement showing the yearwise sales tax arrears which include current and old arrears under Andhra Pradesh General Sales Tax Act, in Visakhapatnam and Srikakulam Districts as on 31—3—1969.

<table>
<thead>
<tr>
<th>Year</th>
<th>Visakhapatnam District.</th>
<th>Rs.</th>
<th>Srikakulam District.</th>
<th>Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1946-47</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>1947-48</td>
<td>254</td>
<td></td>
<td>3,088</td>
<td></td>
</tr>
<tr>
<td>1948-49</td>
<td>31,776</td>
<td></td>
<td>3,577</td>
<td></td>
</tr>
<tr>
<td>1949-50</td>
<td>19,537</td>
<td>599</td>
<td>1,481</td>
<td></td>
</tr>
<tr>
<td>1950-51</td>
<td>6,030</td>
<td></td>
<td>6,931</td>
<td></td>
</tr>
<tr>
<td>1951-52</td>
<td>3,807</td>
<td></td>
<td>3,577</td>
<td></td>
</tr>
<tr>
<td>1952-53</td>
<td>1,060</td>
<td></td>
<td>1,481</td>
<td></td>
</tr>
<tr>
<td>1953-54</td>
<td>8,449</td>
<td></td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>1954-55</td>
<td>22,441</td>
<td>788</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>1955-56</td>
<td>4,212</td>
<td></td>
<td>5,834</td>
<td></td>
</tr>
<tr>
<td>1956-57</td>
<td>14,527</td>
<td></td>
<td>10,278</td>
<td></td>
</tr>
<tr>
<td>1957-58</td>
<td>84,950</td>
<td></td>
<td>46,189</td>
<td></td>
</tr>
<tr>
<td>1958-59</td>
<td>5,773</td>
<td></td>
<td>17,592</td>
<td></td>
</tr>
<tr>
<td>1959-60</td>
<td>25,546</td>
<td></td>
<td>10,727</td>
<td></td>
</tr>
<tr>
<td>1960-61</td>
<td>20,23,377</td>
<td></td>
<td>43,461</td>
<td></td>
</tr>
<tr>
<td>1961-62</td>
<td>49,645</td>
<td></td>
<td>9,082</td>
<td></td>
</tr>
<tr>
<td>1962-63</td>
<td>1,42,415</td>
<td></td>
<td>50,803</td>
<td></td>
</tr>
<tr>
<td>1963-64</td>
<td>9,71,836</td>
<td></td>
<td>40,656</td>
<td></td>
</tr>
<tr>
<td>1964-65</td>
<td>1,45,902</td>
<td></td>
<td>28,882</td>
<td></td>
</tr>
<tr>
<td>1965-66</td>
<td>64,361</td>
<td></td>
<td>2,35,772</td>
<td></td>
</tr>
<tr>
<td>1966-67</td>
<td>1,52,436</td>
<td></td>
<td>1,25,840</td>
<td></td>
</tr>
<tr>
<td>1967-68</td>
<td>30,39,008</td>
<td></td>
<td>73,954</td>
<td></td>
</tr>
<tr>
<td>1968-69</td>
<td>3,27,546</td>
<td></td>
<td>70,699</td>
<td></td>
</tr>
</tbody>
</table>

Total := 75,44,888  7,86,233
Statement showing the various stages at which arrears (old and current) are pending collection in Visakhapatnam District and Srikakulam District as on 31-3-1969.

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Visakhapatnam District</th>
<th>Srikakulam District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Since Collected</td>
<td>Rs. 4,022</td>
<td>Rs. 706</td>
</tr>
<tr>
<td>Write off proposals</td>
<td>Rs. 55,419</td>
<td>Rs. 25,025</td>
</tr>
<tr>
<td>Amount covered by Acquittals</td>
<td>Rs. 4,714</td>
<td>—</td>
</tr>
<tr>
<td>Amount covered by stay orders of High Court</td>
<td>Rs. 4,80,945</td>
<td>Rs. 1,43,570</td>
</tr>
<tr>
<td>Amount covered by stay orders of Sales Tax Appellate Tribunal</td>
<td>—</td>
<td>Rs. 3,18,519</td>
</tr>
<tr>
<td>Amount covered by stay orders of Deputy Commissioner</td>
<td>Rs. 17,582</td>
<td>Rs. 180</td>
</tr>
<tr>
<td>Amount covered by stay orders of Assistant Commissioner</td>
<td>Rs. 29,438</td>
<td>Rs. 2,967</td>
</tr>
<tr>
<td>Amount covered by stay orders of Commercial Tax Officer</td>
<td>Rs. 1,513</td>
<td>—</td>
</tr>
<tr>
<td>Amount covered by Court Injunction orders</td>
<td>—</td>
<td>Rs. 5,556</td>
</tr>
<tr>
<td>Amount covered by prosecutions</td>
<td>Rs. 6,116</td>
<td>Rs. 17,375</td>
</tr>
<tr>
<td>Amount to be realised by Courts</td>
<td>—</td>
<td>Rs. 1,481</td>
</tr>
<tr>
<td>Amount covered by Insolvency petitions</td>
<td>Rs. 6,958</td>
<td>Rs. 3,313</td>
</tr>
<tr>
<td>Amount covered by Revenue Recovery Act</td>
<td>Rs. 1,09,717</td>
<td>Rs. 85,364</td>
</tr>
<tr>
<td>Amount covered by Central Revenue Recovery Act</td>
<td>Rs. 1,57,362</td>
<td>—</td>
</tr>
<tr>
<td>Amount covered by non expiry of notice time</td>
<td>Rs. 17,864</td>
<td>—</td>
</tr>
<tr>
<td>Amounts due from Co-operative Societies</td>
<td>Rs. 10,998</td>
<td>—</td>
</tr>
<tr>
<td>Amounts covered under Section 17</td>
<td>Rs. 92,844</td>
<td>Rs. 14,900</td>
</tr>
<tr>
<td>Amounts covered under correspondence</td>
<td>Rs. 85,691</td>
<td>Rs. 17,318</td>
</tr>
<tr>
<td>Collectable balance</td>
<td>Rs. 64,63,705</td>
<td>Rs. 1,49,959</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td>Rs. 75,44,888</td>
<td>Rs. 7,86,233</td>
</tr>
</tbody>
</table>
Oral Answers to Questions. 22nd July, 1970. 244

Smt. J. Eswari Bai:—Will the hon. Minister for Finance be pleased to state:

(a) whether the State Insurance Department is functioning properly and whether any annual report of the working of this Department is being published, if not, why and if so, whether a copy of the latest report will be placed on the Table of the House; and

STATE INSURANCE DEPARTMENT

* 1449-(B) Q.—Smt. J. Eswari Bai:—

(b) is it a fact that claim cases, loan cases and issue of policies are kept pending for long period i.e., three to five years?

Sri K. Vijayabhaskara Reddy:

(a) The annual report of the working of this Department for 1967-68, has been published in the A.P. State Administrative Report 1967-68, a copy of this publication was already placed on the Table of the House. The latest report which will be published in the A.P. State Administrative Report 1968-69 under print.

(b) Yes. The details of unsettled claims including excess refunds, bonus cases etc., for the last three to five years are detailed below:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of claims pending or unsettled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966-67</td>
<td>234</td>
</tr>
<tr>
<td>1967-68</td>
<td>285</td>
</tr>
<tr>
<td>1968-69</td>
<td>347</td>
</tr>
<tr>
<td>1969-70</td>
<td>495</td>
</tr>
<tr>
<td></td>
<td>1,361</td>
</tr>
</tbody>
</table>

Government have recently sanctioned some additional staff with a view to improve the working of the Department and to give better service to the subscribers.

RenoVaTion of Bhadrachalam and Srisailam Temples

773—

* 1244 Q.— Sri C. V. K. Rao :— Will the hon. Minister for Endowments be pleased to state:

(a) whether the Bhadrachalam and Srisailam Temples were renovated; and

(b) if so, when and what was the expenditure?

The Minister for Endowments (Sri R. Ramalinga Raja):—

(a) Yes, Sir.
(b) The renovation work in respect of both the temples is under progress. The expenditure in respect of Bhadrachalam temple incurred as on 27-2-1970 is Rs. 20,14,178.37. The expenditure incurred in respect of Srisailam Devasthanam as on 1-12-69 is Rs. 11,07,003.86.

2. Assaulting of an Archaka by the Assistant Commissioner of Endowments Department

*1447-(H.Q.—Sarvasri T. V. S. Chalapathy Rao, (Vijayawada (East) Ch. Satyanarayana, (Ponduru) and K. Krishna Murthy (Harichandrapuram):— Will the Hon. Minister for Endowments be pleased to state:

(a) is it not a fact that Sri Sivakoti Suryanarayana Murthy, an Archaka of Rajeswaraswamy Temple in Chagallu, West Godavari District was assaulted on the 20th and 21st of January 1970 by the Assistant Commissioner of Endowments Department, Eluru while camping at Chagallu; and

(b) if so, what is the action taken by the Commissioner against the said Assistant Commissioner?

Sri R. Ramalinga Raju:—

(a) No, Sir.

(b) Does not arise.

2) Ch. Satyanarayana:

2) Assistant Commissioner:

2) Assistant Commissioner:— the said assistant commissioner has been asked to file report in the said case.

3) Assistant Commissioner:— that the report has been filed in the said case.

4) Assistant Commissioner:— that the report has been filed in the said case.
CONSTRUCTION OF GROYNE IN SRIKAKULAM DISTRICT.

775—

* 437 Q.—Sri M. B. Parankusam (Vunukuru) :— Will the Hon. Minister for irrigation be pleased to state:

(a) when the estimates were prepared for the construction of groyne to:

(1) Bhairi Channel on Vamsadhara river:

(2) Sayanna channel on Nagavalli river; and

(3) Sekharapilli Channel on Suvarnamukhi river in Srikakulam District.

(b) when the said three works were taken up and the stage at which they stand at present;

(c) the amount of expenditure incurred so far on each of the said works;

(d) whether the groins on the above three channels will be completed before 1969-70; and

(e) if not, the reasons therefor?

The Minister for Irrigation (Sri S. Sidda Reddy):— The answer is placed on the Table of the House.

PAPER PLACED ON THE TABLE OF THE HOUSE.

(a) & (b) (I) An estimate for providing rough stone groyne on left flank of Vamsadhara for 800’ length amounting to Rs. 74,600/- was sanctioned in 1968-69. The work was started in April 1968 and completed in March 1969.

(II) An estimate for special repairs and extension of rough stone groyne in river Vamsadhara to divert water to BHAI R I channel, amounting to Rs. 78,800/- was sanctioned in 68-69. The work was started in March 1969, but it was stopped at the end of July 1969 as the desired object was achieved.

2) An estimate for special repairs to the groynes in front of the Sayanna channel head sluice amounting to Rs. 74,000/- was sanctioned in 1968-69. The work was started in May 1969 and it is in progress.

3) An estimate for the work of construction of masonry groyne from 0/O/ to O/2 plus 330’ of Sekharapalli channel has been prepared for Rs. 98,000/- and the same was returned to Asst, Engineer Parvathipuram for attending to certain remarks.

(c) 1) Providing rough stone groyne on left flank of River Vamsadhara- 84,705-33 48,540-22
Oral Answers to Questions. 22nd July, 1970. 248

2) SR and extension of rough stone groyne in river Vamsadhara to divert water to Bhairi channel. Rs. — Rs. 24,155-40

3) SR to the groyne in front of Sayanna channel head sluice. Rs. — Rs. 4,640-00

(d) & (e) The work on the Sayanna channel will be completed before 1969-70.

The work regarding special repairs and extension of rough stone groyne in River Vamsadhara was done to the extent necessary and stopped as the desired object was achieved.

The work of construction of groynes from O/O to O/2 plus 330 of Sekharapalli channel will be taken up after technical sanction is accorded.

Cluster of Electrifying Villages in Andhra Pradesh

1283 Q.—Sri Pooja Subbaiah:—Will the hon. Minister for Power be pleased to state:

What are the taluks in the State that are recommended under the scheme "cluster of electrifying villages" in Andhra Pradesh during 1970-71?

