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THE

ANDHRA PRADESH LEGISLATIVE ASSEMBLY

PRINCIPAL OFFICERS

Speaker: Sri P. Ranga Reddy

Deputy Speaker: Sri C. Jagannatha Rao

Panel of Chairmen: 1. Sri Kaza Ramanadham
                    2. Sri Baddam Yella Reddy
                    3. Smt. D. Indira
                    4. Sri M. Yellappa

Secretary: Sri A. Shanker Reddy,
           B.A., LL. B.

Assistant Secretary: Sri E. Sadasiva Reddy.

Chief Reporter: Sri K. Kutumba Rao
MESSAGE FROM THE COUNCIL

Mr. Speaker:—I am to convey a message from the Chairman Legislative Council:

"In accordance with Rule 150 of the Rules of Procedure and Conduct of Business in the Andhra Pradesh Legislative Council, I return herewith the Andhra Pradesh Appropriation Bill, 1974 which was passed by the Andhra Pradesh Legislative Assembly at its sitting held on 31st January, 1974 and transmitted to the Legislative Council for its recommendations duly signed by me and state that this House has no recommendation to make to the Andhra Pradesh Legislative Assembly in regard to the said Bill."

GOVERNMENT RESOLUTION

re: Ratification of the amendments to the Constitution (Constitution Thirty second amendment) Bill 1973 (Passed).

GOVERNMENT MOTION

re: Six Point Formula.

An asterisk before the name indicates correction by the Member.
Government Motion:
re: Six-Point Formula (Discussed)
Government Motion: 5th February, 1974. 379
re: Six-Point Formula (Discussed)

Any solution of the problem thrown up by the Supreme Court verdict up holding the Mulki Rules will have to be the frame work of the united Andhra Pradesh.
The Six Point Formula is not a panacea for all evils. It is only a basis.
Government Motion: 5th February, 1974. 381
re: Six-Point Formula (Discussed)


Six-Point Formula (Discussed)

...
Government Motion:
re: Six-Point Formula (Discussed)

It may therefore have to be an effective organisation consisting of the Chief Minister, some of the colleagues, experts, peoples representatives and others.
According to this document, it is stated “Statement issued by the leaders of Andhra Pradesh on 21st September, 1973.”

We would have appreciated very much, if made known, who those leaders are. Any document that is placed on the Table of the House should be authenticated, from which source and from which authority it has come and it should not come from any extraneous agencies, because the Legislature is dealing with constitutional representatives and also with administration. I doubt, any of the so-called leaders, whether he is the leader of Opposition or the Leader of the House and any leader sitting here or there has signed. So, this is neither signed anywhere nor is it mentioned, as I go through this. So, it is an unwarranted and unauthorised document. You have to give a ruling on this, Sir. After all, both from this side and that side much glorification is going on. We are also not cared very much. People are starving and we are also not cared so much. The Chief Minister should sit here and he has not listened to us.
Sri C. V. K. Rao:—Is the Assembly more important or the Council is more important? What is more important? We are discussing a very important constitutional amendment. It not only relates to the State but it relates to the entire India, because it has very deep implications. Some of my colleagues will deal with it at length. Is it not the responsibility of the Chief Minister to be present in a House, which in fact, is the supreme body. After all council is also a creation of this House, though it is as much important.

Mr. Speaker:—Let us not enter into the controversy which is important, which is more important or which is less important. Both the Houses are very important. On that score, let us not consider this point, As the Minister has pointed out, the chief Minister has to answer a question. He got the permission.

Sri C. V. K. Rao:—Somebody can answer it. That is what I feel. That is left to you, Sir.

Mr. Speaker:—Let us see when he comes over here. (A little pause) Regarding the point raised by you (Mr. C. V. K. Rao) about the paper circulated, it is not placed on the Table of the House first. That was circulated through Notice Office to all the members giving certain clarifications. No. 2. Regarding the leaders, it is left to you to consider them as leaders or not. If you don't consider them as leaders or not. If you don't consider them as leaders, take it like that. It is mentioned there. It is for you.

Sri C. V. K. Rao:—Are they submitting themselves to our decision? Who are they, we have got to know X, Y or Z. It becomes a laughing stock. What business has got the office to distribute extraneous material? Who has authorised? That also comes to the picture. We are discussing the Six Point Formula which is very important, from different angles, from different parties and from different individuals. It becomes a part and parcel of this discussion. You have got to give necessary strictures that this kind of thing should not be put up.

Mr Speaker:—As you have all agreed that we should close this matter by 1-30 P. M. and as the Chief Minister is to be given 45 minutes, upto 12-45 P. M. we can have the discussion, I will be happy if member take 5 minutes each.

Sri C. V. K. Rao:—We are dealing with a very serious matter. We don't know what its implications would be. Here the House is not treated with due respect and the legislators are not treated with due respect and some type of thing through the office is being circulated "the statement issued by the leaders of Andhra Pradesh". In that way anybody can issue a statement. Are they going to distribute? We are not permitting such things, Sir.

Mr. Speaker:—Mr. C. V. K. Rao, you brought it to my notice and I will go into the matter.
Government Motion: 5th February, 1974. 385
re: Six-Point Formula (Discussed)

Sri C. V. K. Rao :—The 2nd thing is “That this House takes into consideration the six-point formula”. Then this six-point formula is necessarily a valid document which has been distributed to us and it should be an authenticated one.

Sri D. Venkatesam (Kuppam):—In the note circulated to us, there is no name in which press it has been printed and who is the author of it is also not mentioned. Such an irrelevant document has been circulated. I don’t know what we have to think of this document.

Sri P. Ramachandra Reddy:—This document was given 3 days back to us. Discussions are already started. The Leader of the opposition has already expressed his view. We had discussion on that. At this stage law of abatement applies. Mr. C. V. K. Rao can say nothing. At this stage no objection can be taken. He can say anything when he gets the chance to speak. If there is any, it would have been earlier.

Sri C. V. K. Rao :—I take a serious objection to this. Is that the decision? Where is the document? In all fairness, who are those leaders? Where was it printed? Who authenticated? All these troubles are arising in a democracy when people violate the principles of democracy. They know pretty well that many things have gone agitated. We are representatives of the people and we are treated so lightly. Therefore we request you to come to our rescue when the Hon. member who represents a particular party answers this. As he says so, I can do so. I got the freedom to talk. Surely he has got as much freedom as I have got. What is the origin of this document? Who are the leaders? When once the statement is made we discuss on many things, the aspects and implications of the six point formula. That is the starting point. Are we not to know who are the Central leaders? Are they arrogating themselves that they are the dictators of this country: We cannot permit it, Sir.

Mr. Speaker:—Then who are those leaders. That also becomes difficult for me as Mr. C. V. K. Rao pointed out.

Mr. Speaker:—I shall try to adjust. I seek your full co-operation.
Sri P. Ramachandra Reddy:—While supporting whole-heartedly the six-point formula and subsequent amendment passed by the Parliament, I want to submit certain points.

For the entire State there will be one Planning Board and three Committees for the three regions. The Board has already been constituted. Previously, this was only for Telengana Area, being a Regional Committee. Under this Committee there were various sub-committees such as the Development & Finance Committee to look after the developmental aspect another the Education sub-committee, then committee on public health, etc., etc. But now for entire State and for each Region, there are such facilities and benefits provided.

In the definition of a ‘backward area’ there is a little risk. It should be declared on certain fair principles. Suppose, each Legislator has been asked to find out and tell which area is backward, naturally each one will give his constituency as backward. Therefore, while declaring an area as backward, it must be based on some fixed principle. It should not be different from region and place to place. If left to the Legislators, each one of us will say that one’s area is the backward one. Therefore, it should be defined on some fair and broad principles.

About the Educational Institutions and creation of a Central University I must say this is one of the achievements. Therefore, we must see that it is established as a full-fledged University as early as possible.

It is very difficult to define a ‘local candidate’. Naturally, the question arises who is a local candidate? I will put forth my views about local candidates.

