THE ANDHRA PRADESH
Legislative Assembly Debates
OFFICIAL REPORT
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THE

ANDHRA PRADeSh LEGISLATIVE ASSEMBLY

PRINCIPAL OFFICERS

Speaker: Sri R. Dasaratharami Reddy

Deputy Speaker: Sri Syed Rahmat Ali

Panel of Chairmen: 1. Sri Kaza Ramanadham
2. Sri Baddam Yella Reddy
3. Sri M. Yellappa
4. Dr. Fathimunisa Begum

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

Assistant Secretaries: 1. Sri M. Ramanadha Sastry
2. Sri P. Ranga Rao
3. Sri E. Sadasiva Reddy
4. Sri V. K. Viswanath
5. Sri S. Poornananda Sastry
6. Sri K. Satyanarayana Rao
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ORAL ANSWERS TO QUESTIONS

REVENUES COLLECTED BY THE CENTRAL GOVT. FROM A. P.

51—

* 5063 Q.— Sri D. Venkatesam (Kuppam):— Will the Minister for Finance be pleased to state:

(a) the total revenue collected by the Central Govt. from our State (Central Excise and Income Tax etc.,) during 1973-74; and

(b) the amount allotted by the Central to the State during 1973-74

*The Minister for Finance (Sri P. Ranga Reddy):—

(a) (Rs. in crores)

Income Tax 27.33
Corporation Tax 12.15
Central Excise (Basic and Additional) 153.59

Total... 193.07

(b) 88.18 crores

Sri D. Venkatesam:— On what basis allocation is being made?

Sri P. Ranga Reddy:— There is a basis for it. *An asterisk before the name indicates confirmation by the Member. J. No. 33 (1)
President issues order fixing the criteria. According to that, it is distributed.

We put up our demands. State share of net proceeds will be 70%. There will be internal distribution among the States.

According to the recommendation of the 5th Finance Commission, 80% of net proceeds go to divisible pool i.e. Income tax. In regard to criteria adopted by Finance Commission, 90% on population and 10% on assessment in regard to income tax. When we come to Excise 75% on population and 25% on backwardness is there. In regard to Union Excise duties, these percentages are not related to collection i.e. assessment. Excise duties also are to be allocated on the basis of assessment and collection. Whether the State Government would press in regard to this?

We wanted from the 6th Finance Commission that it should not be 20% but it should be 50% but they have not accepted. They maintained 75% on population basis and 25% on the criteria of backwardness.

But they have not accepted. They have accepted only 80%. They maintained 100% on population basis and 10% on the criteria of backwardness.

Rajya Sabha:—Arunachal Pradesh has a paddy area of 2.56 lakh acres. What is the number of acres under irrigation?

Mr. Rama Gopal:—The area under irrigation in Arunachal Pradesh is 0.21 lakh acres.

Rajya Sabha:—The national income of India is Rs. 88.13 lakhs. What is the State's share from this?

Mr. Rama Gopal:—The State's share from the national income is Rs. 8.18 lakhs.

Rajya Sabha:—The total revenue collected by the Central Government from the State is Rs. 39.48 lakhs. How much is the State's share?

Mr. Rama Gopal:—The State's share from the total revenue collected is Rs. 41.45 lakhs.

Rajya Sabha:—What is the divisible pool?

Mr. Rama Gopal:—The divisible pool is taken from what is collected. Rs. 41.45 lakhs.

Rajya Sabha:—What is the additional excise duty on Tobacco and Textiles?

Mr. Rama Gopal:—Sugar Tobacco and Textiles. On these things, we will get additional excise duty. 0.10 crores.

Oral Answers to Questions.

Sri A. Sreeramulu:—We are not getting 100%. We are over getting only 20% of total proceeds. States are actually losing their shares. They are not getting their due shares. Rs.700 crores of corporate taxes are there. If all the Chief Ministers of all the State Governments form themselves into an Association and put up a consolidate demand for their due shares in taxes, I think something would be done.

8.40 a.m.

Sri P. Ranga Reddy:—I cannot speak for other States. So far as our State is concerned I am as anxious as the hon. Member. I will certainly take the suggestion and if an occasion comes I shall bear that in mind and do my best.

Mr. Speaker:—The decision staken on the basis of the Finance Commission's Report are binding for 5 years.

Sri A. Sreeramulu:—The President has the power to revise the recommendations of the Finance Commission. Mr. Radhakrishnan did it once.

Sri C.V.K. Rao:—The relationship between the States and the Centre with regard to fiscal matters is highly important; States cannot be serfs to the Centre. The same party is ruling here as well. As my friend suggested, why should not all the Chief Ministers joint together? It will be in the interests of the people of the States so that proper financial assistance may be secured. Why not our Chief Minister take the initiative to gather all the Chief Ministers and put forth a case?

Sri P. Ranga Reddy:—I don't think we have any Trade Union of Chief Minister.

Sri C.V.K. Rao:—Why? Are they at loggerheads? There can be a Federation of Chief Ministers.
Mr. Speaker:—It is only a question, not a point of order.

Sri P. Ranga Reddy:—I tried to get the figures for many years; I could not get. I will try to give State's share of Union Excise duties. For 1972-73 Rs. 3042.30 lakhs. Budget estimate for 1972-73. Rs.3347 lakhs. Revised estimate for 1973-74.. Rs.330L 15 lakhs. Budget esti­mate for 1975 is Rs. 4085. 38 lakhs. Additional excise duties in lieu of sales-tax - I don't have the break-up for each item but the figures are like this: For 1972-73 Rs. 1045. 76 lakhs; Budget for estimate 1973-74 Rs. 1096 lakhs revised estimate for 1973-74..Rs. 1291, 82 lakhs. These are the figures.
Mr. Speaker :— We got the maximum benefit.

Sri A. Sriramulu :—The Minister did not answer the question put by Sri V. Satyanarayana. He wanted concrete information in regard to the collection of additional excise duty in the State so that we can compare whether we have secured a reasonable share from this; that should be available in the Memorandum which the State Government has submitted to the Finance Commission. We are not getting the full amount; it is only a compensation for surrendering our right to impose sales-tax on commodities like tobacco, sugar and textiles.

Sri C. V. K. Rao :—We may have half-hour discussion on this. Some time may be allotted for this.

TECHNICAL ASSISTANCE FROM DUNLOP COMPANY TO THE TYRES AND TUBES FACTORY, MANGALAGIRI

52—

* 5400 Q :— Sri M. Nagi Reddy (put by Sri Vanka Satyanarayana) :—Will the Minister for Industries be pleased to state :

(a) whether an agreement has been arrived with the Dunlop company for technical assistance in the construction of Tyres and Tubes factory proposed to be established at Mangalagiri, Guntur district;

(b) whether the Chief Secretary of the State Govt. has signed on that agreement in London;

(c) whether another Co-promoter along with the State Industrial Development Corporation has agreed for the establishment of this factory;

(d) if so, the name of the said co-promoter:

(e) when the construction of the factory will be commenced;

and

(f) when it will go into production?

The Minister for Industries (Sri P. Basi Reddi) :—(a) Yes, Sir.

(b) Yes, Sir.

(c) and (d) :—Yes, Sir. The Vazir Sultan Tobacco Company Limited.

(e) About March 1975 Sir.

(f) Towards the end of 1977, Sir.

Sri A. Sriramulu:—The Minister while answering (b) said "Yes" and that the Chief Secretary signed the agreement in London. Why did the Chief Secretary go to London? Is it a fact that he over-stayed abroad for nearly one month giving up his duties as chief executive of administration? Why was he allowed to overstay for one month?

Sri P. Basi Reddy:—He went there as the Chairman of the Andhra Pradesh Industrial Development Corporation and he signed the agreement on behalf of the Industrial Development Corporation. He went to America to discuss with U.D.F. about Sponge Iron.

Sri A. Sriramulu:—I want to know what exactly is the technical know-how that our Chief Secretary has got to discuss with the Sponge Iron in the United States of America. I want to know whether there are any instances where Chief Secretaries of other States have been going as Chairmen of such Boards of management.

Sri P. Basi Reddy:—I am not aware whether Chief Secretaries of other States have been going in these matters, but so far as this Chief Secretary is concerned, he went there as Chairman of the Andhra Pradesh Industrial Development Organisation.

Sri A. Sreeramulu:—He is just a bureaucrat. What does he know about the Sponge Iron and the Minister specifically permitted him. It is agitating the minds of the people in the State.

Sri P. Basi Reddy:—Besides technical matters, he had to discuss other financial matters with the U.D.F. When the technical matters come up for discussion, the technical man will be there and as Chairman of the A.P. I.D.C. he would have known something about these technical matters also. It was preliminary discussion. They were not full blown discussions. I think, as Chairman of A.P. I.D.C. he should have sufficient experience to take part in the preliminary discussion.
Sri A. Sriramulu:—Was he permitted to visit for one month there?

Sri P. Basi Reddy:—He availed holidays for about 7 or 10 days.

Smt. J. Eashwari Bai:—What is the expenditure?
(no reply)

Sri C. V. K. Rao:—Will the Minister tell us whether the Chief Secretary was deputed by the Government and the expenditure involved in this trip. Whether the concerned company could not come and sign the agreement. Is it a fact that in order to oblige this gentleman, for reasons best known to the minister, he has been sent out of the country.

Sri P. Basi Reddy:—He was authorised by the Industrial Development Corporation to go to London to sign the agreement and also to go to U. S. A.

Sri C. V. K. Rao:—Should he not take the permission of the Government? Is the Industrial Corporation a Super Body?

Sri Basi Reddy:—He did take the permission of the Government and it did grant the permission to go to London and U. S. A.

Sri P. Basi Reddy:—The site is near Mangalagiri. The extent of the site is about 150 acres which has been acquired and has been taken possession by the Corporation.

Sri D. Venkatesham:—May I know the estimated cost of this project?

Sri P. Basi Reddy:—28 crores.
Sri P. Basi Reddy:—They need water. I am told that it is an abundant tank. We will keep the suggestion of the hon. Member in mind and see whether that can be put into effect.

They have agreed to be co-promoters. Few clauses are being discussed.

The Minister for Forests (Sri Md. Ibrahimal Ansari):—

Clause (a): Sir the question whether the land called Maqta-e-Madar is wakf property or not is under the examination of the Government.

Clause (b): No, Sir.

Clause (c): Does not arise.

LAND SITUATED AT HUSSAINSAGAR TANK BUND BELONGING TO THE A. P. MUSLIM WAQF BOARD

53—

*4801 (M) Q.—Sarvasri Syed Hasan (Charminar) and P. Janardhan Reddy (Kamalapur):—Will the Minister for Forests be pleased to state:

(a) whether it is a fact that the land situated at Hussain Sagar tank bund, which extends as far as Rajbhavan called Maqta-e-Madar which was later changed to Maqta-e-Shah Naimathullah is Waqf land;

(b) if so, whether it is still under the control of the A. P. Muslim Waqf Board; and

(c) if not, the steps taken to recover it from unauthorised possession?

*The Minister for Forests (Sri Md. Ibrahimal Ansari):—

Clause (a): Sir the question whether the land called Maqta Madar is wakf property or not is under the examination of the Government.

Clause (b): No, Sir.

Clause (c): Does not arise.
*Sri Syed Hasan:—What is the basis on which it is under examination of the Government?

Sri Md. Ibrahim Ali Ansari:—Initial survey Nos. 71, 72, 73 of Maqta-e-Madar has been granted to one Lal Mohammed by the Sarkikhas. Later he claimed the patta of the land. The contention of the Government is that it is a Government land. The Survey Commissioner who was appointed by the Government had studied it, and in his findings, he declared it to be a Wakf property. The Commissioner has already submitted his report under the Wakf Act and it is under examination of the Government and after that it will be forwarded to the Wakf Board. They will publish it in the gazette giving time calling for claims and all that. The aggrieved parties have a right to go to a Civil Court within a period of one year.

