THE ANDHRA PRADESH
Legislative Assembly Debates
OFFICIAL REPORT

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ANDHRA PRADESH LEGISLATIVE ASSEMBLY

PRINCIPAL OFFICERS

Speaker: Sri G. Narayana Rao.
Deputy Speaker: Sri A.V. Suryanarayana Raju.

Panel of Chairmen:
2. Sri M. Rajaiah.

Secretary: Sri E. Sadasiva Reddy.

Deputy Secretaries:
2. Sri C. Venkatesan.

Assistant Secretaries:
1. Sri P. Satyanarayana Sastry.
5. Sri V.V. Bhaskara Rao.
8. Smt. S.G. Sumitra Bai.

Eleventh Day of the Seventh Session of the Andhra Pradesh Legislative Assembly

ANDHRA PRADESH LEGISLATIVE ASSEMBLY
Friday, The 10th April, 19x7
The House met at Half-past Eight of the clock
(Mr. Speaker in the Chair)

PAPERS LAID ON THE TABLE OF THE HOUSE.

Mr. Speaker:—All the Papers are deemed to have been laid and Report deemed to have been presented.

1. A. P. Lok Ayukta and Upa Lok Ayukta Act, 1983.

Copy of the Amendments to the Andhra Pradesh Lok Ayukta and Upa Lok Ayukta (Investigation) Rules, 1984, issued in O. Ms. No. 120, G. A. (S. C. D.) Department, D/19-5-87, as required under sub-section (3) of Section 20 of the Andhra Pradesh Lok Ayukta and Upa Lok Ayukta Act, 1983.

2 Andhra Pradesh Administrative Tribunal.

Copy of the order issued with G. O. Ms. No. 567, P. R. and R. D. Department, D/ 17-11-86, annulling the orders of the A. P. Administrative Tribunal, as required under clause (6) of article 371-D of the Constitution of India.

3. Andhra Pradesh Administrative Tribunal.


* An asterisk before the name indicates Confirmation by the Member.
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4. Andhra Pradesh Administrative Tribunal.

Copies of the orders issued in G. O. Ms. No. 269, M and H Department D/ 2-3-84 and G. O. Ms. No. 709 M & H Department D/ 30-10-86, annulling the orders of the A. P. Administrative Tribunal, as required under clause (6) of article 371-D of the Constitution of India.


Copies of Notifications as required under sub-section (4) of section 326 of the Andhra Pradesh Municipalities Act, 1965

2. G.O. Ms. No. 628, HMA&UD D/ 12-11-86.
3. G.O. Ms. No. 629, HMA&UD, D/ 12-11-86.
6. G.O. Ms. No. 652, HMA&UD, D/ 3-12-86.
7. G.O. Ms. No. 16, HMA&UD, D/ 16-4-87.
8. G.O. Ms. No 683, HMA&UD, D/ 24-12-86.
9. G.O. Ms. No. 67, HMA&UD, D/ 5-2-87
10. G.O. Ms. No. 72, HMA&UD, D/ 6-2-87
11. G.O. Ms. No. 176, HMA&UD, D/ 10-2-87
12. G.O. Ms. No. 177, HMA&UD, D/ 10-2-87
13. G.O. Ms. No. 401, HMA&UD, D/ 5-3-87
14. G.O. Ms. No. 406, HMA&UD, D/ 6-3-87


1. G.O. Ms. No. 627, HMA&UD, D/ 12-11-86
2. G.O. Ms. No. 674, HMA&UD, D/ 19-12-86
3. G.O. Ms. No. 100, HMA&UD, D/ 7-2-87
4. G.O. Ms. No. 173, HMA&UD, D/ 10-2-87
5. G.O. Ms. No. 407, HMA&UD, D/ 6-3-87
Andhra Pradesh Khadi and Village Industries Board (Amendment) Bill, 1987.—(Introduced)


Copy of the amendment to A.P. Municipalities (Licences for Projections and Lease of Road side and Street Margins) Rules, 1969 issued in G.O. Ms. No. 304, HMA&UD, D/ 25-6-86, as required under sub-section (4) of section 326 of the A.P. Municipalities Act, 1965.


II. Presentation of the Report of the House Committee to go into the Irregularities Committed in the Andhra Pradesh Mining Corporation (By Sri Vidyadhara Rao, Chairman of Committee):

Report of the House Committee to go into the Irregularities Committed in the Andhra Pradesh Mining Corporation.

Government Bills:


The Minister for Commercial Taxes (Sri P. Ashok Gajapathi Raju) :-Sir, on behalf of Minister for Small Scale Industries, I beg to move:

"That leave be granted to introduce.


Mr. Speaker:—Motion moved.

The question is:

That leave be granted to introduce


(Pause)

The motion was adopted and the Bill was introduced.
Sri A. Dharma Rao:—Mr. Speaker, Sir, we have given notice of a Privilege Motion against the Chief Minister, as he had stated that there is no power cut. But, in fact, there is power cut for agricultural supply and industries. We want to know the fate of our Privilege Motion.

Mr. Speaker:—I will go through it. If it is a fit case, I will Straightaway send it to the Privileges Committee.

The Minister for Commercial Taxes (Sri P. Ashok Gajapathi Raju) :- Sir, I move:

"That the Andhra Pradesh Entry of Goods Into Local area Tax Bill, 1987, be taken into consideration.

Mr. Speaker :- Motion moved.

Sri P. Ashok Gajapathi Raju :- Mr. Speaker, Sir, it is a Bill on the entry of goods into local areas. The Tax proposed would not exceed 4%. The tax is to be levied on all varieties of textiles other than those made wholly of cotton manufactured either in mills or powerlooms and hosiery cloth lengths other than made wholly of cotton. This tax is also to be levied on sugar but other than levy sugar.