Sri P. Ramachandra Reddy:—I am only suggesting what should be the local avenues of employment for Class IV and III employees. For Class IV employees Matriculation is not a qualification—it may be only VI or V Class. As such for these people a District may be a unit where they might have studied for these classes. For Clerks, the District may be the unit where he must have studied his Matriculation. Over and above L.D.Cs. say Tahsildars, two or three Districts put together may form a unit, and that may be called a Division which may be local area for those categories of employment. For the other higher posts the whole State must be the unit. The reservation for Grade IV employees should be 100 for local candidates.
In some cases it will be difficult to find out Scheduled Caste or Scheduled Tribes to fill their quota. Only in such rare cases there may be a deviation, and this has to be visualised in amendments. In all other cases the reservation should be hundred per cent. For first or second promotions, that point has already been elaborated and discussed which includes the All India Services also. For getting the local candidates, the purpose can be achieved only if the Employment Exchanges are streamlined and made effective. While sending the candidates they should follow some settled principles. But they are not functioning well today. If they do not function, the entire scheme, such as we are visualising, would collapse. Therefore, first the Employment Exchanges should be set right.

In the note circulated, or what we visualised in earlier stages, the findings of the Tribunals should not be altered or modified in any way. In the Act there is a scope that after the Tribunal has given its findings, the Government can modify, nullify or annul such of the findings. This condition should be removed. The findings of the Tribunal should be binding on the Government, and only an Appeal can lie with the Supreme Court. Therefore, the words used in Clause (5) that Government can modify, annul or confirm, etc. must be deleted. It must be binding on the Government. If such a scope is given to the Government, there is every apprehension that human element would again work and 'attribution' can be levied by one region against another. To avoid all such controversies it must be binding on the Government to accept the decisions of the Tribunal in toto. Excepting confirming it there should be no other power.

In the Secretariat there should be a Special Cell to look after the promotional matters; and to see whether or not the findings of the Tribunal have been implemented. The Special Cell should serve as a watchdog to see that the findings of the Tribunal, Courts and High Court are implemented. At the implementation stage if the matters are delayed it would cause great hardship and heart-burning to those who could have enjoyed the benefit of the findings, if they had been implemented in time.

As I have already suggested, in clause 5, the words, 'modify, annual, etc. on the findings of the Tribunal' should be withdrawn. Except that, the remaining points are alright.

As far as Regional Committee is concerned, it was admittedly a Statutory Body, but that is not the case with the Development Boards. The Legislators from Telangana area, irrespective of Parties, feel the difference of the two bodies. Once we have taken a decision that there should be an integrated State, all the irritants should be removed which came in the way of an integrated State. The Legislators of Telangana, especially of my Party, conceded to this extent to forego the Statutory Body and accept an Advisory Body instead.

The future performance of these Development Boards is most important. They must be watchdogs on Government policies while preparing plan or spending money, or while implementing a scheme under Plan or non-plan expenditure. Suppose the Development Boards do not function properly or affectively, naturally the people will find a big change by comparing the functioning of the Regional
Committee with that of the Development Boards. If the performance is little bad or slow there may be a cry that the Regional Committee was better than these Development Boards. Therefore, every effort should be made to make them effective in implementing schemes and preparing plans, and to see that the Government has implemented the schemes which it has taken up.

Past experience shows that after the formation of Andhra Pradesh there had been many agreements and several understandings, which remained unfulfilled. Let us forget them for a moment; and for future, so that such incidents do not take place; I suggest two things:

(1) All the Legislators must visit each of the Regions of the State. I must say myself, that I have not seen even four Districts of Andhra area, and so must be the case with many of my colleagues, who might not have visited the Telengana villages. What I urge upon the Government is to make it compulsory on all the Legislators to visit each region of the State.

(2) Delegations from one region to another should be sent regularly through Panchayat Samithis or local bodies, providing transport or some such facilities. This will facilitate to know the exact conditions prevailing and one may not imagine that the other area is developed and a heaven and one’s own is n a hell. To avoid the possibility of such a notion, the Youth Delegations, and delegations of farmers, students and Legislators should tour all the regions of the State.

Regarding language, I may respectfully submit that in Andhra area we immediately jump to English; and in Telengana area to Urdu, which is a local language. I must say that I can express my views well in Urdu, and similar must be the case with many Telengana Legislators. But there must be a link and one language for the entire State, as the other people belonging to the States of Tamil Nadu, Maharashtra and Karnataka have. Beyond this let other languages also survive and flourish. It is highly necessary to create the sentiments of one region, one language and one State in the minds of the public, so that there is not repetition of the hate campaigns and agitations, of which this State had been a victim for long.

The third thing, Sir, is that there must be check or control or the Secretaries by the hon. Ministers. Let not the Government be indulgent to please one officer in order to give a promotion out of the way or to submit to political or administrative pressures to concede to one a post for which he is not otherwise eligible. If there is fair recruitment to services, if appointments and promotions are made on fair considerations, there will be no heart-burning in services. We are giving too much importance to services. Let us not give that much importance to the services: at the same time, let us look after them well. Exceeding that limit, giving an impression that the State is synonymous with services and nothing more—an impression which we have given—should be dropped in future; and that depends on the control that Ministers exercise on their secretaries and the control that Secretaries exercise on their subordinates while giving promotions, etc.
Government Motion: 5th February, 1974. 389
re: Six-point Formula (Discussed).

Now, I shall come to educational institutions. Reservation of seats in educational institutions is not a new thing. That is there in the entire country. Each University has got its own area and each University is having its own rules and regulations in regard to admissions. There is a general criticism in respect of the Central University that because there are reservations in each University there is bound to be regional feelings or regional divisions. As I have submitted, Sir, this is not a new thing in any one University; reservation of seats is there everywhere. It is not a new phenomena. So far as Central University is concerned, I would request the hon. Chief Minister to see that the matter is expedited, and the University comes into being by June.

Once again, I appeal that all the parties should pledge and the swear that they would not use or exploit the sentiment of separatism. Rightly or wrongly, each one of us is involved, and once we took a decision once and for all to have an integrated state, let us not, whether it is beneficial to us or not, in any situation, exploit the separatist statement in future. Let us all see that there is an integrated state and that the integrated state stays. Much however depends on the performance of the Government: on the development made in regard to backward areas, on the employment potential created for the youngsters. Let us all contribute to the sentimental and emotional integration of the State.

I thank you, Sir, for the opportunity given to me.

Sri A. Sriramulu (Eluru):—Mr. Speaker, Sir. We are today considering a piece of extraordinary legislation, practically threatening national unity and the concept of common citizenship in the country. This Constitution Amending Bill seeks to confer on the President arbitrary powers which result in total curtailment of fundamental freedoms guaranteed under the Constitution.

Right from 1956 this State was formed not on mutual understanding and good will, but on mutual distrust, suspicion, reservations and restrictions; and year after year, according to political expediency, principles and formulae have been formulated. The latest in these series is the six-point formula. We shall go into details of the six-point formula, because the points of the six-point formula have been brought into the Constitution Amending Bill.

Firstly, Art. 16 of the Constitution stipulates that there should be equality of opportunity for public employment. This particular right has a historic background. We have to go into the debates of the Constituent Assembly in order to understand the significance of this particular provision in the Constitution. If we do not understand the significance of this provision and if we do not attach equal importance to social values and if we have to proceed according to expediency, I am sure we are missing the bus. What is happening in Maharashtra, Bombay, today—the Shiva Sena atrocities on South Indians—in the very same fashion gets repeated between one District and another District in the country, if this Constitution Amendment Bill is to be put on the Statute Book.

Sir, I shall read out a passage from the debates of the Constituent Assembly, because it gives us the scope to understand the
390 5th February, 1974. Government Motion:
re: Six-point Formula (Discussed).

significance of Article 16. This is what, Mr. J. R. Kapoor, while moving an amendment to Article 16, stated at that time:

"Every citizen of the country wherever he might be living should have an equal opportunity of employment under the State anywhere in the country. There being one citizenship in the whole country, it should carry with it the unfettered right and privilege of employment in any part and in every nook and corner of the country. A citizen residing in the province of Bengal, Madras, Bombay or Central Provinces should be eligible for employment in the U.P. and similarly a resident of the U.P. should have the right and privilege of employment in any other province of the country, provided of course he possesses the other necessary qualifications for the office. Every citizen of the country must be made to feel that he is a citizen of the country as a whole and not of any particular province where he resides. He must feel that where soever he goes in the country, he shall have the same rights and privileges in the matter of employment as he has in the particular part of the country where he resides. Unfortunately for some time past we have been observing that provincialism has been growing in this country. Every now and then we hear the cry 'Bengal for Bengalis' 'Madras for Madrasis' and so on and so forth. This cry is not in the interests of the unity of the country or in the interests of the solidarity of the country. The unity of the country must be preserved at all costs; the solidarity of the country must be preserved at all costs. We must do everything in our power to preserve the unity of the Country".