Sri Syed Hasan:—Has it been referred to the Civil Court?

Sri Md. Ibrahim Ali Ansari:—That will be only after.......

(Interruptions)

Sri Syed Hasan:—You have to say the relevant point and not irrelevant points.

Sri Md. Ibrahim Ali Ansari:—What I mentioned is that the findings of the Survey Commissioner under 4 of the Wakf Act declared it to be the Wakf property, but that will not serve the purpose. It has to be published in the gazette. He has forwarded his report to the Government. Government after examination will forward it to the Wakf Board under section 6 of the Wakf Act, to be published in the official gazette.

Sri Syed Hasan:—When has the Commissioner forwarded his report to the Government and what has the Wakf Minister done all these days.

9.00 a.m. *Sri Md. Ibrahim Ali Ansari:—The Survey report of the Wakf Commissioner has come to the Government and Government is examining it. This is not the only issue.

Sri Syed Hasan:—When did the Commissioner submit his report?

Sri Md. Ibrahim Ali Ansari:—He is sending the report piece-meal.

Sri A. Sri Ramulu:—Sir, the Minister’s answer is very ambiguous.

Mr. Speaker:—Was a final report submitted and if so on what date?

Sri Md. Ibrahim Ali Ansari:—The final report is not submitted. He is submitting his report piece-meal.
Sri V. Srikrishna:—How much time will the Commissioner take for submitting his report? Is it for years or decades?

Sri Md. Ibrahim Ali Ansari:—He has already completed about 9 districts.

Sri V. Srikrishna:—The answer is very ambiguous. The question whether the land situated at Hussainsagar tank bund is Wakf land. You are saying that the Wakf Commissioner has already completed 9 districts. We want the actual date of submission of that report to Government.

Sri Md. Ibrahim Ali Ansari:—The exact date of his submission to Government is not here.

Mr. Speaker:—The question is about the Hussain Sugar Tank Bund. They are asking whether the report is complete and whether he has sent any additional report.

Sri Md. Ibrahim Ali Ansari:—Government has not received any additional report.

*Sri Syed Hasan:—You have received an interim reply. The report you have received, we call it, is an interim reply.

Mr. Speaker:—No, it is not an interim reply, Government sent back that report for further clarification.

Sri Syed Hasan:—When did you send back?

Sri Md. Ibrahim Ali Ansari:—I do not have that information.

Sri A. Sriramulu:—Point of order, Sir. When a question is put according to the Rules of Procedure and conventions, the concerned Minister should come prepared with all possible supplementary. The report has been sent to the Minister and it has been returned calling for additional information. If the Minister does not have the date on which he sent back..............

Mr. Speaker:—It is true. But there is no point of order on which I can give a ruling. I can instruct the Minister to come prepared.

Sri V. Srikrishna:—Whether this Wakf property has been recovered from the unauthorised possession. There must be some specific answer. When was the report sent back for further clarification?

Sri Md. Ibrahim Ali Ansari:—It is not in absolute possession of the waqf.

*Sri Syed Hasan:—Is the property in the possession of Government, or Waqf are any individual?
Mr. Speaker:—It is in possession of different parties.

Mr. Speaker:—Now the property is with the third party.

Sri V. Srikrishna:—May I know whether Government has taken any expeditious action or is delaying the matters purposefully? When have you sent the Commissioner’s report back for further clarification?

Mr. Speaker:—He is not able to give those dates.
**Oral Answers to Questions. 4th February, 1975.**

54—

*5617 Q.—Smt. J. Eshwari Bai :—Will the Minister for Panchayat Raj be pleased to state:

(a) whether the Govt. have received the three-member report on the Panchayati Raj set-up to enable them to bring an amendment to the Panchayats and Zilla Parishads Act; and

(b) if so, whether a copy of the same will be placed on the Table of the House?

The Minister for Panchayati Raj (Sri L. Lakshmana Das) :—

(a) The Hon'ble Member presumably refers to the 3-Man Committee appointed by the Government of India and headed by Smt. Daya Chaudhury which has not yet submitted its report. A three member committee has not been appointed by the State Government.

(b) Does not arise.
Mr. Speaker :—The third question you had put was whether the Government proposes to suspend the Bodies?

Sri S. Jaipal Reddy :—Answer to my first question has not come, Sir. Whether the Government is still thinking of holding elections in June this year?
Mr. Speaker:—He says as soon as possible after the amendments are approved by the House. He is not able to commit himself. It depends on legislation and amendments etc.

Sri S. Jaipal Reddy:—The Minister’s answer continues to be evasive. The amendments to the Act may come at the end of the year, then what is the difficulty to hold elections in June this year?

Mr. Speaker:—He is saying, “as soon as possible after the Act is passed!” what more can he say!

Sri S. Jaipal Reddy:—In case of any unforeseen event, if you are not able to move amendments to the Act, then are you going to suspend or give extension to these Bodies?

Sri S. Jaipal Reddy:—We have had bitter experience in regard to co-operative bodies. The Government said that it would hold elections to the cooperative bodies and would move amendments. But it did not move amendments but got it suspended. Therefore, there is a necessity for the Government to make its stand clear in regard to elections to Panchayati Raj Bodies, pending the proposal to bring amendments to the Act.

Mr. Speaker:—It has been made as clear as possible. More than that they are not able to commit.
Mr. Speaker:—What I think is that he said that he was not going to answer and he need not answer.

Mr. Speaker:—That is what he has already said.

(No Answer)

Sri S. Jaipal Reddy:—There appears to be conspiracy of silence as to whether the Government proposes to suspend the bodies pending elections and amendments. In the changed context the Government may change its stand. What prevents them to change the stand under the present circumstances?

Sri C. V. K. Rao:—Why should not they take action from that side itself?

Mr. Speaker:—You cannot make the Government to make a decision. It is for them to consider. Anyway you have placed your viewpoint.

DIVERSION OF WATER FROM TATIPUDI RESERVOIR TO VISAKHAPATNAM FOR DRINKING PURPOSES

55.—

* 4799-(V)-Q.—Sri V. A. Suryanarayana Raju (Jami):—Will the Minister for Municipal Administration be pleased to state:

(a) whether there are any proposals to convert the 14 thousand acres of ayacut wet land situated under the Tatipudi reservoir system, Visakhapatnam Dist- into Dry land and to pay compensation to ryots in order to divert the entire reservoir water to Visakhapatnam for drinking purpose;

(b) if so, whether the Govt. have forgotten the assurance given to the ryots promising that they would not allow any type of damage to the ayacut registered at the time of the construction of the reservoir;

(c) whether the Govt. are aware that after the construction of the reservoir, the ayacut land and also an additional extent of eight thousand acres indirectly deriving the benefit was affected for want of adequate water supply from the reservoir?

The Minister for Municipal Administration (Sri Challa Subbarayudu):

(a) No, Sir.
(b) No, Sir.

(c) The Localised ayacut is not affected. But the supply of water for irrigation may be affected, if the water level in the reservoir falls on account of adverse seasonal conditions, such as drought.
of the High Court in Writ Petitions filed by certain teachers in Telangana area and also pending finalisation of provisional Common Gradation Lists of teachers.

(b) Does not arise.

(c) Yes, Sir.
Sri S. Jaipal Reddy:—Sir, the Hon. Minister for Education said that the question of local candidates came in the way of the implementation of the grade. It does not arise when it is a question of promotion. Let the Minister explain to us as to how the concept of local candidate has been confused with the question of promotion while it concerns only with appointments.

Sri M. V. Krishna Rao:—The Telangana Teachers' Association represented: "When the localisation of cadres under six-point formula is under active consideration of the Government, there is no point in following the provisional common gradation list and requested how the selection may be affected with the spirit of the six-point formula".

**SELECTION GRADES TO THE HEAD-MASTERS IN TELANGANA AREA**

57—

*5339 Q.—Sri N. Venkatiah:—Will the Minister for Education be pleased to state:

(a) the year-wise number of Headmasters in Telangana area who have been given selection grade since the academic year 1970 and the number of selection grade posts sanctioned;

(b) whether it is a fact that according to Government’s decision twenty-five percent of the posts have to be upgraded as selection grade posts every year and the promotions have to be given;

(c) whether that decision has been implemented both in over Telangana and Andhra areas; and

(d) if not, the reasons therefor?

Sri M.V. Krishna Rao:— (a) The year-wise number of selection Grade posts created in Telangana area since 1970 are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Government</th>
<th>Zilla Parishad</th>
<th>Aided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>113</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1971</td>
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<td>1974</td>
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<td>157</td>
<td>37</td>
</tr>
<tr>
<td>1975</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) No Sir. 1/3rd permanent posts have to be upgraded as selection Grade Posts.

(c) The selection grade posts have been sanctioned in Telangana and Andhra in the Government, Panchayat Raj, Municipal, Aided and private institutions.

(d) Does not arise.

* Sri. G. N. Reddy:— Sr. G. N. Reddy:—

101, 102 and 103 posts should be sanctioned in 1970. Are these posts considered?$

Sri. G. N. Reddy:—

Does not arise.

Sri. G. N. Reddy:—

If not, what is the reason therefor?
4th February, 1918.

Oral Answers to Questions.

Mr. Speaker:—Seniority list, there must be. Otherwise, how can they make promotions?

Sri M. Omkar—in that case, why should they hesitate to place before the House, Sir?

Mr. Speaker:—Seniority list, there must be. Otherwise, how can they make promotions?

Oral Answers to Questions.

సంవత్సర ప్రాముఖ్యం:—జి.టి. ఇంటిల్లే తీర్చి ఉంది, పరమేశ్వర ప్రధాన విశ్లేషణ.

ఇది సంసార ప్రాముఖ్యం:—అంకాంకం, మినిట్ నందిమనం యేలి

యావుడు ప్రస్తుత ప్రాముఖ్యం: ఇందులో కురుయ్యాం నందిమనం, తిరుకైనం. తిరుపతి నందిమనం

ప్రస్తుత నందిమనం: ఇది అంటే ప్రపంచం అంటే గురుతాం. అంటే ప్రపంచం

ప్రపంచం అంటే ప్రస్తుత నందిమనం యేలి. ప్రపంచం అంటే ప్రస్తుత నందిమనం

ప్రపంచం అంటే ప్రపంచం అంటే గురుతాం. ప్రపంచం అంటే ప్రపంచం అంటే గురుతాం.
Oral Answers to Questions.  

25

Shri Sultana Salam al-din Awi (Bajwi Board) - Ayth Kishan Darya Matha. 
Kojie Sureshani, Apkay Parsi - Kojie Aitch, Sakhan Girdal Kojie Aitch, 
Dowrehy, Kojie Darya, Girdal Darya, Jiska. 

Abdullah bi lahaiiyat, Anko Rook, Darya, Kojie Girdal, Darya, 
Bain ne darya, Kojie Darya. 


(2) Noo, M. Qasim Shah: — Adha bhabhay phalak Andi 15-e-Akbarur 1975, 

(3) M. Syed Khursheed (Bahrain): — Jai 15-e-Akbarur 15-e-1975, 


(5) M. Syed Khursheed (Bahrain): — Jai 15-e-Akbarur 15-e-1975, 


(7) M. Syed Khursheed (Bahrain): — Jai 15-e-Akbarur 15-e-1975, 


(9) M. Syed Khursheed (Bahrain): — Jai 15-e-Akbarur 15-e-1975, 
LIST OF BACKWARD CLASSES

58—

* 4801.(Q) Q.—Sri Nalpaparaddi Srinivasa Reddi eddi:—Will the Minister for Social Welfare and Technical Education be pleased to state:

(a) the number of communities removed from the list of backward communities as per the recommendations of Sri Anantharaman’s committee;

(b) the number of communities reinculded in the said list; and

(c) whether the remaining communities will also be included in the list?