The Minister for Power (Sri V. Krishnamurthy Naidu):—18 clusters schemes in respect of the following taluks have so far been forwarded to the Rural Electrification (Private) Limited, New Delhi for sanction of loan assistance.
<table>
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<tr>
<th>TALUQ</th>
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<td>1. Bobbili</td>
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<td>2. Chodavaram</td>
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<td>3. Parvathi puram and</td>
<td>East Godavari</td>
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<td>4. Chinthalapudi</td>
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<td>and Nuzvidu</td>
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<td>6. Palanadu and</td>
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<td>8. Venkatagiri</td>
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<td>11. Pathikonda</td>
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<td>12. Kadiri</td>
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<td>13. Jangaon</td>
<td>Warangal</td>
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<td>14. Ibrahimpatnam</td>
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<td>16. Madhira</td>
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<td>17. Kalavakurthi</td>
<td>Mahaboobnagar</td>
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<td>18. Bonghir</td>
<td>Nalgonda</td>
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</table>
Oral Answers to Questions. 22nd July, 1970.

CLASSIFICATION OF AREAS:

The schemes are classified as (i) Schemes relating to Backward areas (ii) Schemes relating to other than backward areas. This will be without prejudice to the Corporation introducing one or more categories later on. Among others, they will be taken into consideration in deciding the classification of a given area.

EXPENDITURE ON GENERATING STATIONS IN THE STATE

777—

* 351 (1693) Q.— Dr. T. V. S. Chalapathi Rao:— Will the Hon. Minister for Power be pleased to state:

(a) what is the operation and maintenance expenditure on generation Stations in the State from 1—4—1959 to 31—3—1968?

(b) of this, how much was incurred in:

(i) Andhra region; and
251 22nd July, 1970.

Oral Answers to Questions.

(a) in Telangana region?
(Sri V. Krishna Murthy Naidu :—)

(a) The operation and maintenance charges include fixed charges like D.R.F., general reserve and interest charges. The operation and maintenance expenditure in respect of generation stations in the State from 1—4—1959 to 31—3—1968 was Rs. 5,517 lakhs.

(b) The total expenditure will be apportioned between Andhra and Telangana regions with reference to the decision to be taken by the Government on the report of the Bhargava Committee.

Shri T. V. S. Chalapathi Rao :— That is exactly why I sent this before three months. Why not the Government take decision? In what manner they are going to take action? It is more than three months the Bhargava Committee’s Report came. The Chief Minister, the other day, was pleased to say that the Government would expedite. Why should there be delay in complying this?

Shri V. Krishnamurthy Naidu :— I cannot say anything now.

TRACTORS TO RYOTS OF NELLORE DISTRICT

778—

* 1557 Q.— Sarvasri R. Mahananda and T. C. Rajan :— Will the Hon. Minister for Marketing be pleased to state:

(a) whether it is a fact that B. S. 09 Tractors supplied to the ryots of Nellore District by the Agro Industries Corporation, recently are not working properly;

(b) whether the ryots of Nellore have handed over the Tractors to the Agricultural Engineering Unit at Nellore; and claimed refund of the purchase cost of these tractors;

(c) whether there are any complaints from other districts also in the State, about the non-working of these tractors; and

(d) how many of this type of tractors were imported by the Agro Industries Corporation and how many were distributed to the applicants?

The Minister for Marketing (Sri Ramachandra Rao Kalyani):—

(a) Yes, Sir.

(b) Some ryots have returned the tractors and some others have asked for change of tractors.

(c) Yes, Sir.

(d) 416 tractors were imported by the Andhra Pradesh State Agro Industries Corporation. Of these, 164 tractors were distributed to ryots.


Mr. Speaker:— The matter has been referred to the Central Government. That is what the Minister says.

Q. 676— Will the hon. Minister for Marketing be pleased to state:

**Accumulation of Commercial Crops in the State**

779—

(a) the districtwise quantities of commercial crops like cotton, chillies, etc., accumulated in the State for want of Marketing facilities during 1968-69; and

(b) the steps taken by the Government to export the said stocks.

Sri Ramachandra Rao Kalyani:

(a) There was no accumulation of stocks of chillies, cotton, turmeric or groundnut.

(b) Does not arise.

DeVopment of Fisheries in Srikakulam District

780—

* 759 Q.— Sarvasri M. Venkatrami Naidu (Parvathipuram) and V. Narayanappa Naidu (Pedamunagapuram):— Will the hon. Minister for Fisheries and Ports be pleased to state:

(a) whether fisheries industry has been established in Srikakulam District and if so, where;

(b) whether there is any proposal to extend any financial aid to fishermen there for the purchase of nets; and

(c) if not, the reasons therefor.

The Minister for Fisheries and Ports (Sri S. R. A. Appala Naidu):

(a) It is presumed that the Honourable Member is referring to the Development of fisheries in the District. If so, Srikakulam district is covered by Fisheries Development activities so far as inland and marine fisheries are concerned.

(b) There is a scheme for supply of fishery requisites at subsidiced cost, which is being implemented through the agency of the two Apex fishermen Co-op. Societies functioning in the State.
Business of the House. 22nd July, 1970. 254

(c) Does not arise.

Mr Speaker — We only feel that we have done our duty to a Member who fell down unconscious at that time.

Mr Speaker:— After hearing some of you, if I consider it necessary, under Rule 63 I may not admit it; I may admit it under some other rule.

Sri G. Rajaram:— Will the notice of adjournment motion I have given, be posted tomorrow?

Mr Speaker— Tomorrow after hearing the Members who have given notice, I will decide whether it should be admitted under Rule 63 or some other Rule.

Sri G. Rajaram:— This is regarding another adjournment motion I have given notice of and that is regarding the panchayat elections in a village and the arrest of Sri N. Ramachandra Reddi.
Mr. Speaker:— That, if I remember correct, I admitted under Rule 74; I do not exactly remember; you will get the endorsement today. I passed the orders. You may be sure that I have not admitted it under Rule 63; I remember I admitted it under Rule 74 and it will be called day after tomorrow or some other day.

Sri G. Rajaram — It must be admitted under Rule 63.

Mr. Speaker:— No.

Sri G. Rajaram — I will press it. It is such an urgent matter wherein the Leader of the Opposition has been molested and maltreated and arrested unduly. There was no law and order, but there was terrorism. There is every ground for admitting it under Rule 63. I would request you once again...

Mr. Speaker:— I have admitted it under Rule 74. I considered all those aspects; it is not as though I have not considered all those aspects; because I did not consider that matter an urgent matter, I have admitted it under Rule 74. It does not come under Rule 63.

Sri G. Rajaram:— When a Member gives notice of an adjournment motion, either he should be called for...

Mr. Speaker:— The notice must comply with the rules; it does not comply with Rule 63; so I have used my discretion and admitted it under Rule 74.

Sri G. Rajaram:— The Member must be given an opportunity to explain why it should be admitted under Rule 63.

Mr. Speaker:— If I felt that it is necessary to hear you before admitting it under Rule 74 I would have done it. I have done so in regard to similar cases and that is what I am going to do tomorrow. After all, it is so patent that that cannot be admitted under Rule 63. That is why I have admitted it under Rule 74.

Sri G. Rajaram:— I respectfully submit that when a Member gives notice under Rule 63 before converting it under Rule 74 the Member must be given an opportunity to explain why it should be admitted under Rule 63.

Mr. Speaker:— Well, you must also have some confidence in the Speaker; he decides that it is a matter that should not be admitted under Rule 63.

Sri G. Rajaram:— It is not a question of confidence or no-confidence. It is a question of Rules and parliamentary practice.

Mr. Speaker:— Under the Rules of Procedure, the notice given by you does not comply with the conditions of admissibility under Rule 63. There is no necessity for me to hear you. If I feel that I should hear the Member before giving a decision I hear you; otherwise, I need not hear you.

Sri C. Rajaram:— The Member must be given an opportunity to explain.
Mr Speaker:— There is no rule that the Member must be given an opportunity, before deciding the matter. The rule is clear that the Speaker can exercise his discretion.

Sri G. Rajaram:— No, Sir. I am sorry; I cannot accept this position; I am sorry, Sir; I have given notice of an adjournment motion: either I should be given an opportunity to explain why it should be admitted, or you should have called me and explained to me why it cannot be admitted under Rule 63 and why you want to convert it under Rule 74.

Mr Speaker:— I am telling you that the notice given by you does not comply with the conditions of admissibility under Rule 63. First of all, it is not a matter of recent occurrence.

Sri G. Rajaram:— It is a matter of recent occurrence; 13th is not a long distant one.

Mr. Speaker:— I tell you that even 24 hours can be said that it is not a matter of recent occurrence. I cannot help it. When the Assembly is in session these things will come, otherwise they do not come at all. A number of incidents might have taken place and a number of incidents might be matters of public importance because the Assembly is not in session, all those matters cannot be discussed now.

Sri G. Rajaram:— It is a matter of recent occurrence, 13th July is not old.

Mr. Speaker — Mr. Rajaram, that is what I am telling you. But the rules are there and even if it is one more day it cannot be considered a matter of recent occurrence.

Sri G. Rajaram:— You must give me an opportunity to explain why it should be admitted under Rule 63.

Mr. Speaker:— I have considered all these aspects and decided to admit it under Rule 74.

Sri. G. Rajaram:— No, Sir. If your discretion is being used like this, it is difficult for us to function.

Mr. Speaker:— I have used my discretion. If you think I have not used my discretion properly, I am sorry.

Sri. G. Rajaram:— I must be given an opportunity to explain my position.

Mr. Speaker:— If I feel members should be given an opportunity before disallowing the motion, certainly I will do it. In this particular case, I felt...

Sri G. Rajaram:— It means almost disallowing it. Without the consent of the member who has given notice, it has been converted to a motion under Rule 74. So, it has been almost disallowed.

Mr. Speaker:— Please listen to me. I want you to go as per the rules and I also would like to go by the rules. Discretion is vested in the Speaker to decide whether members should be
heard before disallowing or not. In a similar case, I said just now, I would like to hear the members tomorrow before giving my ruling. That is with regard to journalists, I suppose, for which notice had been given by Mr. Pitti and some of you felt that it is necessary for me to hear the members before I give my decision. This is, however, a clear case under Rule 74. It is not as though I am doing things arbitrarily. I consider everything and take a particular decision.

Sri G. Rajaram:— No, Sir. In an adjournment motion, the requirement is only that it should be a matter of recent occurrence.

Mr. Speaker:— Please refer to Rule 63. It says: 'Subject to the provisions of these rules, a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.' Here the Speaker refuses consent. He considers that it is not in compliance with the rules laid down. The very first thing is that the Speaker must give his consent for raising this issue.

Dr. T. V. S. Chalapathi Rao:— But that rule must be read along with Rule 64 which imposes some restrictions.

Mr. Speaker:— The matter can be raised only with the consent of the Speaker. In the other case, I have given my consent to raise this issue and I am asking them to raise it tomorrow. So, the Speaker's consent is necessary for raising the issue.
Dr T. V. S. Chalapathi Rao — Even assuming that the hon. Speaker has exercised his discretion, we request that the discretion may be exercised in favour of the motion, the reason being, as I mentioned just now, it is a matter of urgent public importance. The Leader of the Opposition says he was mobbed by so many people and so many things were violated.

Mr Speaker — Under Rule 74, only a matter of urgent public importance can be raised, and not all matters. I do consider it is a matter of urgent public importance. That is exactly the reason why I admitted it under Rule 74.

Dr T. V. S. Chalapathi Rao — Rule 74 is after all Rule 74. Its significance is different from that of Rule 63. Rule 63 has provided for moving a matter of urgent public importance.

Mr Speaker: — The difference between 63 and 74 comes this way. When a notice under Rule 63 is admitted, a number of members will have an opportunity to participate in the discussion. The only thing is two hours time you will be getting. That is the only difference between 63 and 74.

Dr T. V. S. Chalapathi Rao: — I am not questioning your discretion, Sir. Since the Leader of the Opposition has given the notice, I would request you to reconsider the matter, in the public interest.

Mr Speaker: — That is exactly the reason...

Dr T. V. S. Chalapathi Rao: — It is not as if the Leader of the Opposition has no importance. He must not be treated like anyone else.

