THE ANDHRA PRADESH
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THE
ANDHRA PRADESH LEGISLATIVE ASSEMBLY

Principal Officers

Speaker: Sri R. Dasaratarama Reddy
Deputy Speaker: Sri Syed Rahamat Ali

Panel of Chairmen:
1. Smt. G. Kamala Devi
2. Sri N. Vijayalakshmi
3. Sri K. Appanna Dora
4. Sri K. Santhaiah
5. Sri S. Papi Reddy
6. Sri Vanka Satyanarayana

Secretary: Sri G. Ramachandra Naidu

Deputy Secretaries:
1. Sri E. Sadasiva Reddy
2. Sri D.L. Narasimham

Assistant Secretaries:
1. Sri M. Ramanadha Sastry
2. Sri S. Purnananda Sastry
3. Sri K. Satyanarayana Rao
4. Sri K. Kutumba Rao
5. Sri Md. Ghouse Khan
6. Sri T. L. Balaram

Chief Reporter: Sri Habeeb Abdur Rahman
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PAPERS LAID ON THE TABLE

1. Annual Report and Accounts for the year ended 30-6-1974 on the working of the Andhra Pradesh State Police Housing Corporation Limited, Hyderabad.

Sri J. Vengal Rao:—Sir, I beg to lay on the Table a copy of the Annual Report and Accounts for the year ended 30-6-1974 on the working of the Andhra Pradesh State Police Housing Corporation Limited, Hyderabad, as required under Section 619-A of the Companies Act, 1956.


Sri J. Vengal Rao:—Sir, I beg to lay on the Table a copy of the Annual Report of the Singareni Collieries Company Limited for the year 1975-76 together with the Audit Report and the Comments of the Comptroller and Auditor General of India, in compliance with Section 619 (A) (3), of the Indian Companies Act, 1956.


Sri T. Anajiah:—Sir, I beg to lay on the Table a copy of the Notification issued with G.O.Ms. No. 718, Labour, Employment and Technical Education Department dated 5-8-1976 amending Form AA under Rule 3 of the Andhra Pradesh Shops and Establishments Rules, 1966 as required under Sub-Section (4) of Section 62 of the Andhra Pradesh Shops and Establishments Act, 1966.

*An asterisk before the name indicates confirmation by the Member.

Sri B. Subba Rao:—Sir, I beg to lay on the Table a copy of the Amendments to Rule 2 (j) of the Andhra Pradesh Co-operative Societies Rules, 1964 made in G.O.Ms. No. 267, Food and Agriculture (Coop. IV) Department dated 24-3-1976 as required under Section 130 (2) of the Andhra Pradesh Co-operative Societies Act, 1964.

5. Notifications as required under Sub-Section (3) of Section 133 of Motor Vehicles Act, 1939.

Sri Chebrolu Hanumaiah:—Sir, I beg to lay on the Table a copy in each of the following Notifications as required under Sub-Section (3) of Section 133 of Motor Vehicles Act, 1939.

<table>
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6. Amendment to the Andhra Pradesh Foreign Liquor and Indian Liquor Rules, 1970.

Sri V. Purushotham Reddy:—Sir, I beg to lay on the Table a copy of the Amendment to the Andhra Pradesh Foreign Liquor and Indian Liquor Rules, 1970 issued under the Andhra Excise Act, 1968 and published in the Rules supplement to part II of the A.P. Gazette No. 30, dated 29-7-1976 at pages 357 to 358 and 361-362 as required under Section 72 (4) of the Andhra Pradesh Excise Act, 1968.

Amendment to the Andhra Pradesh Excise (Transportation of Maximum Quantity of Intoxicants) Rules, 1972.

Sri V. Purushotham Reddy:—Sir, I beg to lay on the Table a copy of the Amendment to the Andhra Pradesh Excise (Transportation of Maximum Quantity of Intoxicants) Rules, 1972 issued under the A. P. Excise Act, 1968 and published in the Rules supplement to part II of the A. P. Gazette No. 30 dated 29-7-1976 at pages 358 and 362 as required under Section 72 (4) of the A. P. Excise Act, 1968.

Sri V. Purushotham Reddy:—Sir, I beg to lay on the Table a copy of the Amendments to the Andhra Pradesh Denatured Spirit and Denatured Spirituous Preparations Rules, 1971 issued under the Andhra Pradesh Excise Act, 1963 and published in the Rules Supplement to Part II Extraordinary of Andhra Pradesh Gazette No. 27 dated 14th August, 1976 as required under Section 72(4) of the Andhra Pradesh Excise Act, 1968.


10. 5th Annual Report on the working of the Andhra Pradesh State Agro-Industries Corporation Limited.

Sri V. Purushotham Reddy:—Sir, I beg to lay on the Table a copy of the 5th Annual Report on the working of the Andhra Pradesh State Agro-Industries Corporation Limited together with the Audit Report for the year ended 30-6-1973 in pursuance of Section 619-A(3) of the Companies Act, 1956.


Sri V. Purushotham Reddy:—Sir, I beg to lay on the Table a copy of the Annual Report of the Hyderabad Chemicals and Fertilizers Limited for the year 1974-75 together with the Audit Report and the comments of the Comptroller and Auditor General of India, thereon in compliance with Section 619-A (3) of the Indian Companies Act, 1956.

Mr. Speaker:—Papers laid on the Table.

Sri C-V.K. Rao (Kakinada):—Point of order. Whether the Hon'ble Minister Mr. Dharma Reddy has sought your permission that Shri Purushothama Reddy, may place the papers on his behalf Sir?

Mr. Speaker:—No such permission was sought.

Sri V. Purushotham Reddy:—There is no irregularity...
Mr. Speaker:—Whatever it is, my permission should be there.

PRESENTATION OF THE REPORT

Tenth Report of the Committee on Public Undertakings on Andhra Pradesh Small scale Industrial Development Corporation.

Sri M. Seshanna (Dhone):—Sir, I beg to present the Tenth Report of the Committee on Public Undertakings 1976-77 on the Andhra Pradesh small scale Industrial Development Corporation.

Mr. Speaker:—Report presented.

STATUTORY RESOLUTION

Disapproving the Andhra Pradesh General Sales Tax (Second Amendment) Ordinance, 1976.

Sri C.V.K. Rao:—Sir, I beg move:
“That this House disapproves the Ordinance called the Andhra Pradesh General Sales Tax (Second Amendment) Ordinance, 1976 promulgated by the Governor on 8th September, 1976.”

Mr. Speaker:—Statutory resolution moved.

GOVERNMENT BILL


Sri P. Ranga Reddy:—Sir, I beg move:
“That the Andhra Pradesh General Sales Tax (Third Amendment) Bill, 1976 be taken into consideration.”