The Minister for Social Welfare (Sri Bittam S. Srimamurthy):—

(a) & (b) There was no valid list of Backward Classes prior to Anantharaman’s Committee’s Report. Hence the question of removal of the Communities from the Backward Classes list or their reinclusion does not arise.

(c) Does not arise.
The following communities which were not in the old list have been included or deleted from the new list:

- Sri Syed Hasan—What are the sects of Muslim community which have been either included or deleted from this list?
Mr. Speaker:— It is a report in which certain communities have been declared as backward classes. It would not be possible to revise them.

Sri Omkar:—Will that Report be placed.

Sri B. Sriramamurthy:—Yes, we will do.

Mr. Speaker:—The Minister may please place it.

Mr. Speaker:—Now the questions are over. We shall take up Short Notice Questions.

SHORT NOTICE QUESTIONS AND ANSWERS

RAISING OF D. A. TO STATE GOVERNMENT EMPLOYEES

60.A—

S. N. Q. NO. 6196-I. *Sri A. Sreeramulu:—Will the hon. Minister for Finance be pleased to State:

(a) the basis on which D. A. of State Government employees was raised to 24% of pay;

(b) whether the increase is related to the increase in cost of living and if so, the points in the price index covered by this increase;

(c) whether the increased D. A. attracts the provisions of the Additional Emoluments (CD) Act of 1974; and

(d) if so, whether the State Government propose to approach Government of India for exemption under Clause 17 of the same Act?
Short Notice Questions and Answers. 4th February, 1975

*The Minister for Finance, (Sri P. Ranga Reddy):— (a & b)
Taking into account the increase in cost of living since the rate of D.A. was last raised on 1-1-1974 the Government decided to further increase the rate from 1-1-1975.

(c) Yes, Sir.

(d) No, Sir.

Sri A. Sreeramulu:—While answering clause (b) the Minister said ‘Yes’. I want to know whether the increase related to the increase in cost of living, and if so, the points covered by this increase. What exactly is the number of points covered by this increase ?

Sri P. Ranga Reddy.—The number of points covered by 1-1-74 is 224 then. The latest i.e., 1-1-75 I don’t have. If you take the same price index upto 1974 on the 12 months’ average basis it is 298.

Sri A. Sreeramulu.—I did not get any satisfactory reply. I want to know what this present increase represents. How many points does it neutralise ?

Sri P. Ranga Reddy.—I don’t have that information readily.

Sri A. Sreeramulu:—This increase is related to the increase that took place in January 1974, February 1974, and April 1974 i.e., 24 points. During that period this compulsory deposit was not in force. Government of India gave that increase at that time. Our Government did not choose to accept granting this D. A. At least they have come out with this grant now. Is it not necessary for the State Government to approach Govt. of India to secure exemption from this Compulsory Deposit when that period is not covered by this increase? That is why I raise a question whether the Government has approached the Government of India for exemption?

Sri P. Ranga Reddy:—We have not approached the Govt. of India. That relates to Clause 17 of that Act which the hon. member referred. That reads as this:

“Where the Central Government is of the opinion that it is necessary or expedient so to do either in the public interest or having regard to the peculiar circumstances of any case it may by notification…., may specify in the notification, exempt any establishment or category of employees working in any establishment from the operation of all or any of the provisions of this Act.” This relates only for special cases and special categories of employees. Therefore we did not seek to ask for the total exemption of this.

Sri A. Sreeramulu:—This relates to peculiar circumstances. The Act is very specific. The Central Government can exempt if there are peculiar circumstances. I say there are peculiar circumstances, in
January, 1974, February 1974 and April 1974. If the Government on account of financial difficulty did not print it. They granted it in January 75. This relates to that period. If the Government had to grant in April 74, this increase, i.e., compulsory deposit scheme would not have come in the way. So, why did the Government not approach the Central Government? The Government is not benefited by this Compulsory Deposit Scheme as 50% is the Reserve Fund of India. It is also not retained with the State Government. Ultimately we are satisfying the Act. So we must call it the An employee Act. So, even now I am requesting the Finance Minister, as to why the Government should not approach the Central Government, because there are peculiar circumstances existing in this case, since the increase relates to January 1974, February 1974 an April 1974 when the Act was not in force.

So, why the Government did not approach the Central Government? The Government has not benefited by this Compulsory Deposit Scheme as 50% is the Reserve Fund of India. It is also not retained with the State Government. Ultimately we are satisfying the Act. So, even now I am requesting the Finance Minister, as to why the Government should not approach the Central Government, because there are peculiar circumstances existing in this case, since the increase relates to January 1974, February 1974 an April 1974 when the Act was not in force.

No this is a perpetual grievance of the employees. Will the State Government put it to the Central Government to exempt the sector of employees, so that the Central Government’s eyes may be opened.

10-a.m.
Mr. Speaker:—Mr. Sriramulu raised the same question. The Minister said that in his view there are no special circumstances. He said he will examine and do the needful.

Sri P. Ranga Reddy:—I repeat the same. There are no special circumstances as of today. If I am convinced that it is necessary that we should make out a case, I shall certainly discuss with the opposition leaders.

Sri C. V. K. Rao:—Working people are agitated. There need be no fresh argument.

Sri A. Sriramulu:—I feel the Minister is convinced, because, his reply says that he is convinced.

Mr. Speaker:—He is convinced to the extent of re-examination of the matter.

Mr. Speaker:—He said he would re-examine all the points after hearing from you.

Sri A. Srimulu:—The 12\% increase in the Salaries of the Government employees. Our Government is not in a position to grant. There is another condition which is in the order of seeking examination for the amount that is granted.

Mr. Speaker:—He will examine that aspect. Let him examine.

DELETION OF ENGLISH LESSONS FOR INTERMEDIATE CLASS

60-B—

*S.N.Q. 6196-J:—Sri A. Srimulu:—Will he please, Minister for Education be pleased to state:

(a) whether the Board of Intermediate Education has ordered the deletion of six out of the 15 lessons prescribed for English Prose for the Senior Intermediate Class for the year 1974-75;

(b) if so, the reasons therefor; and

(c) whether there is any similar proposal for the deletion of lessons from English Poetry also?

Sri M. V. Krishna Rao:—(a) Yes, Sir.

(b) Consequent on the belated supply of English Text Books for the 2nd year students of the Two year Intermediate Course, the Board of Intermediate Education deleted the lessons in questions for the academic year 1974-75 only.

(c) Six lessons out of 15 lessons in English Poetry were also deleted.

Sri A. Srimulu: The Minister has given a casual answer, Sir. It is a very serious question. Examination for Intermediate is to be held in April and how lessons are being deleted. Our Intermediate has not been recognised by 7 or 8 States. The Minister does not feel the seriousness of the matter. It is a scandalous affair, involving the nationalisation of textbooks. There is some background. It is not as if the Government has woken up and ordered for deletion of lessons. People are feeling a sort of allergy towards nationalisation. This nationalisation is a mockery. I want to know from the Minister what exactly is the procedure for printing and publication of these textbooks. Is it being entrusted to private parties. If so, when were the tenders called for and is it a fact that the lowest tender in this respect was not approved till the Chief Minister intervened. This is agitating the minds of all parents in the State.
Sri A. Sriramulu:—A part of my question was not answered. I said whether it is a fact that the lowest tender was not accepted by the Government till the Chief Minister intervened. Is it a fact that the Chief Minister intervened in this particular case?

Mr. Speaker:—The question is, whether the Chief Minister had to intervene before the department or the ministry accepted the lowest tender?

Sri A Sriramulu:—You have taken 2½ months. This is indeed the Department concerned. Colleges have opened in June last and the Department should have called for the tenders much earlier. Why there was 2½ months delay in finalising the tender? (2) What is the procedure followed? In the Text Books some pieces were selected from various authors. Most of the authors are not of this State. They belong to U.K. and other countries. Is it the responsibility of the Intermediate Board to obtain permission from the authors before they take up publication?
34 4th February, 1975.  

Short Notice Questions and Answers.

20 a.m.

33. इन्हें अनुसार इस प्रकार प्रश्न तथा उत्तरहित्री की जाएं।

1) गोपाल कुमार बाबू का आयाम कितना है?
   उत्तर: गोपाल कुमार बाबू का आयाम 165 सेमी है।

2) माता का नाम क्या है?
   उत्तर: माता का नाम दयालु है।

3) राम का आयाम कितना है?
   उत्तर: राम का आयाम 150 सेमी है।

4) चित्रकुंद के नाम का उपवन क्या है?
   उत्तर: चित्रकुंद के नाम का उपवन रंगीला है।

5) भानु का वजन कितना है?
   उत्तर: भानु का वजन 80 किलोग्राम है।

6) ग्रंथकार का नाम क्या है?
   उत्तर: ग्रंथकार का नाम गोपाल कुमार बाबू है।

7) मधुबन के उपवन क्या है?
   उत्तर: मधुबन के उपवन रंगीला है।

8) ममता का आयाम कितना है?
   उत्तर: ममता का आयाम 160 सेमी है।

9) दयालु का आयाम कितना है?
   उत्तर: दयालु का आयाम 170 सेमी है।

10) भानु का वजन कितना है?
    उत्तर: भानु का वजन 85 किलोग्राम है।

11) गोपाल कुमार बाबू का आयाम कितना है?
     उत्तर: गोपाल कुमार बाबू का आयाम 160 सेमी है।

12) चारु का आयाम कितना है?
     उत्तर: चारु का आयाम 155 सेमी है।

13) दयालु का वजन कितना है?
     उत्तर: दयालु का वजन 80 किलोग्राम है।

14) गोपाल कुमार बाबू का आयाम कितना है?
     उत्तर: गोपाल कुमार बाबू का आयाम 164 सेमी है।

15) दयालु का वजन कितना है?
     उत्तर: दयालु का वजन 85 किलोग्राम है।

16) गोपाल कुमार बाबू का आयाम कितना है?
     उत्तर: गोपाल कुमार बाबू का आयाम 160 सेमी है।

17) दयालु का वजन कितना है?
     उत्तर: दयालु का वजन 82 किलोग्राम है।

18) गोपाल कुमार बाबू का आयाम कितना है?
     उत्तर: गोपाल कुमार बाबू का आयाम 165 सेमी है।

19) दयालु का वजन कितना है?
     उत्तर: दयालु का वजन 84 किलोग्राम है।

20) गोपाल कुमार बाबू का आयाम कितना है?
     उत्तर: गोपाल कुमार बाबू का आयाम 162 सेमी है।
What is this nationalisation. Entrusting a work to a private party, demanding royalty and getting the matters badly delayed? I want to know what exactly is the meaning of nationalisation. You have created all sorts of troubles and vested interests.
Sri A. Sreeramulu — I want to know whether English Text Books for Junior Intermediate have been published. I know, it has not been published. Those books are not available in the market. But some books are not available without the name of the printer. Some clever printers printed these books and are selling in the market. The Intermediate Board or the Government does not care to publish the Intermediate Books. The Examinations are fast approaching. Some private people have printed and are selling in the market without their name.
Mr. Speaker: Answers to Qns, Nos. 59 and 60 will be placed on the Table of the House.

