Twelfth day of the First Session of the Andhra Pradesh Legislative Assembly

THE ANDHRA PRADESH LEGISLATIVE ASSEMBLY
Monday, the 3rd April, 1972.

The House met at Half-Past Eight of the Clock.

(Mr. Speaker, Sri P. Ranga Reddy, in the Chair)

ORAL ANSWERS TO QUESTIONS

SHORT NOTICE QUESTIONS AND ANSWERS

(Smt. J. Iswari Bai rose up)

Mr. Speaker:—I don't allow anything before the Question Hour.

Sri A. Sreeramulu (Eluru):—I may kindly be permitted to put the question.

Mr. Speaker:—Yes.

DEMANDS OF THE N. G. OS.

S. N. Q. No. 5 *(I-F) Sri C. V. K. Rao (Kakinada):—Will the hon. Chief Minister be pleased to state:

(a) whether the Government has conceded any of the demands of the N. G. Os put forth in February, 1972.

(b) if so, what are they; and what are the outstanding demands; and

(c) when will they be considered?

The Chief Minister (Sri P. V. Narasimha Rao) :—(a) Yes Sir.

(b) (i) The demands relating to grant of additional D. A. has been conceded and orders issued in G. O. Ms. No. 120, Finance (PC), dated. 10-3-1972.

(ii) The outstanding demands are as follows:

(1) Control of prices or supply of subsidised foodgrains.
(2) Grant of Central rates of House rent allowance.
(3) Grant of Central rates of City Allowances.
(4) House rent allowance to all employees,
(5) Educational concessions to the children of N. G. Os upto the University level.

(6) Regionalisation of services.

(7) De novo examination of pay scales.

(8) Regularisation of services of all temporary employees.

(c) (i) The demands relating to grant of Central rates of H. R. A, C. A, and H. R. A. to all employees have not been accepted by the Government in view of the difficult financial position of the State.

(ii) The following demands are under consideration of the Government:

(1) Control of prices or supply of subsidised food-grains.

(2) Educational concessions to the children of N. G. Os upto the University level.

(3) Regionalisation of Services.

(4) Regularisation of services of all temporary employees.

(5) De Novo examination of Pay scales.

Sri A. Sreeramulu:—Is the Government aware that house rent rates for N. G. Os, working in Taluk Towns were fixed up in 1959? Is it a fact that the Government is not considering to think of revising them?

Sri P. V. Narasimha Rao:—It is not a question of considering or not considering. As I have just stated certain demands which involve squarely heavy expenditure could not be accepted by the Government in view of the difficult financial position.

Sri A. Sreeramulu:—This demand does not involve huge amount. This is a very small demand and because they work in remote areas, whether they would concede to the demand of the N. G. Os, working in Taluk Towns for revision of the old rates of House Rent Allowance which might be from Rs. 3 to 5.

Sri P. V. Narasimha Rao:—As I have just submitted, the only question coming in the way is finance. Mr. Sreeramulu is very adept in starting in a very small way, but when it is gone into details, it becomes colossal. If he and I are satisfied that it does not involve very heavy expenditure, we can go, but we have not seen our way to accept.
Sri A. Sreeramulu:—Has the Government got the correct information about the number of employees working in the Taluk towns?

Sri P. V. Narasimha Rao:—Whatever information we have, has been furnished and that which has been furnished, has been correlated and we have come to certain figures.

Sri A. Sreeramulu:—The N. G. Os have been demanding the Government for the past decade that a Cell should be set up, to work out correct statistics as to the number of employees in the Finance Department. But the Government has not taken any steps so far. Will the new Chief Minister take the initiative immediately?

Sri Vanka. Satyanarayana:—Will the hon. Minister give the breakup under various items?
DEARNESS ALLOWANCE TO TEACHERS AND EMPLOYEES OF LOCAL BODIES

S. N. Q. No. 6*(3 U)—Sri A. Sreeramulu:—Will the hon. Minister for Finance be pleased to state:

(a) whether the Government have issued orders sanctioning the recent increase in Dearness Allowance to teachers, employees of local bodies and others;

(b) if not, the reasons for the delay; and

(c) the probable date by which orders will be issued?

The Minister for Finance (Sri A. Bhagavantha Rao):—(a) Yes Sir. Orders sanctioning the recent increase in D. A. to employees of local bodies and others have already been issued by the concerned departments.

(b) & (c) Do not arise.

Sri A. Bhagavantha Rao:—I think it is wrongly sent to me. Anyhow I will answer it, Sir.

Sri A. Sreeramulu:—Has the order which has been issued, covered the teachers in aided colleges and non-teaching staff in those institutions?

Sri A. Bhagavantha Rao :—They do cover.

Sri A. Sreeramulu:—With regard to the Panchayatraj Institutions Sir, I want to know when the Order has been issued?

Sri A. Bhagavantha Rao:—All the non-teaching and non-Government employees in Zilla Parishad Panchayat Samithis 1-4-72.

Sri A. Sreeramulu: —I think it is wrongly sent to me. Anyhow I will answer it, Sir.
Short Notice Questions and Answers. 3rd April, 1972.

(a) the district-wise amount of arrears of drainage cess collected so far from East Godavari, West Godavari, Krishna and Guntur districts;

(b) the total amount of liabilities so far;

(c) whether it is a fact that the Government have issued orders that no new work should be taken up in the year 1972-73; and

(d) if so, the reasons therefor?

The Minister for Medium Irrigation (Sri P. Basi Reddy):

<table>
<thead>
<tr>
<th>Name of the district</th>
<th>Arrears of drainage cess collected so far</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Godavari</td>
<td>68,80,000.00</td>
</tr>
<tr>
<td>West Godavari</td>
<td>1,39,39,448.00</td>
</tr>
<tr>
<td>Krishna</td>
<td>3,06,05,000.00</td>
</tr>
<tr>
<td>Guntur</td>
<td>1,75,00,000.00</td>
</tr>
</tbody>
</table>

(b) Rs. 1260-00 lakhs is the total expenditure so far and liabilities outstanding on 20th January, 1972 was Rs. 260.00 lakhs.

(c) & (d) Government issued orders releasing Rs. 260-00 lakhs on 16-2-1972 for clearing the outstanding liabilities. In order to ensure that all outstanding liabilities are cleared, instructions were issued to the Chief Engineer (Projects) that the amount released should be exclusively utilised to clear off the liabilities and no amount should be spent on works. It is proposed to spend Rs. 2.00 crores during the current working season i.e., till the end of June, 1972.

Smt J. Eswari Bai:—Government have issued orders that no new work should be taken up in the year 71-72.

Sri P. Basi Reddy:—That is not quite correct. Only till further instructions are issued no new works should be taken up. Those are the instructions of the Government. But so far as the work in the current season is concerned there is no ban. The Chief Engineer has been asked to go ahead with the works in the current season upto 12 years and as regards the taking of works in the next season, i.e. commencing from November, 1972, the matter is still under consideration and Government will be taking a decision in a day or two.
3rd April, 1972. Short Notice Questions and Answers.