Mr. Speaker:—Motion moved.

Sri C.V.K. Rao:—Mr. Speaker, Sir, I have time and again brought to the notice of the Treasury Benches and the Council of Ministers that they should be very cautious in resorting to the extraordinary step of requesting the Governor to promulgate the Ordinance. There is no need to promulgate an Ordinance in this case. It is nearly 2½ months we have met and this Ordinance was issued on 8th September, 1976. It is said that since the Central Sales Tax Act been amended on 7th September, 1976, it has become necessary to amend the Andhra Pradesh General Sales Tax Act. Knowing that the Assembly would meet, why should there be an Ordinance? As such, I find it is a serious matter that the Government should resort to such an Ordinance. Another point is that there should be a financial...
memorandum to be submitted along with this. Because in collection of extra tax, some expenditure is involved and as such Financial Memorandum should have been appended to this. Particular tax has been imposed either at the point of sale or at the point of purchase. What is the rationale that is being involved in this particular thing? There is increase of rates of tax at different levels from 1 paisa to 6 paisa. Nothing has been stated about the amount that it gets through this piece of legislation. What is that total amount the the Government gets by this imposition of sales Tax? That information should be given. I have also given amendment to reduce one paisa tax and I hope the Hon’ble Minister would accept my amendment. There is no rationale this particular paisa of legislation for imposing different rates of taxation from one paisa to 5 paisa. In order to give some benifit to the people I gave my amendment in order to reduce one paisa. I hope the Minister would accept this.

8-40 a.m.
Government Bill:

17th November, 1976.


[Document content in Telugu language]
Government Bill: 17th November, 1976


8.50 a.m.

17th November, 1976.


Government Bill:

[Document content in Telugu script]
Government Bill:  
17th November, 1976.  
Mr. Speaker:—The question is:

"That this House disapproves the Ordinance called the Andhra Pradesh General Sales Tax (Second Amendment) Ordinance, 1976 promulgated by the Governor on 8th September, 1976".
Disapproving the A. P. Entertainments Tax (Second Amendment) Ordinance, 1976.

The motion was negatived.

Mr. Speaker:—The question is:

“That the Andhra Pradesh General Sales Tax (Third Amendment) Bill 1976 be taken into consideration”.

The motion was adopted and the Bill was considered.

Sri C.V.K. Rao:—Sir, I beg to move:

“wherever in the Bill tax is proposed from 2 paise and above in the Rupee, reduce that by one paise.”

Mr. Speaker:— Motion moved.

The question is:

“wherever in the Bill Tax is proposed from 2 paise and above in the Rupee, reduce that by one paise”.

The motion was negatived.

Mr. Speaker:—The question is:

“Clause 2 to 5 do stand part of the Bill”.

The motion was adopted and Clauses 2 to 5 were added to the Bill.

Mr. Speaker:—The question is:

“Clause 1, Enacting Formula and Long Title do stand part of the Bill”.

The motion was adopted. Clause 1, Enacting Formula and Long Title were added to the Bill.

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

“The Andhra Pradesh General Sales Tax (Third Amendment) Bill, 1976 be passed”.

Mr. Speaker:— Motion moved.

The question is:

“The Andhra Pradesh General Sales Tax (Third Amendment) Bill, 1976 be passed.”

The motion was adopted and the Bill was passed.
Andhra Pradesh Entertainments Tax (Second Amendment) Ordinance, 1976 promulgated by the Governor on 3rd October, 1976.

Mr. Speaker:—Motion moved.

GOVERNMENT BILL

The Andhra Pradesh Entertainments Tax (Second Amendment) Bill, 1976.

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

"That the Andhra Pradesh Entertainments Tax (Second Amendment) Bill, 1976 be taken into consideration".

Mr. Speaker:—Motion moved.

Sri C.V.K. Rao:—Sir, I object again to the manner in which the Ordinance is promulgated. On a principle of democratic practice, I take very serious objection to this. The Government, it seems, have adopted a dictatorial attitude. It is a sane method in which it is done. There is no need for a Legislature. Only a legislature has to legislate. But here by doing in this way, there will be many implications involved in it. I hope the Government would honour the people's representatives. Whenever we have got any legislation to be passed, it should first come before the house and then get it passed. This is the decent democratic practice. Do you think, if it is delayed, some harm would have been done to the country and the interests of the people would be effected? What is the harm to the people, had the Governor not promulgated this ordinance? What is the loss even to the State Government if this ordinance is not promulgated? There are no grounds to justifying your action. The Government speaks that you are supreme, all powerful but they need not take into account an elected legislature. It is just a rubber stamp business. If that is so, the issue is a very serious matter and it cannot be tolerated. The Andhra Pradesh Entertainments Tax (Second Amendment) Ordinance 1976 was promulgated on 3rd October, 1976. This is September. During this period, has the Government Managed to get any entertain­ment tax by this ordinance, I do not think so. Therefore the tactical methods should be stopped.

The principles of taxation, is very funny. They have adopted two methods. (1) For the levy and payment of entertainments tax in the local areas with a population not exceeding 25,000 at certain percentages ranging from 13 percent to 14½ percent on the gross collection.
capacity per show and (2) also to provide that in lieu of the tax payable as aforesaid, the proprietor of any entertainment may, at his option, enter into an agreement with the prescribed authority to compound the Tax payable for any year for a fixed term at certain percentages ranging from eight to twelve. The tax system is a funny one. I have not come across such a system of taxation. If such a situation is there, you would have consulted any textbook on principles of taxation which would have guided you properly. You as taxing authority, have to discuss the matter to arrive at an amount that has to be collected from the tax payer. Even if the levy of the tax is not agreeable to the tax payer, you are asking your officials to enter into an agreement. It is very funny sort of affairs. Therefore, I have suggested an amendment. The tax payer should not be involved in that unknown factor and let matters be discussed by your taxing authorities with the tax-payers and then arrive at a rational amount that has to be collected.

I hope the Minister would be nice enough to see the point which I have driven in his mind.
The A. P. Entertainments Tax (Second Amendment) Bill, 1976.

17th November, 1976.

Government Bill:

Every Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law.

The A. P. Entertainment Tax (Second Amendment) Bill, 1976.

Sri C. V. K. Rao:—I have already raised the point, Sir. Why is financial memorandum submitted? They submitted the financial memorandum. What is the purport of it? If there is no expenditure, no financial memorandum need be submitted. They are forgetting the provisions. I will pass on this book to the hon. Finance Minister. Let him study it. Kindly give some time to the Finance Minister, so that he may think over, if there is expenditure involved or not.
The point raised by Mr. C.V.K. Rao is with reference to Rule No. 93, which says:

"Every Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law." I do not think in this case a financial memorandum is required.