WRITTEN ANSWERS TO QUESTIONS

CATEGORIES OF LIBRARIANS WORKING IN GRANDHALAYAS

59—

*4803-(D) Q.—Sarvasri V. Srikrishna and M. Nagi Reddy:— Will the Minister for Tourism be pleased to state;

(a) the various categories of Librarians in the Grandhalayas and their scales of pay;

(b) the scales of pay of the Librarians in the Aided Schools, Colleges under private managements and Municipalities respectively; and

(c) whether there is any proposal to make the scales of the Librarians under Grandhalayas applicable to the Librarians in the schools, colleges under private and Municipal Managements?

A—

(a) & (b) Statement is placed on the Table of the House.

(c) No, Sir.
<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the posts.</th>
<th>Scales of pay.</th>
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<td>IN GOVERNMENT LIBRARIES.</td>
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<td>1.</td>
<td>Gazetted Librarians</td>
<td>Rs. 400-25-650.30-800</td>
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<td>2.</td>
<td>Superintendent (Tech.) and Assistant Librarians Gr. I.</td>
<td>Rs. 200-12-320-16-400</td>
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<td>3.</td>
<td>Assistant Librarians Gr. II., Classifiers, Ref. Assistants, and Supervisors-grade I.</td>
<td>Rs. 140-9-230-10-280</td>
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<td>4.</td>
<td>Cardwriters, Book Keepers and Supervisors Gr. II.</td>
<td>Rs. 90-6-150-7-192</td>
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<td>5.</td>
<td>Supervisors Gr. III. and Library Attenders.</td>
<td>Rs. 80-4-100-6-160</td>
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<td>IN ZILLA GRANDHALAYA SAMSTHAS:</td>
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<td>1.</td>
<td>Secretaries and District Central Librarians.</td>
<td>Rs. 300-25-600</td>
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<td>2.</td>
<td>Dy. Librarians and Librarians Grade I.</td>
<td>Rs. 200-15-320-16-400</td>
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<td>3.</td>
<td>Librarians Grade II.</td>
<td>Rs. 125-8-205-9-250</td>
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<td>4.</td>
<td>Librarians Grade III.</td>
<td>Rs. 100-6-160-8-200</td>
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<td>IN AIDED COLLEGES UNDER PRIVATE MANAGEMENT:</td>
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<tr>
<td>1.</td>
<td>Post Graduate Trained Librarians</td>
<td>Rs. 300-25-600 (U.G.C. Scale)</td>
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<td>2.</td>
<td>Graduate Trained Librarians.</td>
<td>Rs. 140-9-230-10-280 (State Scales)</td>
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<td>3.</td>
<td>Assistant Librarian with S.S.L.C. and Certificate course in Library Science</td>
<td>Rs. 90-6-150-7-192 (State Scales)</td>
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<td>IN AIDED SCHOOLS UNDER PRIVATE MANAGEMENT:</td>
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<td>Non-Graduate Librarians</td>
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<td>Non-Graduate Librarians</td>
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Delay in Supply of Power Looms to the Permit Holders

60—

*(X) Q.—Sarvasri B. Yella Reddy, Vanka Satayanarayana and M. Nagi Reddi:— Will the Minister for Handlooms and Textiles be pleased to state:

(a) whether it has come to the notice of the Government that the firm ‘Sun-rise’ from Bangalore is not supplying power looms to the permit holders;

(b) if so, what are the reasons;

(c) what are the steps the Government are taking for the supply of the power looms within the time prescribed in the permit so that the permits may not get lapsed; and

(d) whether it is a fact that Sri Venkateswara Power loom Weavers Co-operative production and sales society of Kothapalli, Karimnagar District got permits for power looms in 1972 but Power looms have not been supplied so far?

A.—

(a) Yes Sir.

(b) The Firm has temporarily suspended the supplies due to non-receipt of payments from the Nationalised Banks and would resume supply after its pending bills are paid by the Banks.

(c) The Validity period of the permits is already being extended wherever necessary in order to see that no permit gets lapsed. Finances are being provided through the Nationalised and Commercial Banks to the extent of one crore rupees under Government guarantee.

(d) Yes Sir.

Sri A. Sreeramulu:— This is a very serious matter Sir. We are playing with the lives of the boys and girls and their future.

Now that the Nationalised Text Books are not available intime, we are deleting some lessons. What would happen to the educational standards which had already fallen very low?

This is not the first time that such a thing has happened. The Intermediate students and other have suffered a lot. They had to carry on with the illicitly printed books.

I request that a House Committee may be constituted to go into all the aspects of the Nationalised Text Books as it is affecting the future of thousand of students.

Mr. Speaker:— We will consider that.
40  4th February, 1975.

Ruling by Hon'ble Speaker:
re: Promulgation of Ordinance for Bills pending before Select Committee.

RULING BY HON'BLE SPEAKER
re: PROMULGATION OF ORDINANCE FOR BILLS PENDING BEFORE SELECT COMMITTEE

Mr. Speaker:—Sri A. Sreeramulu and ten other Members have given notice of privilege Motion alleging that the promulgation of the Andhra Pradesh Commercial Crops (Special Assessment) Ordinance, 1974 and the Andhra Pradesh Land Revenue (Additional Wet Assessment) Ordinance, 1974 when the Bills covering the same subject were pending before the Select Committee, constituted a breach of privilege of the House. Before deciding the admissibility or otherwise of the privilege Motion I have taken this matter before the House on 1st February, 1975. Sri A. Sreeramulu stated in the House that the promulgation of the ordinance was an affront to the dignity of the House and he questioned the propriety of the Council of Ministers in advising the Governor to promulgate them. He also opined that if the Government was in a hurry to levy tax, it could have convened the Session of the Assembly and got the two Bills pending in Select Committee passed. He quoted the observations and Rulings made by Speakers of Lok Sabha regarding the propriety of issuing the ordinance. Sarvasri N. Sreenivasulu Reddy, Ist. Omkar, C.V.K. Rao, K. Ranga Das and Mrs. J. Lishwari Bai and Sri P. Janardhan Reddy strongly contended that there was a breach of Privilege of the House and the matter must be referred to the Privilege Committee.

Sri Ch. Parasmama Naidu on the other hand pleaded that though the promulgation of ordinances might be criticised it would not amount to breach of privileges of the House. Sri M. Narayan Reddy strongly pleaded that the issue of Ordinances by Governor could not be questioned as the satisfaction of the Governor was subjective. He also stated that Ordinances were issued to facilitate the revenue collections before the meeting of the Legislature. Sri P. Narasimha Reddy, Minister for Revenue strongly defended the promulgation of the Ordinances stating that there was no violation of democratic procedures since the Ordinance had been placed before the Legislature. He also contended that these ordinances had to be issued to enable the Revenue Officials to prepare the records in time to collect the taxes in question along with the Land Revenue for the last kharif season.

There are two aspects in the matter of issue of Ordinance, viz., the legal aspect and the propriety. About the Constitutional validity and the legality there is no doubt whatsoever that the Governor can promulgate an Ordinance. The conditions laid down by Article 213 of the Constitution have been fully satisfied in this case. The only important question is whether the power of the Governor under Article
Ruling by Hon’ble Speaker: 4th February, 1975.

re: Promulgation of Ordinances for Bills pending before Select Committee.

213 to promulgate the ordinances is taken away while the Bills having the provisions embodied in Ordinances having been introduced in the Legislature when it was in session and having been referred to the Select Committee thereof? Article 213 imposes no such prohibition and as observed by the Supreme Court in A.I.R. 1974 Supreme Court 1533—

“It is however well settled that the necessity of immediate action and of promulgating an Ordinance is a matter purely for the subjective satisfaction of the Governor. He is the sole to the existence of the circumstances necessitating the making of an ordinance His satisfaction is not a justiciable matter. It cannot be questioned on the ground of error of judgement or otherwise in court.”

Again in another case before the Supreme Court i.e. State of Punjab Vs. Satpal Dang and others the Chief Justice observed as follows,

“The Governor’s power under Article 213 of the Constitution of Legislation by Ordinance is as wide as the power of the Legislature of the State and therefore, includes the power to pass a law under Art. 209 in relation to financial business.”

Thus absolute power has been conferred on the Governor under Article 213 and when the Governor is satisfied that the circumstances, in his opinion, make it necessary for him to take immediate action and issue an Ordinance, the fact that the Bill containing the same provisions has already been moved in the Legislature and is pending consideration either by the Legislature or by a Select Committee thereof cannot detract from the Ordinance making power of the Governor.

There are precedents both Central and States, where Ordinances were promulgated when the Bills were pending considerations in the Legislatures or the Select Committees. For example, the Requisitioning and Acquisition of Immovable Property (Amendment) Bill, 1968 (Bill No. 52 of 1968) was introduced in the Lok Sabha on the 10th May, 1968 and before it was passed by Parliament, the Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1968 was promulgated on 17-6-68 by the President to give effect to the provisions of the said Bill. Similarly the Public Premises (Eviction of Unauthorised occupants) Amendment Bill, 1968, was introduced in the Rajya Sabha on the 5th March, 1968 and before it was passed the Public Premises (Eviction of unauthorised occupants) Amendment Ordinance, 1968 as promulgated by the President on the 17th June, 1968 to give effect to the provisions of that Bill.

Recently, the Sick Textile Undertakings (Nationalisation) Bill was introduced in Parliament on 2-9-1974 but before it was passed, the Sick Textiles Undertakings (Nationalisation) Ordinance (12 of 1974)
was promulgated by the President on 21-9-1974. So also the Press Council (Second Amendment) Ordinance, 1974 (No. 14 of 1974) was promulgated by the President on 26th December, 1974 and the Indian Tariff (Amendment) Ordinance, 1974 was promulgated by the President on 28th December, 1974 (No. 15 of 1974), when the Bills to amend the relevant Acts were introduced in Parliament and before they were passed. It may also be stated that the Governor of Tamil Nadu promulgated the Tamil Nadu Agricultural Income Tax (Amendment) Ordinance (No. 3 of 1972) on 21-11-1972 even though the Tamil Nadu Agricultural Income-Tax (Amendment) Bill was pending before the Select Committee.

In Kerala, the Kerala Building Tax Bill, 1973 was introduced and referred to a Select Committee during the eighth Session of the Kerala Legislative Assembly. The report of the Select Committee was presented to the Assembly during the tenth Session but it could not be proceeded with for want of time. To give effect to the provisions of the Bill an ordinance was issued embodying wholly the provisions of the Select Committee report. In the eleventh session also the Government had not got sufficient time to enact the Bill into Law. Therefore another ordinance was issued on 19th November, 1974 to give effect to the provisions of the Kerala Building Tax Bill as reported by the Select Committee after the Assembly was prorogued in October, 1974.

It may also be mentioned that in Practice and Procedure of Parliament by Kual and Shakdher it has been observed that—

"The President may issue an Ordinance to enforce the provisions of a Bill pending before a House or to enforce the provisions of a bill already passed by one House but not yet passed by the other House or on an entirely new matter to be replaced subsequently by a Bill to be brought before the House, or for a purpose not requiring permanent legislation."

Thus it is made clear that constitutionally, legally and by precedents Governor has got power to issue an Ordinance even though a Bill is pending before the House or before the Select Committee of the House.

The next point is the propriety of issuing an Ordinance by Governor or the President as the case may be. Members have objected to the frequent resort to this power by the Government and expressed the view that Ordinances might be promulgated only when it is absolutely necessary. Sri G. V. Mavalankar in one of his letters dated 17-7-1954 addressed to the Prime Minister observed:
Ruling by Hon'ble Speaker: 4th February, 1975. 43
re: Promulgation of Ordinances for Bills pending before Select Committee.

"The issue of an ordinance is undemocratic and cannot be justified except in cases of extreme urgency or emergency.