His amendment was accepted, and while doing so, Dr. Ambedkar, the Chairman of the Drafting Committee said:

"It is the feeling of many persons in this House that since we have established a common citizenship throughout India, it is only a concomitant thing that residence should not be required for holding a particular post in a particular State because, in so far as you make residence a qualification, you are really subtracting from the value of a common citizenship which we have established by this Constitution".

It is thus quite clear that the framers of the Constitution with prophetic vision had foreseen the possibility of such developments and it is in order to nip them in the bud that they enacted Article 16 in its present form.

Right from 1956, in the Public Employment Act, they stipulated residence as a qualification for a part of the State, and the Supreme Court struck it down, because it held that prescribing residential qualification for a part of the State is not valid and is violative of Art. 16 of the Constitution. Again today, under the cloak of this Amending Bill, we are trying to confer the very same right on the President to stipulate residential qualifications. The Amending Bill says:
Government Motion: 5th February, 1974.

"The President shall have power through this Amending Bill to prescribe different provisions for different areas of the State in regard to residence and educational qualifications."

This is a highly dangerous provision. The President shall have the power to say that in Srikakulam, the minimum qualification is tenth class, for public employment, while in West Godavari District, he may say that a University Degree is the minimum. He may consider that 3 years' residence in Adilabad may be sufficient, while for Vijayawada residence of ten years may be prescribed. Anything may be done. This is arbitrary, the way in which the Amending Bill has been couched; and if this Bill is put on the Statute Book, it is clearly violative of Art. 16 of the Constitution.

Secondly, this Amending Bill violates also Art. 14 Equality before Law and equal protection of laws. Arts. 14, 16 and 19 are the conscience of the constitution and if, for purposes of political expediency, for purposes of power, we should make a compromise in the basic features of the Constitution, we shall be landing ourselves in a serious confusion, in a greater mess than we found ourselves last year and the year before.

This Bill authorises the appointment of an Administrative Tribunal. For what purpose? - for appointment, allotment, promotion, seniority and other conditions of service. I do not know who has drafted this Amending Bill. Is the Tribunal going to entertain cases of appeal in regard to appointments? It means all the unemployed persons who have not been able to secure jobs can certainly come to the Administrative Tribunal. Already, nearly three thousand writ petitions are pending in the High Court in regard to service matters - in respect of grievances of those who are already in service; and if appointments should become the subject matter of consideration for the Tribunal, I am sure one Tribunal will not be sufficient. We have given a sort of statutory recognition for the three regions of the State by appointing three Development Boards. Then the proposed Tribunals may have to be constituted both on functional basis and regional basis, functional basis one tribunal for appointment, one for seniority, one for promotions, and at this rate, it may become necessary to appoint 12 Tribunals on regional and functional basis. A very strange and peculiar thing that we notice in this Bill is the provision in regard to the authority of the Government, to revise, modify, annual or do away with the findings of the Tribunal. The order of the Administrative Tribunal in finally disposing of any case shall become effective upon its confirmation by the State Government. When a person aggrieved goes to a Court, Government is a party. This Bill seeks to transfer all the pending cases in the High Court to the Tribunal and when that happens. Government, instead being a party as in the High Court, becomes a sort of an arbiter itself. This is highly violative of Article 14 because the right of a Government employee to go to the court is being taken away and if it is taken away throughout the country that is a different matter but in this case, the Parliament and the Government are trying to take away the right of Andhra Pradesh employees from going to the court. This is clearly violative of Art. 14 because this is a sacred right conferred
on everybody and Art. 226 of the Constitution makes provision for seeking redressal in a court of law. This arbitrary curtailment of this right makes the amending Bill suffer from this drawback that it violates Art. 14 and 16. As such I am sure, whatever be the nice provisions in this Bill, this is of doubtful validity and apart from its legal validity, this is a legislation born out of political expediency. Let me quote Shelley—"Politics must be treated as the morals of a nation" and obviously expediency is inadmissible. This is born out of expediency and I call this an immoral legislation and even if this is put on the statute book this would be questioned and struck down.

Coming to the 6-point formula which is something like the blind man and the elephant, nobody knows what it is exactly. Everybody is trying to give his own interpretation of it. Some elders are saying that residential qualification for employment will be one year and some others are saying that it will be 10 years. We do not know what exactly is going to be the basis for determining this new philosophy of "local candidates". Whatever it is, if we accept this theory, a resident of Mangalagiri will not get a job in Vijayawada and a man from Vizianagaram cannot go to Srikakulam and instead of one, we shall be 22 States and with what moral justification and with what face can the educated men of the State can seek jobs elsewhere—e.g., Maharashtra, Calcutta or Delhi? And why should the other States tolerate the influx of educated men from Andhra? If one man from a particular district cannot seek employment in another district, that is a point to be seriously considered and day after tomorrow if all the Andhras working in Bombay are driven out of Bombay by Shiv Sena we will not be surprised. Practically this Bill is giving support to the Shiv Sena philosophy which it is dangerous, obnoxious and undesirable to put in through this legislation.

Next, this Administrative Tribunal is supposed to deal with cases of promotion and seniority. I do not know how cases of promotion can be reviewed now because already several committees have gone into this problem; there is a vexatious litigation and if this Administrative Tribunal is effectively to deal with all cases of promotion, I do not know if it is going to put the clock back and ultimately there won’t be a remedy for the grievances.

Now the curtailment of the right to seek redress in the court, I feel, is an expression of want of confidence in the highest judicial body of our State, that is the High Court. I do not know how far the Parliament is justified in taking away that particular jurisdiction of the High Court and conferring this power on the Tribunal. Secondly Hyderabad city is becoming a sort of an independent zone according to this 6-point formula and the clarification. Previously we were complaining that we had no rights in Hyderabad and that we were being treated as second-class citizens. To-day both Andhras and Telangana people have become second-class citizens in Hyderabad; it has become the exclusive preserve and monopoly of Hyderabad is alone, i.e., those who have come from other States and those who do not speak Telugu—such people are going to have the exclusive monopoly of the employment potential in Hyderabad. What is it that we have achieved by this agitation and by this 6-point formula? We have deprived our Telangana brethren
from having free access to Hyderabad city while we too did not get it. That is the serious implication. This concept of local candidates applies not only to non-gazetted small jobs but to posts of Junior Engineers, Civil Assistant Surgeons and also Tahsildars. If Civil Assistant Surgeons should be recruited at the local level, for example, a person from Chittoor shall not have the opportunity to come to Hyderabad where a lot of modern and sophisticated equipment is available in the hospitals because the existence of a ‘local candidate’ will be confined to that particular local area. Some time back I was hearing that to obviate this difficulty some posts of Deputy Surgeons will be created. I expected this clarification on the 6-point formula, but unfortunately that is not available. So all these things are going to complicate matters, without providing solutions to the problems. I oppose this amending Bill with all the emphasis at my command and I also oppose the 6-point formula which is an immoral and hypocritical formula defeating the very purpose of the integrity of the State; this formula is a sort of self-glorification, politicking and political horse-riding. This is my honest opinion and this is not going to work and this will be got struck down.
Government Motion:
re: Six-point Formula (Discussed).

I hope, Sir, that this University becomes the topmost educational and cultural centre of International repute. 

Government Motion: 5th February, 1974.
re: Six-point Formula (Discussed).


Government Motion: re: Six-point Formula (Discussed).

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Government Motion: 5th February, 1974.

re: Six-point Formula (Discussed).

I want to give figures department-wise. I am only requesting the Chief Minister to hear this.

Government Motion:

Six-point Formula (Discussed).

\[39^\text{th February, 1974. Government Motion:}\]

\[\text{Six-point Formula (Discussed).}\]
Government Motion: 5th February, 1974

re: Six-point Formula (Discussed).

Sri P. Janardhana Reddy:— These are the figures given by the Government. You cannot say they are false figures. Let the Chief Minister contradict this. We are ready to face.

Sri B. R. M. Reddy:— These are the figures given by the Government. You cannot say they are false figures. Let the Chief Minister contradict this. We are ready to face.

Sri B. R. M. Reddy:— These are the figures given by the Government. You cannot say they are false figures. Let the Chief Minister correct this. We are ready to face.

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Government Motion:
re: Six-point Formula (Discussed).
Government Motion: 5th February, 1974.

601. Six-point Formula (Discussed).

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...
Government Motion: 5th February, 1974.

re: Six-point Formula (Discussed).

The decisions of the Tribunal should ordinarily be binding on the Government. The decisions of the Tribunal should ordinarily be binding on the Government.
Government Motion:
re: Six-point Formula (Discussed).