Mr. Speaker:—You must make that statement.

Mr. Speaker:—The statement that 'No extra expenditure is involved' is not there. The fact that you give a financial memorandum means that you must make a statement that there is no expenditure and you can say that there is no financial memorandum because there is no expenditure. I am not able to understand unless the Minister is able to explain.

Sri P. Ranga Reddy:—It reads like this:—"According to clause (iii) of section 4-A of the Act, a tax at the rate of rupees two for every show shall be levied on entertainments held in the jurisdiction."
The A. P. Entertainment Tax (Second Amendment) Bill, 1976.

local authority whose population exceeded 25,000 and touring cinemas in all places. The entire revenue derived under this section is being retained by Government and not apportioned under section 13 of the Act. This clause is being deleted and the element of this tax has been taken into account while fixing rates under new section 4-C and determining the fixed sum under new section 5. Thus, this amount derived will also be apportioned under section 13 follows:

(i) Three percent to the State Government;
(ii) Ninety percent to the local authorities;
(iii) Seven percent for the purpose of promoting the cinematographic films and arts.

The additional amount, that will be apportioned, is estimated at Rs. 11 lakhs per annum. Mr. Speaker:—That part of the statement is not there.

Mr. Speaker:—The rule says: "... an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law." Sri P. Ranga Reddy:—I will take note of your direction.

Mr. Speaker:—You have made a very correct observation, Sir, because in the financial memorandum the recurring and non-recurring expenditure should be mentioned. If there is no expenditure, one sentence can be written that there is no expenditure involved in this Bill. That particular compliance of this rule is not there. So, we suggest that the consideration of the Bill be postponed, until the technical point is fulfilled.
Sri C.V.K. Rao:—It cannot be argued both ways.

Sri A. Sreeramulu:—It is a meticulous and far-fetched interpretation given that Rs. 11 lakhs are the expenditure. I would say that it should be related to the particular clause in the Bill. What is the clause in the Bill? It is better and more gentlemanly on the part of the Treasury Benches to accept the particular thing. After all, to error is human. Let us not be dogmatic.

Mr. Speaker:—I think so. There is some error, I think.

Sri A. Sreeramulu:—I am sure the hon. Chief Minister will rise to the occasion. It will be magnanimous on the part of the Government to accept the mistake.
Mr. Speaker:—It is a matter for consideration of the House. The statement now made is that there is no expenditure involved. I think it is an error, subject to what the hon. Finance Minister is going to satisfy me later. For the present, I am of opinion, that there is an error which can be, for the present, accepted and ignored by the Assembly and we can proceed. There is no need to postpone consideration of the Bill. If it is a question involving expenditure, it is a different matter; but there is no expenditure involved.
It shall be open to the prescribed authority to vary the fixed sum payable by the proprietor under sub-section (i) during the subsistence of the agreement entered into under this section at any time, if there is an increase in the gross collection capacity per show in respect of the place of entertainment by virtue of an upward revision of the rate of payments for admission... Under clause (c), ".... forthwith such increase in the gross collection capacity per show...."
The A. P. Entertainment Tax (Second Amendment) Bill, 1976.

What is the Cinema Proprietors to limit 0% to the credit of Pancharatra and 10% to the credit of the Commercial Tax Department? M. 8. 10 to the credit of the Commercial Tax Department? M. 8. 10 to the credit of the Commercial Tax Department? M. 8. 10 to the credit of the Commercial Tax Department? M. 8. 10 to the credit of the Commercial Tax Department?
Government Bill:
The A. P. Entertainment, Tax (Second Amendment) Bill, 1976.

Permitted to screen only in nights - Permitted to Screen shows nights but not in days...
Government Bill: 17th November, 1976,
The A. P. Entertainment Tax (Second Amendment) Bill, 1976.

Smt. J. Eswari Bai (Yellareddy) — This is a bill to replace the ordinance. The measure is good but there is opposition from the Distributors and the distributors have already represented the case.

48—4
17th November, 1976.

Government Bill:

The A. P. Entertainment Tax (Second Amendment) Bill, 1976.

etc.

Income Tax

sec. 23,000 etc.

sec. 28,24 etc.

sec. 25,000 etc.

sec. 20,000 etc.

(4) (b) where a proprietor fails to pay any instalment on the due date, such instalment shall be recoverable with interest calculated at one rupee per every hundred rupees or part thereof per month or part thereof from the said date.

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Sri C.V.K. Rao.—On my amendment I would like to put fourth my viewpoint. I have given notice.
Mr. Speaker.—When you move the amendment you can speak.

10.30 a.m.
146 17th November, 1976. 

The A. P. Entertainment Tax (Second Amendment) Bill, 1976.

Government Bill:

10.40 a.m.
Mr. Speaker:—The Statutory Resolution is before the House.

The question is:
"That this House disapproves the Ordinance called the Andhra Pradesh Entertainments Tax (Second Amendment) Ordinance, 1976 promulgated by the Governor on 3rd October, 1976".

The resolution was negatived.

Mr. Speaker:—The question is:
"That the Andhra Pradesh Entertainments Tax (Second Amend­ment) Bill, 1976 be taken into consideration".

The motion was adopted.

Mr. Speaker:—Now I shall put clauses to vote.

The question is:
"That clause 2 do stand part of the Bill" The motion was adopted and Clause 2 was added to the Bill.

Sri C. V. K. Rao: —Sir, I beg to move:
"In Clause 3 delate new section 4-C"

Mr. Speaker:—Amendment moved.

148 17th November 1976.

Mr. Speaker:—The question is:—

"In clause 3 delate new section 4C"

The amendment was negatived.
Statutory Resolution: 17th November, 1976


Sri P. Sriramamurthy:—In view of the clarification given by the Minister for finance, I do not move my amendment.

Mr. Speaker The question is:—
Clause 3 do stand part of the Bill.

The motion was adopted and Clause 3 was added to the Bill.

Mr. Speaker: —The question is:...

"Clauses 4 to 10 do stand part of the Bill." The motion was adopted and clauses 4 to 10 were added to the Bill.

Mr. Speaker:— The Question is
Clause 1, Enacting Formula and long Title do stand part of the Bill.

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

Sri P. Ranga Reddy:—I Beg to move:—
"The Andhra Pradesh Entertainments Tax (Second Amendment) Bill, 1976 be passed."

Mr. Speaker:—Motion moved.
The question is:—
"The Andhra Pradesh Entertainments Tax (Second Amendment) Bill, 1976 be passed.

The motion was adopted and the Bill was passed.

STATUTORY RESOLUTION.