'Ve, as first Lok Sabha, carry a responsibility of laying down traditions. It is not a question of present personnel in the Government but a question of precedents; and if this Ordinance issuing is not limited by convention only to extreme and very urgent cases, the result may be that in future, the Government may go on issuing ordinances giving Lok Sabha no option but to rubber-stamp the Ordinances.'"

The Prime Minister in his reply dated 19-7-1954 wrote:

"We have been reluctant to issue ordinances and it is only when we have felt compelled to do so by circumstances that we have issued them. You will appreciate that it is the responsibility of the Government to decide what steps should be taken in a particular contingency. The Constitution itself has provided for the issue of ordinance where such necessity arise and that discretion has to be exercised by Government."

"We have issued in the past a very limited number of ordinances and we have always placed before Parliament the reasons for having issued each one of them."

"I am myself unable to see why this should be considered undemocratic. Of course, this power, like any other power, may be abused and Parliament will be the ultimate Judge as to whether the use of this power has been right or wrong."

Coming to the recent years, when an Ordinance on Petrol prices was promulgated a week before the winter session of the Lok Sabha, a number of Members of the Opposition on 13-11-73 deprecated the tendency to issue ordinances just before the session. Sri G. S. Dhillion, Speaker, Lok Sabha recalling how Sri G. V. Mavalankar and other Speakers disapproved of the Government's tendency to legislate by Ordinances and also quoting his own ruling three years earlier, reiterated that he did not approve of legislation by ordinances when the date for a Parliament session had been fixed, unless very special reasons existed. When the Opposition wanted the Government to undo the damage done by the Government, the Speaker said that he could not do anything more under the Constitution and if he was to do anything more the Parliament should give him some more powers. He however, made it plain that he had given the ruling on the propriety of the Government's issuing the ordinance and not on its legality.

As all members are aware, the Legislative Assembly was pro-rogued by Governor on the 16th September, 1974 and since then 9 Ordinances were promulgated by Governor. As you are already aware.
Andhra Pradesh Land Revenue (Additional Wet Assessment) Bill, was introduced in the Assembly and it was referred to the Select Committee on 7-8-1974. The Andhra Pradesh Commercial Crops (Special Assessment) Bill was also referred to Select Committee on 16-8-1974. When these two taxation Bills were before the Select Committee Ordinances on the same subject were promulgated. As mentioned in the precedents, Supreme Court Rulings, there is absolutely no bar legally and Constitutionally in promulgating these Ordinances. But as far as propriety is concerned I am in full agreement with Sri G. V. Mavalankar and Sri G. S. Dhillon that issue of Ordinances should be resorted to only when compelled to do so, and frequent issue of Ordinances is not conducive to the development of the best Parliamentary traditions. In view of the position stated above I hold that Hon'ble Chief Minister has not committed any breach of privilege in the case of promulgation of the two ordinances embodying the same provision contained in the Bills pending before the Select Committees; and I disallow the motion.

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE:

10-40 a.m. re: ENHANCEMENT OF WAGES FOR COLLECTION OF BEEDI LEAVES.

Sri M. Omkar.—Sir, this relates to enhancement of wages for the beedi leaves collection, in view of the nationalisation of beedi leaves.

Prior to 1967 it was exclusively with the private contractors. Government used to put to auction and the private contractors used to arrange picking through labourers as the labourers used to fight against the contractors that they were not able to get increase in wages.

If you permit me, Sir, I would read before the House the agreement made during those days; it is dated 3rd May, 1969. It is an agreement between the contractors and the labourers. It reads like this:

There are several such agreements, and from year to year these people had been fighting and were able to get increased wages from the contractors. But after nationalisation in 1971, when the government has replaced the private contractor as the Government has become a big employer and the workers have to fight against the Government.

At the time of nationalisation, the Government had proclaimed that it was being done in the interest of the worker themselves. The Government had promised then that it would increase the wage rates
Calling Attention to Matters of Urgent Public Importance:
re: Enhancement of wages for collection of beedi leaves.

and it will also provide some funds for the benefit of these tribals and other labourers who are in their profession of plucking of leaves.

These beedi leaves pluckers are mainly from tribal and agricultural labour: so in the interest of this people, this is said to have been nationalised. Everybody was happy and thought that certainly some benefit would accrue to common man. But after nationalisation instead of giving benefits and concessions, the Government became more adamant and proved very ruthless more than even the private contractors.

Mr. Speaker, immediately after this nationalisation, the Government reduced the wage rates from 10 paisa per bundle (that was being paid by private contractors) to 6 paisa, 5 paisa and 4 paisa like that. Instead of increasing half of the wages have been reduced, So against this injustice, and undemocratic steps of the Government, the people launched their struggle and are continuing it.

In the beginning when the Government decided to reduce to 3 paisa, 4 paisa, and 5 paisa per bundle, containing 100 leaves, immediately there was a great protest. As a result of this Government had to raise one paisa that means, instead of 3, 4, paisa and instead of 5 paisa it was raised to 6 paisa. But this increase is very meagre. of course some argument has been advanced by the Forest Department and a wrong notion prevails that these people who are in this field are earning daily Rs. 7/- and Rs. 8/- and so on and so forth. As a layman it is difficult to contradict them. But on account of my own experience I am prepared to accept this challenge and if the Government is prepared even to pay Rs.2/- per head I am ready to forego every other benefit that are mean for these people. It is wrong to say that they are earning Rs. 7 to Rs. 8/-.

Is the Government prepared to accept this challenge.

I tell you the truth, Sir. In a family, four or five, whatever the number is there, all operate in these things and I can say on an average they are not able to earn more than one rupee. During these 10-50 a.m. days when the prices are going up, how is it possible for a man to survive by taking one rupee per day? We are observing in the towns the white-collared workers are coming into the streets asking the government for some rise in their pay packets, though I am not satisfied with giving some kind of benefits. What about the aboriginals who are residing in jungles, who are residing in the rural areas? Is it wise on the part of the government to advise them to be content with less than one rupee per day? So, Sir this has been a great issue. When the people are coming and asking the government for increase in their wage rise, instead of accepting their demand, the Government is using police force and suppressing them ruthlessly. I am prepared to cite several
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examples in which hundreds of people were involved in false cases. Thousands of them were beaten and women folk were assaulted. This serious repression is there. When the people were asking only for the wage increase, the Government is resorting to suppress them. When the private contractors were there, they never used police force. Ultimately they had to bow to the pressure of the common man and they had to increase to some extent. When it was nationalised, instead of increasing their wage rate, the Government is using police force to suppress them. Another point, Sir. Is it fully nationalised? I can say no. It is not fully nationalised. Only half nationalisation has taken place. That means previously only private contractors were fleecing the labourers. Now, the private contractors plus the Government, both are fleecing them. This kind of fleecing is nothing but a capitalistic and feudalistic exploitation. So, against this we have been demanding from time to time and year to year that the Government should raise their wages. Another point is after nationalisation the Government have constituted a Committees to fix up the wage rates. Who are the Members in that Wage Fixation Committee? You will be surprised to know only the private contractors' representatives are allowed. From the labour side there is no representation. We have been asking for this. Is the Government really interested in looking after the interests of the tribals? One person from the labourers' side must be taken into the wage Fixation Committee. Since, 1971, this reasonable demand, this legitimate demand of the workers is being rejected very bluntly and adamantly. On the other hand, the Government just like road-roller is going on giving this meagre wage. This year also we submitted several memoranda. We went on deputation and requested the Minister to look into this matter, but in vain.

Another thing is even after nationalisation the places where the organisation is strong they could fight against the employers and could succeed in getting their wages increased one paisa above the rates fixed by the Government. Here, I will read out an agreement which was agreed up on 23rd April, 1974. It reads like this:

Mr. Deputy Speaker:—Mr. Omkar, that agreement may be a lengthy one.

Sri M. Omkar:—Only one sentence. That is why I am reading. Otherwise, I would not have read it.

So, Sir, these things are there. I would like to mention one more important thing. Our Estimates Committee of 1972-74 in its Third Report on Tribal Welfare has recommended some crucial things. This
Calling Attention to Matters of Urgent Public Importance.


re: Enhancement of wages for collection of beedi leaves.

Committee is composed mainly of the Members from the Ruling party and its Chairman was Smt. T Anusaya Devi, who is having allegiance with the ruling party. She is not from our side. The Committee enquired and went in detail about the problems of the Tribal people. One chapter reads like this:

"In the Forest area of the Tribal Blocks, the beedi leaves which are the forest produce are collected by the Girijans on wage basis at the rate of 5 or 6 paise for every bunch of 100 beedi leaves collected by them, and it is one of the main occupations of the Girijans in the forests. During the Committee's visit to Khammam district the Tribal Welfare Officials and most of the Girijans represented."

Please note, the Tribal Welfare Officials and most of the Girijans "represented to the Committee that the wages paid by now for beedi collection to the Girijans are very low and insufficient and requested to enhance the rate substantially".

"The Committee recommends that the wage rate for collection of beedi leaves requires revision from 6 paise to 10 paise for every 100 leaves, as the amount of six paise is too low a wage."

Another recommendation is: "The Committee further recommends that half the amount of income yielded from the auction of beedi leaves may be earmarked for the development of Tribals and the tribal areas in the State, instead of remitting the whole amount of auction to the general revenues of the State."

So, Sir, though our Organisation has been demanding twelve paise per bundle of 100 leaves, the Estimates Committee has recommended 10 paise per bundle in its report submitted to the Assembly on August 1st, 1974. Atleast those rates must be accepted and complied with immediately. In this connection, I would like to appeal to our Hon. Minister through you, to apply his own mind. He should not depend exclusively upon the reports written by the Forest Department or its officers. He should look into the difficulties of the tribals and other labourers. My earnest appeal to the Government is that they should implement immediately the recommendation of the Estimates Committee. It should take one representative from the Labourers' Organisation into the Wage Fixation Committee without any delay.
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I hope I am understood while speaking Telugu. If the Hon. Minister wants that I should speak in English, I shall do so.

Mr. Deputy Speaker:— You may speak in Telugu.

Sri C.V.K. Rao:— All-Right, Sir. The Forest Department is a very peculiar department. It is really a forest, where animals alone should be there. But as far as the human welfare is concerned, if unfortunately any human being works there, he is being treated as being treated in this particular case of thousands and thousands of tribal people who are doing a very important work. After all, it is the nature that gives the leaves and it is the men who collect it. There is no manufacture involved in this thing. That being the position, should not the wages of these men be looked after and their conditions improved, leave alone the increase of the wages that are paid for a bundle of 100 leaves that are being collected. Actually, the wages have been reduced. If anybody were to agitate among the tribals, it would be dangerous thing. The tribals and scheduled castes and tribes are the people who are kept out of this civilised area by no fault of theirs but because of the existing system and unfortunate state of affairs and the exploiting ruling power. That is the position. Here a very sensible representation from the tribal workers, who are doing this work of collecting beedi leaves is there and I fail to understand how it has not come to the notice of the Government.

The Government has not taken it up to improve their conditions. Now they are being paid reduced wages. I want to know whether the Forest Minister had instituted a Minimum Enquiry Committee under the Industrial Disputes Act so much so the whole matter may be enquired into and expeditions steps be taken. And no shelter be taken in the formation of such committees and thus dilatory tactics be adopted by the concerned men and the labourers denied of their fruits. My point is that immediately status quo should be maintained and ten paise should be paid per bundle on an adhoc arrangement and a Committee be instituted under the I.D. Act, to examine the entire profits of this particular industry and the remuneration that has to be paid. Necessary welfare schemes should be instituted and the profits accrued in this industry may be spent for the welfare of the tribals. I hope that the Minister for Forests would take immediate steps on these lines. That is all I have to state.