Sri C. V. K. Rao: — We are not concerned about the importance of anybody. The only question is, as members here, each one of us has got equal right. As far as Party is concerned, the Leader will speak on behalf of the entire Party and there are enough members to back him up and things of that kind. Here, about the particular point of difference between Rule 63 and Rule 74, you are good enough some times to change a motion given notice of for adjournment into a motion for calling attention. Now, we are not very clear under what circumstances or for what reasons you are putting one thing under a different head. When a motion for adjournment is given, either it is admitted or thrown out, but could the Speaker automatically change it to a call attention motion? Well, these are matters to be considered. Of course you have the discretion. To the extent you are considering it as a matter of urgent public importance, you are giving the House an opportunity to discuss it and I thank you for that. But if the purpose is to discuss it, we get it not on the same day. Anyway we are very glad about that thing. Every subject is brought up here with an object for discussion, but in one case you said you will give an opportunity for more people to discuss it. But in the other case where you change it to a call attention motion, you don’t give an opportunity for more people to discuss it. After all there are not so many people who would like to have a say though they may agree with others. But in this case you should give equal
opportunity for more people to participate in the call attention also. That is my request. 

Mr. Speaker—Let me explain the matters clearly. So far as rules 63 and 74 are concerned, both the rules relate to matters of urgent public importance. There are a number of other rules where under matters of urgent public importance can be raised, say two hours' discussion, etc., etc. But the difference between a notice under Rule 63 and the one under Rule 74, is this under Rule 74 any matter of urgent public importance can be raised; under Rule 63, certain conditions are laid down in the Rule itself and they have got to be complied with before a notice can be admitted under Rule 63. So far as the difference in effect is concerned, practically it is the same, except that in a matter under Rule 74, it is only the member who has given notice that can raise the issue and the Minister makes a statement, whereas in a motion under Rule 63, any number of members, depending upon the availability of time, can participate in the discussion, within 2 hours. Another thing is, an adjournment motion can be put to vote, whereas under Rule 74 only a statement is made and it cannot be put to vote under Rule 63, if time permits, it can be put to vote. That is all the difference.

So far as Rule 63 is concerned, as far as possible, I am trying to be liberal in the sense that I am giving opportunity to the members, if I want to disallow the motion once and for all, I hear the member and disallow it. But at the same time, when I feel that it is an urgent matter of public importance, particularly in a case like this, where the Leader of the opposition has been arrested and when it is brought to my notice that he has been wrongfully confined beyond 24 hours, it is not fair for me to straightaway disallow it. That is why I am giving an opportunity to the members to raise this issue tomorrow under Rule 74, so that they will have an opportunity to focus the attention of the Government as also of the public. It is not as though I am denying them an opportunity to say whatever they have got to say. I am giving them an opportunity. Otherwise, I could have heard Mr. Rajaram and straightaway disallow it. The effect is the same. I am giving them an opportunity. I want the Government to make a statement. So, nobody need misunderstand, when I disallow it. For several
reasons, I consider it is very important, particularly not only when the Leader of the Opposition but when any member of the House is arrested and kept in custody for more than 24 hours. Under the Criminal Procedure Code, a police officer can not keep not only a member but any citizen for more than 24 hours in custody. If he keeps a person in custody for more than 24 hours, it means a wrongful confinement. Now, when it is alleged that the Leader of the Opposition was arrested and then kept in police custody for more than 24 hours, certainly it is a matter of urgent public importance. That is why I admitted it under Rule 74 and nobody can have any such apprehension that I will not consider important matters.

Sri C. V. K. Rao— I would like to bring to your notice one matter, and that is about the Report of the Backward Classes Commission. The report has appeared in press.

Mr. Speaker:— It is an entirely different matter, Mr. Purushotham Rao wants to say something.

Sri T. Purushotham Rao — On 15th, I have sent a telegram to you, Sir.

Mr. Speaker:— About the same thing?

Sri T. Purushotham Rao:— It is not that thing, Sir. I have a number of telegrams—not only yours, in some other cases, about half a dozen telegrams, I have received from different members. Suppose some such thing happens and you send a telegram asking for my intervention. I do not know whether I have got any powers to intervene and ask the Government to do this thing or to do that thing.

Mr. Speaker.— That is why the matter is being considered by the House. If it is a question of privilege, you can raise it as a separate issue. Mr. Narsing Rao has given notice and I am going to consider it, and that is a separate matter. It is notice under Rule 63.

Mr. Speaker:— Please excuse me. I am so sorry. A separate issue regarding breach of privilege—that we can consider separately.
22nd July, 1970.

Points of Information

re: Admissions into Colleges.

POINTS OF INFORMATION

re: Report of the Backward Classes Commission

Sri K. Brahmananda Reddy — I think, subject to correction, all the hon. Members are served with copies of the report of the Backward Classes Commission.

Sri C. V. K. Rao — I have not received it, Sir.

Sri K. Brahmananda Reddy — I will verify in another ten minutes and submit.

Mr. Speaker — According to his information, they have been sent to members by post. Let him verify.

Sri K. Brahmananda Reddy — I will verify and submit.

Mr. Speaker — The Chief Minister is saying that if it is not true he will have the copies circulated to the members during the course of the day or tomorrow.

Dr. T. V. S. Chalapathi Rao — I have not received the copy.

Sri K. Brahmananda Reddy — Some hon Members have received the report.

Sri D. Venkatesam — We have received it by post.

Mr. Speaker — To such of those members who have not received, spare copies — we will see that they are supplied if available.

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re: Admissions into colleges.
Points of Information  
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22nd July, 1970

Sri P. V. Narasimha Rao — The original decision was that P U. C, had come to an end. It was not to be revived. Only as a result of some representations which were received recently, we consider the whole thing once again and I must say reluctantly we have agreed to continue P U. C this year.

Dr. T. V. S Chalapathi Raj — I am sorry the hon. Minister's statement that representations were received very late is not correct. Representations were made even in May and suo motu the University Authorities had taken up the matter as early as June. Why has the Government felt it necessary to take two months to take a decision? In the meanwhile they should have asked the Principals to take the applications.
Dr T. V. S Chalapathi Rao:— The latter part of the Minister's statement is again incorrect.

Sri P. V. Narasimha Rao:— We have issued instructions that those who have passed S.S.L.C. can be admitted in the Senior Intermediate straightway.

Dr T. V. S. Chalapathi Rao:— But the Principals are not doing it. They are denying admission. I am in a position to prove it. The requests of the students to admit them in the Senior Intermediate have been turned down. Where are they admitting? In the twin Cities I do not know, but in the Districts, especially in Vijayawada, they have straightway rejected.

Sri P. V. Narasimha Rao:— The Rule is very clear and the instructions are very clear.

Dr T. V. S Chalapathi Rao:— Your instructions are not followed. The students have not been admitted; they have been refused admission.

Sri P. V Narasimha Rao:— I did not say 'they are admitted'; they can be admitted.

Dr. T. V. S. Chalapathi Rao:— But your subordinates are not admitting; the students are being harassed and they are being refused admission.

BUSINESS OF THE HOUSE.

Mr. Speaker:— I want the Members to consider certain things before giving notice of adjournment motions. Somebody is responsible for not issuing invitation to the Mayor. Is it a matter of urgent public importance to warrant the adjournment of the business of the House?

Smt. J. Eswari Bai:— He is the first Citizen of the City.

Mr. Speaker:— He may be the first Citizen. But there were so many other cases and I was glad no adjournment motion was given notice of.
Business of the House.

22nd July, 1970. 264

It is an insult to the Mayor; not only an insult to the Mayor but to the people of Hyderabad and Secundrabad.

Mr. Speaker:— I do not consider it as a matter of urgent public importance. I shall ask the concerned Minister to take immediate action against the persons responsible for not issuing invitation to the Mayor of Hyderabad Corporation. As you say, he occupies a prominent position in civic life and if an invitation was not intentionally and wantonly issued it amounts to insulting the Mayor. I shall ask the concerned Minister to take immediate action.

In any City so far, and even in Hyderabad, this is the first time they purposefully avoided it. Do you think it is not important?

Mr Speaker:— That is why I am asking the Minister concerned to take immediate action. If you say that every issue is important we cannot do any other business.

Mr. Speaker:— There were a number of occasions when the Speaker was not invited, but I never thought it was important.

Sri M. Manik Rao.— That is why I say I shall fight for you also. I request you to allow it because it is very important. Why did not the Government invite the Mayor?

The Speaker:— The Government did not invite the Speaker because the Speaker was not invited. The Speaker did not invite the Mayor because the Mayor was not invited. The Mayor did not invite the Speaker because the Speaker was not invited. The Speaker did not invite the Mayor because the Mayor was not invited. The Mayor did not invite the Speaker because the Speaker was not invited.
265 22nd July, 1970.

Announcement
re: decisions of the Business Advisory Committee

Sri P. V. Narasimha Rao:— I cannot institute a roving enquiry all over the State and all over the Institutions. Some specific instance has to be brought to my notice by him or anybody else.

Sri C. V. K. Rao:— I have brought to his notice one such instance.

Sri P. V. Narasimha Rao:— The matter which has been brought to my notice by Sri C. V. K. Rao has been enquired into and the matter is at a final stage and it is with me. In a few days we shall take a final decision.

Sri C. V. K. Rao:— In those few days they are collecting again.

Sri P. V. Narasimha Rao:— It is a fresh set of facts brought to my notice. Again I shall enquire.

ANNOUNCEMENT
re: Decisions of the Business Advisory Committee

Mr. Speaker:— I am to announce to the House the following decisions of the meeting of the Business Advisory Committee held on 21st July 1970.

22-7-70 1. Presentation of Supplementary Estimates of Expenditure for 1970-71.

2. The Hyderabad Municipal Corporation (Amendment) Bill, 1970 (For the first reading and reference to the Andhra Pradesh Regional Committee)

23-7-70 1. Business left over from 22-7-1970.

2. The Andhra Pradesh Gram Panchayats and Andhra Pradesh Panchayat Samities and Zilla Parishads
Opinion of the Advocate General


22nd July, 1970.

As desired by the House, the Advocate General is now here. He will now attend the Assembly and speak on the few points raised in the Assembly yesterday.

Sri C. V. K. Rao:— On the 24th we will be going to Pochampad. Sir...

Mr. Speaker:— You may raise this issue in my Chambers. I will make arrangements for going and all that.

Before I call upon the Advocate General to address the House, let me state the facts clearly for the information of the House;

On the 26th of last month, i.e., June, the Governor of Andhra Pradesh, viz., Sri Khandu Bhai Desai, prorogued the 16th Session of the Andhra Pradesh Legislative Council. On the 27th an Ordinance was promulgated by the Governor to amend the Hyderabad Municipal Corporation Act of 1955 under Article 213 of the Constitution. Yesterday, when the concerned Minister, Mr. Chenchuram Naidu was asked to place a copy of the Ordinance on the Table of the House, several Members raised an objection on the ground that since there are two Houses in this State— the Assembly and the Council — and since under Article 213 of the Constitution both the Houses have to be prorogued before an Ordinance is promulgated by the Governor, since it was only the Legislative Council which was prorogued, they were of the view that the Ordinance itself does not comply with the conditions laid down under Article 213 and as such the Ordinance itself is illegal. Secondly, some of the members were of the view that the Speaker or who ever is in the Chair, is competent to give a ruling regarding the action of the Governor both in the matter of proroguing the House as well as in the promulgation of the Ordinance on the ground that circumstances which ought to exist under Article 213 regarding which Governor has to satisfy himself, did not exist. These were the two issues raised by several members yesterday. And some of them wanted the Advocate General to attend the House and then enlighten the members on these two issues.

Under Article 174, where there is only one House, viz., the Assembly, the Governor can prorogue that House. If there are two
Houses, the Governor can prorogue either of the two Houses under Article 174. Now the question here is whether the Governor after proroguing only the Council, could promulgate an Ordinance. That is the point.

Any other matters on which...

Dr. T. V. S. Chalapathi Rao:— I may be permitted to bring to your notice one more thing, on which I want classification from the Advocate General. The proviso to Article 213 (1) of the Constitution says:

"Provided that the Governor shall not, without instructions from the President, promulgate any such Ordinance if—

(a) a Bill containing the same provisions would under this Constitution have required the previous sanction of the President for the introduction thereof into the Legislature;"

That means whether it is in the concurrent list or in the State list, it should be so. It is no doubt in the State list under Schedule 7 of the Constitution. But when the Corporation Bill was passed, Sir, in 1956 it was submitted for the assent of the President and it was published in the Preamble as:—

"The following Act of the Hyderabad Legislative Assembly having been assented to by the President on the 26th of September 1956, is hereby published for the general information.

By Order of the Rajpramukh..."

Mr. Speaker:— The question is whether the previous sanction of the President is necessary whether it is in the State List or in the Central List or in the Concurrent List.