Sri C. V. K. Rao:—Sir, I beg to state—
That this House disapproves the Ordinance "called, the

Mr. Speaker — Motion moved.

GOVERNMENT BILL.


Sri T. Anjaiah — Sir, I beg to move —

"That the Andhra Pradesh Muttah, Jattu, Hamal and other Manual Workers (Regulation of Employment and Welfare) Bill, 1976 be taken into consideration."

Mr. Speaker — Motion moved.


But these Hamals are the exploited workers in the country. There are already Acts governing the service conditions of Shops, Agriculture and Industrial Workers. But these Hamals were neglected for so many years.
17th November, 1976.

Government Bill:

...


The Government, therefore, constituted a Three-man Committee in 1962 to conduct a survey into the working conditions of such workers and to suggest measures for their welfare including the conditions of their work. The said Committee made its recommendations in regard to the redressal of the grievances of this class of workers and suggested the undertaking of suitable legislation for the purpose. The National Commission on Labour, on the experience of the enforcement of the Maharashtra, Madhadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969, recommended to other States the passing of similar legislation.
17th November, 1976.

Government Bill:


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...
17th November, 1976.

Government Bill:

Sri A. Srimanalu(Bluru): — Mr. Deputy Speaker Sûr, I welcome this Bill since it is intended to the protection of the defenceless section of our working people. Mr. Anjaiah our Labour Minister deserves

48—6
Government Bill:

158 17th November, 1976

To be complimented for having brought this Bill. With the recent amendment to our constitution, Legislature has become supreme. Our word is going to be the law and our law cannot be questioned by anybody. That is the supreme power that we have acquired. If our law is to be examined and if it has to be declared invalid, we say that the verdict must be by two-thirds of the Judges sitting in a particular Bench. When we have stipulated a condition that only two-thirds of the Judges on the Bench can declare our law invalid, should we not voluntarily impose a condition that this House should pass a Bill with two-thirds majority. Kindly look at this House Sir. 30 or 40 Members alone are sitting here and we are going to pass this Bill.

This Bill consists of 30 clauses and some of the provisions are repugnant to the Provisions of the Central Act and the whole procedure has been enumerated in some of the clauses of this Bill. The Minister ought to have given us notes on clauses. He should have enlightened this House. We have imposed restriction on the Judiciary and we have almost given a good bye to the doctrine of Judicial review. It is therefore imperative that we should ourselves exercise a sort of respect and restraint. Such a thing does not seem to happen.

This Bill of 30 clauses is with us and it will be passed within 45 minutes and day-after-tomorrow, either on account of faulty language or incoherence between one clause and the other clause and if the Judiciary strikes down, we should immediately mount an attack on Judiciary saying that Judiciary is encroaching upon our right. It is better, we have a introspection, whether we are devoting our attention to every clause of the Bill that we are passing. Are we simply doing business here? A House which is making law will have to be provided with adequate time. It is unfortunate and most regrettable that a Bill of 30 Clauses is now forced upon us to be passed within 45 minutes. I hope the Government would try to observe its responsibilities having acquired the bureaucratic and dictatorial powers when every law is passed. I fully support this Bill and I request the Labour Minister to see that this is immediately implemented.

About Ordinances, one wonders whether the Governor’s powers have been properly utilised. There need not be any objection to it. My friend Mr. C.V.K. Rao’s objection is with regard to the principle. The Legislature should not be ignored though the Government has got extraordinary power to make law. This is a Bill of 30 Clauses and therefore a Session of the Assembly might have been summoned. More and more the Government will have to place reliance on the Assembly.
Government Bill:

The A. P. Muttah, Jattu, Hamal and other Manuial Workers (Regulation of Employment and Welfare) Bill, 1976

rather than on the extraordinary powers of the Governor. The immediate and the imperative need and it is better the House makes it instead of allowing the bureaucracy to do something and put it in the House. Once again, with these observations, I commend this Bill.

11-40 a.m.

Mr. Deputy Speaker:—The question is: 

“That this House disapproves the Ordinance called the A.P. Muttah, Jattu, Hamal and other Manual Workers (Regulation of Employment and Welfare) Ordinance, 1976 promulgated by the Governor on 23rd August, 1976”.

The Motion was negatived.

Mr. Deputy Speaker:—The question is:


The Motion was adopted and the Bill was considered.

CLAUSES (2 to 30)

Mr. Deputy Speaker:—The question is:

“That Clauses 2 to 30 do stand part of the Bill”.

The Motion was adopted and Clauses 2 to 30 were added to the Bill.

SCHEDULE

Sri C.V.K. Rao:—I would like to seek a clarification...
Government Bill: 17th November, 1976. 161


Mr. Deputy Speaker:—The question is:
“That Schedule do stand part of the Bill.”

The Motion was adopted and Schedule was added to the Bill.

Clause 1, Enacting Formula And Long Title

Mr. Deputy Speaker:—The question is:
“That Clause 1, Enacting Formula and Long Title do stand part of the Bill.”

The Motion was adopted and Clause 1, Enacting Formula and Long Title were added to the Bill.

Sri T. Anjaiah:—Sir, I beg to move.


Mr. Deputy Speaker:—Motion moved.

Sri C.V.K. Rao:—Sir, In view of the clarification given by the Minister, I am not moving my amendment which I had given to clause (1).
17th November, 1976.

Government Bill:
The A. P. Shops and Establishments (Amendment) Bill, 1976.

(Pause)

The question is:


The Motion was adopted and the Bill was passed.

STATUTORY RESOLUTION

Disapproving The Andhra Pradesh Shops and Establishments (Amendment) Ordinance, 1976-

Sri C.V.K. Rao:—Sir, I beg to move:

"That this House disapproves the Ordinance called the Andhra Pradesh Shops and Establishments (Amendment) Ordinance, 1976 promulgated by the Governor on 3rd September, 1976."

Mr. Dy.Speaker:—Statutory Resolution moved.

GOVERNMENT BILL


Sri T. Anjaiah:—Sir, I beg to move:

"That the Andhra Pradesh Shops and Establishments (Amendment) Bill, 1976 be taken into consideration.

Mr. Deputy Speaker:—Motion moved.

The A. P. Shops and Establishments (Amendment) Bill, 1976.

Regarding the expression "a gratuity amounting to fifteen days average wages for each year of continuous employment calculated in the manner provided in the explanation to sub-section (1)," the expression "a gratuity as provided in sub-section (1)," shall be submitted.

(ii) In sub-section 3, for the expression "a gratuity amounting to fifteen days average wages for each year of continuous employment calculated in the manner provided in the explanation to sub-section (1)," the expression "a gratuity as provided in sub-section (1)," shall be submitted.
17th November, 1976.