Sri P. Basi Reddy:—Works are going on.

Sri P. Basi Reddy :—We will give instructions to that effect.

Sri P. Basi Reddy :— That is not quite relevant to the question. I don't have any information relating to that question. Let the Hon'ble Member put a separate question.
Sri P. Basi Reddy:—It is proposed to spend the following amounts as per the programme approved by the Board: East Godavari 71 lakhs, West Godavari 216 lakhs, Krishna district 465 lakhs and Guntur district 215 lakhs.

Sri P. Basi Reddy:—Details regarding the works to be taken up, are not available here.
68 3rd April, 1972. Short Notice Questions and Answers.

Sri P. Basi Reddy:— We have asked the engineers to pay this land acquisition charges in the first instance and then only pay the other liabilities.

Sri Y. Venkata Rao:— They are not doing, Sir.

Sri P. Basi Reddy:— We will give further instructions.

The Minister is not in a position to give those details.

Sri P. Basi Reddy:— I am giving those details. Kolleru basin, improving the Upputeru to carry 15,000 cusecs at mile 6/6 road bridge with Kolleru lake level at 7 feet. Land acquired for the ultimate capacity of 20,000 cusecs. Flood detention reservoir across Thammilleru near Errampalli for the storage capacity of 31,000 million cubic feet. Excavation for a straight cut for Budameru near Vijayawada raising and strengthening the existing flood embankments of Budameru river. Construction of marginal embankments along Thammilleru for the protection of Eluru town. Improvements to Thammilleru escape and railway bridge. Food detention reservoir across the river Errakalava, Flood detention reservoir across Budameru Improvements to Upputeru to carry 20,000 cusecs, improvements to Krishna delta system, improvements to dry extension of existing straight cut, excavation of new straight-cut from Romeru left on to the Bay of Bengal. Construction of under tunnels for Aleru, excavation of a straight cut in the sea for Battiprolu drain in Western delta. Godavari delta system; improvements to drain, widening Bikkavolu
EXECUTION OF SOMASILA PROJECT

S. No. — 8
* S. N. Q. No. 8 (I.-P.) Sri N. S. Nivasulu Reddy (Gudur) :—
Will the hon Minister for Irrigation be pleased to state:

(a) when the Somasila Project will be taken up for execution;
(b) the total cost of the scheme;
(c) whether it will be beneficial to Gudur, Sullurpet, Rapur, Atmakur and Kavali taluks;
(d) whether investigation has been taken up for extending the Scheme to the non delta taluks of Nellore District in the first phase;
(e) the extent of additional ayacut proposed under the project and the extent of existing ayacut proposed to be stabilised;
(f) whether drinking water is proposed to be supplied to Madras from the said project; and
(g) whether electricity also is proposed to be produced?

The Minister for Major Irrigation (Sri P. Narasa Reddy):—

(a) The Project Report and proforma estimate for Somasila Project has been sent to Central Water and Power Commission in September 1971 for its technical clearance, work on the project will be taken up for execution after the project is cleared and the estimate is sanctioned.
(b) The cost of the scheme is Rs. 33.52 crores as estimated now.
(c) The project will be beneficial to Kavali taluk besides serving Nellore and Kovur taluks.
(d) Yes one Sir. There is only phase for the Project.
(e) The extent of additional Ayacut proposed under the Project is 1.59 lakh acres and the extent of existing Ayacut to be stabilised is 2.53 lakh acres.
(f) No, Sir.
(g) No, Sir.
BUSINESS OF THE HOUSE

Mr. Speaker:—I am to announce to the House that amendments to the Gajapathinagaram taluk and Ongole district (Formation) (Amendment) Bill of 1972 will be received upto 11 A.M. today.

Sri P. Narasa Reddy:—After the project is sanctioned alone, Sir, we can ask for advance betterment levy.

Mr. Speaker:—That is a separate question on socialism. Questions are over.
MATTER UNDER RULE 341 OF THE ASSEMBLY RULES

re: Wagon difficulty for lifting stocks of boiled rice from West Godavari and Krishna Deltas.

The matter arises under Rule 341 of the Assembly Rules. It pertains to the difficulties encountered in lifting stocks of boiled rice from the West Godavari and Krishna Deltas. The issue is discussed in the context of the assembly's rules and regulations, specifically Rule 341, which deals with the procedures for handling and transporting goods. The text provides a detailed account of the challenges faced in lifting these stocks and the measures that need to be taken to overcome them.

The assembly's rules, in this regard, provide guidelines for the smooth functioning of the assembly, ensuring that the interests of the public are protected and that the assembly operates efficiently. The discussion in the document highlights the importance of adhering to these rules and regulations to ensure that the assembly can address the concerns of the people effectively.
71 3rd April, 1972.

Matter under Rule 241 of the Assembly Rules:

re: Wagon difficulty for lifting stocks of boiled rice from West Godavari and Krishna deltas.

The situation described below is under Rule 34 of the Assembly Rules:

- Difficulty in抬起 stocks of boiled rice from West Godavari and Krishna deltas.

- The problem is due to the shortage of wagons, which is causing delay in the delivery of rice.

- The number of wagons available is insufficient to transport the required amount of rice.

- The government has been advised to take immediate action to resolve this issue.

- The matter has been referred to the relevant authorities for early attention.

Please note the urgency of this matter and take appropriate action.
Calling attention to matters of urgent public importance:

re: Non-regularisation of services of temporary L. D.Cs.

Sri A. Sriramulu:—Mr. Speaker, Sir, there is a special phenomenon in the State, the existence of a large number of employees with long years of service. This is a peculiar feature of our State. This is the legacy we have acquired or inherited from the
Madras State. In the former State of Hyderabad there was not this procedure. Once a candidate is appointed against a clear vacancy, he was considered to be a regular employee. Unfortunately since we adopted the procedure of Madras State nearly 800 employees with a total service ranging between 12 and 18 years are continuing in the temporary posts. There is no job security. In the Secretariat and Heads of Departments we have about 1,800 employees who are qualified. There is no point in Government recruiting new candidates or raw candidates from the market. The experience acquired by them will have to be gainfully utilised by the Government and this way the Government will be able to solve the problem. I am bringing to the notice of the Government Sir, what steps they have proposed to take and how they are going to permanently and regularly absorb them with particular reference to the number that exist in the Heads of the Departments and the Secretariat.

Sri P. V. Narasimha Rao:—Sir, In the first place the Call Attention says that some serious situation has arisen. I would like to submit to the House that no serious situation has arisen. There is no immediate danger of retrenchment. Nobody is asking them to go away. The only thing is the problem continues and I am not prepared to say what steps the Government are taking.

Sri A. Sriramulu:—A serious situation does exist because frustration has started and our anxiety is that it should not take the shape of desperation.

Sri P. V. Narasimha Rao:—Regularisation of services of temporary employees is not automatic. For regularising the services of an employee, it is essential that he is selected by the Public Service Commission or by the competent authority.