Dr. T. V. S Chalapathi Rao:— It is in the State List, Sir. Local Administration and Self Government no doubt is in the State List.

Mr. Speaker:— This point was raised by Mr. Narasinga Rao yesterday.

Dr. T. V. S Chalapathi Rao:— Yes, Sir. Then it was said that it was in the State list and therefore it need not be referred. But here is an instance where the Corporation Act itself was referred.

Mr. Speaker:— Whether the previous consent or sanction of the President is necessary before introducing the Bill. They got to obtain the previous consent of the President and enclose along with the Bill—a copy of the certificate. Here, in this case I do not think the consent of the President was necessary.

Dr. T. V. S Chalapathi Rao:— No, Sir. It seeks to amend one of the provisions of the Act for which President’s assent was sought.

One more thing, Sir. Here is a recent instance. In 1965, the Assembly passed the Andhra Pradesh Municipalities Act. Here also it is said:—
Here it is deliberately used to postpone the elections - not in time, but just at the nick of the moment. The Advocate General may also take this into consideration.

Sri C. V. K. Rao — I request you to let us know the procedure to be adopted. The Advocate General has come to explain the position as to the validity of the issue of an ordinance when this House is in session and so on and other issues which we have framed. After the Advocate General gives his opinion, should we not get an opportunity to get certain clarifications on points which may be dealing with and which we may feel are not being fully dealt with. I think that procedure may be adopted. You may be good enough to enlighten the House.

Mr. Speaker.— Number of new issues are being raised on which you want the Advocate General to express his opinion and yesterday certain issues were raised and in the course of the letter which was addressed to the Advocate General by the Secretary, we only brought to his notice a few points. If you want to raise new issues, naturally he has to consider all those issues and offer his opinion.

Sri C. V. K. Rao — It is not a question of new issues. The issue is just the same. We need only clarifications, if need be.

Mr. Speaker:— I will read the copy of the letter communicated to the Advocate General. “In the course of discussion on the Hyderabad Municipal Corporation (Amendment) Ordinance to-day (i.e.; yesterday) in the Assembly, a number of hon-Members questioned the legality of the ordinance; firstly, that it is promulgated by the Governor without having prorogued both the Houses, viz., the Assembly and the Council, under Art. 213 of the Constitution. They are of the view that since in the present instance, the Governor has prorogued only the Legislative Council and not the Assembly, the ordinance is unconstitutional when the Assembly is still in session. Secondly, some of the members are of the view that the Presiding Officer, the Speaker or whoever is in the Chair can give a ruling regarding the action of the Governor both in the matter of proroguing the Houses as well as in the promulgation of the ordinance on the ground that circumstances which ought to exist under Art. 213 regarding which the Governor has to be satisfied, do not exist. I am directed by the Speaker to attend the Legislative Assembly on Wednesday, the 22nd July, 1970 at 9-30 a.m. to speak on the above points raised on the floor of the House.” These are the two points on which the Advocate General was requested to offer his opinion.

Sri C. V. K. Rao:— That is true but if we want further clarification, I hope we will get an opportunity to raise an issue of clarification.
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Mr. Speaker:—I now request the Advocate General to enlighten the House.

Advocate General — Mr. Speaker, Sir, it is obvious that the hon. Members have raised some important questions regarding the Constitutional validity of the ordinance No. 2 of 1970. But at the outset I may state that most of the points raised may not present much difficulty, in view of the authoritative pronouncements of the courts including the Supreme Court. The answers will have to be determined only on an interpretation of the scope and the effect of some of the provisions of the Constitution itself. Taking first Art. 213, one fundamental position has to be recognised. The Governor, though under the Constitution is the Head of the Executive of the State, is conferred under this Article, powers of legislation. There is an essential distinction between the powers which he may have to exercise as the Head of the Executive and powers which are conferred upon him to legislate in the place of the Legislature of the State. Now, it has been decided that under Art. 213, the powers of legislation which the Governor exercises by promulgating an ordinance are co-extensive with the powers of the Legislature of the State. I shall later explain what is the exact effect of this with reference to the provisions of the subsequent provisions in the Article.

One of the points raised is whether the ordinance can be issued when one of the Houses of the Legislature is in session and the other is prorogued, in the sense that it is not in session for the purpose of Art. 213. Taking Art. 213, the language ought not to present any difficulty. Under Art. 168 of the Constitution some of the States are provided with unicameral legislatures and some with bicameral legislatures. Art. 213 provides for the promulgation of an ordinance in a case where the State has only one Legislature or where there are two Houses of the Legislature; where there is a Legislative Council in a State “except both the Houses of the Legislature are in session” is the language employed under Art. 213: first it says “when the Legislative Assembly of the State is in session...” then the word “or” is used; they are mutually exclusive; there is a specific provision for a State where there is also a Legislative Council. Therefore the clause begins by saying “Where there is a Legislative Council...” That would only apply to cases where the State has two Houses and when both are in session. The language employed is in the negative.
both are in session, his power to issue ordinance is taken away. Therefore a situation might arise when both are prorogued or both are not in session or one is prorogued or one is not in session—then the requirements of the clause are satisfied. It is only when both are in session that the power of promulgating an ordinance is removed under Art. 213. Therefore if one House is prorogued it means that it is not in session. The power of the Governor to issue an ordinance is untramelled by any other provisions of the Constitution. Therefore it is not correct to say that unless both are prorogued this power to issue an ordinance does not arise. Having regard to the language which I submit, is free from ambiguity, this is a negative clause which imposes a fetter, that fetter arises only when both are in session; when one is not in session, then the power does accrue to him. Otherwise, the language would have been—"When one House also is in session, he shall not issue an ordinance." It does not say that. Therefore, it is clear from the language employed that the fetter is imposed upon him in the matter of issuing an ordinance when both are in session, but if one is not in session then his power does arise under the provisions of the Article. Therefore, there can be no doubt that by proroguing one House, the Governor is empowered to promulgate an ordinance provided the other conditions of the Article are satisfied. That is my answer so far as the first aspect of the case is concerned.

Then we come to the next—whether he can prorogue one House when the Legislative Assembly is deemed to be in session and it has not been prorogued; and in fact notice had also been issued for the summoning of the session of the Assembly—whether he has got the power under Art. 213. This question will be a sequel to the other provision which says that "if he is satisfied." So, we come to the really debatable point whether the satisfaction is a matter which can be gone into in the Legislature.

First of all what does the word 'satisfaction' under Article 213 convey? That expression has come in for consideration long time ago under the Government of India Act 1915. There was a similar provision under Section (88) of the Government of India Act. The Privy Council had occasion to consider what this expression 'satisfaction' means from the year 1931 onwards. In 1945 in the case of Binorilal Sarma's case, their Lordships said that means the satisfaction which is relatable to the exercise of a legislative power where the Governor feels that there is an emergency calling for his exercise of this power. Then the satisfaction is that of the Governor and Governor alone. From that, two consequences follow according to their Lordships. (1) that it cannot be judged. No doubt they were considering the scope of a Judicial Proceeding, i.e., Whether in a Judicial Proceeding, the satisfaction can be canvassed. But I would submit it would equally apply to every other authority. It cannot be questioned in a Court or it cannot be questioned anywhere else under the Constitution. So far as the
validity of the law is concerned, the Courts certainly do not constitute guardians and they are invested with powers of judicial review, interpretation, determination and declaration of their invalidity also. Therefore, the satisfaction; according to the Privy Council conveys two ideas. One is that it shall not be judged by any objective standards. It is entirely his subjective satisfaction. One may differ from him in some conclusions which he may have drawn, from the set of circumstances which according to him necessitated the promulgation of an Ordinance. But it cannot be judged otherwise objectively in any other forum. That is one. The second conclusion which they have drawn is that the satisfaction being subjective, the Governor cannot be asked, nor the Governor can be asked to expound the reasons for that satisfaction or which justified that it was really the satisfaction in the circumstances of the case. Now that was the position so for as the Privy Council decision on the corresponding provision of Sec. 88 of the Government of India Act is concerned. Later the Federal Court before the inauguration of the Supreme Court had to consider the same section again in connection with the promulgation of the Bilharis Maintenance of Public Order Ordinance. There, they reiterated—why I am saying it is that Privy Council decisions may not be strictly binding on us now.—But the Federal Court decisions are of weighty authorities, so far as Supreme Court also is concerned.

Federal Court reiterated the same decision in 1950 Supreme Court—If the Hon'ble Members want the reference, it is in Page 9—and said that the satisfaction is subjective and it is conferred for a specific purpose on an Executive Head of the State to promulgate and exercise legislative powers which are co-equal and co-existent with the powers which the Legislature enjoyed. Therefore, on the second aspect I will have to submit that so far as the question of the Governor's satisfaction is concerned, it cannot be judged by objective standards and no enquiry can be held in to the circumstances whether it really justified the Governor in arriving at the satisfaction. There that premise.

Now, I will address myself to the other question as to when he can prorogue, when only one House of the Legislature is in Session and then issue the Ordinance for the purpose. I am taking an extreme case where his only purpose is to promulgate the ordinance and prorogues one of the Houses because it is the impediment to the exercise of his powers under Article 213. This again, at the outset, I may state, has come in for a judicial scrutiny and consideration. In one of the cases of the High Court—perhaps it has not come before the Supreme Court—one or two High Courts held that when once he is satisfied that there is an urgency which calls for the exercise of the legislative power, then the other naturally follows. Because under Art. 174, there are no fetters whatever, no restrictions or limitations on the exercise of his powers to prorogue one or both the Houses. Therefore, when under Art. 213 he is exercising the power which is Consti-

...tutional in its origin, he can exercise it and call in aid the power under 174 “for that specific purpose” of exercising a Constitutional power. Art. 213 is a Constitutional power conferred upon him to prorogue one or both the Houses. When he finds that he could not effectively exercise the power under Art. 213, when the circumstances demand that he should exercise that power, the only way he can exercise the power is by summoning to his aid the other power under 174 under which he can prorogue either House which clothes him with the jurisdiction to issue the ordinance under Art. 213. For purpose of reference, two cases have dealt with this. One is 1950 Madras—this is again the Maintenance of Public order ordinance. Ther the High Court specifically held that it being in his satisfaction to promulgate an ordinance when in his view the circumstances justified the same, he is entitled to prorogue either House for that purpose of issuing the Ordinance. That is 1950 Madras.

The Allahabad High Court which one of the Hon’ble Members just referred to is 1956 Allahabad. There again they referred to the same and followed the Madras case. I may say for the information of the Hon’ble Members of the House that there is no dissenting voice in any of the later pronouncements of any Court. Therefore, so far as the legal position is concerned...

Mr., Speaker:—Whether there are any Full Bench decisions?

Advocate General:—Unless some two Benches differ, generally it does not come before the Full Bench. They are Bench decisions. Both or Bench decisions. As I submitted there is no other dissenting opinion of any High court on this aspect.

Coming to the Supreme Court—before mentioning about the Supreme Court—again for the information of the Hon’ble Members of the House, I may state that every High Court in India till now starting from 1944 Bombay and the latest is 1968 Madhya Pradesh—all most all the High Courts have held this view that the Governor’s satisfaction is purely subjective, cannot be questioned on objective consideration and no enquiry can be held in to the same, has been the view of all most all the High Courts. This is till 1968.

Then we come to the latest Supreme Court case, the Bank Nationalisation Case. The Hon’ble Members will remember that the Parliament was to meet on the 21st and the Ordinance was promulgated on the 19th, after the notices have been issued. But the Ordinance was never challenged on that ground. The Ordinance was challenged on several other grounds. But the Supreme Court had not nullified the Ordinance on that ground. A majority of the Judges did not go into the question as to the nature of the satisfaction which the corresponding Article 123 contemplated. But the dissenting Judge Justice Ray agreed with the opinion of the other High Courts and the Privy Council cases. He agreed the opinion that it is subjective and that it
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cannot be questioned in any forum on the ground that the circumstances are such that he could not have arrived at the satisfaction except on some wrong advice or that no reasonable man could have arrived at the satisfaction on the materials placed before him. It is not a matter for enquiry but I am stating only so far as the Courts are concerned, One of the points raised is whether it can be gone into the Proceedings of this House. I am addressing myself also to that aspect of the case. Therefore the following position emerges from the authoritative decisions that it is subjective satisfaction, cannot be questioned and as a sequel to that, he has got the power under Art. 213 read with Art. 174 to prorogue any Houses of the Legislature and when one House is prorogued when it is in session, then the fetter on him under Art. 213 is removed when he is entitled to prorogue an Ordinance though the Assembly is deemed to be in Session and though notices might have been issued for summoning the meeting few days later.