Government Bill:
The A. P. Shops and Establishments (Amendment) Bill, 1976.

The A. P. Shops and Establishments (Amendment) Bill, 1976.

12 Noon
Mr. Deputy Speaker:—The question is:

“That this House disapproves the Ordinance called the Andhra Pradesh Shops and Establishments (Amendment) Ordinance, 1976 promulgated by the Governor on 3rd September, 1976”

The Motion was negatived.

Mr. Deputy Speaker:—The question is:

“That the Andhra Pradesh Shops and Establishments (Amendment) Bill, 1976 be taken into consideration”

The Motion was adopted.

Mr. Deputy Speaker:—The question is:

“The Clause 2 and 3 do stand part of the Bill.”

The motion was adopted and Clauses 2 and 3 were added to the Bill.

Mr. Deputy Speaker:—The question is:

“That Clause 1, Enacting Formula and Long Title do stand part of the Bill.”

The motion was adopted and Clause 1, Enacting Formula and Long Title were added to the Bill.

Sri T. Anjaiah:—Sir, I beg to move:

“That the Andhra Pradesh Shops and Establishments (Amendment) Bill, 1976 be passed.”

Mr. Deputy Speaker:—Motion moved.

(Pause)

The question is:

“That the Andhra Pradesh Shops and Establishments (Amendment) Bill, 1976 be passed.”

The motion was adopted, and the Bill was passed.

STATUTORY RESOLUTION

Disapproving the Hyderabad Municipal Corporations (Amendment) Amending Ordinance, 1976

Sri C.V.K. Rao:—Sir, I beg to move:

48—7
Government Bill


"That this House disapproves the Ordinance called the Hyderabad Municipal Corporations (Amendment) Amending Ordinance, 1976 promulgated by the Governor on 2nd September, 1976."

Mr. Deputy Speaker:— Statutory Resolution moved.

GOVERNMENT BILL

The Hyderabad Municipal Corporations (Amendment) Amending Bill, 1976,

Sri Challa Subbarayudu:— Sir, I beg to move

"That the Hyderabad Municipal Corporations (Amendment) Amending Bill, 1976, be taken into consideration."

Mr. Deputy Speaker:— Motion moved.

Mr. Deputy Speaker:— Mr. Syed Hasan will move his amendment to Clause 2 of the Bill.

Sri Syed Hasan:— Sir, I beg to move:

In Clause 2 for the words extend beyond the 30th September, 1977. substitute the following:

"Extend not beyond six months from the date of its passing by the State Legislature."

Mr. Deputy Speaker:— Amendment moved.

Sri C.V.K. Rao.— Mr. Speaker Sir, this Ordinance is issued to postpone elections. Time and again in the Press as well as on the floor of the House, the Government committed and assured the House that the elections for the Hyderabad Municipal Corporation will be conducted and time and again they have been postponing. It is a very unfortunate state of affairs. For every thing, they would like to take shelter under what is called "Emergency". I hope the Government will not resort to this measure any more and when you once make any assurance on the floor of the House, it is proper for the Government that they have got to implement it. If the Minister who is responsible to this House on this particular thing cannot implement it, what is that we have to do? He has got to respect and honour the House. It is an unfortunate that if this sort of postponement of elections would be there, the people will lose confidence in the Government. It is a State Capital and the entire State Administration is set up here and you must see that a democratic organisation exists here, whatever may be the difficulties or defects of the organisation,
We have to respect the local body administration. There should be a Local Body Administration and elections should be held. If there are any defects, you should be in a position to cure.

With these few words, I thank you very much for giving the Opportunity.
12.20 p.m. Sri Syed Hasan (Charminar):—Mr. Deputy Speaker Sir, you may recall the speech of Smt. Indira Gandhi while addressing the Press Conference. She said that in view of the present circumstances the Assembly and Parliament elections could be held after sometime and that the time for them might be extended. In case of Panchayat Samithis and Zilla Parishad the elections would be held shortly. The same analogy could be followed for Municipalities and Corporation. In clause 2 it is stated “extend beyond the 30th September, 1977”. It should be substituted as “extend not beyond six months from the date of its passing by the State Legislature.”. They anticipated the emergency to continue. They wanted this state of affairs to continue. It is a malicious effort on the part of the Government to continue these state of affairs in the state without holding elections for the Municipalities or the Corporation.

I would invite your attention to Lokanadham Report, the circumstances as stated by him for the Supercession of the Corporation. If you compare that with the last six years after the special Officer took over, you will find more such circumstances. The posts of Special Officers should be abolished immediately. It should be superceded by an elected body i.e. the Corporation. The present incumbent is still continuing from a long time. The conditions have turned from bad to worse. The conditions are not improving in any way. I will tell you more elaborately. I would like to draw your attention as to what is being done now to create hygienic conditions and to provide better sanitation. Nothing has been done. Somewhere during 1950 the labour were appointed keeping in view the population. Now it is 1976. So many colonies have been increased in view of the increase in population. Hygienic conditions are not properly maintained. Nothing is done and there is no programme, no future schemes are prepared.

There is another most important aspect and it is the beautification of the city. It is done by spending money. It is done without any planning or any scheme, without keeping in view the needs of the citizen. I quote certain instances. On plantation of trees Rs. 12 lakhs were spent. First brick structure was
made which costs Rs. 105 each. It was removed within a month. Later they introduced wire mesh which costs Rs. 200 each. Together Rs. 305 was spent. In some places Tar tins are kept which costs Rs. 75 each. In addition to this you will find hanging of flower pots hung on every electric poll from Charminar to Secunderabad. No water is provided. The rain was not sufficient. Therefore it had not taken any roots. Till to-day whenever we ask, they say we are arranging far water but so far nothing is done. All the Rs. 12 lakhs has gone waste. This point cannot be denied. About beautification of the city some slogans were put on boards as 'keep your city beautiful', 'it is a city of garden'. These advertising agencies have told us that Corporation is harassing them. They say 'unless you put it on boards you will not be allowed to have your own advertisements. They are harassed in this way. They have also suggested a colour scheme stating that a particular colour should be the background. Such is the harassment of these people. You will find from mini - as to how the money is squandered. Many functionaries in all the functions the important person who inaugurate, is the Chief Minister. The person who presides over that function is a Minister. What purpose it serves has to be seen. In what way it helps or serves the tax-payer? The Minister has to explain this.