"The Constitution at the State level of a Planning Board as well as Sub-Committees for different backward areas should be the appropriate instrument for achieving this object."

"Backward areas will require to be identified in the light of objective factors and in consultation with Planning Commission."

"It is not an end in itself. Life is full of compromises."
4th February, 1974.

Government Motion: re: Six-point Formula (Discussed).

4 ஆம் வருடம் லவசம் மாலை ஒன்று அறிக்கையை ஒன்று அறிவுசூடு. 200 இல்லை நாளிலுள்ள செயல்களுக்கு 15 விழா இல்லை அருங்கங்கள் யாரும் மாற்றமுள்ளார். முற்பட்டகையும் அருங்கங்கள் மாற்றுகையும். நாம் இறுதி பதவியை சேர்த்து முடியும். 

நூற்றாண்டு அறிக்கையை ஒன்று அறிவுசூடு. மருத்துவ துறவு செயல்களை, வாழ்க்கை நாளிலுள்ள செயல்களை குறிப்பிட்டு வைக்கிறோம். நாங்கள் தம்மிடும் செயல்களை வைக்கிறோம். 

500 ரூ. மண்டலங்களில் ஒன்று அறிவுசூடு. முற்பட்ட வெளியில் ஒன்று அறிவுசூடு. சுற்றுச்சூழலுக்கு சேர்ப்பு வைக்கும் வழி போன்றவூடு செயல்களை வைக்கிறோம். 

முழுமையானது: இது செய்யும் செயற்கைகள் வருகின்றன. 

தி வருட. சற்று அனுகூலம்: இது நன்றாக முடிவு வந்ததைத் தெரியவும். தொடரும் வாழ்க்கை செயல்களை முற்பட்டதில் ஒன்று அறிவுசூடு. 

15 விழா இல்லை அருங்கங்களுக்கு செயற்கையை வைக்கிறோம். இது வாழ்க்கை செயற்கைகளை வைக்கிறோம்.
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re: Six-point Formula (Discussed):
Sri B. Ayyapu Reddy (Panyam) :— Sir, the six point formula is a historic event. It is a turning point not only in the history of Andhra Pradesh but in the history of the entire India. The Central Government went to the extent of amending the Constitution also to safeguard the integrity of Andhra Pradesh. If Andhra Pradesh had become divided and if Centre had yielded to the agitations, then it would not have stopped only with Andhra Pradesh; it would have its effects in the neighbouring States Mysore (now Karnataka), Maharastra, Bihar, Uttar Pradesh. In fact, the forces of parochialism would have triumphed, weakening the internal security of India. That is why, the Centre had to take a firm decision.

Let me take this opportunity to pay our humble tribute to that great brave Lady who stood firmly against divisive forces, who said 'No' to the division of Andhra Pradesh. But for her firmness, probably the entire country would have witnessed Volksnisation, division, wrangling, intra-fighting and it would have weakened the entire India. Let me also take this opportunity to pay my humble tribute to all those gentlemen, all these people, who stood firmly by integration, who stood for the integration of the State, not on account of political expediency but out of political conviction as an article of faith. They went through the crucification very silently; most of the integrationists were caricatured, carteoned, pamphleteered, and jeered at. Not only that; their lives were threatened; their properties were threatened and even the ladies at home were not spared. They stood the test of time; they formed the nucleus for the Central Government to come forwarded with the formula.

I am not interested in going into the details of the six point formula. The Central Government found it necessary to evolve the six-point formula not only for the preservation of the integrity of Andhra Pradesh, but for the preservation of the internal security of entire India. That is why they went to the extent of amending the Constitution to provide for the working of the six-point formula.

It is a psychological solution. It is bringing in together all the conflicting forces to a reconciling point. My friend Mr. Shriramulu and even Mr. C. V. K. Rao raised a preliminary objection that this 6-point formula offends the fundamental rights and the equality clause and Article 16. The strangest thing that has been happening is that the fundamental rights are championed by the privileged classes. I need not repeat here the bank nationalisation case and all other cases. The champions of the fundamental rights have been found to be the privileged class. The right of Parliament to amend the Constitution was challenged. This was found to be a retrograde step and the directive principles were given the go-by. That is why in the elections of 1971, the new Congress was given a massive mandate and it went ahead with the amending of the Constitution, and if I remember right, Mr. Shriramulu championed the amending Bill.
which amended Art. (c) which empowered the Parliament to amend the fundamental rights. Now this equality clause is there; Art. 16 also is there. If only our friends read the editorial of “Deccan Chronicle”.

Sri A. Sriramulu:—Is the amendment to fulfil the directive principles?

Sri E. Ayyapu Reddy:—The equality clause more often than not is espoused in the courts by the privileged classes to suppress the under privileged classes. If my friend only goes through the editorial of “Deccan Chronicle” today,

Sri A. Sriramulu:—I have not read. Usually I do not read it.

Sri E. Ayyapu Reddy:—There the Director of Statistics has clearly stated that a large majority of the people of India are under the poverty line and that the richest have become richer and the poor have become poorer during all these 25 years; that is on account of the working of these fundamental rights and the equality clause. Therefore it is rather very unfortunate that he should invoke the equality clause and Article 16. Even with regard to Art. 16 there is a provision made for providing safeguards to the backward classes and communities. Therefore there need not be any doubt in any quarter about the legality and validity of this amending Bill.

Now, various reasons have been suggested for the development of fissiparous tendencies in Andhra, Telangana and Circar districts and the main reason is that the State was not in a position to go in for a self-generating economy on account of the unimaginative policies pursued. The State is not in a position to undertake any socio-economic programme and implement it for the betterment of the people. I do not want to quote at length but I would just quote the Home Minister, Mr. Uma Shankar Dikshit in his reply on the 6-point formula, that is, with regard to allocation of special funds to the State. A point was raised by one of our hon. Members, Sri V. B Raju with regard to the allocation of funds. I request our friends to note what the Home Minister has stated:—“I am not in a position just now to mention or spell out figures. I will be exceeding my brief if I do so. But I would like to make a general assurance that this entire 6-point formula and scheme is based on the assurance from the Government of India that they are going to take special care and make a special effort and make social allocation so that the economic development and social development of this region can be accelerated to the satisfaction so far as possible, of all the backward areas of the State.” The words used are these. There are three “specials” Unless the Central Government is going to come forward with adequate funds, it would not be possible for the present State Government to implement the 6-point formula to the satisfaction of one and all.

I would say only one word with regard to the Tribunal. The State Government must think twice before it goes in for a Tribunal. Even now it is open to the State Government to go thoroughly into
questions of these services and if it can adjust the various conflicting claims of the service personnel by giving additional amounts by way of increments, etc. let it do so because instead of incurring expenditure on the Tribunal which would cost not less than Rs. 15,000 to 20,000 per month, let us adjust the conflicting claims of personnel by giving increments, retirement benefits or advantages. But if the Tribunal is to be set up let it be located in the High Court.
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...
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re: Six-point Formula (Discussed).

...
Sri M. Narayana Reddy (Bhedana):—Madam Chairman, I would like to commend the Bill for the Consideration of the House. Before I submit on the merits of the Bill, I would like to mention that this Bill has come here for ratification under special circumstances, not in the normal course. Though the Bill does not need any ratification of this Assembly or for that matter, any Assembly, except for the matter relating to the establishment of a Central University, it involves amendment of term 63 in Seventh Schedule, which is in the Union List—Education—being the State subject. A central university is being established. For that limited purpose, this ratification is necessary and separate Bill will be introduced in the Parliament very shortly and that Act will come into force without any further reference to our Assembly for the establishment of the Central University, in our State.