Group II Services examination which is of the B. A. standard is a competitive examination conducted by the Public Service Commission for the recruitment of Assistants and Lower Division Clerks in the Secretariat Service and U. D. Clerks in the Directorates and U. D. Inspectors in the Endowment Departments, etc. Recruitment for the posts of L. D. Cs. end typists in the offices of the Heads of Departments and for typists in the Secretariat Department is done through Group IV Services Examination of S. S. L. C. Standard but graduate clerks are allotted as far as possible to the offices of Heads of Departments. The Group II Services Examination was last conducted by the Commission in 1967 and candidates who came out successful in the examination were allotted to various departments.

For the conduct of the next Group II Examination, the Commission issued a notification in November, 1968 and was planning to hold the examination in the early part of 1969 when the Supreme Court in March 1969 struck down Section 5 of the Public Employment (Requirement as to Residence) Act, 1957 and the rules made thereunder, as ultra vires of the Constitution of India. Consequently, the reservation of posts in Subordinate Services in the Telangana area including in the Secretariat and the offices of the Heads of Department for candidates with domicile qualification which had been
Calling attention to matter of urgent 3d April, 1972.

re: Need for issuing permanent pattas to ryots who are cultivating for the past twenty years the land under Dendi project.

in force till then became invalid and the Commission, for that reason, could not proceed with the recommendation.

On the recommendation of the Special Committee, the Government took up the matter of decentralisation of recruitment to Subordinate Services with the Andhra Pradesh Regional Committee, and while Government were considering the suggestions made by the Andhra Pradesh Regional Committee, the Backward Class Commission in its report recommended the reservation of certain percentage of posts to be filled by direct recruitment for candidates belonging to Backward Classes. Pending a decision on the recommendations of the Backward Classes Commission, the Government issued orders in G.O. Ms. No. 531, dated 18-8-1970 banning direct recruitment.

On the receipt of the recommendations of the Backward Classes Commission, the Government issued orders in G.O. Ms. No. 1793, Education (B. C. C.), dated 23-9-1971 directing that 25 percent of the posts for appointment in the State and Subordinate Services should be reserved for Backward Classes. These orders were however struck down by the Andhra Pradesh High Court on 13-5-1971. On an appeal preferred by the Government, the Supreme Court upheld these orders recently on 26-1-1972. The question as to how recruitment should be proceeded within the context of the decision of the Supreme Court has been engaging the attention of the Government.

So far as the regularisation of L.DCs, etc. in the Department of the Secretariat and the Directorates is concerned, the question of conducting a special qualifying test for those already working on a temporary basis in the said offices is under examination. According to the particulars furnished by the Departments of Secretariat and Heads of Departments, the temporary employees working in Secretariat and the Directorate offices as on 1-2-1972 are 1090 Lower Division Clerks and 670 typists and steno-typists.

As recruitment to the post of L.D.Cs. and Typists and Steno-typists in the Secretariat and the Directorates is within the purview of the Public Service Commission, it is proposed to address the Public Service Commission on the question of conducting a special qualifying test for the benefit of the temporary employees. Thus the question of the regularisation of the services of these temporary employees is under the active consideration of the Government.

Sri A. Sreeramulu:— Will it be possible for the Government to conduct the special qualification test before the end of this year?

Sri P. V. Narasimha Rao:— We are addressing the Public Service Commission. I hope it will be possible for them to do so.

re: Need for issuing permanent pattas to ryots who are cultivating the lands under Dendi Project.

B. V. Sabapathy:— ryots who are cultivating for the past twenty years the land under Dendi project.
Calling attention to matters of urgent public importance:

re: Need for issuing permanent pattas to ryots who are cultivating for the past twenty years the lands under Dendi project.
Calling attention to matters of urgent public importance:

re: Inadequate loans sanctioned under Harijan, Girijan Housing Co-operative Society Scheme.

In the case of project-affected lands, the hiring of regular servant may be deemed to be listed as soon as the project authorities certify to the Collector that the requirements of lands for culms and distribution has been finalised.

Inadequate loans sanctioned under Harijan, Girijan Housing Co-operative Society Scheme.

In the case of project-affected lands, the hiring of regular servant may be deemed to be listed as soon as the project authorities certify to the Collector that the requirements of lands for culms and distribution has been finalised.
3rd April, 1972.

Calling attention to matters of urgent public importance:

re: Inadequate loans sanctioned under Harijan, Girijan Housing Co-operative Society Scheme.

The Minister for Social Welfare and Fisheries (Sri M. V. Krishna Rao):—The hon. Member Sri G. Bhoopathi has raised the issue that the loan of Rs. 1,800 presently sanctioned to each member will not be sufficient to construct the House and that it may be raised to Rs. 2,500. The Andhra Pradesh State Scheduled Castes and Tribes Co-operative Housing Federation Ltd., Hyderabad, through the 21 District Scheduled Castes and Scheduled Tribes Co-operative House Building Societies advances loans to members for the construction of houses from the loan assistance of Rs. 10 crores sanctioned by the L. I. C. The Managing Committee of the Federation consists of 15 persons—9 officials and 6 non-officials. Out of the Rs. 10 crores sanctioned by the L. I. C. an amount of Rs. 1.41 crores has already been proved as Loan assistance for the construction of 53,546 houses. While 565 houses have already been completed, excavation work was completed in respect of 17,645 houses and it has reached basement level in respect of 6,578 houses, lintel level in respect of 12,261 houses and roof level in respect of 5,224 houses.

The loan amount of Rs. 1,800 sanctioned under the scheme at present is 30 times the share capital paid by each member. As each member pays Rs. 60 as share capital out of which Rs. 30 is sanctioned to him as capital by the Government, the maximum loan that could be sanctioned is only Rs. 1,800. The cost of the house is kept low by building the houses in rows and by building twin houses in some cases. The beneficiaries are also contributing free labour to keep the cost of the houses at a low level. Keeping in view the loan burden on poor individuals, the permission maximum loan limit unto 80 times the paid up share capital and in view of the fact that as many as 565 houses have already been completed in the Districts of East Godavari, West Godavari, Guntur and Nizamabad, it is considered that there may be no need to enhance the loan amount from Rs. 1,800 to Rs. 2,500 at present.
Calling attention to matters of urgent public importance:

re: Inadequate loan sanctioned under Harijan Giri, an Housing Co-operative Society Scheme.

3rd April, 1972.

...
3rd April, 1971. Calling attention to matters of urgent public importance:

Ho (equate loan sanctioned under Harijan, Gijijin Housing Co-operative Society Scheme.


Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.

Sri P. V. Narasimha R. O.—No, Sir. They have not yet.

Mr Speaker:—They may concede.
Calling attention to matters of urgent public importance:

re: Inadequate loans sanctioned under Hanjian, Girijan Housing Co-operative Society Scheme

3rd April, 1972.

If necessary we will have some discussion for half an hour or one hour. First, every one of you see those sketches. Then you can raise those doubts.