About the old city, the old city is neglected. Joint inspections. There were admitted by the Minister and the Chief Minister. All of them have admitted that it is in a bad condition but nothing is done to keep the city clean or to give some facilities to the tax-payer. Even the roads are not in good condition. You need not use a microscope to find the filthiness of the road. There are so many pit holes. There is 20-Point Economic Programme of the Prime Minister. You will find here the special officer in connivance with the other officer in the name of clearing encroachments had removed the small vendors. They were removed from Elkminar Masjid, Nampally forcibly. I agree with the Government that the encroachments had to be removed, but some provision or alternative arrangement should be made to those people. They have no source of livelihood. Near Lata Talkies all Muslim vendors were removed, near Pathergatti and Near Afzalgunj all Muslims were removed. In all these places the minority people are affected and not well-to-do people. The whole day they struggle in sun and rain. These people are affected. I don't know under whose orders the Special Officer is doing this. How can you snatch their livelihood without providing alternative arrangements
to them. Why not you go to Sultan Bazaar. Because they will snatch you with the kurta and they will pull you, that is why you don’t go there. These have-nots have no approach, no say. I wish these things should be brought to the notice of the Prime Minister. The Chief Minister said that the Miralam Mandi would be extended. Two years passed since he inspected, but for Chikkadpally a big market is constructed. Two lakhs of rupees was spent for temporary market for the hawkers. What is the result of this huge expenditure. They have spent more than a lakh of rupees but the water Hycinth was not removed.

About the programmes of the Minister, as we all know it is a very secret tour programme. Nothing comes in the paper. All time he will be either at Anantapur or at Tirupati. He deserves to be made as Endowments Minister than Municipal Minister. He spends most his time there and his programmes are kept secret. He himself has said in the Telugu paper which my friend is going to read. He said that his portfolio be given to Mr. Rahmatali or to Mr. Anjaiah. He is voluntarily offering. It is better to take.

12.30 p.m.

About the honesty of the Special Officer, I would like to point out some facts, to the House. Government has sanctioned Rs. 50,000/- to hold the All India Mayors’ Conference. If special audit is done, it will come out that how much money was misused.

According to the rules, Special Officer, MCH has got the authority to use one car, all the time. But another car is also allotted exclusively for his family. Very recently, his son has acted in a drama at Ravindra Bharathi where I have seen number of vehicles belonging to MCH.

In one case he has neglected to justify the payment but in another case, where a Muslim was involved, he kept the file with him for one year. These are the conditions prevailing in the Corporation.

I request that my amendments may be accepted. Thank You.
Government Bill:
The Hyderabad Municipal Corporations
(Amendment) Amending Bill, 1976.

During the continuance of the Emergency, the State Government have reviewed the position in regard
to the holding of elections to the Municipal Corporation of Hyderabad and have decided to postpone the conduct of elections to the Municipal Corporation of Hyderabad, keeping also in view the adoption by the Municipal Corporation of Hyderabad of the Legislative Assembly Electoral Rolls which are being brought up to date.
the hyderabad municipal corporation
(amendment) amending bill, 1976.

...
17th November, 1976.


12-50 p.m.
Government Bill: 17th November, 1976

The Hyderabad Municipal Corporation
(Amendment) Amending Bill, 1976.

In the Hyderabad Municipal Corporations (Amendment) Act, 1970, in Section 2 in the Proviso to Clause (1) for the words “in the aggregate, exceed six years”, the expression “extend beyond the 30th September, 1977” shall be substituted for “extend beyond the 30th September, 1977.”

Sri Ch. Subbarayudu:—Shall not extend beyond 30th September, 1977 is correct.
Government Bill
The Hyderabad Municipal Corporation
(Amendment) Amending Bill, 1976.

Mr. Speaker:—in the original Act the words: “shall not” are there. They are not disturbed. The words ‘in the aggregate’ are removed, the result of which would be that it reads: ‘... shall not extend beyond the 30th September 1977”

Sri C.V.K. Rao:—When does the term of the Special Officer expire?

Sri Ch. Subbarayudu:—On 30th September 1977.

Sri A. Sreeramulu:—Whenever such amendments are proposed, it is always better to give the original section. If the original section had been given, this confusion would not have arisen. Let the hon. Minister kindly bear in mind that whenever they bring forward small amendments, it is better that the supply copies of the original sections.

Mr. Speaker:—Better thing would be to give the original section also.

Sri C.V.K. Rao:—I want one clarification. The term of the Special Officer expired on 2nd August 1976. The Ordinance has been promulgated on 2nd September 1976. What happened in between? It is a very funny situation.

Mr. Speaker:—But they said that it shall be deemed to have come into force on the 3rd August 1976.

Mr. Speaker:—And this Bill is given retrospective effect.

Mr. Speaker:—That means, there was no law for the appointment of the Special Officer. That is clear.

Sri M. Nagi Reddy:—What about that interim period?

Mr. Speaker:—It is clear that he continued in office without legal authority. That is why they brought the Ordinance and gave it retrospective effect.

Sri A. Sreeramulu:—Sir, legally it is justified because the Government has got power to give retrospective effect to any law.

Mr. Speaker:—Not the Government.

Sri A. Sreeramulu:—I mean, we have the power; the Governor has got the similar power. My only point is what was the difficulty to issue the Ordinance in time? It is an administrative lapse. What action does the hon. Chief Minister propose to take on the persons responsible for the lapse? Suppose, during that interim period of one month, some body had challenged the acts of the Special Officer in a Court that he is not competent to issue any orders....

Mr. Speaker:—That would have been upheld.

Sri A. Sreeramulu:—But why create such necessity? Now it is strictly legal. But why should such a situation arise where a vacuum should come into being? After all we have administration in the Municipal Administration Secretariat. That Secretariat has slept over the matter and allowed one month to go.

Sri Ch. Parasturamanä Naidu—No doubt a provision is made for
17th November, 1976.


Retrospective effect being given. But on 2nd of August, as you were pleased to observe, the Special Officer had ceased to be. So all actions done by him for that one month were illegal. Merely because the operation of this enactment goes back to August 2nd, those actions do not get validated. Simply because the power is vested to give retrospective effect, it does not automatically validate all actions that had taken place. So they must come up with a validating Act or a validating provision should have been included in this Bill.

Secondly, the Special Officer had ceased to be. When he ceased to be, there is no question of ‘extension’. It is only a question of reappointment. Extension is continuation; but when there is a gap, there cannot be extension. These two lacunae are there and this Bill has to be withdrawn. Any way we are here and it can be rectified this evening, itself.

Sri Ch. Subbarayudu:—There are two functions ... as Special Officer and as Chairman of standing committee. When we extend the term of the Special Officer from 3rd August 1976 we arm him with functions of Chairman of the standing committee also. Certainly, all these acts which were done in the capacity of the Chairman of the Standing Committee or Mayor will be automatically valid.