This, as you know, Madam Chairman, in pursuance of clause 5 or point five of the Six Point formula, this Bill is being enacted. In this I would draw your kind attention to this. The purpose of the enactment is in order that, for the implementation of measures based on the principle, it does not give rise to litigation and consequent uncertainty, the Constitution should be suitably amended to the extent necessary conferring on the President an enabling provision in this behalf enabling legislation under Article 371 empowering the President to issue directives by way of orders containing all the details which are necessary for the effective implementation of the formula. So I would only highlight some of the aspects of the formula which need little more elucidation or changes, if necessary. Before that, I would like to point out that every new formula proclaims the failure of past formula. It is the failure of faithful implementation of the past formula right from the beginning of gentlemen’s agreement to the five point formula that has resulted in the formulation of the present formula. Therefore, it is very much necessary that this formula in form as well as in substance, is faithfully implemented and the responsibility for the implementation depends upon not only the political executives, but much more so in the day to day administrative apparatus i.e., bureaucracy as well. Unless the bureaucracy co-operates with the process of implementation, it would be very difficult for implementation of any formula whatsoever. I would like to bring to your kind notice how we can avoid uncertainty and litigation in the implementation of the formula. With respect to the Development Board and Committees, I would like to submit in art. 371 when this was enacted for the purpose of constituting regional committees in Andhra Pradesh as well as Punjab art. 371 (2) relates to the Constitution of Development boards for the States of Gujarat and Maharashtra. Development Boards is not something new concept meant only for Andhra Pradesh. Development Boards for various States have been envisaged in the Constitution itself under the same art. and also recently by legislative enactment in Bihar and Bengal, Madhya Pradesh and other States also. So, in October itself I had taken up this matter with the then Home Minister Sri K. C. Pant, Minister of State for Home affairs that instead of bringing in . . . .
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Sri S. Jaipal Reddy (Kalvakurthi):—Point of order, Madam. There is not a single Minister in the House.

Sri D. Venkatesam.—On behalf of the Government who is representing?

Sri M. Narayana Reddy.—Madam Chairman, this Bill does away with Clause (1) of the article 371, while adding some clause in clause (2) of art. 371 when one goes, along with it goes the regional committee. In (2) you will kindly see:

"Notwithstanding anything in this Constitution, the President may by order made with respect to (the State of Maharashtra or Gujarat) provide for any special responsibility of the Governor for—

(a) the establishment of separate development boards for Vidarbha, Marathwada (and the rest of Maharashtra, as the case may be,) Saurashtra, Kutch and the rest of Gujarat with the provision that a report on the working of each of these boards will be . . . ."

What I suggested was to add the word 'Andhra Pradesh' in art. 371 (2) clause (a). Had a small word 'Andhra Pradesh' had been added by way of an amendment to clause (a) to 371 (2) there would not have been any necessity for the issue of G. O. or enactment or any legislation here for the functioning or composition of Development authority. Unfortunately this has not been done. This amounts to a sort of discriminatory legislation in the sense that a better statutory base and legal cover could have been provided as well to the Development Committees as was done already in these States and other States. That is one point.

Secondly, the Andhra Pradesh Urban Areas Development authority Bill has recently been introduced and referred to the Select Committee. This Six Point Formula envisages three Boards for three regions and City Development authority.

When we are constituting or proposing to constitute a Development Authority for the city by a statute, nothing prevented the State Government to bring these Committees as well as Board within the ambit of the statute passed by the Legislature. It would have been better if that had been done now. Even now there is enough time for enacting this legislation either by way of amendment or addition of word "Andhra Pradesh" in the constitutional clause or in the State.

The second about composition that has already been made. You will kindly see 21 Members have been nominated for each Board whereas the proportion of the representatives in various areas is something different. I may point out that in Coastal Andhra there are 185 Members, Rayalaseema 52 and Telangana 100. These are the Members of the State Legislative Assembly. The representation among these committees should have been or could have been in accordance with this principle instead of being uniform 21 in all the Committees, to provide adequate and effective representation because the formula is based on the element of non-discrimination or elimination of discrimination. Therefore, this kind of built-in discrimination however innocuously it might have been put there,
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could be avoided. In the G. O. where the term of the Committee is fixed it is said 2 years. That again makes it uncertain as to whether it would continue beyond 2 years or not. No term should be provided or mentioned in the G. O. or in the enactment. As long as the other provisions would continue these committees should also continue.

The other legal point I would like to draw your attention is to clauses 3, 5 and 7 of the Bill. These three clauses put together envisage the ousting of jurisdiction of the High Court on the one hand and on the other hand some sort of interference with the decisions of the tribunal. I can understand the ousting of the jurisdiction of the High Court under art. 226 but there does not seem to be any justification for the interference of the Government with the decisions of the tribunal because what is mentioned in the six-point formula does not envisage that. Here it is clearly mentioned in point no. 4 of the six-point formula that the decisions of the tribunal shall ordinarily be binding on the State Government. Here there is no mention that the State Government can change the decisions of the tribunal even for any special reasons. We are governed by the doctrine of separation of powers under the constitution-judiciary, executive and legislature. And the parties before the tribunal are none else than the Government servant and the Government on the other side. So, it would be conferring powers to a party to the proceedings to interfere with the judgement which may not appear to be sound and it may be opposed to natural justice, and also to the basic principles of the Constitution. Therefore, that provision should not be there since we are ousting the jurisdiction of the High Court. On this point an objection was also raised in the Parliament. I have seen the proceedings of the Parliament and several Members have raised objection on this point. Besides this, the Bar associations and many advocates in our State are also very much agitated over this point.

About the regionalisation, I would say that regionalisation of services is much more important than any other measure, with respect to recruitment or any other matter, so far as services are concerned. 32 departments have already been approved by the Central Government long ago. The implementation of regionalisation was long overdue. There is no mention either in the formula or in the book since it has already been approved which should have been implemented which will give more benefits to services and remove heart-burning. At the end, recruitment on one, we say that there is hardly any scope for fresh recruitment in the Government services. I entirely agree with that proposition. Therefore, we need not be very meticulous about mode of recruitment unless we ensure proper justice to all the sections. We have public undertakings, Electricity Board, R.T.C. etc, which have very large establishments, This should also be brought within the ambit of the Bill. The entire act has got Constitutional cover and it cannot be questioned by court. Therefore, it is very necessary to include the public undertakings also.

Then, how to ensure the implementation? Many emotional speeches were made on either side. Simple remedy is there in a very rational manner. Integration does not lie in any form; it lies in our mind and
as long as the bureaucratic thinking in regional problems is there, no formula can be helpful. If problems of services, promotions, backward regions are approached in an objective manner on the basis of justice and merit, I do not think there would be any grievance on any region so long as we think on regional problem without considerations of Andhra official, or Telangana official or Rayalaseema official or with respect to political offices or Chairmanship to different regions, etc. Therefore, I would also say that these political reservations either in the Cabinet or elsewhere region-wise should not be there. This kind of thinking we must discard if we really want success of the formula.

Thanking you.
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re: Six-point Formula (Discussed).

5th February, 1974.

[Document content in Telugu script follows, translated to English]

[Translation of the document content in Telugu to English]

[Further details and context related to the motion discussed]
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1. Mr. J. T.:—The formula has been discussed extensively. It is a 350
number. The formula should be 350.

2. Mr. R.:—Six points are discussed. They are not discussed.

3. Mr. J.:—Six points are discussed. They are not discussed.

4. Mr. R.:—Six points are discussed. They are not discussed.
Government Motion: re: Six-point Formula (Discussed).

Fundamental principle of collective bargaining is being affected. Your tribunal is a weapon in order to wreak vengeance against the Government employees. You are successful there. That is a point. You know pretty well that in the entire State it is the working man, the working people that have taken up the cause of justice and fairplay. That cannot be done. We will have our own Government. That is the rule. That was their principle. The above approach would render the continuation of Mulki Rules and Regional Committee unnecessary. 6

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Government Motion:

re: Six-Point Formula (Discussed).

5th February, 1974.
The people of Telangana, for some reason which I do not know and I cannot explain, feel the need to assert and to demand the recognition of their separate identity. It is for sociologists and social scientists to give or find an explanation.

For 20 years they have been asking for a separate State in the Union of India. Telangana is not a new area. It is an old area and the...
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people are ancient people. They have had linguistic and cultural links with the people of surrounding area. One hears of Telangana even in Ashoka edicts. Trilanga Desa is modern Telangana. Andhra Pradesh is something different. It was only and very briefly under the 'Nizamate' between 1760 and 1800. 40 1900 1920 1930 1940 1950 1960 1970 1980 1990. Regarding Domicile conditions etc., it was said, "All non-domiciles who have been appointed either directly or by promotion or by transfer to posts reserved under A. P. Public Employment Act, there have been some complaints that employment has been obtained on the basis of false domicile certificates. The Government will arrange to enquire into such complaints." It was added; "a number of measures to accelerate the pace of development and expansion of employment opportunity in Telangana are being taken."
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The Ministry of Home Affairs said, “positive measures are being taken for the accelerating the pace of development in Telangana.”
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re: Six-Point Formula (Discussed)

Though it has been the settled policy of Andhra Pradesh Government to faithfully implement the terms of the gentlemen's agreement, lapses have arisen in the implementation of the policy. All non-domicile persons who have been appointed either directly, by promotion or by transfer to the posts reserved under the Andhra Pradesh Public Employment Act Rules 1959 for domiciles of the region of Telangana will immediately be relieved from service.
There have been some complaints that employments have been obtained on the basis of false domicile certificates. Government will arrange to enquire into any such complaints. The Government will also arrange to enquire into any such complaints and take appropriate action.