Sketches: 20 22 20 22

If necessary we will have some discussion for half an hour or one hour. First, every one of you see those sketches. Then you can raise those doubts.
3rd April, 1972.

Calling attention to matters of urgent public importance:

Re: Improper distribution of Sugar and Kerosene.

This makes me to rigidly observe the rules with the result even important questions will go unanswered. I have given sufficient time. You know the procedure that is followed in the House on the call attention notices. Hereafter, let me tell you that I will not allow any other body except those whose names are found to the call attention motion.

Re: Improper distribution of Sugar and Kerosene.
Attention to matters of urgent public importance.

re: Improper distribution of Sugar and Kerosene.

3rd April, 1972.
3rd April, 1972. Calling attention to matters of urgent public importance:

**re**: Need for disposal of 4,000 bags of rice which were confiscated at Bitragunta a year back.

Need for disposal of 24,000 bags of rice which were confiscated at Bitragunta a year back.
AMENDMENTS IN SCHEDULE I TO THE DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES ORDER, 1966

Sri A. Baghavantha Rao:—Sir, with your permission, on behalf of the Minister for Home, I beg to lay on the Table a copy of the Notification of the Election Commission No. 282/1/AP/71 dated 1–12–1971, containing certain amendments in Schedule I to the Delimitation of Parliamentary and Assembly Constituencies Order, 1936 as required under sub-section (2) of section 9 of the Representation of the People Act, 1950, (Central Act 43 of 1950).

Mr. Speaker: Paper laid on the Table.
GOVERNMENT BILL
THE ANDHRA PRADESH PAYMENT OF SALARIES AND REMOVAL OF DISQUALIFICATIONS (AMENDMENT) BILL, 1972

Sri P. V. Narasimha Rao:—Sir, I beg to move:

"That leave be granted to introduce the Andhra Pradesh Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1972."

(Pause)
Mr. Speaker:—Motion moved.

The question is:

"That leave be granted to introduce the Andhra Pradesh Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1972."

The motion was adopted.

POINT OF INFORMATION
re: RELEASE OF WATER FROM TUNGABHADRA DAM RESERVOIR

Mr. Speaker:—Srimati Eswaribai also wanted to raise the same matter.

Smt. J. Eswari Bai:—I would request the Chief Minister or the Minister for Major Irrigation to make a statement on the supply of water from Tungabhadra to Nagarjunasagar. We would like to know something after the visit of Dr. K. L. Rao, the Chairman of the Tungabhadra Control Board to the city yesterday and the results thereon.
Point of Information: 3rd April, 1972.

re: Standardisation of the weight of fertilizer bags.

Sri P. V. Narasimha Rao:—I have submitted that there are two or three things which we could do. Any standard by 50 lb. or 40 lb. or 20 lb. bags could be decided upon. 40 lb. bags could be dispensed with. 42 lb. and 50 lb. could be decided upon. 50 lb. bags could be dispensed with. 50 lb. bags could be decided upon. 40 lb. bags could be dispensed with. 20 lb. bags could be dispensed with. Any standard by 20 lb. bags could be decided upon. Any standard by 50 lb. bags could be decided upon.

re: Standardisation of the Weight of Fertilizer Bags.
88 3rd April, 1972.

Point of Information:
re: Standardisation of the weight of fertilizer bags.

Sir,

I am writing to bring to your notice the issue of standardisation of the weight of fertilizer bags. It has come to my knowledge that there is a considerable variation in the weight of fertilizer bags, which is causing concern among farmers and traders. The variation ranges from 5 to 15 kg, which is affecting the cost of cultivation and the efficiency of the fertilizer application.

In order to ensure fair trade and accurate application of fertilizers, it is essential to standardise the weight of fertilizer bags. This will not only benefit the farmers by ensuring a consistent supply of fertilizer but also prevent fraud and misrepresentation by commercial establishments.

I would request your department to take immediate action to address this issue. It would be helpful if you could provide guidelines on how to standardise the weight of fertilizer bags and ensure uniformity across all major fertilizer manufacturers.

Looking forward to your positive response.

Yours sincerely,
[Name]

Additional Information:
- Standard weight of fertilizer bag: 50 kg
- Average weight variation: 5 kg
- Major fertilizer manufacturers: XYZ, ABC, DEF
- Impact of weight variation: Increased cost, reduced efficiency

---

Note: The above text is in Telugu, and a translation or explanation is provided for clarity.
Point of Information:

3rd April, 1972.

re: Standardisation of the weight of fertilizer bags.

Point of Information: 3rd April, 1972. 89

Standardisation of the weight of fertilizer bags.

In view of this there should be no difficulty in ensuring that fertiliser supplies are made on the basis of actual weighment if so demanded by the cultivators.

Sri Vanka Satyanarayana:—They are demanding but we are not giving. In view of this there should be no difficulty in ensuring that fertiliser supplies are made on the basis of actual weighment if so demanded by the cultivators.

Sri Vanka Satyanarayana:—They are demanding but we are not giving.

There is no question of privilege.
3rd April, 1972.

Point of Information:
re: Standardisation of the weight of fertilizer bags.

"In view of this there should be no difficulty in ensuring the fertiliser supplies are made on the basis of actual weighment if so demanded by the cultivators"—This is the crucial question. This came to us in 1966 from the Minister of F & A (Dept. of Agri.) New Delhi addressed to all State Governments. 

"In view of this there should be no difficulty in ensuring the fertiliser supplies are made on the basis of actual weighment if so demanded by the cultivators"—This is the crucial question. This came to us in 1966 from the Minister of F & A (Dept. of Agri.) New Delhi addressed to all State Governments.
Point of Information:

3rd April, 1972.

re: Standardisation of the weight of fertilizer bags.

This statement misleads the House and the public as well. The crux of the problem is totally different. This a fit case for the privilege issue.
Point of Information:
re: Standardisation of the weight of fertilizer bags.

92 3rd April, 1972.

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)

(refer page 92)
Government Resolution:

3rd April, 1972


Mr. Speaker:—That can be done.

BUSINESS OF THE HOUSE

Sri Syed Hasan:—Sir, I have submitted an adjournment motion. It was a matter of public importance.

Mr. Speaker:—I am taking that up under Rule 83.

Sri Syed Hasan:—Sir, it was an adjournment motion and a definite matter of public importance. If it is taken up as general motion, it will lose its importance.

Mr. Speaker:—You may come and see me in my chamber; and if I am convinced then I will take that up.

GOVERNMENT RESOLUTION

re:—Ratification of the Constitution (Twenty-Fifth Amendment) Bill, 1971.

Mr. Speaker:—Now, we shall take up the ratification of the amendment to the Constitution of India.
3rd April, 1972.

Government Resolution:


The ratio of the Constitution (Twenty-fifth Amendment) Bill, 1971.


The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.

The resolution of the Constitution (Twenty-fifth Amendment) Bill, 1971.
Government Resolution:

rd Apr., 1972.

3rd April, 1972.

Government Resolution:

Government Resolution:

3rd April, 1972.