There is no constitutional inhibition which invalidates the issue of the Ordinance. Therefore, on that aspect it is my submission that the Ordinance is constitutionally valid and legal and cannot be questioned on any valid or tenable ground.

Then coming to whether Governor's satisfaction or other circumstances justified the issue of the ordinance, and whether the Hon Members of this House can go into that is a question again which has to be determined upon the provisions of Art. 213. This question really raises a question of vast importance because one clause of Art 213 has a very decisive effect on this. That is Clause 2 of Art. 213. It reads:

"An Ordinance promulgated under this article shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor"

Full effect must be given to it. There is no question of whittling down the significance or legal effect of this provision in the Constitution which is supreme. And it says:

"that it shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor." Therefore, constitutionally the moment on which an Ordinance is promulgated by the Governor, the legal effect is the same as if both the Houses of the Legislature have passed it and the Governor has given the assent. Now, I submit that full effect must be given to this. In this context the Hon. Members will remember one important consideration that an ordinance is not a law for all time. It is very much circumscribed by the limitation as to the point of time. Within six weeks from the re-assembly of the Legislature either it is replaced by a regular Act or even otherwise this House, the Legislature can pass a resolution disapproving of the ordinance in which case it will lapse. If it is not introduced with in six weeks, then also it will lapse. Or if the Legislature does not
replace the ordinance by passing an Act after approving of the subject matter of the legislation, then also it will lapse. Therefore, it is in the nature of a legislative power conferred to meet an emergency and to be of a particular temporary duration and with the full freedom for the Legislature again to consider the same, to debate upon the same and either to pass it into law or reject it altogether. For considering that in the context of sub-rule (2) of Art 213, it must be treated as if the Legislature passed it and the Governor assented it. Then what is the effect of this clause? This will have direct bearing on the question whether in the proceedings of this House, the Governor's satisfaction can be questioned or the justification for the issue of the ordinance can be questioned. Now one position is constitutionally clear. Hon. Members will be aware of the legislative lists provided for various subjects on which the State Legislatures can legislate. Now so long as the subject falls within the legislative competency of the State Legislature, it is the fundamental basic provision of our Constitution that so far as the subjects within its legislative sphere are concerned, it is a plenary and sovereign power of legislation. The Constitution placed certain fetters. There are only three grounds on which an Act of this Legislature can be questioned in a Court or otherwise. 1. That it is on a subject which is not within the legislative lists assigned to the State Legislature, that is, it suffers from incompetence from the point of view of legislative capacity. That is one ground. The second ground is that it operates extra-territorially. Under the Constitution, the State Legislature is competent to enact laws for the State or part thereof. If any provision of the State legislation contemplates legislation being operative outside territorial limits of the State, it should be open to question on the ground that there is transgression of constitutional limits. That is the second ground. The third ground is the Constitution has provided certain safeguards by way of fundamental rights in Part III and also imposed other fetters on legislation in another Chapter of the Constitution, for the same infringement of some provision directly of the Constitution. These are the three grounds on which an Act of the State Legislature can be questioned. Otherwise, it is supreme in its legislative sphere and whatever it legislates nobody can question on any other ground. Particularly I may invite Hon. Members' attention to one aspect. Can an Act of the Legislature be questioned on the ground that it is inspired by some oblique motive on the part of the Legislators? Now having regard to the provisions of Art. 213 (2), if an ordinance can be questioned on the ground it is issued malafide, then an Act of the Legislature also can be questioned on the same ground. Especially having regard to the provision, it must be treated as an Act assented to by the Governor. What is the legal effect of this provision? That is why I have supported my submission by premising it with this.

I have mentioned the three grounds on which an Act can be questioned. The Courts have held, because it has arisen in
some cases that motives have been attributed to Legislature in passing an Act, and the Supreme Court had occasion to consider it on three occasions. And Their Lordships held that no Act of the Legislature of a State is open to challenge on the ground that some improper or oblique motives impelled the Legislators to pass it into a Law. That would really be opening the doors wide for venues of attack which will undermine the dignity and the sovereignty of this Legislature. Therefore that is a very salient principle laid down by the Supreme Court in 1953. For the reference of the Hon. Members I can mention 1953 Supreme Court 375 Orissa case where the legislation has been questioned on the ground that it has been malafide to serve some ulterior purpose. Their Lordships held that the only question-colourable legislation, is used only to express one idea. That the Legislature while purporting to act on a subject within its legislative sphere has in fact and with a deliberate purpose legislated on a subject outside its sphere falling in some other legislative list. That is the only meaning given to the word ‘colourable legislation’. The word malafide or bonafide is inappropriate to consider the validity of an Act of the Legislature. Motives of the legislature are irrelevant.

Two reasons which I submitted, firstly when a majority of the Hon. Members of the House pass an Act, it would be difficult to predicate as to the motives operating on the minds of each of those Members. That is a thing which is humanly impossible. That can hardly be a ground for questioning the Acts of Legislature under the Constitution. This is one ground. The second ground is, certainly it would affect the prestige and dignity of the House which has sovereign powers to legislate in respect of matters assigned to it. These are the two reasons why an Act of the Legislature has been rendered immune from attack on the ground that it is not bonafide either when it is introduced or when it was passed. Similarly, the same immunity would apply to the ordinance issued by the Governor under Art. 213. That is why the Constitution has purposely introduced Art. 213 (2) saying what the effect is. The effect is as if the Legislature has passed it and the Governor had assented to. Full effect must be given. It is no doubt a fiction. Constitution has no doubt introduced fiction. But it has been introduced with a definite purpose of safeguarding not merely the dignity of the Legislature but also of the State Governor who acts in the place of the Legislature. He is only exercising the powers of the Legislature for a temporary duration till the Legislature approves of the measure.

Then the other thing is till the expiry of six weeks when the Legislature has to consider and pass it into Law, the Ordinance under this sub-rule (2) will have the effect of an Act. It is as if it is already on the Statute Book. I need hardly remind the Hon. Members that when it is already an Act, how
can the Hon. Members of this Legislature question an Act passed already and having the effect of the Act on the ground that some malafide or ulterior purposes prevailed with the Council of Ministers who advised the Governor or with the Governor who is guided by that advice. Therefore, having due regard to the Constitutional position that an Ordinance on promulgation becomes an Act, then all the immunities which an Act enjoys equally apply to the ordinance issued. That is not open to question. It can be questioned only on the ground that it is in violation of other constitutional provisions in the sense that it is not within the legislative competence on the ground it is not in the State list, or on the ground it is extra-territorial in operation or on the ground it infringes some other provisions of the Constitution. But it cannot be judged that it is not in accordance with Art. 213. That stage is passed when he promulgated his ordinance. That only invests him with the power to make the ordinance.

And rule 2 clearly says, on promulgation, it becomes an Act of the Legislature the Governor having given his consent. Therefore, full legal effect is to be given to this clause. It means, on promulgation of the Ordinance on 27th June, it has become a law on that date. The only course open thereafter is that it must be introduced within 6 weeks from the re-assembly, it must be placed on the table of this House; and it must be passed into law or replaced by an Act. Otherwise a Resolution may be passed disapproving of it in which case, it will lapse. But until it lapses, it has all force and attributes of a regular Act. Just as no Act of the Legislature can be questioned on the ground of malafide when all the Hon’ble Members passed it into law, this is also not open to question on the ground that some motives, oblique motives, prevailed either with the Council of Ministers who advised the Governor or by the Governor issuing the Ordinance not acting bona fide. They are all matters outside the scope of any judicial scrutiny. Having regard to this provision on promulgation, it becomes an Act. That is really the Constitutional position. Therefore, on the second aspect, my answer is that the bona fides of the Governor and the reasons which prompted him to issue Ordinance is not a matter for discussion or debate after the issue of the Ordinance either in a Court of law or in the proceedings of this Hon’ble House, because it has the effect of an Act. As I have submitted, the Supreme Court has held twice in 1953 and 1959 and the latest in 1966 that no Act of Legislature can be questioned on the ground that it has some improper motives which impelled the Legislators to bring in that measure. Therefore, the same immunity would apply having regard to the specific provisions and it has been specifically introduced only for that purpose to make it immune from any attack except on the grounds on which an Act of the Legislature itself can be impugned.
Therefore, I submit on the second question also that the Hon'ble Speaker had no jurisdiction to decide upon the bonafides of the Governor because just as in the case of an ordinary Act, after it is passed, certainly it would not be open to say that after an Act is passed, it can be discussed in the proceedings in the House, whether that Act was passed with oblique motives or bonafide motives. Similarly the same immunity would extend to the Ordinance and it would not be open either for any discussion here as to the bonafides of the Governor or as to the validity of the Act on that ground nor could the Hon'ble Speaker be invited to give a ruling on that aspect of the matter. It is certainly open for the Hon'ble Members to canvass the other Constitutional grounds before they pass it into law that it is violative of some other provisions of the Constitution in the sense it is outside the competence of the Legislature and therefore the Governor could not have issued the Ordinance. It is certainly open for discussion then, but no ruling can be given by the Hon'ble Speaker on that. Hon'ble Speaker is not an authority. It is for the Legislators to consider and then if the majority feel that it is not Constitutional in the sense that it is outside the competence of the Legislature, they may not pass it into law. But it does not mean to say that they can go into the question of bonafides of the Governor. Further, the whole Constitution scheme is that the Governor is the head of the State Executive and his conduct certainly would not be a matter for discussion where the Constitution specifically confers on him a power for a specific purpose.

Advocate General :- That is the Governor's satisfaction. The Hon'ble Members can certainly say that the provisions of this Bill are not intended to serve any public purpose and therefore they would not pass it into law. That is always open to them.

Advocate General :- A Member is certainly entitled to say while considering whether the Bills should be passed into law and that the purpose underlying the Bill is not bonafide. That is a different matter from saying the Ordinance is invalid on the ground that the Governor has no bonafides in the matter. It is a point of distinction. You can always attack a Bill as a Bill with mala-
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fide intention. Article 213 of the Constitution does not deal with such situation. The simple point I am urging is the Constitutional validity of the Ordinance on the ground...

Dr. T V. S. Chalapathi Rao:— You know, Sir and as the Advocate General also knows there are two distinct aspects of the functioning of the Governor. One is in pursuance of Article 161 where he exercises his powers purely on discretion. There it is not open even to the Courts to question his satisfaction. The other aspect is Article 213 where he functions or acts distinctly under the advice of the Council of Ministers. The Council of Ministers' actions are being challenged in Court of Law. Very recently, the Forest Minister's case was held by our High Court Bench as malaafide. In the Housing Board's decision also they held it as malaafide. Therefore, it is certain according to me to say that the Governor's satisfaction cannot be questioned when he exercises his functions under Article 161. If he exercises his powers as advised by the Council of Ministers, then can it not be questioned?

Advocate General:— The Housing Board case given by the Hon'ble Member is on a different footing altogether. There is no question of Council of Ministers giving the advice to the Governor.

Dr. T. V. S. Chalapathi Rao:— I am not at all saying that there the Governor's action is involved. On an analogy I am saying that the Governor in this case acted distinctly under the Constitution under the advice of the Council of Ministers. There, in two cases I have cited, the High Court held and observed that the action of the Council of Ministers was malaafide. Here also virtually, actually and Constitutionally it is the act of the Council of Ministers. When one Act of the Council of Ministers can be questioned why the another act cannot be questioned?