The Mukhi movement began in Hyderabad State in 1930. Those were days of acute unemployment in Hyderabad State. The services were essentially in the hands of Muslims, a good number of whom came from outside the State. Contracts, agencies and licences were in the hands of many non-Muslims, non-Hyderabadis. The main plank of the Mukhi movement was that the people of Hyderabad irrespective of class and creed, should rally round the Asaf-Ahmi Banner and claim their birth-right of enunciating their services, the glory of their sovereign and the prosperity of their State. It postulated that the privilege of serving the State, profiting by its economic resources, laying down its administrative policy, deciding what was or was not good for the State should belong to the natives of the State. An All-Hyderabad Mukhi organization believing in a Deccan nationalism and known as the Nizam's Subjects was organized. Prominent among its organizers were Miss. Padmaja Naidu, B. Ramakrishna Rao, Abdul Hasan, Syed Abid Hussain. There was hardly any civil and political liberty in the State and so there was little scope for agitation on the issue. Consequently the movement did not gain any momentum.

Representations demanding stoppage of influx of non-Muslims into Nizam's Dominions were made to the Reforms Enquiry Committee headed by Aravamuda Ayyangar. The Committee recommended as follows:

'The Committee is of opinion that, consistent with the sovereign right of the Ruler, it is essential for the internal and external security of the State that the people should have an effective association with the Government. In order that such an association of the people might be secured and their needs and desires properly ascertained, it is necessary that public services should be manned by persons who have a lasting attachment to the State.'

The last sentence is more important—

'it is necessary that public services should be manned by persons who have a lasting attachment to the State.'
Government Motion: 5th February, 1974
re: Six-Point Formula (Discussed)

Art. 371 (2) reads as under:

Notwithstanding anything in this Constitution the President may by order made with respect to the State of Maharashtra or Gujarat provide for any special responsibility of the Governor for—

(a) the establishment of separate development Boards for Vidharbha, Marathwada, and the rest of Maharashtra or as the case may be Saurashtra, Kutch and the rest of Gujarat with the provision that a report on the working of each of these Boards will be placed each year before the State Legislative Assembly;

(b) the equitable allocation of funds for developmental expenditure over the said areas subject to the requirements of the State as a whole.
The fact is that the employment in Central Offices, public sector undertaking and the private sector is monopolised by Andhra on account of their political pull and official influences. This is proved in a survey conducted by the Labour Department and was found 60% of jobs in 22% of the cases. In the next 3 years they are assured of more than Rs.32,000 jobs for Andhras with more than Rs.500 crores in steel plant alone for which Telangana people have made equal sacrifices.

"In Visakhapatnam district alone" the Andhras are able to get employment to the extent of 92,285 jobs in all sectors and within the next 3 years they are assured of more then Rs.32,000 jobs for Andhras with more than Rs.500 crores in steel plant alone for which Telangana people have made equal sacrifices."
Government Motion:

re: Six-Point Formula (Discussed)

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Government Motion: re: Six-Point Formula (Discussed)

5th February, 1974.

The government motion was discussed and concluded without serious objections.

The motion was supported by the majority of the members present. The opposition members were not very active in voicing their objections.

The motion was passed unanimously, with no amendments.

The government thanked the opposition for their cooperation and promised to implement the Six-Point Formula as soon as possible.
Government Motion: 5th February, 1974
re: Six-Point Formula (Discussed)

Six-Point Formula (Discussed)

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Government Motion: re: Six-Point Formula (Discussed)

5th February, 1974.

Six-Point Formula (Discussed)
Government Motion: 5th February, 1974

re: Six-Point Formula (Discussed)

(Mr. Speaker in the Chair)
Government Motion:
re: Six-Point Formula (Discussed).

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re: Six-Point Formula (Discussed).

3th February, 1974. Government Motion:
re: Six-Point Formula (Discussed).

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Government Motion: 5th February, 1974.

re: Six-Point Formula (Discussed).
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Government Motion: 
re: Six-Point Formula (Discussed).

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Government Motion: 5th February, 1974.

*ப. ஒன்றுதல்:* — முன்பன்னுக்குரை, முன்னிலை வழக்கு.

*ச. ஒன்றுதல்:* — காலம் செய்யும் செயல்பாடு அதிகமாகவே

*ச. ஒன்றுதல்:* — நான்கு சனவரிகள் இருந்துவிட்டதா என

*ச. ஒன்றுதல்:* — (செயல்பாட்டு ஆக்கம் வரையறை, என்று)

*ச. ஒன்றுதல்:* — எள்ளி வசனம் தினசரி உள்ளது [தனவேறு]

*ச. ஒன்றுதல்:* — இன்று அனுப்பித் தினசரி ஒன்றுப் 100. மறை

*ச. ஒன்றுதல்:* — இறுதி வசனம் செய்யப்பட்டது, முதல் பாதுகா

*ச. ஒன்றுதல்:* — தொடர்வழிய வசனம், என்று. பின்னர்

*ச. ஒன்றுதல்:* — தொடர்வழிய வசனம், என்று. பின்னர்

*ச. ஒன்றுதல்:* — உலகியல் பாதுகாக்கப் பராமரிப்பு

*ச. ஒன்றுதல்:* — வழங்குவது, என்று. பின்னர்

*ச. ஒன்றுதல்:* — வழங்குவது, என்று. பின்னர்

*ச. ஒன்றுதல்:* — வழங்குவது, என்று. பின்னர்

*ச. ஒன்றுதல்:* — வழங்குவது, என்று. பின்னர்

*ச. ஒன்றுதல்:* — வழங்குவது, என்று. பின்னர்

*ச. ஒன்றுதல்:* — வழங்குவது, என்று. பின்னர்

*ச. ஒன்றுதல்:* — வழங்குவது, என்று. பின்னர்

*ச. ஒன்றுதல்:* — வழங்குவது, என்று. பின்னர்

*ச. ஒன்றுதல்:* — வழங்குவது, என்று. பின்னர்

*ச. ஒன்றுதல்:* — வழங்குவது, என்று. பின்னர்

*ச. ஒன்றுதல்:* — வழங்குவது, என்று. பின்னர்
Mr. Speaker:—The question is:

“That this House ratifies the amendments to the Constitution of India falling within the purview of the proviso to clause (2) of article 368 thereof, proposed to be made by the Constitution (Thirty-second Amendment) Bill, 1973, as passed by the two Houses of Parliament.”

The motion was adopted.

Mr. Speaker:—The question is:

‘That this House take into consideration the six-point formula’
The motion was adopted.
Mr. Speaker:—The House now stands adjourned till 4 P. M. this evening.

The House then (1.05) adjourned till 4 P. M. on 5-2-74.

The House reassembled after Lunch at 4-00 p. m.

(Mr. Speaker in the Chair)

Business of the House

Sri M. Narayan Reddy:—Sir, I like to submit that recently an incident took place in which the droppings of fertilisers unloaded from the ships at various ports like Vizag, and Madras amounting to several hundred tonnes (more than 500 tonnes or so) were auctioned at much higher rate by the Food Corporation of India. As a matter of fact those droppings were due to our State. The auction and collection of droppings is irregular and undesirable.

I request the Chief Minister to take a note of this and take up the matter with the Government of India that they would not do so; and that the droppings be allotted to us and whatever quantity they have auctioned, an equivalent of that may be given to us.

Sri J. Vengal Rao:—He may pass on the information, Sir.

Sri C. V. K. Rao:—Sir, a note has been circulated to us on 15-1-72, which speaks of various allegations as pointed out by the P. W. D. Secretary. I would request the Chief Minister, through you, to place on the Table of the House, a report on the action taken by the Government, on the lapses pointed out therein by the Secretary.

(No reply)

MESSAGES FROM THE COUNCIL

Mr. Speaker:—I have to announce to the House that I have received the following messages from the Chairman of Legislative Council:

1. "In accordance with Rule 150 of the Rules of Procedure and Conduct of Business in the Andhra Pradesh Legislative Council, I return herewith the Andhra Pradesh Entertainments Tax (Amendment) Bill, 1974, which was passed by the Andhra Pradesh Legislative Assembly at its sitting held on 31st January, 1974, and transmitted to the Legislative Council for its recommendations, duly signed by me and to state that this House has no recommendation to make to the Andhra Pradesh Legislative Assembly in regard to the said Bill."