Mr. Speaker:—I am not competent to give a ruling on that matter. It does not fall within my jurisdiction. It is a matter for courts to decide. One point is very clear. When you are trying to give retrospective effect, it means that some thing is there requiring remedy. That is very clear. There is no defence for it.

Mr. Speaker:—That is not a matter on which I can speak.

Sri V. Srikrishna:—By that time he ceases to be the Special Officer. Whatever actions he took were all illegal and they were not valid.
Sri A. Sreeramulu:—I hold the view that once the appointment is legalised by giving retrospective effect by this particular Ordinance or law that we are making, the powers and functions connected with that appointment which is being validated now, they become strictly legal. He exercised those powers because his appointment has been validated for that interim period. That is my view.

Sri Ch. Parasuram Naidu:—Mr. Sreeramulu does not know...

Sri A. Sreeramulu:—My hon. friend seems to have the monopoly of knowledge. I do not want to claim his unlimited knowledge. I expressed my view from my own experience and basing on several judgements of courts as to how laws are given retrospective effect. Once a law is given retrospective effect, the powers and functions given to a particular post and exercised become strictly legal and valid. But my point is why this was allowed. A satisfactory explanation must come. Why is the Government giving scope for legal wrangling?

Mr. Speaker:—It was not noticed.

Sri Ch. Subbarayudu:—I confess that there was a lacuna on our part.

Mr. Speaker:—The very fact that an Ordinance was issued with retrospective effect shows that the Government did not do it in proper time.

Sri A. Sreeramulu:—Who is responsible? Government will have to answer us. What action does the hon. Minister propose to take?

Mr. Speaker:—As far as we are concerned, the Minister is responsible.

Sri A. Sreeramulu:—The Minister will have to take the punishment. We have a right to demand an explanation.

Sri C.V.K.Rao:—It is not just an officer whose term has been given retrospective effect and validated. It is actually the Special Officer who is himself the Corporation. It applies to the Corporation as well. There is something radically wrong.

Mr. Speaker:—The hon. Minister said that there was some lapse on his part. Therefore, he brought in the Ordinance and gave retrospective effect. There are two views expressed by hon. members,
Mr. Sreeramulu expressed one view; and Mr. Parasuram Naidu expressed another view. One man said 'limited knowledge' and another man said 'wide knowledge'. That is not a matter for me to decide. It is for the Government now to take notice of the two views expressed by the hon. members and take such legal action as is necessary, and, if necessary he will come forward...

Mr. Sreeramulu:— In that case, let the Advocate-General be summoned. We want to hear him because there are two opinions expressed now.

Sri C.V.K. Rao:— This is a matter to be decided by a judicial body. Under our Constitution, the Advocate-General is a member of this House. Therefore we can as well ask him to attend.

Mr. Speaker:— He is not a member. He can attend.

Sri C.V.K. Rao:— He has got a seat in the House; I am occupying his seat. He can be summoned and his views taken.

Mr. Speaker:— You have raised the point.

Mr. Speaker:— Of course, you are trying to say something on aw. I am not fully competent to express. You have expressed some view. The Minister has already got some legal opinion. It is on the basis of the legal opinion that he has come forward with this Ordinance to give retrospective effect. Now you are trying to say that even then it is defective. He will examine, and if necessary, he will come up again.

Sri A. Sreeramulu:— The House is entertaining a doubt. Should not the House be assisted by some expert legal opinion?

Mr. Speaker:— There is provision, if the Government agrees.
The Resolution was negatived.

Mr. Speaker:— The question is:

"That this House disapproves the Ordinance called the Hyderabad Municipal Corporations (Amendment) Amending Ordinance, 1976 promulgated by the Governor on 2nd September 1976"

The motion was adopted.

CLAUSE 2.

Mr. Speaker:— There is one amendment. The question is:

"In clause 2 for the words "extend beyond the 30th September, 1977" substitute the following:—

"Extend not beyond six months from the date of its passing by the State Legislature."

The Amendment was negatived.
Mr. Speaker:— The question is:

"That clause 2 do stand part of the Bill"

The Motion was adopted.

Clause 2 was added to the Bill.

CLAUSE 3.

Mr. Speaker:— The question is:

"That clause 3 do stand part of the Bill"

The Motion was adopted.

Clause 3 was added to the Bill.

Clause 1, Enacting Formula and Long Title.

Mr. Speaker:— The question is:

"That Clause 1, Enacting Formula and Long Title do stand part of the Bill"

The Motion was adopted.

Clause 1, Enacting Formula and Long Title were added to the Bill.

Sri Ch. Subbarayudu:—I beg to move:

"That the Hyderabad Municipal Corporations (Amendment) Amending Bill, 1976 be passed."

Mr. Speaker:—Motion moved.

The question is:

"That the Hyderabad Municipal Corporations (Amendment) Amending Bill, 1976 be passed."

The motion was adopted, and the Bill was passed.

Mr. Speaker:—There are two more Bills. We have got about 10 minutes' time. I hope the hon. members will co-operate in completing them.

Sri C.V.K. Rao:—The time will not be sufficient, Sir. They can be put off to next session.

Mr. Speaker:—According to the time that has been given to me by the Business Advisory Committee we must finish these Bills before 1-30 p.m. It has been approved by the House also, Mr. C.V.K. Rao will move the Statutory Resolution,
Government Bill: 17th November, 1976. 183

The A. P. Municipalities (Fifth Amendment) Bill, 1976.

STATUTORY RESOLUTION.

Disapproving the A. P. Municipalities (Second Amendment) Ordinance 1976.

Sri C.V.K. Rao;—I beg to move:

"That this House disapproves the Ordinance called the Andhra Pradesh Municipalities (Second Amendment) Ordinance 1976 promulgated by the Governor on 14th September 1976."

Mr. Speaker:—Resolution moved.

GOVERNMENT BILL.

THE ANDHRA PRADESH MUNICIPALITIES (FIFTH AMENDMENT) BILL, 1976.

Sri Ch. Subbarayudu:—I beg to move.

"That the Andhra Pradesh Municipalities (Fifth Amendment) Bill, 1976 be taken into consideration."

Mr Speaker:—Motion moved.

Sri C.V.K. Rao:—Sir, I beg to move:

1. In clause 2 delete the words "within a period of five years."
2. In clause 3 for the words and figures 'beyond the 1st October 1977' substitute the words 'be to a period that the Government be pleased.'

Mr. Speaker:—Amendments moved.
Mr. Speaker:—Same thing please. We have discussed about it now. 'Not' is in the original section.

In clause 3 for the words and figures 'beyond the 1st Oct. 77' substitute the words 'be to a period that the Government be pleased'.

Because they are already ex-officio members in the municipalities.