Advocate General:— So far as the Courts are concerned, what advice the Council of Ministers gives to the Governor is not a matter for judicial scrutiny at all under Article 163. Under Article 163, it can never be canvassed in a Court that the Council of Ministers have not given that advice or given that advice, etc. Article 163 specifically provides... "The question whether any, and if so what, advice was tendered by Ministers to the Governor shall not be inquired into in any Court." That is why, the point which I have been making is under Article 213, the immunity has been granted by promulgation of the Ordinance and it will have the same effect as an Act. After an Act is passed, nobody can question it on the ground that the Members of the Legislature were impelled by oblique motives to pass it or that the Governor has acted on a wrong advice in giving assent to it. Similarly, the point I am asking is if the Constitution says that the Governor can promulgate the Ordinance and it becomes an Act of the Legislature, the same immunity applies to all Acts of the

Legislature. It cannot be questioned on the earlier ground mentioned that under Article 213 he must have had satisfaction or the Council of Ministers have given wrong advice or the circumstances were such that it was not necessary. Whether there was necessity or not, it is entirely a matter for subjective satisfaction. What I have been submitting was that excepting in the Bank Nationalisation case, the majority of the Supreme Court have not expressed an opinion and left the question open. Even in Federal Court, Privy Council and the High Courts, so long as the majority have not expressed an opinion, the dissenting Judge's opinion has the authority of Supreme Court ruling now. He agreed with the other principles that it is purely a matter of subjective satisfaction. Therefore, having regard to the provisions of Article 213, this Ordinance or the provisions thereafter, before the Hon'ble Members consider whether it should be passed into law or not, can go into the question of Constitutionality on the ground that it is not in accordance with the Legislative competence of the State Legislature or there is some other infringement of any Constitutional safeguard or protection given to somebody else and not on ground that under Article 213, before the promulgation of the Ordinance, it was not bonafide and all that. This is not on that ground. When once promulgated, it becomes an Act, as if both Houses passed and the Governor assented to it. Full effect must be given. The logical consequence of that must follow. That means it cannot be questioned on the ground that some obliative motives prevailed on the authorities so promulgated the Ordinance, or that the circumstances were not such that a reasonable man could have issued the Ordinance. That is not a test. No objective test could apply. Therefore on the 2nd question which has been referred to me, it is my submission.

Dr. T. V. S. Chalapati Rao:— Sir, on grounds of malafides?

Advocate General:— No, They cannot be questioned.

Dr. T. V. S. Chalapati Rao:— They have been questioned and they have been upheald.

Advocate General:— No. They Cannot be questioned.

Dr. T. V. S. Chalapati Rao:— The action of the Council of Ministers can be questioned in a court of law on grounds of malafides. What about the Forest Minister's case? What about the Housing Board's case?

Advocate General:— Acts of a Minister in passing an order on a particular subject is always open to question. But what advice they give to the Governor is not open to question.

Dr. T. V. S. Chalapati Rao:— In this case, the agency of the Governor is invoked because Art. 213 lays down like that. But actually it is the act of the Council of Ministers. That discretion, I am afraid, is not correctly followed or interpreted.

There are two aspects. One aspect is purely undiluted naked action of the Council of Ministers. That is one and the other is malafide which is accepted. The Council of Ministers have advised the Governor to act on their behalf. This is the case under discussion in this House now. Therefore if the Governor has promulgated the Ordinance using his discretionary powers, entirely what Advocate General says is correct. But when he has exercised the power only on the advice of the Council of Ministers how can thereby the immunity be enjoyed or conferred by the Constitution on that act of the Governor?

Sri C. V. K. Rao — The circumstances that led the Governor to promulgate the Ordinance can be gone into. What are the circumstances and what is the motive, when I can understand, you need not go into it. But the circumstances under which he was misled by the Council of Ministers could be gone into.

Advocate General:— All the while I have been only stressing that. The Bases of the Governor in issuing the Ordinance, the question of enquiry into the circumstances, the question whether circumstances would justify the Governor in issuing an ordinance are outside the pale of enquiry, before any authority, before any House or before any court, having regard to the provisions of Article 213. Firstly, there is entirely the subjective satisfaction and he has to act, under the Constitution on the advice of the Council of Ministers. Except under very rare circumstances where he wants suspension of the Constitution in the State and everywhere else, he has to act on the advice of the Council of Ministers. That is the constitutional position. But, on the ground that the Council of Ministers have not advised him properly, the Governor's action is not open to challenge. It supports because under Art. 213 it enjoys the immunity as if the Ordinance is an Act of the Legislature. The only course open to the Honourable House is not to pass it into law if are is not satisfied with the merits of legislation.

Dr. T. V. S. Chalapati Rao:— We are not questioning the objective satisfaction of the Governor. We are only questioning whether he had acted on the advice and aid of the Council of Minister i. e., suo motu. Can the Advocate General say that he is satisfied in this case that the Governor has acted suo motu to invoke the powers conferred on him under Article 213 of the Constitution. He has not acted suo motu. So obviously he has acted on the other alternative i. e., on the advice of the Council of Ministers. How he is enjoying immunity? I want a specific reply. Through you I am requesting.

Advocate General:— When the Governor issues an Ordinance it is his satisfaction. That is what I am stressing all along. What advice was given to him and under what advice he acted are all equally enjoyed under the same immunity. They are different aspects leading to the same conclusion. They are different aspects

of the same satisfaction. The satisfaction is grounded upon what advice he received. When that satisfaction is immune from attack and on what grounds he exercised satisfaction is also immune from attack.

Shri Konda Lakshman Bapuji:— Under Article 230 (2) "if before the expiration of that period the resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council", in this Resolution, is there any bar in the House if it also attacks on the motivation in passing that Ordinance while approving the resolution. The wording of the Resolution if it includes any attack on the motion, is it a bar under the Constitution?

Advocate General:— If it is a Resolution disapproving it is passed...

Sri Konda Lakshman Bapuji:— Resolution of disapproval... Even motivation can be attacked on the basis of the bad motivation. Is there any constitutional bar?

Advocate General:— A resolution may be passed disapproving of the Ordinance. Then the Ordinance will lapse. But in considering whether it should be disapproved, the same thing would apply again. It can be disapproved, but not on the ground that the Governor in issuing the Ordinance, has not acted bona fide. That is what I am saying. Clause 2 says it is an Act of the Legislature. Then the disapproval or refusal to pass into law, is on the same ground that they do not approve the measure.

Shri Konda Lakshman Bapuji:— Passing a bill is different from disapproving the Ordinance. While passing a Resolution of disapproval, is there any bar on the House to attack the motivation?

Advocate General:— Under the Constitution that will affect clause (2) of Art. 209 and 213. I would only submit this. If one Ordinance can be attacked on this ground, every Act of the Legislature would be open. But that is not the constitutional position. Every Act of the Legislature can also be later questioned on the ground that it is not bona fide, that it is not passed by the Honourable members bona fide, and that they were all impelled by public motives. That is a venue which would open the doors for attack—which would infringe on the dignity and prestige of this House. Therefore the Constitution provides subjective satisfaction. When once that premises can be conceded, and that is subjective, then the only disapproval or refusal to pass it into law may be on that ground but other than the ground that the Governor was not acting bona fide or the circumstances were such that he could not have exercised, they are outside the pale of enquiry later.

Sri C. V. K. Rao:— One clarification Sir. As to how the Governor satisfied himself to issue an Ordinance, cannot be gone into. Can the Hon. Ex. Officier Member explain the position as
to how the House is to satisfy itself in disapproving of that, how can any fetter be put on that, and how can a limitation be put? Under what circumstances alone, we can satisfy ourselves to disapprove the act of issuing an Ordinance by the Governor? So, when once it goes to another body, the first thing that happens is, the Governor issues an Ordinance satisfying himself. Then the House can go into it not satisfying itself that the Governor is satisfied in a proper way. Therefore, the provision is very wide. No line can be drawn. How is the ex-officio Member going to clarify on this?

Advocate General: — I was trying to explain the constitutional position. But the position appears to be that in so far as Art. (2) of 213 provides, that Ordinance becomes law on the date of issuance; it becomes an act of the Legislature on the date of issuance: the only question then remains is whether it should be passed into law, whether the Bill that is placed on the table of the House should be passed into law. Now, two questions will arise: whether in considering the merits of this legislation, the validity of the ordinance can be questioned or whether the hon. Members are only entitled to consider whether having regard to the circumstances of the case the Bill has to be passed into law or not. These two aspects may be separately treated. The first one is whether the Governor had the satisfaction whether he has really acted bonafide in issuing the ordinance. This is one aspect which the Constitution saves from attack, by providing that the ordinance becomes an act on promulgation. The ordinance becomes an act on promulgation and continues to be valid till the time prescribed here (in the Constitution). It must be replaced or the Legislature can pass a resolution disapproving the ordinance. But the grounds for disapproval of the same will have to be restricted to the merits of the legislation. They may say that circumstances do not warrant it and that is the only ground, but not on the ground that the Governor's satisfaction was not properly given. That is the point
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which I have been stressing. That stage does not arise after the 
promulgation of the ordinance. Even in courts, it has been con- 
sidered that it is purely subjective and that subjective satisfaction 
cannot be put to tests. So far as that aspect is concerned, it is 
not open to question. Now, after the ordinance becomes a law 
the legislative jurisdiction is to disapprove the same or to pass it 
into law, or when the Bill is introduced it can reject it. In 
considering it, only the merits of legislation will come for con- 
sideration and not that the ordinance originally promulgated is bo- 
nafide or not is not a matter for enquiry, because it is already on 
the Statute Book by virtue of this specific provision; the Consti- 
tution specifically provides by way of legal fiction that the ordi-
nance promulgated is an act of the Legislature, that is, the Legisla-
ture has passed it. How can the Legislature extend that fiction to 
its logical limits? If the fiction is accepted that the Legislature 
has passed it, how can the Legislature consider whether it was 
promulgated bona fide or not.

Advocate General - I have been trying only to maintain 
this distinction.

Advocate General - I have been trying only to maintain 
this distinction.
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Advocate General:— These two things must be kept in mind separately. First is whether the disapproval of the ordinance can be on the ground it was not issued in accordance with Art. 213; that is the only point which you are concerned with at this stage; it is not constitutionally valid to say that the Governor did not exercise his satisfaction bona fide or circumstances were such that no reasonable person would have felt the necessity for issuing an ordinance. Therefore, there are two grounds. The one ground that the issue of ordinance was unconstitutional—that I have been submitting all through, is one question which is not open to question in this House.

Secondly, the Legislature can always say for disapproving the ordinance, 'in our opinion this ordinance should not have been passed'. That is a different matter altogether. It is for the hon. Members to say, 'in our opinion this Bill should not be passed into law' whatever the reason, and we think the circumstances did not demand in this particular case the issue of ordinance dealing with a particular subject matter" but not on the ground that the ordinance was issued in violation of Art. 213 of the constitution and on the ground that the Governor did not exercise has satisfaction bona fide or that the circumstances were such that he could not have issued the ordinance. That is the point of distinction I want to make—When you consider, you will naturally go into the question, whether the circumstances justify the introduction of the legislative measure like that. There you can question the motives or the motives of anybody on which I cannot say now. On that I am not really asked to say anything.

Sri C. V. K. Rao:— If the Governor cannot go beyond the provisions of Art. 213, when he contemplates issue of the ordinance it should be within the four corners of that particular provision. And while that is so, when one House is prorogued, which is that House to be prorogued? Should that be the Legislative Assembly or the Legislative Council? I would request the Advocate General to bestow his attention on this. If one House is to be prorogued, should it not be the Assembly, not to be in session? If two Houses are there, I feel it should be Legislative Assembly and not the Legislative Council; because when it is only one House it is the Legislative Assembly that has to be prorogued, and if there are two Houses, Legislative Assembly and Legislative Council, it is the Legislative Assembly that should not be in session when the Governor can promulgate an ordinance.

Dr. T. V. S. Chalapathi Rao:— Whether on the advice of the Council of Ministers or otherwise, the Governor is competent under the Constitution to dissolve the Assembly and never the
Advocate General— I have been stressing all along and I have been trying to explain the constitutional and legal position. In terms of Article 213 of the Constitution, whatever advice the Council of Ministers might give, it is entirely for the Governor to get satisfied, and once he feels that he is satisfied, that there are circumstances under which he finds that the Houses are in session and one of them ought to be prorogued to enable him to issue the ordinance, he can exercise the power. There is nothing unconstitutional about it. I am not talking about proprieties which I am not called upon to say.

So far as the legal position is concerned, Sir, the Constitution does not impose any fetter on the Government either in the matter of dissolving the Assembly, in the matter of prorogation of the Assembly or the Council or in the matter of issue of the ordinance. Therefore, so far as the legal and constitutional position is concerned, his power is unfettered and there are no limitations and constitutionally it cannot be characterised as invalid. That is the legal position.