2. "In accordance with Rule 150 of the Rules of Procedure and Conduct of Business in the Andhra Pradesh Legislative Council I return herewith the Andhra Pradesh General Sales Tax (Amendment) Bill, 1974, which was passed by the Andhra Pradesh Legislative Assembly at its sitting held on 30th January, 1974, and transmitted to the Legislative Council for its recommendation, duly signed by me and to state that this House has no recommendation to make to the Andhra Pradesh Legislative Assembly in regard to the said Bill."
444 5th February, 1974.

Short Discussion:


3. "In accordance with Rule 150 of the Rules of Procedure and Conduct of Business in the Andhra Pradesh Legislative Council, I return herewith the Andhra Pradesh General Sales Tax (Second Amendment) Bill, 1974, which was passed by the Andhra Pradesh Legislative Assembly at its sitting held on 30th January, 1974 and transmitted to the Legislative Council for recommendations, duly signed by me and to state that this House has no recommendations to make to the Andhra Pradesh Legislative Assembly in regard to the said Bill."

ANNOUNCEMENTS

re: Change in the Party position of Sri Shafiur Rahman.

Mr. Speaker:—"I am to announce to this house that Sri Shafiur Rahman, a Member of the Majlis Ittehad-ul-Muslimeen has requested me that he may be considered as an Independent Member and that a seat may be allotted to him in the House accordingly."

re: Appointment of House Committee to examine Electricity due to be paid by Ferro Alloys Company etc., Garividi.

Mr. Speaker:—"As already announced by me on the Floor of the House on the 2nd regarding the appointment of a House Committee to go into the entire matter relating to electricity dues to be paid by Ferro Alloys Company and Ferro Cyllican, Garividi, I am appointing the House Committee consisting of the following Members:

2. Sri G. Bhupathi.
3. Sri V. Srikrishna.

Sri P. Narasa Reddi will be the Chairman.

I hope this Committee will give its Report, as early as possible.

SHORT DISCUSSION


Mr. Speaker:—Many Members have informed that they have reserved seats thinking that House is going to adjourn soon. We will have the discussion for an hour and the Chief Minister will reply.
Mr. Speaker:—All the material and report is there. Let us proceed with the discussion.

Mr. Speaker:—The matter of the Enquiry report on the Execution of Perabhotlapalem Deep Cut on Nagarjunasagar Right Canal was taken up on the 31st January, 1974. The report is before this House, as well as is the enrolment of the rights of the present rights to water. The report, as well as the enrolment of the rights, have been brought before the House for discussion.

Mr. Speaker:—I have asked the Secretary P. W. D. He was not in the picture when the contract was entered. Therefore, he has enquired into this. I have also seen the proceeding as to how the matter has been enquired. It has not come to a final stage. When it comes to finality, I will place it in the House.
Short Discussion:


It may further be observed that this was the beginning of the cases which, though important, were being processed by passing the Secretary, P. W. D., and other instances being the cases of tenders for Gundalakamma aqueduct and Perubhotlapalem deep cut. It is observed that the

It may further be observed that this was the beginning of the cases which, though important, were being processed by passing the Secretary, P. W. D., and other instances being the cases of tenders for Gundalakamma aqueduct and Perubhotlapalem deep cut. It is observed that the
Short Discussion:

5th February, 1974.


When estimates for the relevant scheme were not sanctioned, why in record time this was done?

Time aspect deserves notice. In this case, unlike in most of the Government cases, things moved very fast at all stages. The proposal of the C.E. dated 7-9-1971 was received by the Joint Secretary P.W.D. (PW) on 7-9-1971. The processing of the case in the office was completed on 7-9-1971 itself. The note of the FA is dated 8-9-1971 and the Joint Secretary's note, recommending the proposal is also dated 8-9-1971. Minister (Irrigation) approved the proposal on 8-9-1971. It was not routed through the Secretary. From the very beginning the Secretary was consistently opposing to take up the work beyond 64th mile.
Short Discussion:

Enquiry report on the Execution of Perubhotlapalem-Deep Cut on Nagarjunasagar Right Canal.

Without the approval of Government, the contractors and the department were colluding. It is a deliberate action to bypass the Secretary and a serious omission.
Short Discussion:


1962-71 3rd February, 1974. 449

2:30 to 3:00 o'clock. 1962-71 3rd February, 1974. 449


1962-71 3rd February, 1974. 449


1962-71 3rd February, 1974. 449


1962-71 3rd February, 1974. 449


1962-71 3rd February, 1974. 449


1962-71 3rd February, 1974. 449


1962-71 3rd February, 1974. 449


1962-71 3rd February, 1974. 449


1962-71 3rd February, 1974. 449


1962-71 3rd February, 1974. 449


1962-71 3rd February, 1974. 449

Short Discussion:


The report, submitted by the Sub-Committee, was presented for discussion.

The report highlighted the issue of the execution of the Perubhotlapalem Deep Cut, which was crucial for the Nagarjunasagar Right Canal project. The Sub-Committee recommended various measures to ensure the顺利 execution of the project.

It was suggested that a detailed plan be prepared for the execution of the Cut, including timelines for each phase. Additionally, the report recommended periodic inspections to monitor the progress and address any challenges that arise.

The committee was unanimous in its support for the recommendations and agreed to forward the report to the relevant authorities for implementation.
Short Discussion:

re: Enquiry report on the Execution of Perubhotlapalam deep cut on Nagarjunasagar Right Canal.

5th February, 1974.
Short Discussion:
re: Enquiry report on the Execution of Perubhotlapalem deep cut on Nagarjunasagar Right Canal.

[Text in Telugu]

452 5th February, 1974.
Sri M. Narayana Reddy:—Mr. Speaker Sir, I think, this is a historic occasion on the official conduct of very high officials and political members of the Cabinet being discussed, perhaps for the first time. The report submitted by the P.W.D. Secretary does not need any further comment because we may not be able to make a stronger comment than the Secretary himself. The only point I would like to mention is that there was an unfortunate delay in taking action, that is the aspect that we have to seriously consider.

An assurance was made by the Hon. Minister and I compliment the Hon. Minister who made this assurance on 8th September, 1972. After going through the records a note was submitted to the Ministry on 15th November when there was a popular ministry. Having regard to the then circumstances, perhaps, it may not have been possible for the ministry to take action but the Adviser's regime for a period of eleven months did not touch it. There was no political interference or influence that could have prevented any action against the persons involved especially the officials. Then, what is the result? The result is Mr. Rama Iyer, the Financial Adviser retired, the Chief Engineer against whom several charges were laid died and the several ministers who are said to be connected with this case are no more in the office. The only one man left in office is the Joint Secretary. That is how the delay has affected. If any Commission is going to be appointed as suggested by various Members, and I also feel that there is very great need for a Commission—all the facts would come out. Certain facts and interpretations were put by the P.W.D. Secretary. But the motives for taking those decisions have to be really ascertained by a Commission. And how far the Secretary who has been with this Ministry for seven years continuously, he showed a helplessness on his part as the Secretary in the day-to-day functioning that he could not have done anything that would also be looked into—whether he also failed in his duty in drawing the attention of the Chief Minister or the Chief Secretary to certain improper contract and transactions and official actions. So, to ascertain all motives of various persons involved in this case, a Commission is necessary. But, my grievance is that action was not taken in time and the matter was delayed unnecessarily without any decision for a period of fifteen months. Now, this report gives rise to several questions of administrative propriety. I would like to submit one or two things.

One is the functional relationship between the Secretary and the Minister. Whether a Minister of the Cabinet under our system of Government can overlook the Secretary continuously and if he has so overlooked whether the Secretary should not draw the attention of the Chief Minister or the Chief Secretary where the financial implications are involved, where he feels as he has mentioned that several millions of rupees will be lost to the exchequer. Is it not his duty? If there is no existing provision in the Secretariat Business Rules, then this matter deserves to be examined and looked into by the Council of Ministers.