Mr. Speaker:—That is a different aspect.

17th November, 1976. 185

The A. P. Municipalities (Fifth Amendment) Bill, 1976.
Sri Ch. Parssurama Naidu:- Sir, this Ordinance has been conceived in the month of September. At this time, there is no indication of either Parliament elections or Assembly elections. There is enough time to conduct elections for the local bodies. You may say that there is 'Emergency'. But in this context, many Leaders, Congress Party men, Legal illuminaries and no lesser person than the Home Minister of India declared that emergency is no obstacle to conduct elections. Therefore, to conduct civic elections 'Emergency', would not come into its way. For a long time, there is no approach to the people. You are taking time till next September. Why not a proper amendment be brought to conduct elections earlier. Let there be direct elections even to Panchayat Samithis. Please reconsider the matter and see that elections are conducted earlier and a new local body comes into existence democratically, to cater to the needs of the people. Thank you, Sir.

Mr. Speaker:—The question is:

"That this House disapproves the Ordinance called the Andhra Pradesh Municipalities (Second Amendment) Ordinance, 1976 promulgated by the Governor on 11th September, 1976."
The Motion was negatived.

Mr. Speaker:—The question is:

"That the A. P. Municipalities (Fifth Amendment) Bill, 1976 be taken into consideration".

The Motion was negatived.

Mr. Speaker:—The question is:

"That in Clause 2 delete the words "within a period of five years"

The Amendment was negatived.

Mr. Speaker:—The question is:

"That Clause 2 do stand part of the Bill".

The Motion was adopted and Clause 2 was added to the Bill.

CLAUSE 3

Mr. Speaker:—The question is:

"In clause 3 for the words and figures "beyond the 1st October, 1977" substitute the words "be to a period that the Government be pleased".

The Amendment was negatived.

Mr. Speaker:—The question is:

"That Clause 3 do stand part of the Bill".

The Motion was adopted and Clause 3 was added to the Bill.

CLAUSE 4

Mr. Speaker:—The question is:

"That Clause 4 do stand part of the Bill.

The Motion was adopted and Clause 4 was added to the Bill.

Clause 1, Enacting Formula and Long Title of the Bill.

Mr. Speaker:—The question is:

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

The Motion was adopted and Clause 1, Enacting Formula and Long Title were added to the Bill.

Sri Challa Subbarayudu:—Sir, I beg to move:

"That the A. P. Municipalities (Fifth Amendment) Bill, 1976 be passed".
18th November, 1976.

Government Bill:

Mr. Speaker.—Motion moved.

(pause)

The question is:
"That the Andhra Pradesh Municipalities (Fifth Amendment) Bill, 1976 be passed".

The Motion was adopted, and the Bill was passed.

STATUTORY RESOLUTION

Disapproving the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Amendment Ordinance, 1976.

Sri C. V. K. Rao:—Sir, I beg to move:
"That this House disapproves the Ordinance called the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Amendment Ordinance, 1976 promulgated by the Governor on 21st September, 1976".

Mr. Speaker:—Statutory Resolution moved.

GOVERNMENT BILL

THE ANDHRA PRADESH PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT BILL, 1976.

Sri Ch. Venkata Rao:—Sir, I beg to move:
"That the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 1976 be taken into consideration".

Mr. Speaker:—Motion moved.

Sri Syed Hasan:—Sir, I beg to move:
"Delete sub-clause (ii) of Clause 2".

Mr. Speaker:—The Amendment moved.

Sri Ch. Venkata Rao:—Sir, in the public interest and in the interest of the Government, this Bill is being brought before this House. The Bill is to provide for the eviction of unauthorised occupants from public premises. The Bill seeks to empower the authorities to take action against unauthorised occupants. The Bill is necessary to ensure the proper use of public premises. The Bill is also aimed at maintaining law and order in the area. The Bill is expected to be passed without any opposition. The Bill is a step towards the development of the state. The Bill is expected to be passed without any objections.

Sri Syed Hasan:—Sir, in the proposed amendment it has been said that where an appeal is preferred from an order of the Estate Officer, on order for stay of operation thereof shall be made by the appellate officer pending disposal, unless the appellate officer is satisfied—

(i) that substantial loss may result to the party applying for stay, unless the order is made; and

(ii) that security has been given by the appellant for the due performance of such order as may ultimately be binding upon him.

In the fairness of justice, it was deemed necessary that an appeal might be preferred against his decision who is an administrative officer. So this provision of appeal has been kept and the appeal goes before the Court; District Judge, Sessions Judge or High Court. The Appellate Officer, if satisfied that substantial loss may result to the party applying for stay, unless the order is made, issues the order; otherwise not. It alright. But in case of sub-clause (i) of Clause 7 reads like this:
"(ii) that security has been given by the appellant for the due performance of such order as may ultimately be binding upon him."

This is unwanted and unnecessary. Because an appeal is going to be made in the concerned Court against the decision of an Administrative Officer and the Court is bound to look into all the aspects of the case. Hence there is no need for sub-clause (ii) of Clause 2. It should be deleted.

It is the discretion of the court. I hope the Government would consider these aspects instead of insisting on the second proviso. Then it would be agreeable to all.

Mr. Speaker:—The statutory resolution is before the House.

The question is:

“That this House disapproves the Ordinance called the Andhra Pradesh Premises (Eviction of Unauthorised Occupants) Amendment Ordinance, 1976 promulgated by the Governor on 21st September, 1976”.

The resolution was negatived.

Mr. Speaker:—The question is:

“That the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 1976 be taken into consideration”.

The motion was adopted.

Mr. Speaker:—The question is:

“Delete sub-clause (ii) of clause (2)”.

The amendment was negatived.

Mr. Speaker:—The question is:

That Clause 2 do stand part of the Bill,
The motion was adopted and Clause 2 was added to the Bill.

Mr. Speaker:—The question is:

That Clause 3 do stand part of the Bill,

The motion was adopted and Clause 3 was added to the Bill.

Mr. Speaker:—The question is:

That Clause 1, Enacting Formula and Long Title do stand part of the Bill.

The motion was adopted and Clause I, Enacting Formula and Long Title were added to the Bill.

Sri Ch. Venkata Rao:—Sir, I beg to move:

That the Andhra Pradesh (Eviction of Unauthorised Occupants) Amendment Bill, 1976, be passed.
Mr. Speaker:—Motion moved.

The question is:

“That the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 1976 be passed”.

The motion was adopted and the bill was passed.

Mr. Speaker—As the business of the House is completed, I think the House now consents for the House being adjourned sine-die.

(Pause)

Mr. Speaker:—Now the House stands adjourned sine-die.

(The House then adjourned sine-die).