About the proprieties of it, it is for the hon. Members to consider. So far as the legal position is concerned, I am definite that what the Governor has done is constitutionally valid. You can conceive of an ordinance even one day before. I have got a judgment dealing with the ordinance creating the Ongole District. Here again, a few days before the Assembly was to meet, an ordinance was issued and the Court while upholding the validity observed that constitutionally the Governor has got no doubt the authority and jurisdiction to prorogue any of the Houses at any time. He has, therefore the authority unless the Constitution imposes a limitation. The whole point is, at the time this hon. House considers the ordinance for the purpose of either making it into law or otherwise, it can be gone into on the merits of the legislation or the hon. Members could express the view that it should not have been issued having regard to the circumstances of the case but on the ground—That is one point which the hon. Members may kindly note— that the issue of the ordinance was unconstitutional because the Governor did not...
prorogue both the Houses or because the Governor did not issue the ordinance just a few days before the Assembly was to meet or on other grounds which impinges upon the bona fides or the action. The ground that the ordinance is unconstitutional, being not in accordance with Article 213, is not a matter for discussion or debate either in the proceedings of this hon. House or before any court of law. That is the legal position.

I am much obliged to the hon. members for the patience with which they heard me.

Dr. T. V. S. Chalapathi Rao:—On four issues, the Advocate General must be heard by the House. One of the four is about the propriety involved in proroguing the Council two days after issuing summons to this House and also the promulgation of an ordinance the very next day.

Mr. Speaker:—So far as propriety is concerned, it is not proper for the Advocate General to express any opinion.

Dr. T. V. S. Chalapathi Rao:—I agree with you.

Mr. Speaker:—He can only express his opinion on the legal or constitutional points.

Dr. T. V. S. Chalapathi Rao:—When the question of adjournment motion was discussed today morning, we referred to Article 213(a) of the Constitution under which prior sanction of the President was called for. You said Municipal Administration was in the State List and we kept quiet. In 1965 a similar Bill was sent to the President for previous sanction.
Mr, Speaker :— Whatever might have been done in the past, the question now is whether this Bill requires the previous consent of the President. If under any of the provisions of the Constitution or any law which is in force, the previous sanction of the President is necessary for this Bill, then you can say, previous sanction has not been obtained and that it is not proper for the Government to come forward with this Bill. I am not going into that aspect. I am only asking whether this Bill requires the previous sanction of the President.

Dr. T. V. S. Chalapathi Rao :— On that point, the Advocate General may be requested to clarify the position, because clause (a) of Article 213 is very clear.

Mr Speaker :— Please show that under any provisions of the Constitution, this requires the consent of the President. If you satisfy me on this point, I will straight away refuse permission for the introduction of this Bill.

Dr. T. V. S. Chalapathi Rao :— That we will do at the appropriate time.

Mr. Speaker :— In the case of all Bills which involve finances, the Governor ought to give permission or sanction. If there is no such certificate, straightway I won't admit it. In this case also, if you say that the sanction of the President is necessary, please quote the law or provision on which you are relying.

Dr. T. V. S. Chalapathi Rao :— I shall read the proviso which says: "Provided that the Governor shall not, without instructions from the President, promulgate any such ordinance..."

Mr. Speaker :— Please specifically refer to cases where the consent of the President is essential. In this case, is the consent of the President essential? That something was done, and whether they did rightly or wrongly, is a different matter. In this particular case, you refer to clause (a) wherein it is stated that if a particular Bill requires the sanction of the President, then the Government should before coming forward with that Bill, obtain consent of the President. Is this one where the sanction of the President is necessary?

Dr. T. V. S. Chalapathi Rao :— I submit, it is necessary.

Mr. Speaker :— Under what provision?

Dr. T. V. S. Chalapathi Rao :— In view of the previous practice.

Mr. Speaker :— That I am not prepared to consider. Supposing, they had done a wrong thing.

Dr. T. V. S. Chalapathi Rao :— May I know whether the hon. Speaker is going to accept that?
Mr. Speaker:— Convince me that there is some provision under the rules under which this requires the sanction of the President. Otherwise, I am not prepared to accept; I am sorry.

Dr. T. V. S. Chalapathi Rao:— I am quoting Bill 6 of 1965 and also of 1966.

Mr. Speaker:— Supposing, I committed some mistake in 1965, should I continue that mistake? Unless I go through the whole thing, I am not prepared to accept.

Dr. T. V. S. Chalapathi Rao:— If you are prepared to hold it as a mistake, I have no quarrel.

Mr. Speaker:— I do not like to enter into discussion on this matter. I am not prepared to give my views whether the Government committed a mistake on the previous occasion unless I have the full facts of the case. I do not have the full facts of the case or all the circumstances under which the Government acted

Dr. T. V. S. Chalapathi Rao:— I am reading the gazette of the Andhra Pradesh Government. Is it not a valid document, Sir?

Dr. T. V. S. Chalapathi Rao:— Is the Andhra Pradesh Gazette not an authoritative and valid document?

Mr. Speaker:— I am sorry. Papers to be laid on the table of the House. Mr. Chenchu Rama Naidu, will begin...

Dr. T. V. S. Chalapathi Rao:— To whom should we approach, Sir. You are the guardian of the Constitution and you have to protect our rights and privileges. Whom else can we approach, Sir.

Mr. Speaker:— Only because I wanted to safeguard your rights, I summoned the Advocate-General, and we heard his opinion in the House.

(As discussion between Dr. T. V. S. Chalapathi Rao and Hon. Speaker was going on, Sri N. Chenchu Rama Naidu was reading out).

Sri P. Narsing Rao:— The Speaker is on his legs, and the Minister does not yield. We take strong objection to this Sir.

Mr. Speaker:— Have patience for a few more minutes, Mr. Chenchu Rama Naidu.

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Mr. Speaker:— The issue is very clear. The one issue is under Article 213 (2) (a), if a particular matter, namely, a Bill, requires the previous sanction of the President even before the introduction of the Bill, the Government should obtain the previous assent of the President. The question here is whether in this particular case the previous sanction of the President is at all necessary. You quote any provision of law or rule under which the previous sanction of the President is necessary. Then I am prepared to refuse permission. You are not able to do that.

Dr. T. V. S. Chalapathi Rao:— I am quoting Art. 213 Cl. (a) and also the previous practice. If these two are not going to satisfy the Hon. Speaker, which other law or authority should I quote to satisfy the Speaker?

Mr. Speaker:— Why should I act upon a certain thing which happened under different circumstances? It is very clear that this matter does not require the sanction of the President. When that is so, why should I ask whether the sanction of the President is obtained or not?

Mr. Speaker:— I am sorry. Kindly excuse me. I very much regret I am not prepared to agree with your view.

Mr. Speaker:— I have already given my ruling that the Bill does not require the previous sanction of the President. As such it is perfectly in order. That is my ruling.

Mr. Speaker:— Yesterday itself, I expressed opinion that I am clear in my mind that there is absolutely no illegality or unconstitutionality about this. The second thing is, the Speaker is not competent to give any ruling with regard to the action of the Governor outside the House. I have already given my ruling in the beginning itself. The Advocate General who argued this morning has simply substantiated my ruling. What other ruling do you want me to give, Mr. Latchanna?
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Mr. Speaker — I have already given my ruling yesterday itself.

Mr. Speaker — You have not understood me — I said...

Mr. Speaker — I never said that the previous action of the Government was wrong or any such thing. What I said was, suppose they committed a mistake — you have not heard me correctly — even if they have committed a mistake, I am not prepared to follow that mistake. I never said that they committed a mistake and I also stated that I am not aware of the full facts under which that previous sanction of the President was obtained. Conventions ought to be followed by any Legislature, but please take note that no convention can override any law in force. No decision of any High Court can override any law which is in force. It is only in the absence of any specific provision of law that we follow conventions, but the conventions cannot have the force of law. I am very clear in my mind. I am prepared to follow conventions.

Sri K. Atchuta Reddy:— As you know, Sir, in the absence of any clear provision of law, conventions have the same force of law.

Mr. Speaker:— That is what I am saying.

Sri K. Atchuta Reddy:— There is no provision that this should go to the President. It has been the practice in the previ-

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Several years that this legislation had been referred to the President. That was a convention and that must be followed.

Sri K. Brahmananda Reddy: You are under a misapprehension. When a Bill is passed and there are certain provisions regarding land acquisition etc. which enter the concurrent list also, President's prior assent becomes necessary. But here, this is a pure and simple amendment Bill which is limited to the appointment of a Special Officer; and this has nothing to do with the President or require his previous sanction. We are not encroaching upon the concurrent list. Therefore, the sanction of the President which was obtained for the principal Act relating to hundreds of provisions where some provisions require the assent of the President has no relevance at all to the present Bill.

Mr. Speaker:—As I said, we do not have the full facts before us, as to what happened at that time.

Dr T. V. S. Chalapathi Rao:—If what the Chief Minister says is taken as correct, under the Municipalities Act there was never a provision giving power to the Government to supersede the Municipality. The Act does not give them this extraordinary power. If the Chief Minister says that it was a comprehensive Bill and so it was referred and this is only a small amending Bill and need not therefore be referred to the President, there is absolutely no force in what he says. And if you want us to quote the provision of law, what else can we quote, Sir, except the relevant Article of the Constitution and the previous practice obtaining when the previous enactments were made relating to the Municipalities.

Mr. Speaker:—During the course of discussion on the bill, you can refer to these points.
Government Bill:


PAPERS LAID ON THE TABLE


Minister for Municipal Administration (Sri N. Chenchu Rama Naidu):— I beg to lay on the Table a copy of the Hyderabad Municipal Corporation (Amendment) Ordinance, 1970. (Andhra Pradesh Ordinance No. 2 of 1970) promulgated by the Governor of Andhra Pradesh and published in the Andhra Pradesh Gazette Part IV-B Extraordinary on the 27th June 1970 as required by Article 213 (2) (a) of the Constitution of India.


Minister for Panchayati Raj (Sri Thota Ramaswamy) :— I beg to lay on the Table a copy of the Andhra Pradesh Gram Panchayat and Panchayat Samithis and Zilla Parishads Acts (Amendment) Ordinance, 1970 (Andhra Pradesh Ordinance No. 3 of 1970) published as No. 13, Part IV-B, Gazette Extraordinary dated 11th July 1970 as required under Article 213 (2) (a) of the Constitution.

Mr. Speaker: — Papers laid.

GOVERNMENT BILLS

THE ANDHRA PRADESH GRAM PANCHAYATS AND PANCHAYAT SAMITHIS AND ZILLA PARISHADS ACTS (AMENDMENT) BILL, 1970.

Sri Thota Ramaswamy :— I beg to move:—

"That leave be granted to introduce the Andhra Pradesh Gram Panchayats and Panchayat Samithis and Zilla Parishads Acts (Amendment) Bill, 1970."

Mr. Speaker: — Motion moved.

Sri C. V. K. Rao:—Let the Minister explain the circumstances and objects.

Mr. Speaker: — It is only for leave to introduce.

(Pause)
The question is:

"That leave be granted to introduce the Andhra Pradesh Gram Panchayats and Panchayat Samithis and Zilla Parishads Acts (Amendment) Bill, 1970."

The motion was adopted.

THE ANDHRA PRADESH RICKSHAW DRIVERS LICENCE FEE (ABOLITION) BILL, 1970.

Minister for Home (Sri J. Vengala Rao):— I beg to move:

"That leave be granted to introduce the Andhra Pradesh Rickshaw Drivers Licence Fee (Abolition) Bill, 1970"

Mr. Speaker:— Motion moved.

Sri C. V. K. Rao:— Under Rule 102 I can ask the Minister to explain the position. On the floor of the House, both the Chief Minister and Home Minister have been assuring the House that they will provide the licences...

Mr. Speaker:— This is only for publication...

Sri C. V. K. Rao:— They are presenting truncated bills. Why not they explain?

(Pause)

Mr. Speaker:— The question is:

"That leave be granted to introduce the Andhra Pradesh Rickshaw Drivers Licence Fee (Abolition) Bill, 1970."

The motion was adopted.

PRESENTATION OF SUPPLEMENTARY ESTIMATES OF EXPENDITURE FOR 1970—71.

Minister for Finance (Sri K. Vijaya Bhaskara Reddy):— I am to present to the House the statement showing the Supplementary Estimates of Expenditure for 1970—71.

Mr. Speaker:— The Supplementary Estimates of Expenditure for 1970—71 are before the House.
Mr. Speaker — I said in future...

Dr. T. V. S. Chalapathi Rao:— Will you please read out the Presidential Order and its provisions. Where is the limit for these things and what is the protection for our rights? You have given direction...
Mr. Speaker:— I shall refer to the records what direction has been given by me. If my direction has not been implemented, I shall ask the Finance Minister about it before discussion starts.