With regard to the acceptance of tenders. How it has happened, if you will kindly see, this would not have happened inspite of
anybody's interference but for the existing system. Even if we appoint a Commission which would find out the guilt of various persons or otherwise of it, how are you going to prevent. To my mind, this would not have happened if the tenders of this magnitude are not to be processed by single individual. Several officers are involved but every one of them has dealt with it alone based on the note and whenever a decision is taken at various stages only one man dealt with it. Now, what is the present system of accepting the tenders or forwarding it to the Government? Sir, under the existing rules upto Rs. 5 lakhs for all P. W. D. works and other project works Superintending Engineer is the final authority, if it is within 10% of excess of normal rates. If it is above 10% then the tender has to go to the Government. Even for Rs. 5 lakhs and above in projects, the Chief Engineer can approve any tender whether it is for Rs. 50 lakhs or Rs. 1 crore or Rs. 2 crores if the tender rates are within the range of 10% over and the estimated rates. It is only when the rates are above 10% the matter goes to the Government and also in other two cases — i.e., special conditions such as giving of advance with interest or without interest to contractors as was done in the past, in some cases the question of getting of machinery etc., or 25% to make changes as stipulated, in such special conditions it goes to the Government. My submission is in order to prevent we have built in safe-guards to prevent such mal-practices even by the future persons who would deal with such tenders in Nagarjunasagar, Pochampad and various other projects. And what is being done elsewhere? I would suggest that there must be a tender committee to rely on qualitative decision and qualitative responsibility. The tender Committee should consist of the Chief Engineer concerned and another Chief Engineer of the Government who has nothing to do with the work or the project — two Chief Engineers, one concerned and another independent, P. W. D. Secretary and Finance Secretary or Financial Adviser who is also the Additional Secretary of the Finance department. And this Tender Committee must be entrusted to look into the tenders, analyse and then report its decision to the Government. The Chief Minister or the concerned Minister can accept it. If it is below Rs. 50 lakhs the matter should be left to them. This Committee is very much necessary.

Then if you kindly recall on 8th September, 1972 speaking on Irrigation demand I suggested that one Chief Engineer should be made the ex-officio Additional Secretary to the P. W. D. because in the present arrangement one Superintendent Engineer scrutinised the estimates submitted by the Chief Engineer. This is not proper. Some Chief Engineers have submitted representation long ago that a Chief Engineer must also be appointed as ex-officio Secretary so that he may look into the estimates and tenders and other things submitted by the Chief Engineer. That also should be done.

The other one is about the rising costs. This I spoke a few days ago on Supplementary demands, that the rising cost of Rs. 86 crores and odd on Nagarjunasagar to 350 crores of rupees and the
Short Discussion:
5th February, 1974.

42 crores Pochampad Project going up to Rs. 140 crores in the Sixth Plan; this increase is not due to rise in the cost alone. I said there was something else which should also be looked into. How that could be avoided, I suggested. If any commission is appointed to go into this transaction we may know the facts. I would also suggest that all the existing work above Rs. 50 lakhs should also be looked into in the order to see that the propriety of allocation of amount as well as the existing rates are proper or not. Merely one case is not enough. There are several cases of pending work which are Rs. 50 lakhs and above. They should also be looked into. If the Commission is entrusted with that job, it is all right. Otherwise, a Special Committee or a technical body on behalf of the Government can also look into this matter. Thank you.
Mr. Speaker, Sir, this report is prepared on 15th November, 1972. I am surprised why the Advisers regime has not taken urgent action. No doubt this was pointed out by the opposition in the last Budget Session. As a result of this, the entire thing, a very large scale of corruption is involved according to this report that has been made known. Why is it that the advisers regime failed to discharge their duties? It is good that it has come before this House. Now what is the decision of the Cabinet on that when this has come before this House, surely the Government should have gone into the matter quickly and should have taken necessary disciplinary action and prosecuted the guilty. Why the Cabinet has not taken it? Perhaps, the Chief Minister would like to tell us. The Secretary, P.W.D. charged the Government, Now, I would like to know about the five charges levelled which read like this:

“(1) The decision to start all works on the right and left canals requiring more than three seasons and above for completion irrespective of the funds position. The decision was taken in June 1971 in spite of advice to the contrary by me and the Secretary, Planning;

(2) The decision to consider tender proposals without making sure about the availability of funds was bound to result in the same handicaps which helped up this work in the past;

(3) The decision to give the work on contract on the basis of the first tender call, when there was no revised estimate available and when the rates were very high—much higher than even the extra claims put in by the previous contractors in March–June, 1971;”

Here, Sir, the previous contractor is related to the new contractor.

“(4) The decision to make advance to the tune of Rs. 12 lakhs to the contractors;

(5) The decision to allow 5 per cent extra rates to the contractors for the work done beyond the expiry of the agreement period”.

So, these are the decisions which have violated the norms of decency, morality and legal provisions. So the Government was responsible for these things. When it was put against the Cabinet and the Minister in charge of this it is not an easy matter. What is the Government going to do in this matter? What is the action you want to take against the persons responsible in embezzling Rs. 12 lakhs and persons responsible who have got monies to the tune of 25 percent extra price? This is the crux of the problem. The Secretary further remarked:

“Even after the file came back from the Minister (Irrigation) with his orders, approving the proposal for the calling of tenders, the Joint Secretary, did not put the case to the Secretary, P.W.D. even though he knew that this was an important case involving an
Short Discussion:

re: Enquiry report on the Execution of Perubhotlapalem deep cut on Nagarjunasagar Right Canal.

It is good that this matter has come before the House at the first meeting. The Cabinet is serious about taking action on this thing. I am surprised to know that there are some persons from Treasury Benches still who would like to shield the guilty. When a Secretary has brought before the House a serious matter, in all seriousness with all good faith, we should pin-point. So, there are still blacksheep in this House who would like that this matter should not be dealt with as seriously as it should be. I would appeal to all of them that it is time that they would take up this matter with all seriousness and try to book the guilty. We are making a new chapter. I would request the Chief Minister, without any hesitation, without any delay, that the matter should be dealt with on highest priority. Thank you, Sir.

Sri J. Vengala Rao:—While answering the Legislative Assembly question regarding the execution of the Perubhotlapalem deep cut, Nagarjunasagar Right Canal, the then Minister for Irrigation, Sri P. Narasa Reddy gave an assurance in the House that the matter would be enquired into by the Secretary, P. W. D. and that a report would be placed before the House. In pursuance of this, the note prepared by the Secretary, P. W. D. after study of the relevant files, was placed on the Table of the House on 2nd February 1974. It was therefore decided that there should be a discussion on the matter to-day, the 5th February 1974. I have listened to the speeches of the Honourable Members and I have given consideration to the views expressed by them. There is apparently a general feeling that there should be a judicial enquiry into the matter. In view of this, I beg leave of the House to announce in the House that the Government have decided to set up a Commission of Enquiry consisting of a High Court Judge to go into this matter. A notification appointing the Commission will issue shortly. In view of the above it would not be proper to have any further discussion on the subject at this stage. As required by the commission of Enquiry Act 1952, the report of Commission will be placed before the House and the members will have an opportunity of discussing the matter at that time.
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Value</th>
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<tbody>
<tr>
<td>1.</td>
<td>No. of days for which the Assembly sat</td>
<td>13</td>
</tr>
<tr>
<td>2.</td>
<td>No. of hours for which the Assembly worked</td>
<td>71 Hrs &amp; 40 Mts.</td>
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<tr>
<td>3.</td>
<td>No. of Starred Questions answered orally</td>
<td>165</td>
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<td>4.</td>
<td>No. of Starred Questions pending in Government prior to President's Rule for which answers have been received and placed on the Table of the House.</td>
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<td>5.</td>
<td>No. of Questions for which written answers were placed on the Table of the House.</td>
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<td>6.</td>
<td>No. of Short Notice Questions answered</td>
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<td>7.</td>
<td>No. of Supplementaries</td>
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<td>8.</td>
<td>No. of speeches made by Ministers</td>
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<td>9.</td>
<td>No. of speeches made by Members</td>
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<td>10.</td>
<td>No. of Notices under Rule 341 admitted</td>
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<td>11.</td>
<td>No. of Call attention notices admitted and statements made by Ministers</td>
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<td>12.</td>
<td>No. of Bills passed</td>
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13. Composition of the House as on 5-2-1974

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<td>Congress</td>
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<td>Socialist Democratic Front</td>
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<td>Andhra Pradesh Progressive Democrats</td>
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<td>Republican Party of India</td>
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<td>Independents (including one nominated)</td>
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<tr>
<td>Vacant</td>
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<td><strong>Total</strong></td>
<td><strong>288</strong></td>
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Mr. Speaker :—Now (5.15 p. m.) the House stands adjourned sine die.