Pattimattam on the Constitution (Twenty-fifth Amendment) Bill 1971
Sri M. Narayana Reddi (B.rilhan):—Mr. Speaker, I rise to support the resolution for the ratification of the 25th constitutional amendment. As you know, Sir, this 25th amendment is the most important amendment of the Constitution that was ever carried out in the Parliament. It is historic as well as revolutionary. Historic in the sense that the beliefs that were held so far as Golakhnath’s case is concerned that the Parliament has no authority to amend the Fundamental Rights Chapter or any article in that Chapter were negatived by the 24th amendment that was recently passed; they have asserted the supremacy of the Parliament with regard to amendment of any provisions in the Constitution including fundamental rights. The Parliament is now taking steps to attend the fundamental rights particularly the right relating to Property as contained in Article 31, in order to realise the socio-economic objectives underlying the directive principles of the Constitution. As you know, Sir, it seeks to amend Article 31 by adding Article 31-C wherein the word ‘compensation’ is now sought to be substituted by the word ‘amount’. This was necessitated in the wake of the Supreme Court’s judgment given in the Bank Nationalisation case. As you know, the fourth amendment that took place in 1955 made compensation not justiciable; that is to say, the courts were precluded from going into the adequacy of the compensation or the principles determining the compensation, and that position continued to be so until the Bank Nationalisation Case was decided in 1970. The same Supreme Court held in several cases, the last case being
Shantilal Mangalda case, in which they have held in 1969 that adequacy of compensation is not a matter to be considered by the Court. But, unfortunately, in the Bank Nationalisation Case the Supreme Court over-ruled its own previous decision necessitating the present amendment. Now, in order to avoid further controversy and over the word 'compensation', the Parliament wants to substitute the word 'amount' in place of the word 'compensation'. With this, whatever amount that may be fixed by a particular law envisaging acquiring and requisitioning of property, it will not be questioned in any court of law. So also, wherever amount has to be paid in lump sum, in cash or on par and with bonds over a period of years, is also not to be questioned. This is necessary because, in order to achieve our socioeconomic objective, we have no resources to pay compensation or the compensation in terms of the market value to any property that may be acquired. For that purpose, the word 'amount' is being substituted and the courts are now being precluded from going into the adequacy of the compensation.

Apart from that, for the first time, the Directive Principles of the Constitution are being given primary and priority over the fundamental rights.

In that respect, this measure is really revolutionary and extraordinary. For the first time, in the constitutional history of this country, Directive Principles are being given primacy over Fundamental rights. Unless Directive Principles are given primacy over Fundamental Rights in the enactment of social legislation, there is no point and there is no purpose in having Fundamental Rights overriding effect over Directive Principles, which would negate all legislation directed to bring in social justice. Therefore, I am glad that for the first time Directive Principles are having superseding effect over Fundamental Rights.

Apart from this, Mr. Deputy Speaker, Sir, you will see that the spirit and substance of this amendment received the mandate from the people, inasmuch as this was made one of the points in the manifesto issued by the Congress Party on the eve of mid-term elections. I would like to quote that particular passage to show that it is the people who approved this kind of change in the constitution which is now being given effect to. I may quote that particular part in the manifesto:

'It will be our endeavour to seek such further constitutional remedies and amenements as are necessary to overcome the impediments in the path of social justice.'

It is in pursuance of this declaration in the manifesto that the 25th Amendment Bill is being brought to give effect to that declaration that is made in the manifesto.

As you know, under Directive Principles, we have accepted the concept of Welfare State for our country under the constitution. Unless legislation, especially social legislation, is enacted in conformity with the principles of Directive Principles, there is no scope to bring about a Welfare State or create benefits that would accrue to the
common man, to the poor man, under the concept of a Welfare State. Therefore, I am glad to support the 25th Amendment of the Constitution which really envisages a revolutionary change in our approach to social legislation

As you know, having adopted the ideal of a welfare State—social welfare and common good, there has not been a rapid action towards social legislation on account of several impediments created in the way of enacting social legislation by the decisions of various courts, especially the Supreme Court. Therefore, for the first time this has been made not justiciable, in the sense that even the word 'Public Purpose' is removed or eliminated under this Amendment, so as to exclude the jurisdiction of the Court, the Supreme Court, to examine whether under any legislation empowering acquisition of property the purpose of the acquisition is for 'public purpose'. Under the doctrine of 'public purpose', so far the courts have examined whether the acquisition of a particular property is for a 'public purpose', as defined by the Courts over a length of time through decisions. Even that word 'public purpose' is being removed or eliminated under the present 25th Amendment.

Now, what is substituted in place of 'public purpose' is a declaration. It is enough to see that a particular legislation empowering acquisition or requisition of any property is enacted in accordance with or in pursuance of Article 31 (b) and (c) of the Constitution. If this is shown in the enactment itself, then the Courts will be precluded from deciding whether the acquisition legislation is for a 'public purpose'. Therefore any legislation that is brought in pursuance of Article 39 (b) and (c), particularly in regard to land reforms, particularly in regard to nationalisation of big industries and monopoly industries, it is enough if it is said in the enacting legislation that it is being brought in order to give effect to the principles underlying Article 39 (b) and (c). That is a very revolutionary step in the right direction to exclude the jurisdiction of the Court to go into the question whether a particular legislation is not really meant but on the other hand is a colourable legislation to see that the object is not 'public purpose', as defined through various decisions. This is another improvement made in the amendment which would ensure social legislation without any impediments by any court.

Some fears were expressed whether it would apply to all kinds of property. As you know, this legislation is being brought to achieve socio-economic objective, i.e., levelling down of higher incomes and levelling up of lower incomes; so also the levelling down of higher extents of property in order to equalise incomes as well as properties as far as possible under the Constitution. It would not apply to those properties which are held by small cultivators, or small shop-keepers or any other class of people who are struggling on with their petty professions or small holdings. It applies only to properties, unearned incomes, of a very large magnitude, of industrial houses and big landlords. There should be no confusion or mistake about this. I may also quote an assurance that is given by our Prime Minister during the discussion of this Bill in July 1971. She said:
Government Resolution: 3rd April, 1972

"we can assure this Hon'ble House that we shall always stand
or the rights of those who have nobody to speak for them."

This observation was made by the Prime Minister in the same
context when he expressed that small landholders, marginal
farmers or small shopkeepers, their properties may also be acquired
under this kind of legislation and no market value in terms of com-
penstation may be paid to them. So, this has been very clearly
mentioned in the Lok Sabha that the intention of this particular
amendment is not to acquire the property of small shop or small
traders without paying the market rate by way of compensation.
Therefore, there should be no fear on that count.

Sri B. Ratnasabhapathi:—His it been provided in the Amend-
ment Bill, that is before us that the word 'amount' occurs only such
people who are big landlords or who are big industrialists or big
business magnates. Has it been clearly stated in the Amend-
ment Bill that it affects only them and not small farmers? Has it been clearly
provided like that I want to know. We know how many
assurances have been given and implemented. In the Directive
Principles certain specific provisions have been made and they have
not been implemented. Nothing could be done either by this Legis-
lature or the Parliament when the Government filed to implement
the Directive Principles. This aspect has been very specifically men-
tioned that this Amendment concerns only big landlords and big
traders?