Mr. Speaker:— There is nobody from the Panel of Chairman in the House. I am, therefore, adjourning the House.

11.48 a.m. The House then adjourned till fifty-five minutes past Eleven of the Clock.

(The House reassembled after short recess at 11.55 a.m.)

(Mr. Speaker:— In the Chair.)

GOVERNMENT BILL

THE HYDERABAD MUNICIPAL CORPORATION
(AMENDMENT) BILL 1970.

Mr. Speaker:— The hon. Minister for Municipal Administration will please move the Motion for the first reading of the Hyderabad Municipal Corporation (Amendment) Bill, 1970.

Sri K. Achuta Reddy:— Mr. Speaker, Sir. I am referring to yesterday’s agenda. Yesterday, it was stated in the Agenda, that the Minister for Municipal Administration will move for leave to introduce the Hyderabad Municipal Corporation (Amendment) Bill, 1970. That has not been moved. So, naturally it should find place in today’s agenda. But instead of that, it is now said that the Minister for Municipal Administration will move that the Hyderabad Municipal Corporation (Amendment) Bill, 1970, be read a first time.

Mr. Speaker:— First, of course, leave is given by the House for publication. That can be waived by the Speaker under Rule 103. Under Rule 103-Proviso of the Andhra Pradesh Legislative Assembly Rules, permission is accorded for publication in all the three languages, namely, English, Telugu and Urdu, of the

The Hyderabad Municipal Corporation (Amendment) Bill, 1970 to replace the relevant Ordinance.

Sri K. Achuta Reddy:— Leave to introduce the Bill in the House.

Mr. Speaker:— In the sense that permission is given. That is all.

Sri K. Achuta Reddy:— That has not been told to us.

Mr. Speaker:— That is not necessary at all. When once I have given permission under Rule 103, it won’t be necessary. That becomes superfluous.

Sri K. Achuta Reddy:— Under what circumstances and background the Bill is coming, must be placed before the Table of the House, before leave is granted.

Mr. Speaker:— Leave has now been granted, not by the House, but by the Speaker.

Sri K. Achuta Reddy:— What act should be done first, should not be postponed.

Mr. Speaker:— When the first reading is taken up, the Minister can give the reasons.

Sri K. Achuta Reddy:— At least before the first reading is taken up, the basis for this Bill should be stated.

Mr. Speaker:— I will ask the Minister to give the reasons. If you insist on the formality, I will ask him to move for leave to introduce the Bill. Under rule 103, I permitted the Government to get the Bill published, because there is no time. Yesterday, if I had not given permission, today only after the leave is granted, they could get the Bill published. Because I wanted the Bill to be published sufficiently in advance so that it may be circulated to the Members. I permitted. Still, if you want I will ask the Minister to move for leave to introduce the Bill. It is only a formality.

Now, we are not doing anything. We will straight away often refer it to the Regional Committee. Actually when the Bill is received back from the Regional Committee, the regular discussion will start by which time we expect the Government to circulate the copies of the report of the Lokanadham Committee to all the members. It may take some time.

Sri K. Achuta Reddy:— The Regional Committee procedure is like this. The Bill is referred to the Regional Committee. The Regional Committee, after giving a careful consideration to the Bill, sends some amendments and other things. That is the final word of the Regional Committee. It will not be again referred to the Regional Committee. After discussion here, after introduction of any new amendment or any such thing, it will not be referred.
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to the Regional Committee. Before it is referred to the Regional Committee it should have a thorough discussion here.

Mr. Speaker:— Very good. I do not mind.

Sri K. Achuta Reddy:— That is why before it is thoroughly discussed we want to know the basis for the Bill.

Mr. Speaker:— There can be only one discussion—either now or after the Bill is received back from Regional Committee.

Sri K. Achuta Reddy:— Other wise, it will remain a formality.

Mr. Speaker:— I did not say it is a formal thing. It is for the Regional Committee to discuss the whole thing and send it back to the Assembly.

Sri K. Achuta Reddy:— The Regional Committee must have a scope to discuss if there is any new element introduced in this Bill; so it must be thoroughly discussed here after return from the Regional Committee.

Mr. Speaker:— It is for you to decide whether you should have a discussion now or after it is received from the Regional Committee. The general practice has been to have a full discussion only after it is received from the Regional Committee.

Sri K. Achuta Reddy:— If any new thing is introduced here after return from the Regional Committee, where is the scope for
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the Regional Committee to consider? My request is that the Regional Committee should not be treated as a mere formality.

Mr. Speaker:—I agree, there is no scope again to refer it to the Regional Committee, a second time. Supposing even after full discussion, you refer it to the Regional Committee and after it is received from the Regional Committee still some points may be raised by the Members afterwards. Will it be then possible to refer it again to the Regional Committee?

Sri K. Atchuta Reddy:—In the final shape it must go to the Regional Committee. That is the intention of referring it to the Regional Committee.

Mr. Speaker:—Ultimately, after it is passed by the Regional Committee it should come before the House and if any new amendments are made, it should go again to the Regional Committee; is it what you say?

Sri K. Atchuta Reddy:—Yes. Otherwise what is the good?

Mr. Speaker:—I am sorry I cannot agree with that position. Under the rules it is provided the it should be referred to the Regional Committee only once i.e., after the first reading is over. After it is received from the Regional Committee, the House shall consider...

Sri K. Atchuta Reddy:—To minimise the scope, I would request that first it should be thoroughly discussed here.

Mr. Speaker:—I do not mind having a thorough discussion even now or after it is received back from the Regional Committee. Only once you have a full discussion in which a number of members will have an opportunity of participating. There cannot be two general discussions. If you want to have one general discussion now itself, I do not mind.

Sri Atchuta Reddy: Before we proceed, we must have the Report of the Lokanathan Committee.

Mr. Speaker:—Let the Minister supply when the discussion is going on.

Dr. T. V. S. Chalapathi Rao:—General discussion can take place only once. Any amendment if necessary will be moved. If the Minister agrees, I do not mind...
We must understand correctly and let the Minister explain the substance and summary of the Lokanathan Committee. If he is not immediately in a position to circulate the copies.

Mr. Speaker—It is for you to agree to one of the conditions. If you agree for referring it to the Regional Committee and have a general discussion after consideration by the Regional Committee by that time you would have the copies of the Lokanathan Committee. If you want to have the general discussion now itself, it takes some time for the Government to circulate copies of Lokanathan Committee. (The Speaker after consultation with the Secretary, Legislature said that the copies would be circulated now itself).

Sri Manik Rao:— Sir, there are charges against the Municipal Corporation members who are elected representatives. I want to know the procedure before we proceed. If you make charges against the elected representatives of the Corporation or any individual, you have to give a chance to them to defend. Mr. Lokanathan has given a report against the Corporation. Let the report be given to the Corporation members, they must know what it is that they have done during this period. The Government has taken an indifferent attitude in passing this ordinance and they are doing all this by force. Is this the proper way? This special report submitted by Lokanathan must be given to the members of Corporation who are the elected representatives because charges are made against them and they must know. The Government have not given copies of the Report even to-day.

Mr. Speaker:— As far as members of the Corporation are concerned, it is not my responsibility to see that copies of the report are sent to them.

Sri M. Manik Rao:— Sir, they are elected representatives.

Mr. Speaker:— It is my responsibility to see that copies of the report are supplied only to the members of this House. I cannot direct the Government to supply copies to some others.

Sri M. Manik Rao:— I am asking the Government for information. Suppose I make allegations against anybody, I must give a chance to that person to defend. I am asking the Minister whether they have given copies to the Corporation members or the Mayor to give them an opportunity to defend against the charges made.

Sri N. Chencharama Naidu:— We will supply copies to the members by this evening.

Mr. Speaker:— Members of the Corporation?
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Sri M. Manik Rao:— Copies of the Report have not been supplied to the members of the Corporation. The allegations are against those members.

Mr. Speaker:— How I am concerned?
Sri M. Manik Rao:— But we are concerned. The Government is making charges against the elected representatives;

Mr Speaker:— What is it you want me do?
Sri M. Manik Rao:— This is a wrong thing to do.

Mr. Speaker:— If you think it is a wrong thing and it is not the proper thing, throw it out.
Sri M. Manik Rao:— With a malafide intention they have done it.

Mr. Speaker:— You can say so in the general discussion.
Sri M. Manik Rao:— Before moving the Bill I want to know it.

Sri N. Chenchurama Naidu:— Sir, I beg to move:
That the Hyderabad Municipal Corporation (Amendment) Bill, 1970 be read a first time."

Mr. Speaker:— Motion moved.

Sri M. Manik Rao:— 280 pages. This is an extraordinary procedure the Government is following. Either the Minister must explain or we must be given time, if we want to speak exhaustively and if I am asked to oppose it on what ground should we oppose it. Where is the time left for us to study a report of 280 pages, not one or two pages. Even at the rate of 1 minute a page, it will take 280 minutes. So kindly adjourn the general debate on this.

Mr. Speaker:— That I do not know. (To the Minister)
As per the provisions of the Corporation Act, is it not compulsory
for the Government to get all the copies of this Report circulated to the members of the Corporation? — That is what Mr. Pitti is asking.

Sri N. Chenchurama Naidu:— It is not binding, Sir. We will give copy to the Mayor; for other councillors it is not obligatory on the part of the Government to give copies to all members of the Corporation.

Mr. D. B. Venarao:— Can the Councillors have copies of the Report 4 months before the date of retirement?—

Mr. Speaker:— Kindly do not side-track the issue. You can speak about this matter during the course of general discussion.

Dr. T. V. S. Chalapathi Rao:— They are not following the provisions of the Act. Had they been following, they would have notified elections as early as March. If they are respecting the provisions of the Act I can understand. But they are trampling down the Act arbitrarily and in an undemocratic manner.

Mr. Speaker:— What I am saying is — the Government according to you have done a wrong thing; they should have notified in the Gazette for elections following the procedure instead of their coming forward with the Bill to replace the Ordinance. All this may be irregular and wrong; you can certainly refer to it in general discussion.

Now the point whether the copies of this Report should be supplied to the Members of the Corporation. They say it is necessary when serious allegations have been made against the Corporation in General, that is the Members of the Corporation, should not copies of that Report be circulated to the Members, to give their explanation. That is exactly what they are asking. The
Minister says there is no such obligation on the part of the Government under the law to supply the copies of the Report to the Councillors but only to the Mayor.

Dr. T. V. S. Chalapathi Rao:— May I know under what Provision of the Corporation Act the Government deemed it necessary to appoint Sri Lokhanatham?

Mr. Speaker:— Kindly have the patience. I am sorry I do allow anybody on this. Now the question is whether a copy of the Report has at least been supplied to the Mayor of the Corporation. Has it been done?

Sri N. Chenchurama Naidu:— We have sent only one to the Mayor.

Sri M. Manik Rao:— Our information is even today, even to this hour of 12-20, they have not supplied.

Mr. Speaker:— The members' allegation is that even the Mayor has not been supplied.

Sri N. Chenchurama Naidu:— It is a mistake Sir. They are circulating it today Sir. So far they have not. There is no need to give any notice to the Corporation because we are not going to dissolve it or supercede it. We are going to appoint a Special Officer on the 3rd August. There is no need to give any notice to the Corporation.

Sri P. Narasinga Rao:— Under which Provision, you have appointed the Special Officer. Please cite it.

Sri N. Chenchurama Naidu:— On the strength of the Ordinance, we are appointing the Special Officer. Under Section 676. Under this Section we have appointed the Director of Municipal Administration as the Special Officer.

Sri M. Manik Rao:— That is about the inspection of the Procedure. But the Government has appointed the Officer to go into the details. Whether the Minister knows it or not, we want to ask.

Mr. Speaker:— I would request the Members to follow some procedure. When the Bill has been introduced for the first reading during the course of general discussion, you can speak. I am not prepared to allow this kind of discussion. Kindly take your seat. Let us follow some procedure. There is some limit to all these things. You don't try to exhaust my patience. What are the reasons that prompted the Government for appointing the Special Officer and then after the Report of the Special Officer is received for getting the Council prorogued and then getting the Ordinance promulgated etc. etc.
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Government Bill;  
The Hyderabad Municipal Corporation  
(Amendment) Bill. 1970.  

Mr. Speaker:— On the request of the Members, the House is adjourned to 8-30 A. M. to-morrow morning and the discussion will be taken up to-morrow. 

(The House then adjourned till half past Eight of the 
Clock on Thursday, the 23rd July, 1970.)