Sri A. Sriramulu:—Sir, I shall only remind the Minister that he is dealing with a highly sensitive area and a sensitive section of our society,
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He tribals. If this problem is neglected and if Government should continue the exploitation of the previous contractors it would lead to a serious situation. That is why it is absolutely essential that the Government creates a sense of new confidence in the tribal people that the Government is not for exploitation but is for their welfare. At least considering the physical aspect of this question, it is the duty and moral responsibility of the Government to fix the real wages and take their representative into the Wage Fixation Committee and try to infuse confidence among the people.

The Committee recommends that the Wage rate for collection of beedi leaves requires revision from 6 paise to 10 paise for every 100 leaves, as the amount of six paise is too low a wage.

The Minister for Forests (Sri Mohd. Ibrahim Ali Ansari) :-Sir,
The Committee constituted under second 6 of the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Act, 1971 to advise the Government for fixation of rates for the collection and purchase of abnus leaves for the 1973 season met on 6-12-1974 and after considering the representation dated 4-11-1974 from Sri M. Omkar, M.L.A., for raising the wages to 12 paise per Bundle recommended the rates as follows:

- For 68 units: Rs. 60/- per Standard bag.
- For 87 units: Rs. 50/- per Standard bag.
- For 202 units: Rs. 40/- per Standard bag.

The Government have examined the matter and decided to accept the rates recommended by the committee, since the rates given in the Andhra Pradesh are much favourable when compared to the following rates obtaining in other States:
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Maximum

1. Maharashtra
   Rs. 42.60 paise per Standard bag.
2. Bihar
   Rs. 35.00 paise per Standard bag.
3. Orissa
   Rs. 33.33 paise per Standard bag.

Minimum

   Rs. 31.95 p. per S.B.
   Rs. 35 00 p. per S.B.
   Rs. 33.33 p. per S.B.

Each standard bag contains 1000 standard bundles and each bundle should have 100 leaves. If in collection charges for 100 leaves is to be increased by one paise, the additional cost will be about Rs.25 lakhs (Rupees twenty five lakhs) and, if collection charges have to be paid at the rate of 10 paise per bundle the additional expenditure will be about Rs. 100 lakhs (Rs. 1 crore) per year. During 1574 seasons the Government could get a net revenue of Rs.222 lakhs on abrus leave, trade, and the revenue for 1975 season is likely to be the same.

10 a.m. The Joint Commissioner of Labour is serving on the Committee to safeguard the interest of labour. The Government will consider the suggestion of Members to have one member from the Andhra Pradesh Agricultural Labour Association to serve on Advisory Committee to be constituted for 1976 season.

Sri M. Omkar:—It is very unjust on the part of the Government to quote several examples from other States. Even today there are some countries which are not free from imperialists. Will they stand for example in our eyes. In Punjab, they are paying Rs.10 per agricultural labourer. Are we paying the same rates here except Rs.4 or 5 ? Why do you take examples from Madhya Pradesh, Bihar and other States? Here, Sir, I am alleging that there is big scandal going on in this regard. There is a big conspiracy going on between the officials and private contractors. That is why, at certain places, the rates are very high and at some places, it is very low. I do not want to go into the details again. So far as this issue is concerned, the Estimates Committee, which is one of the highest Committees in the State Legislature has given its recommendation on this matter of increase of rates and it was not implemented. What is the use of constituting these Committees? It is said that if one paise increase is there, the expenditure to the exchequer will be additionally Rs.25 lakhs. If 4 paise increase is there it would be round about Rs.1 crore. I am to inform you Sir, that before nationalisation, Government used to get only less than Rs.1 crore and after nationalisation, it is deriving a profit of Rs.4 crores ; that means to say, additional benefit of Rs.3 crores is there. If that is so, where is the loss in giving Rs.1 crore as wage increase. Even if that is done, there will be Rs.2 crores marginal profit,
Our Chief Minister has promised that he will call for a joint meeting with forest officials and our representatives. At least if that is done, it would be helpful for solving the problem. Moreover, I would like to state that the Government should not try to test the patience of the workers.

I once again appeal that the Minister should come forward with the offer to convene a meeting jointly with forest officials and tribal representatives. If that assurance is not given and if the present state of affairs continues neither the Government nor our State will be benefited.

Sri Mohd. Ibrahim Ali Ansari:—It is not correct to say that an income of Rs. 5 to 7 crores is there. I have already informed that roughly Rs. 2 crores is the income and out of that if Rs. 1 crore is to be given away, it will not be worthwhile taking it up at all.

PAPERS LAID ON THE TABLE

(1) Amendment to A.P. General Sales Tax Rules, 1957 (G.O. Ms. No. 615 Revenue, dated 28-6-1974)


Mr. Speaker:—Paper laid:

AMENDMENTS TO RULES MADE UNDER SUB. SEC. (2) OF SEC. 69 OF A. P. PANCHAYAT SAMITHIES AND ZILLA PARISHADS ACT, 1959.

Sri L. Lakshmanadas:—I beg to lay on the Table copies of the following notifications with which certain rules or amendments to rules have been made as required under sub-section (2) of Section 69 of the Andhra Pradesh Panchayat Samithies and Zilla Parishads Act, 1959:

<table>
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<tr>
<th>Sl. No.</th>
<th>Reference to the G. O. and date</th>
<th>Reference to the Gazette and date</th>
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<td>1.</td>
<td>G. O. Ms. No. 427, Panchayati Raj (Sam. I) Department, Dt. 21-8-1974.</td>
<td>Published at pages 134-137 in part VII of the Andhra Pradesh Gazette dt, 19-9-74</td>
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Mr. Speaker:—Papers laid.

**Amendments to Rules relating to this Constitution and Functioning of the Advisory Committee to aid and advise the Government in this matter of Grants in aid and Loans to Municipalities.**

Sri Challa Subbarayudu:—Sir, I beg to lay on the Table a copy of the amendment to the Rules relating to the Constitution and functioning of the Advisory Committee, to aid and advise the Government in the matter of sanction of grant-in-aid and loans to the Municipalities from the Municipal Common Good Fund issued in G.O. Ms. No.360 M.A., dated 3-7-74 and published at page 269 of the Rules Supplement to part II of the Andhra Pradesh Gazette, dated 25-7-74, as required under sub-section (2) of Section 7 of the Andhra Pradesh Urban Areas (Surcharge on Property Tax) Act, 1958.

Mr. Speaker:— Paper laid.

**Amendments to Rules relating to the Manner of Publication of Notification under Sec. 263 of A. P. Municipalities Act, 1965.**

Sri Challa Subbarayudu:—Sir, I beg to lay on the Table a copy of the amendment, to the rules relating to the manner of publication of notification under Section 263 of the Andhra Pradesh Municipalities Act, 1965 issued with G. O. Ms, No. 619, M. A., dated 12.11.1974, as required under sub-section (2) of Section 327 of the said Act.

Mr. Speaker:— Paper laid.
Government Resolution: 4th February, 1975

PAPER PLACED ON THE TABLE.
re: REPORT OF THE BUSINESS ADVISORY COMMITTEE OF 3-2-75.

Sri P. Narasa Reddy:— on behalf of the Chief Minister, the 11.20 a.m. Leader of the House, I beg to place on the Table a copy of the Report of the decisions of the Business Advisory Committee taken at its meeting held on 3rd February, 1975.*

Mr. Deputy Speaker:— Paper placed on the Table.

GOVERNMENT BILL.

THE ANDHRA PRADESH LOCAL AUTHORITIES LOANS BILL, 1975 (INTRODUCED).

Sri Challa Subbarayudu:— I beg to move for leave to introduce the Andhra Pradesh Local Authorities Loans Bill, 1975.

Mr. Deputy Speaker:— Motion moved.

Mr. Deputy Speaker:— The question is:—

"That leave to introduce the Andhra Pradesh Local Authorities Loans Bill, 1975 be granted."

Mr. Deputy Speaker:— The Motion was adopted.

GOVERNMENT RESOLUTION
re:— THE CONSTITUTION (THIRTY-FIFTH AMENDMENT) ACT, 1974 (ADOPTED)

Sri P. Narasa Reddy (rose to move)

Sri C.V.K. Rao:— Sir, this stands in the name of the Chief Minister. This is an important Resolution relating to Constitution Amendment.

Mr. Deputy Speaker:— I have given the permission.

Sri C.V.K. Rao:— Sometimes you can use your discretion. You are entitled to give permission. When this is an important amendment to the Constitution before the House, will not the Chief Minister consider it his primary duty to be present?

Mr. Deputy Speaker:— He is busy.

Sri C.V.K. Rao:— This is a very important thing. He cannot run away from the House when an important question is here. You can call him.

Mr. Deputy Speaker:— The question of running away does not arise. I have given permission to Mr. Narasa Reddy.

* Printed as Appendix.

Government Resolution:

Sri P. Narasa Reddy:— The Chief Minister has got some work in the Legislative Council. Therefore I have to move this Resolution here.

(Pause)

With your permission, I beg to move:—

"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-Sixth amendment) Bill, 1974, as passed by the two Houses of Parliament, which seeks to give effect to the wishes of the people of Sikkim for strengthening Indo-Sikkim Cooperation and inter-relationship and the short title of which has been changed into "the Constitution (Thirty Fifth Amendment) Act, 1974."

Mr. Deputy Speaker:—Resolution moved.

Sri C.V.K. Rao:— This violates the entire constitutional provision. Now there is no scope in the Constitution for an associated State. It is a Federation. This totally violates the Constitution.

Mr. Deputy Speaker:— That you mention in your speech.

Sri C.V.K. Rao:— I have a right to raise a point of order. This Resolution cannot be brought in here. When the Government brings a Resolution, I have a right to say whether such a Resolution is in conformity with the constitutional provision or not. As such I question the propriety of bringing this Resolution in this House.

Mr. Deputy Speaker:— There is no point of order.

*Sri P. Narasa Reddy:— Article 368 lays down:

"(2) An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill:

Provided that if such amendment seeks to make any change in ........

(d) the representation of States in Parliament, or

(e) the provisions of this article,

the amendment shall also require to be ratified by the Legislatures of not less than one-half of the States by resolution to that effect passed

by those Legislatures before the Bill making provision for such amendment is presented to the President for assent."

Sri P. Janardhan Reddy:— Sikkim is not our territory. So, this will not apply.

Sri C.V.K. Rao:— The Minister says that this Resolution has to be approved. That amendment is unstatutory. That is the actual position. Therefore this House can throw it out. We cannot get into a matter like this. It does not keep the dignity of the country. In a world surcharged with so much tension, This big Country should not give scope for such a situation, I am opposing that thing. You can very well say. But there is no point. I have a right to raise the point of order, when the Minister on the other side raised ......

Sri P. Narasa Reddy:— The Point of Order would relate to the matter of procedure.

Mr. Deputy Speaker:—I have already ruled out. There is no point of order:

Sri P. Narasa Reddy:— Our Rule 359 is clear.

"359. Ratification of amendments to the Constitution—

(1) When communications relating to amendments of the Constitution of India which have to be ratified by the Assemblies under the proviso to Article 368 of the Constitution, are received from either House of Parliament such communications shall be laid on the Table.

(2) As soon as the Communication is laid on the Table, the Leader of the House shall move a resolution for ratification of the amendments by the Assembly.

(3) As soon as the resolution is passed by the Assembly an authenticated copy of the resolution shall be forwarded to the House of Parliament from which the amendments were received for ratification."

Sri C. V. K. Rao:—That is true. It has to be passed or it can also be thrown out by this House. That it should not be placed, I am not questioning. What I am saying is that this is affecting the dignity of the entire country. So, I raised a point of order to that extent. I am not questioning this particular rule.
Mr. Deputy Speaker:—That question does not arise.