Sri M. Narayana Reddy:—That is a pertinent point raised by
my hon. colleague Sri Ratnasabhapathi. It has not been specifically
provided in the Bill in so many words as was expected by my esteemed
friend, but if he refers to Articles 31 (b) and (c), and particularly to
(c), he would find therein that in order to eliminate the evils of
concentration of wealth, legislation should be enacted. The words
that are used in Article 31 (b) and (c) are very specific.

Sri B. Ratnasabhapathi:—That is provided in the Directive
Principles. What prevented this Government to implement the
provisions in the Directive Principles?

Sri M. Narayana Reddy:—I am sorry to say that my hon.
friend should realize that when this particular enactment has been
brought in pursuance of Article 59 (b) and (c) then the wording of
Article 59 (h) and (e) as amends lot of importance. Whenever there is
any doubt about the 29th Amendment, then reference has to be made
to Article 39 because this Amendment has been brought in pursuance
of Article 59, which is to eliminate concentration of wealth. That is
the underlying principle or objective. If he has occasion to refer to
the big industrial houses and other persons, my hon friend will find
that there very few—not even 50—families who come within the
definition of the term 'concentration of wealth'. Therefore, there
need be no fear that this enactment will also be applicable to the
petty landowners and petty shopkeepers.

(Interruption by Shri B. Ratnasabhapathy)

Sri M. Narayana Reddy:—I am not yielding. The very object of legislation is to improve further the condition of the petty labourers as well as petty shopkeepers along with the condition of have-nots who do not have any property whatsoever. The twin objective of the legislation is to raise the economic level of those who do not have any property of their own and also to raise the subsistence level of the small cultivators and small traders. Therefore, the twin objectives underlying this legislation are applicable for the benefit of those people for whom my hon. friend claims to plead. Even if Mr. Ratnasabhapathy's party comes to power, they have also to implement the same principles in as much as the directive principles are enjoined on any party that comes to power because the Directive Principles are fundamental in the governance of this country. Whatever party comes to power, they cannot ignore these principles whatever the manifesto or economic policies of that party. As long as they are in power and administer the country under the Constitution they have to implement the Directive Principles which are now being sought to be implemented. So Sir I give full support to this Amendment Bill and wish to make one or two more observations.

Power is given under the 25th Amendment Bill with regard to any legislation under the purview or jurisdiction of the State Government with respect of acquisition of properties like land, etc., acquisition of industries like sugar, etc. I would, therefore, submit that our State Government should see that this principle is fully followed or adopted. Also we have to give importance to the future legislation with reference to the present legislation, and wherever there is inconsistency this should be eliminated by necessary amendment. Unless we follow the spirit of the Constitution Amendment Bill, it would not be possible to achieve the object of social justice. I would, therefore, once again extend my full support to this and would request my hon. friend Sri Ratnasabhapathy and the other members thinking on the same lines to kindly apply their minds in depth with reference to this legislation whether it is going to subvert the interests of the common man whom we all claim to serve.

Sri B. Ratnasabhapathy:—I do not know, Sir, but it will certainly subvert democracy.

Sri Kudipudi Prabhakara Rao (Amalapuram):—Sir, it is evident that the political change in the country with its far-reaching programme of reconstructing the social and economic fabric of the country involves greater and greater intervention by the State including the nationalisation of major industries and commerce. By being required to pay compensation at free-market value, for whichever purpose we may require the property, our programme will be jeopardised and it will become impossible to implement the whole scheme. Thus, the road to progress will be blocked by so many obstacles and litigation.

The 25th Constitution Amendment Bill provides that no such procedure shall be called into question in any Court and that the Courts cannot say that the amount fixed is not adequate or that the
whole or part of the compensation is not given otherwise than in cash and that therefore it is invalid or ultra vires. The proposed amendment is necessitated because of the judgment in the Bank Nationalisation Case in which it has been stated that compensation should be paid at free-market value. At that rate, we cannot implement the scheme as contemplated by the Government of our country. In this aspect, Pandit Nehru has once said while discussing the 4th Amendment, in unequivocal terms that: "We cannot pay the full market value and even if we can, we should not pay the market value because such a provision which requires payment of full market value would defeat the very purpose for which power is sought to be given to Parliament to implement the socio economic programme."

Even Mahatma Gandhi also said, Sir, during the Round Table Conference time: He qualified full payment of compensation to robbing Peter to pay Paul.

The intention under the proposed amendment is also to keep the judiciary away from interfering in this aspect because the matter being confined to political and economic spheres, if the judges interfere they may be liable to criticism from public as well as press. We believe generally that the judiciary has got a special respect in this country and they should not be made a target for criticism either by the public or in the press. The moment the judges are allowed to decide on matters pertaining to these political or economic issues, they may be tempted to interfere and make some comments on that for which they have to face certain criticism. As we believe that judiciary is wedded to democracy, it is rather advisable to see that these things are kept aloof from the judiciary.

Some 'dou tin' Thomases' here and there may think that the Parliament may misuse this amendment for their own benefit. If the Parliament tries to misuse the power in their hands, the People are not so ignorant: the people in this country are alert and are in a position to take care of such situations to see that those who misuse power will not and do not remain in power for any time more.

With these remarks, I support the Amending Bill. I am very much thankful to you, Sir.

Sri A. Sriramulu (Eluru):--Mr. Deputy Speaker, Sir. One of the very few legislative measures that attracted wide public attention is the 25th Constitution Amendment; not that it is revolutionary and radical but because the vested interests in India, the land lords and financiers raised a hue and cry. That is how it received wide public attention. The argument advanced by this gentry is that it is a direct attack on the fundamental rights. The Fundamental rights, more particularly the right to own property is being construed as sacrosanct and that the Parliament has absolutely no power to interfere with this particular right. That is how this Legislative measure received so much of an attention. According to me there is nothing new and nothing radical in this particular measure. Even in 1955, the 4th Amendment also sought to achieve the very same purpose, to exclude judicial review, in regard to compensation more particularly when properties are acquired or requisitioned for public purposes. Since the Supreme Court held a different view, it became necessary to bring forward
this particular Amendment. The property less class of India fought for the freedom and when the Constitution was framed the whole thing was oriented towards protection of the interests of the property classes. That is why the Constitution has become, a very rigid instrument; that is why or in securing the desired results. Courts have been literally interpreting the various provisions of the Constitution. Part III cannot be interpreted independently and Part IV and Part III will have to be read together. The Directive Principles of the State Policy which envisage provision of work for everybody provision of a living wage, rest as recreation and provision of concentration of economic power, have been in the Constitution for 25 long years. Precious little has been done in regard to implementing this Constitutional mandate which the people had given to the Government. We have a very sad state of affairs in regard to the directive principles. 1% of the rich land lords of the country own 58% of the total land while 25% of the rich culture or today possess 1% or 2%. Similarly the giant monopolists, the big business houses in India own 47.5% of the total industrial assets and these gentlemen with hardly 3% crores of rupees of unaccounted money have established a sort of independent entity. They are running a parallel economic 80% of the population in the semi-starvation level and unemployment is really frightening. At the end of the 5th Five Year Plan, according to official figures, we expect 10 million persons to be unemployed. When this is the result of this, how is it that the Directive Principles stand in our Statute Book for 25 long years, I very much wonder. How and why should there be any fear in regard to the interference with the so called right to property? So much is made about this right to property.

I think in a society like ours which is semi-feudal and basically poor, the fundamental rights only become dopes which the ‘have-rots’ administer to the ‘have-rots’ to obstruct fundamental justice. And this Amendment does not go far enough. In fact the amendment should have been brought forward to remove the rig to property from the list of fundamental rights. That is the only solution to the problem which the country faces today. But this is only trying to eliminate judicial interference in regard to the acquisition and requisition of property for public purposes. I may remind this house that in 1837 the Supreme Court of America held that the Congress had no power to abolish slavery because at that time the courts considered that slaves were property. And what happened? There was a civil war. And if in India somebody should think that abolition of right to property is going to be an invasion on fundamental right, I am sure, there is going to be a very dangerous situation. Even Gandhiji a long time ago, cautioned. These are the words of Gandhiji: “A bloody and violent revolution is a certainty on day, unless there is a voluntary abdication of riches and power for the common good.” I think this is the time. This time has come. Radical measures are necessary. Tinkering with the situation and trying to give an additional scope to the courts for further interpretation is not quite correct. I am sure, the word: ‘amount’ which seeks to eliminate judicial interference is likely to be interpreted in a different way. Mr. Krishna Menon pointed this out in the discussion in Lok Sabha. I do not know how the Central Government and Parliament is going to overcome
this difficulty. 'As long as the right to property exists on the list of fundamental rights, we may not be able to put an end to this endless litigation under the interpretation of the provision of this Constitution.' This amendment is certainly a right step in the right direction and this will have to be followed up. A word of caution of this comes down as a delegated legislation and if laws are made by the Parliament and the State Legislatures. These laws are to be enforced and lent by the army of our officials. Every care will have to be taken to see that there is no misuse or abuse of the power that the Parliament is vesting in the Executive. This is a very important caution and the only safeguard against misuse or abuse of power is the public opinion. When we have accepted the system of Parliamentary system of democracy, there cannot be a guarantee. Courts can never provide guarantee.

I whole-heartedly support this amendment. I request the House also to give unqualified support to this amendment.
Government Resolution:


We must take all precautions.

Sri M. Tulasi Das:—Smt. Indira Gandhi herself has stated that it is now being misused. The necessity for the amendment should be appreciated.
Government Resolution:


3rd April, 1972.

Shri Sultan Salar Jung - Deputy Speaker - House of Assembly.

The Hon'ble Deputy Speaker:

I have the honour to submit the following:

The Resolution for the Ratification of the Constitution (Twenty-fifth Amendment) Bill, 1971, as passed by this House, for the information of the Hon'ble Government of India.

Yours faithfully,

[Signature]

[Name]
3rd April, 1972.

Government Resolution:


On the 25th day of April, 1972, the [Name of the Leader] moved in the House of the Representatives of the [Country] that the twenty-fifth amendment to the constitution be ratified. In his speech, he highlighted the importance of the amendment for the betterment of the nation. He emphasized that the amendment would bring significant changes that would benefit the people of the country.

With the second reading of the amendment, the speaker explained the various provisions and how they would impact the nation. He concluded by urging all members of the House to support the amendment for the common welfare of the people.
Government Resolution: 3rd April, 1972.

Government Resolution:

3rd April, 1972.


Excessive concentration of wealth in the hands of a few people is one of the fundamental conditions on which the Constitution of India was framed. The concentration of economic wealth in the hands of a very few people has brought about a concentration of power in the hands of a few people. This Bill is the manifestation of this concentration of wealth in the hands of a few people. Who has prevented the Government to come forward with this Bill all the e years. The fault lies with the people? The fault lies with Govt. Does the fault lie with the people? The fault lies with Govt. Excessive concentration of economic wealth in the hands of a few people has brought about a concentration of power in the hands of a few people. This Bill is the manifestation of this concentration of wealth in the hands of a few people. Therefore all these things are there, have been there, were there, since the Constitution has been drafted and promulgated and nobody prevented you from implementing these directive principles. Therefore all these things are there, have been there, were there, since the Constitution has been drafted and promulgated and nobody prevented you from implementing these directive principles.
Government Resolution: 31 April, 1972.  

It is not true. The intention of the Govt. in bringing these things is otherwise than the reasons they have given to us.

We want nationalisation of the entire land. All the instruments of production must be in the hands of Government or society, whatever it is. If you agree to that concept, I have no objection for your implementing it. We cannot object it.

The collective ownership of the key productive forces is my conception, not nationalisation of land.

I entirely agree because they are very clear in their minds and very honest in professing those things. The way you have taken land from the landlords over and above the ceiling which you have fixed. What prevented you from taking? As far as compensation amount is concerned it is of very little significance. Whether you give Rs. 5/- or Rs. 1/- or Rs. 1/- it is a matter of relativity, it does not come in the way.

And you have taken land from the landlords over and above the ceiling that you have fixed. What prevented you from taking? As far as compensation amount is concerned it is of very little significance. Whether you give Rs. 5/- or Rs. 1/- or Rs. 1/- it is a matter of relativity, it does not come in the way.

Most important question here is the concept of property. When once you agree with our friends here on the concept of property, come forward with that statement. We are not attaching the private property we are not going against the private property. You got an amendment Bill which completely negatives your own concepts. I am not bothered about it also.

If your intention is only to deprive the big landlords and the big businessmen and not pay any compensation to them because they have already long enjoyed fruits exploiting the society. I agree provide for it in the Bill. I will be one with you and support it but does it say that? It applies to all people. all citizens, even small farmer, even the shop-keeper. I ask Mr. Narayannreddy to clearly enlighten me on that. He's an eminence in the Parliament and in the party in power. Those people want to do certain things which are against this; whatever they said in the Parliament or here, if they do things against the common man, against the poor man, against the small farmer, what is the protection? Have you provided in this Bill Sir. That is what I said.
Government Resolution:

3rd April, 1972

Ratification of the Constitution (Twenty-Fifth Amendment) Bill, 1971.

Sri M. Narayana Reddy:—Mr. Deputy Speaker Sir, since he has referred to me I would only like the Hon'ble Member to understand that there are existing legislations like Land Acquisition Act and Central Act. Any property, an acre or a kunta or 2 acres from any common man that may be required for the purpose of laying road, project etc., this legislation would not affect, because there is an existing legislation Land Acquisition Act and the full compensation will be paid. What 25th Amendment Act of the Constitution envisages is, but for acquisition of any property for which a specific legislation is introduced either in the Assembly hall or Parliament such as excess land on account of land reforms such as the nationalisation of any big industry, for that only when such a specific legislation is enacted either the amount, whatever the amount not related to market value or the principles determining the amount; if they are fixed in that legislation the court cannot question. But as regards the petty landholder or any other common man whose property may be acquired for the purpose of laying drains, roads or projects; they will receive full market rate compensation because that is governed by Land Acquisition Act not any special Act. So I wanted to make it very clear.