*Sri P. Narasa Reddy:* Mr. Deputy Speaker, Sir, Honourable members of this House are quite aware that the relationship between our country and Sikkim, ever last 25 years is very affectionate terms. We are protecting the interests of Sikkim people in view of the relationship with our country. Now it was felt that it is necessary when a Resolution took place in Sikkim, when there were democratic elections, where a Constitution was provided and under the Constitution, Assembly was elected and a popular Government came and the popular Chogyal and the Government were in agreement with our own country. They have requested that we must give them an affiliated States with India so that they may be on par with any other State or Region of this country. They want to be in the main stream of economic development, so far as this country is concerned. The apprehension of the hon. members is not correct. I would invite the attention of this Honourable House to the speech of the External Affairs Minister:

"I would like to say categorically the provision in this Bill which creates the status of an associate membership will not and cannot have any effect on any other constituent State of India. Other States in India are very much governed by the constitutional provisions and it is a tribute to the Sagacity of the leadership in those States and also the co-operative spirit in which our federal system is working that there is no desire at all on the part of any State to have a status other than the one provided by the Constitution.

11-30 a.m. I have no doubt that I will be voicing the feelings of all the members of Parliament of this House and the other House when I say that our Parliament will never be a party, in any way, to loosen the structure that has been evolved by the natural process of creating a unified country, although this unity is a combination of diversity also. While respecting the language and culture of the various constituent States, we have preserved the unity and this unity has been amply demonstrated whenever we faced any difficulty, whether it was at the time of war or conflict or even when we are tackling other difficult problems of a national character. I would also like to add that no fear need be entertained that any leader in Jammu and Kashmir can ever think of asking for such a status. Jammu and Kashmir is a part of India and no power on earth can deflect us from that position. I would also like to remind the Hon. Members that even....

*Sri C.V.K. Rao:*—On a Point of Order, how is that the Minister reads a speech of a Union Minister?


Mr. Dy. Speaker:—He is quoting.

Sri C.V.K. Rao:—He is not quoting, he is reading.

Sri P. Narasa Reddy:—I can’t understand the implications of the hon. Member. I said that the policy of the Central Government......

(Interjections)

Sri C.V.K. Rao:—My point of order is that the Minister has got to give an explanation. This particular amendment was thr shed out on the floor of the Parliament. The material is available. In view of that, let him place. There is a special circumstance to this. We are not supporting the Parliament; but on the other hand we are superior to the Parliament. Unless and until the States pass it, it cannot come on the statute book. Bearing all these in mind, let the Hon. Minister explain circumstances both for and against it for our benefit. What is the point in just reading the whole speech which the Union Minister has given. Suppose I give the reply of another member on the floor of the House, We will just become subordinate. We have bestowed thought. The whole thing has been thrashed out on the floor of Parliament. We have to decide whether we can pass or cannot pass. Let not the Hon. Minister repeat. Let him give his own view point on that and then we can open the debate.

Sri P. Narasa Reddy:—This resolution has to be discussed only to a limited extent. So far as the amendment is concerned, I will read out a part of the debate of the Rajya Sabha, wherein, the Minister for External Affairs has allayed the fears of the Mem’ers in giving an associated status to Sikkim. There will not be any adverse repercussions on India. There is nothing to disapprove this resolution or dis-approve the amendment made by Parliament. My submission is that the Government of India’s view must be placed before this House. I draw the attention of the Hon. Members to the speech made by Sri Swaran Singh who is in-charge of the External Affairs. As I was earlier submitting, in response to a request of the popularly elected democratic Government of Sikkim, we wanted to associate this with the Indian Union. We had asser ted to give them an associated status and membership in both Lok Sabha and Rajya Sabha. In pursuance of that, the Constitution Amendment Bill was presented and passed. In order to fulfill the constitutional obligation, the Secretary General of Rajya Sabha has written to all States. These States have to pass a resolution approving the amendment of the Constitution. I am not trying to give my eloquence without getting the view of the Government of India. I want to invite the attention of the Hon. Members that it is not that I am going to read the speeches of all members.
This amendment is quite perfect. There was only one opposition to this. Both the Houses of Parliament with a thumping majority accepted them. It is in the fitness of things that this hon. House may also pass this resolution and ratify the amendment of the Parliament. The relationship between India and Sikkim is not new. It is not a question of some countries having it. It is also not the question of trying to swallow up smaller countries. I don’t know if the hon. Members are trying to voice the impressions of other countries who wish to see that.

(interruptions)

Sri C.V.K. Rao:—I raise an objection to that. Why should he make such sweeping remarks.

Sri P. Narsa Reddy:—I did not say his name, Sir.

Sri C.V.K. Rao:—Let him speak on that.

Sri P. Narsa Reddy:—I submit that there have been some countries who had raised their voice, (some Asian countries) saying that India has become imperialistic, and it is trying to swallow smaller countries. But, in view of our past relations over 25 years, our country had given them economic assistance. We are having better foreign relations. There was an election in Sikkim and a democratic set-up had come into being. The leader of that democratic set-up and also the Chogyal wanted to have an associated status with the Indian Union and that is why we have to bring this amendment. There was no provision as such for associated status, however, near and dear it is. I humbly request our Members not to oppose this resolution for the sake of opposition.

11.40 a.m., 

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Government Resolution:


60 4th February, 1975.

Government Resolution

Government Resolution

re: The Constitution (Thirty fifth Amendment) Act, 1974,


...

Government Resolution

re: The Constitution (Thirty-fifth Amendment) Act, 1974

4th February, 1975

[Document content in Telugu script]
4th February, 1975


Sri Ch. Parusurama Naidu (Parvathipuram):—Sir, this constitutional Amendment is certainly one of great historical importance and is a very far reaching measure. While I very well appreciate the intention and the spirit of this association sought to be made, while I can see that the actual idea which is operating to bring about this measure, while I can appreciate that in the interests of this country, this amendment is brought forth, still I am not able to agree with the actual Constitutional set up that has been brought out, that has been actually framed. The Constitutional set up that has been framed now in terms of this amendment certainly spells a great danger to our own state of Constitutional set up. It is likely to damage the very basic and essential set up, the essential concept which the framers of the Constitution had intended. I am afraid, this amendment, if taken to a Court of law, can stand the scrutiny of the Constitutional Law.

It was already decided by a Constitution Bench of our Supreme Court a 13 Member Bench where-in M. Palkiwala, a great expert of our country has argued for 13 days- the judgment has stated that you can amend the Constitution. You have the amending power and the present Parliament has the amending power but you cannot amend to such an extent as to change the essence and framework of the Constitution. It is not given to the Parliament to amend the Constitution to make it a dictatorship. It is not given to the Parliament to amend the Constitution to scrap federal aspect of it. It cannot say to-day, all of a sudden, because there is a temporary majority in the Parliament, that the Prime Minister shall have the responsibility for the Parliament. There were certain provisions of the Constitution which have been held to be fundamental. I am not speaking on mere fundamental rights. The whole thing is that there are certain fundamental features of the Constitution, the essential framework of the Constitution, the spirit of the Constitution.

That was what was laid down and it cannot be altered except by the federal structure and except by setting up another constituent assembly.

While I certainly agree that the Indian Union shall assist the welfare of the Sikkim State and shall do everything for the security of this country, I enter my emphatic protest against China which has occupied a part of our country and still feels it proper to charge this
country with annexation and aggression and exploitation. I do emphatically offer. I do not think that any member of the Assembly or any citizen of India can agree with this view. But still we, as citizens of India, as responsible citizens of India, cannot agree with this sort of constitutional amalgamation of the fundamental, the essence and the basic structure of the Constitution which we have, with great deliberation, and which our wisemen of this country have framed. No doubt, you have a right to amend. That has been upheld by the August Supreme Court of India but limitations have been placed upon them. What is the essence of this amendment that has been made? My good friend Mr. Srinivasul Reddy has said that associate State-ship is correct. There also I differ. Sikkim has been associated with the Indian Parliament. That is all. Indian Constitution creates a Union under Federation. This is a very peculiar one. There was at that time a conflict between the intentions of the Legislatures, viz., whether we shall have an unitary Constitution as in the days of the British or we shall have an federal Constitution. An amalgam had been created.

Now, Sir, Sikkim State is Sikkim State and it is not a State of India notwithstanding the passing of this Constitutional Amendment. It is not part of the territory of India. The citizens of Sikkim, the people of Sikkim are not the citizens of India. This is something abnormal, something strange precedent which we are creating and which will certainly give incentive to the disintegrating forces of this country.

In Jammu and Kashmir, still an experiment is sought to be made by making Shaik Abdullah who once said that 'I am not a citizen of India', in power. That is the risk that is being taken. At any rate, Jammu and Kashmir wants a special status. Even Tamilnadu wants a separate status. Yesterday we had the Ravana Leela. You have given scope and you have given way to a set up that is likely to invoke, incite and make people, day by day, in terms of losing the structure of the country. After all, with all the bad that we can attribute to the British, they have given us a gift of united India with a single administration and a single Parliamentary set up. They have developed it a large extent. 1935 Constitution had extended into this 1950 Constitution. So, Sir, this single united India which was only present in the entire history of India, the single union concept it is in damage, it is in danger. What is this? What is this hybridisation of the Constitution, the concepts of our democracy and the monarchy? Sikkim is a Constitutional Monarchy. We cannot say that it is not a democratic State in view of the 1974 Act but still it is a Constitutional Monarchy and we are a Republic. How can these two go together? After all, that was the reality that was already existing. Even the Indian External Affairs Minister had stated that 'these responsibilities are that we are solely responsible for the external
relations, for defence because defence of Sikkim and India are very much interconnected and there is mutual interest in them. Even as it is that was the position even without this amendment. When that is so, by virtue of this amendment what are we doing? They have said in clause (2) about the responsibilities of the Government of India. The Government of India shall be solely responsible for the defence and territorial integrity of Sikkim and for the conduct of regulations of external relations of Sikkim whether political, economic or financial and shall have the right of... etc. etc. What is left over? Nothing. Absolutely everything relating to the administration in Sikkim is our responsibility. The Indian Government is responsible to the Parliament of India. Let us face the realities. A constitution was held there and a further situation demands. Let China may say whatever it likes, whether you call it an expansionist country or not, but the people of the State had expressed their unanimous wish that they shall have all our benefits. Why not we be straight and let it be a Union Territory or it may be one of the Constituent States of India. That will be a correct perspective and that will be a correct set up. But on the other hand, while trying to go to the held of another set of people, if we are likely to expose ourselves to danger, it is not a good thing. It is definitely, absolutely and certainly not a good thing.

Then, Sir, it is not even Sikkim State. It is simply an association, though, no doubt, in the name of association, everything has been done. This is a farce. It is not a presentation of things in its reality, in its real aspect and from and thereby we are encouraging dissipated tendencies, dissipating forces, in our own country. That is much more dangerous. After all, Sikkim State is a small State. But still by the present existing relationship we can safeguard our own position. Even if it is a developed State that serves our purpose. But by trying to bring into our fold, we cannot endanger our own position. That is my submission.

Sir, there is an electoral roll. The electoral roll is that of the Sikkim roll. We have the elections to the Parliament of India but the rest of it is not our jurisdiction. This is something,—I do not call it funny in the language of my friend—which is not necessary and something which could have been avoided. I will put it in that way.