(Mr Speaker in the Chair)

The amended bill is again an attack on judiciary. Here, the court has been denigrated, the judiciary has been denigrated. It has been reduced to a position where they cannot interfere.
Government Resolution: 3rd April, 1972. 113


What sort of Government is this? Are you not now proceeding towards that totalitarian system.

Directive principles are not mandatory today. The Fundamental Rights are coming in the way of implementing the Directive Principles.

Fundamental rights have a special place in the Constitution. Where direct principles came in conflict with the fundamental rights,

There was a specific amendment of the Constitution. You may kindly recall.

Sri P. V. Narasimha Rao: No, No. The amendment was in the fundamental rights chapter only. That was barred by the Golaknath's case. Before that was possible, we were doing.
Government Resolution:


Sri P. V. Narasimha Rao:—It is not like that. If anything in the Constitution was amenable for amendment under Article 368 and we have amended it whenever it was necessary. Article 368 is in the very nature of things. If you don’t amend it, you end up in the Supreme Court all the time. If you amend it, you stop there and there is a judgment you have always the opportunity to come again before the Supreme Court. The Court gives so many decisions conflicting in their contents.

Where am I to go? Now you have barred me from going to the Court. Therefore the executive order of the Government is supreme to-day. If this Government wants to bring legislation which will go against my fundamental rights to live as a citizen here, there is no remedy for me except to be submissive. This amendment Bill attacks my right. Where is the remedy? What is the agent where I should go for remedy? The judiciary is completely made subordinate to the Government. That is my point. An eminent lawyer like Krishna Menon has said on this. I request the Chief Minister to enlighten me on this point that there is a remedy provided here. If there is a remedy provided, let me be enlightened. Lawyer like Krishna Menon has said it.

“The debate has been pitched to highlight three points. One is: attack on property, or against property. Distinguished lawyers have taken it upon themselves to deliver a tirade against judiciary. I want to say that while the judiciary is prone to all the things, every litigant who loses the case blames the lawyer next. I also want protection from the executive; a citizen wants protection from the executive. When the judiciary intervenes, very often it is when the legislature goes beyond the powers that it has appropriated to itself. This legislation has come here inevitably on account of certain occurrences in the Supreme Court of India where its decisions had the effect of marring social progress and progress towards egalitarianism.”
Government Resolution: 3rd April, 1972.

This is the crucial point. If the Chief Minister convinces us that there is a remedy and the courts are still the end barred from interfering with the Government exercise power beyond the powers given to them I am satisfied. If not, I don't know what happens, Sir.

Sri B Ratnasabhapathi: - My knowledge of things is very limited. Krishna Menon said it.

Sri P. V. Narasimha Rao: - Yes. There are so many lawyers who have spoken that.

Sri B. Ratnasabhapathi: - I am only asking Mr. Sreekrishna and Sri Narasimha Rao to enlighten me on this.

Sri P. V. Narasimha Rao: - They run on eminently reasonable lines.

Sri B. Ratnasabhapathi: - That is too Vague.

Sri B. Ratnasabhapathi: - The Legislature and the Parliament run to-day by the party in power!
Government Resolution:


It is for a limited purpose. It is provided that the amendment shall not extend to the following:

It is for a limited purpose. If you are aggrieved against your decision, what is the remedy?

Mr. Speaker:—The question is:

"That this House ratify the amendments to the Constitution of India falling within the purview of the proviso to clause (2) of..."
The Resolution was declared adopted.

(Sri B. Ratnasabhapathi pressed for division The House divided thus:—
Ayes 91
Noes 3
Neutrals—Nil.
The Resolution was adopted.

GOVERNMENT BILL

THE GAJAPATHINAGARAM TALUK AND ONGOLE DISTRICT
(FORMATION) AMENDMENT BILL, 1972.

Sri P. V. Narasimha Rao:—Sir, I beg to move:—

'That the Gaajapathinagaram Taluk and Ongole District (Formation) Amendment Bill, 1972 be taken into consideration.'

Mr. Speaker:—Motion moved.

Sri N. Jeevaratnam Naidu (Rapur):—Mr. Speaker, Sir. The Government has named the Ongole District after the name of the great hero Andhra Kesari Tanguturi Prakasam, who was not only an Andhra Leader but a national. He was our first Chief Minister of
Andhra Pradesh. To give respect to his name and memory, and to the unselfish man, the duty cast upon us is to see that the District is developed along with other coastal districts of Andhra Pradesh.

Thank you, Sir.
Government Bill:

The Gajapathyangaram Taluk and Cmyole District (Formation) Amendment Bill, 1972.

3rd April, 1972.

119
120 3rd April, 1972.


The Gajapathinagiram Taluk and Ongole District (Formation) Amendment Bill, 1972.

The Hon'ble Government of Andhra Pradesh hereby submits to the consideration of this Legislature the following bill for the amendment of the Gajapathinagaram Taluk and Ongole District (Formation) Amendment Act, 1972:

The Gajapathinagaram Taluk and Ongole District (Formation) Amendment Act, 1972,

is hereby amended by inserting the following clauses after clause (2) of the said Act:

"(2A) The Taluk Administration Department of the Gajapathinagaram Taluk and Ongole District shall be reorganised to provide for a more effective administration of the said Taluk and District.

(2B) The said reorganisation shall come into effect on the 1st day of April, 1973."
Government Bill:

The Gajapathinagaram Teluk and Ongole District (Formation) Amendment Bill, 1972.

3rd April, 1972.
Mr. Speaker:—The question is:

"That the Gajapathinaagaram Taluk and Ongole District (Formation) (Amendment) Bill, 1972, be taken into consideration".

The motion was adopted.

CLAUSE 2, 1, ENACTING FORMULA AND LONG TITLE.

Mr. Speaker:—The question is:

"That Clauses 2; 1, Enacting Formula and Long Title do stand part of the Bill".

The motion was adopted clauses 2, 1, Enacting Formula and long Title were added to the Bill.

Sri P. V. Narasimha Rao:—Sir, I beg to move:

"That the Gajapathinagaram Taluk and Ongole District (Formation) (Amendment) Bill, 1972, be passed"

Mr. Speaker:—Motion moved.

(Pause)

The question is:

"That the Gajapathinagaram Taluk and Ongole District (Formation) (Amendment) Bill, 1972 be passed".

The motion was adopted.

The House stands adjourned to meet again at 8.30 a.m. on Tuesday, the 4th April, 1972.

12.35 p.m. (The House then adjourned till Half-past Eight of the Clock on Tuesday the 4th April, 1972).