Then Sir, the Sikkim Member of the Parliament of India is not responsible to the people of India. Every Member of the Parliament of India shall be representative of the people of India. But that gentleman comes here, sits here and has all the privileges with no responsibilities. The Sikkim citizens have no responsibilities.
Government Resolution:

This is very very unfortunate. Why our leaders have acted in this manner, it surpasses my comprehension. After all, China is always accusing us using filthy language against our country in the discharge of its responsibilities. We cannot allow more accusations of a hostile country. The reality is that it should be made part and parcel if India. After all, Sikkim, Nepal—all these State were parts of India. Somehow they acquired separate status during the British raj and we are respecting it. But where the people of that country had asked for and wanted to be associated with us, why shall we have hesitation and inhibitions? It is here in that aspect that I am not able approve or appreciate the Constitutional set up that is sought to be brought here. Therefore, Sir, While the Sikkim Member of Parliament comes to the Parliament, what oath is he taking to be loyal to the constitution of India. That is very strange. He is a man who is not responsible to the Parliament of India, to the people of India, who does not owe allegiance to the constitution of India, who, no doubt, is not elected by the people of the country. But representative in the Lok Sabha is elected by the Sikkim Assembly and that Sikkim Assembly may be modified at any time. So, Sir, I rise that this Constitutional provision is more modulated to completely bring the Sikkim State as one of the constitutional States of India as a complete part of the Indian state and the citizens as a part of the Indian people. The leaders have not fully done what they should have done. The provisions are inadequate. Therefore, I am unable to agree with this amendment.

Government Resolution:

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Government Resolution:

4th February, 1975


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Government Resolution:

70 4th February, 1975

[Document content not legible]
Government Resolution

re: The Constitution (Thirty-fifth Amendment) Act, 1974

Mr. Speaker in the Chair

... shall be responsible for the participation and representation of political institutions of India...
Sri P. Narasa Reddy:—Is this relative to this?

Government Resolution re. The Constitution (Thirty-fifth Amendment) Act, 1974

Sri P. Narasa Reddy:—Is this relative to this?


The Government of India has decided to amend the Constitution through the Constitution (Thirty-fifth Amendment) Act, 1974, which significantly enhances the federal structure of the country by devolving more powers to the states. This act is aimed at strengthening the federal system and providing greater autonomy to the states in the management of their affairs.

The act covers several aspects, including the creation of new states, the inclusion of certain areas in the list of residual powers, and the amendment of certain provisions related to the rights of minorities. The provisions of this act have been extensively debated in the Parliament and have met with widespread support from various quarters, including political parties and civil society organizations.

The act is a significant step towards achieving a more balanced and democratic federal system, where the responsibilities and powers of the central and state governments are clearly defined. It is expected to bring about positive changes in the governance of the country, leading to more effective and accountable governance at the state level.

In conclusion, the Government Resolution of 4th February, 1975, highlights the importance of the Constitution (Thirty-fifth Amendment) Act, 1974, in strengthening the federal structure of the country and in ensuring greater autonomy for the states.
Sri N. Venkataramnam (Guntur-II) :- I seek one clarification from the Hon. Minister. The chair knows that we are governed under a federal system of Constitution of the Government. As per this constitutional amendment, the very nature and character of the entire Constitution gets changed. Now we are heading to a confederation. Does it permit to have a federal as well as a confederate system in the same Constitution? That is one point on which I seek a clarification.

Next, I submit that it is not for us to decide whether it is good or not. It is for the other State to decide whether it is good to join the Indian Union. Of course, from the point of view of defence, it is our outlook to have an eye on this bordering State. Sikkim being a bordering State, it is for us to have adequate measures and
Government Resolution:


to have it in our fold. This kind of friendship may not be good, because we are shouldering a heavy responsibility as far as this State is concerned. We find from this amendment that Sikkim is having a right to be protected but it is not having an obligation to be governed by us. If Sikkim really wants to be Governed by us, we must have no objection, because it is our bordering State and it does not appear to be so. It wants to have every benefit from the Indian Government, but not to be ruled or governed by the Indian Government. So, I seek a clarification on this aspect from the hon. Minister.

Sri P. Narasa Reddy:—So far as this point is concerned, I would quote the speech of the External Affairs Minister from his reply on the debate in the Lok Sabha. He said that it does not change the Federal structure at all. Therefore, we have given special status to that particular country. It is stated as follows: 'It has been mentioned that the original Indian concept of a federal structure with a bias towards unitary system is sought to be changed. I do not see any change in that respect. All those States which are in the federal structure with the so-called bias towards the unitary system are still bound by the same system. To this family there is another who is coming through in a some what lesser form. To oversimplify it, if the total distance is 100 yards he has chosen to travel upto 40 yards; and what you say is that, unless he comes the full 100 yards, you would not push him away 100 yards.'


Sri C. V. K. Rao:—I raise a point of order, Sir.

Sri Vanka Satyanarayana:—I am not going to yield to him.
Government Resolution:


Sri P. Janardana Reddy:—Nobody recognised that.
Government Resolution:


Resolution no. ___ dated ________,

This Resolution is to invite the attention of the House to the Constitution (Thirty-fifth Amendment) Act, 1974.

The issues raised in the Resolution are:

1. The need for constitutional amendments to address certain social and political challenges.
2. The impact of the Act on the electoral process and representation.
3. The implications of the Act for the governance structure and its effectiveness.

The Government requests the House to deliberate on these issues and provide recommendations for further action.

The Andhra Pradesh Land Revenue (Additional Wet Assessment) Bill,

Mr. Speaker:—The question is that the following resolution be passed:

"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-sixth Amendment) Bill, 1974 as passed by the two Houses of Parliament, which seeks to give effect to the wishes of the people of Sikkim for strengthening Indo-Sikkim Co-operation and inter-relationship and the short title of which has been changed into "The Constitution (Thirty-fifth Amendment) Act, 1974."

The Resolution was passed.

Sri C. V. K. Rao:—Sir, we request a division.

Mr. Speaker:—It is a little late. The Resolution has already been declared 'passed'.

STATUTORY RESOLUTION AND GOVERNMENT BILL:

The A.P. Land Revenue (Additional Wet Assessment) Bill, 1975

(Discussion contd)

Sri A. Sreramulu: Sir, I beg to move that:

"This House disapproves the Andhra Pradesh Land Revenue (additional Wet Assessment) Ordinance, 1974, (Andhra Pradesh Ordinance No.10 of 1974) promulgated by the Governor on the 10th of December, 1974."
Mr. Speaker:—Motion moved.

Sri J. Vengal Rao:—Sir, the Bill may also be moved.

Sri A. Sreeramulu:—Sir, I bring to your kind notice that in practice the mover need not move the Resolution first; he can speak and then move the resolution.

Mr. Speaker:—You have moved the Resolution and bill may also be moved.

Sri C. V. K. Rao:—Sir, the Resolution is in connection with the Bill which exists in the same form as the Ordinance. Under the Rule the Statutory Resolution, under rule 79 is moved. It reads:

(1) A resolution, notice of which has been given in pursuance of a provision in the Constitution or in an Act, shall not be balloted under Rule 29 (5).

If the Speaker admits notice of such a resolution it shall be immediately issued in a notice paper under the heading “Statutory Resolutions” and a copy thereof sent to the Government.

(3) The Speaker may after considering the state of business in the House, and in consultation with the Leader of the House, allot a day or days, or a part of a day for the discussion of any such resolution.

Now, it is an important resolution, but you have allotted only a part of the day tomorrow. The whole day may be put apart for this resolution. Let the discussion be taken up tomorrow and the entire day may be allotted. Let the Bill be taken up at a later stage.

Mr. Speaker:—Let the Bill also be.......

Sri C. V. K. Rao:—Sir, supposing my resolution is passed tomorrow, then the Bill cannot be taken up. Therefore, the resolution must be gone through first in toto and after it is disposed of either way, the Bill can be taken up.

Therefore, we request that one day may be allotted for this.

Sri A. Sreeramulu:—Sir, let me make a small submission: Supposing this statutory resolution is by any chance accepted and passed, then there is no question of considering the Bill at all. That is the effect and impact of the Bill. But according to the practice the Bill and the Resolution can be simultaneously discussed. But this Resolution has to be put to vote and then the Bill be taken up.

Mr. Speaker:—In view of what Sri A. Sreeramulu has said I have to give a ruling.
Sri C. V. K. Rao:— Is Mr. Sreeramulu representing the Speaker and do not put us in such a delicate and embarrassing position, Sir.

Mr. Speaker:— I will give my ruling.

Mr. Speaker:— Under the statute once an ordinance is issued by the Government during the recess of the Assembly, certain things are open to the Government and to the Members. The Members while passing the ordinance have got a statutory right, after the ordinance has been placed before the House, to ask that it shall not be approved, i.e. they may ask for the disapproval of the ordinance seeking that the resolution should be passed. At the same time it is open to the Government after having issued the ordinance to withdraw the ordinance. The Governor can also withdraw it. But if it is not their desire to withdraw, but to enact, they will come with a Bill.

There have been precedents in the parliament and elsewhere that when a statutory resolution is moved by a Member of the House seeking for the disapproval of the ordinance and the Government also moves a Bill in pursuance of the ordinance and seeks that both these things may be taken up and discussions continued together, subsequently the resolution must first be taken up for voting and thereafter depending on the result of voting the question of taking up the Bill would arise.

Mr. Speaker:— Whatever it is, I have given my ruling because you asked me for it. This matter came up before the Parliament also and the Speaker gave a ruling and it is binding upon me also. These things could be taken up together.

Mr. Speaker:—There are precedents in the Parliament itself.

Mr. Speaker:—That will come tomorrow.

Sri P. Narasa Reddy:—Sir, I beg to move:

"That the Land Revenue (Additional Wet Assessment) Bill, 1975, as reported by the Select Committee be taken into consideration."

Mr. Speaker:—Motion moved. Mr. Sriramulu will now speak.

Sri A. Sriramulu:—It is already 1.25 p.m. It will be very good if I am permitted to speak tomorrow. There is only 5 minutes left. I need 30 minutes to explain why I moved the resolution.

Sri A. Sriramulu:—That is a relevant point of order. I have another point of order. Whenever an ordinance is issued and when that is placed in the House, the Government will have to place the statement explaining the reasons as to why the Government issued
the ordinance. Such a statement is not given to us. At least with this Bill the Minister should have supplied that statement.

*Sri P. Narasa Reddy:—The Governor issues the ordinance on the basis of his satisfaction and there the objects and reasons are not shown. As far as the Government is concerned, in the Bill itself we have shown the objects and reasons.

Sri A. Sriramulu:—Please refer to "Parliamentary by Kaul and Shekdar. It is clearly stated that the Government will have to place the statement giving reason for issuing the ordinance.

Mr. Speaker:—The Minister will please look into this. The House is now adjourned till 8-30 a.m. tomorrow.

(The House then adjourned to meet again at 8-30 a.m. on Wednesday, the 5th February 1975.)

APPENDIX


The following decisions were taken by the Business Advisory Committee at its meeting held on 3rd February, 1975 in regard to the Business to be transacted in the Assembly.

4-2-1975 (Tuesday)


3. The Andhra Pradesh Land Revenue (Additional Wet Assessment) Bill, 1975. (As reported by the Select Committee).

5-2-1975 (Wednesday)


2. The Andhra Pradesh Land Revenue (Additional Wet Assessment) Bill, 1975. (As reported by the Select Committee).


4. The Andhra Pradesh Commercial Crops (Special Assessment) Bill, 1975. (As reported by the Select Committee).
6-2-1975 (Thursday)


2. The Andhra Pradesh Commercial Crops (Special Assessment) Bill, 1975. (As reported by the Select Committee).

3. The Andhra Pradesh Municipalities (Amendment Bill,) 1975


7-2-1975 (Friday)

Private Members Business.

8-2-1975 (Saturday)

Holiday (Second Saturday)

9-2-1975 (Sunday)

Holiday.