This tax will also be levied on tobacco and all its products other than Virginia tobacco. The Government expects a revenue of about Rs. 10 crores, per annum.
"(4) If the tax assessed or the penalty levied or interest payable under this Act or any instalment thereof is not paid by a dealer within the time specified therefor, the whole of the amount then remaining unpaid may be recovered from him as if it were an arrear of land revenue."

"19. (1) any Officer not below the rank of an Assistant Commercial Tax Officer authorised by the Government in this behalf may, for the purpose of this Act require any registered dealer to produce before him the accounts, registers and other documents and to furnish any other information relating to his business."
The Andhra Pradesh Entry of Goods into Local Area Tax Bill, 1987.—(Passed)

10th April, 1987.

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Government Bills:
The Andhra Pradesh Entry of Goods into Local Area Tax Bill, 1987.—(Passed)

The Andhra Pradesh Entry of Goods into Local Area Tax Bill, 1987.—(Passed)


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The Andhra Pradesh Entry of Goods into
Local Area Tax Bill, 1987. (Passed)

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The Andhra Pradesh Entry of Goods into
Local Area Tax Bill, 1987.  (Passed)

Government Bills:


9-10 a.m.
Government Bills:

10th April, 1987.


The same thing is copied here. Everywhere that indemnity clause would be there.
Sri P. Ashoka Gajapathi Raju:—Mr. Speaker Sir, nine Hon'ble members participated in this discussion. But, some how, I had a feeling, I hope, I may be wrong—that Hon'ble Members did not understand this piece of legislation. This piece of legislation was first formulated by the State Government in 1981, when I was a Member of the Opposition.

This basically an indirect tax. Indirect taxation, in some form or the other, is there in all the countries in the world. Direct taxation, you know, does not yield revenues. It may be a levelling down process but it does not yield the required revenues. This is an entry tax. We propose to tax the entry of the scheduled goods only. Some people have not understood that also properly—which enter the notified local areas. Our intention is to identify local areas, that is, municipalities which are first-grade and above. There are a total of 39 local areas in our State where we will be collecting this tax.

To levy this tax, permission was given to us on the 1st of this month by the Government of India. That is why, we have got a Bill here and it has to go back to the President for his approval.

These three commodities which are proposed to be taxed, the Hon'ble Members would have realised by now, the State Government does not levy tax on these three commodities and our intention is to tax the fairly well-to-do sections, those who are better off. Unfortunately the poverty line in our country is Rs. 6,400 per annum income level. We wanted to tax those who are fairly better off. That is why we are not taxing any textiles—synthetic fibres—which are mill made or made on the power looms, handlooms are totally exempt. Cotton fabrics of any kind is totally exempt. Similarly, in tobacco, Virginia Tobacco is exempted. Members have raised objections here and we will consider that. We have not come to a decision on that.
You know, levy sugar accounts for 65% of the sugar itself and the lower middle class and poorer sections do not go outside the market. It is the fairly well-to-do people in the society.

Any time I got up dishonesty in the Department is brought to my notice. I have been consistently requesting all Hon'ble Members that if they bring any specific case to our notice, we will definitely take action. We are not sparing any dishonest officer. There are penal clauses in the A.P.G.S.T. Act and in all other Taxation Acts. But the penal clause is used when there is violation. We do not go by the presumption that everybody will violate. If their returns or books are at variance, we will treat it as an evasion.

I also submit to the Hon'ble Members that most of these goods that are brought in the local areas—the examples are given. The petty dealers do not carry these goods. This is what the scheme of the Act is. Lots of other things have been mentioned or, are most of the things which have nothing much to do with this Act. We will definitely keep it in mind and try to solve those other problems. Thank you.

Sri D.K. Samarasimha Reddy (Gadwal):—Mr. Speaker Sir, if you see the Bill, excise duty is being collected by the Government of India. Already the State Government is having its share. Why do you once again introduce the tax in the name of entry tax on textiles also?

Sri P. Ashoka Gajapathi Raju:—The whole idea is to mobilise a bit of resources. That is the whole idea.

Sri D.K. Samarasimha Reddy:—You cannot have double taxation on one item. Why do you impose again entry tax? Let him have a rethinking on that. Let him even consult; because it is a serious problem. That is the reason why I am suggesting it.

Sri P. Ashoka Gajapathi Raju:—When it was first enacted in Karnataka, it went up to Supreme Court. The Hon'ble Member knows the result.

Sri M. Omkar:—Whether this Government is thinking of introducing single point sales tax instead of multi-point sales tax—it is number one. No. 2 is how many assesses are there; from how many sections you have been collecting a major portion of the revenues; what is the total sales tax income on each section how much you are collecting; how you are leaving away the rest of the people.
Sri P. Ashoka Gajapathi Raju:—There are 2,70,000 assesses. I have not done any analyses about the percentage. If you do not comment, about 6,000 dealers have a turnover of over Rs. 50 lakhs per year.

Sri M. Omkar:—What is the total revenue as on today on this commercial taxes?

Sri P. Ashoka Gajapathi Raju:—I will give it to you in the Budget? It is Rs. 800 crores under two Acts.

Sri P. Ashoka Gajapathi Raju:—What am I to add to this Sir? These are all general allegations. I have already mentioned that if any specific instance is brought to our notice, we will take action against the person who commits an error.

Sri P. Ashoka Gajapathi Raju:—Indirect taxation has a tendency of falling on every one. If Hon'ble member Mr. Raghava Reddy can amend the Constitution, we will be able to do that.

Government Bills:

Is it fair on the part of the Government or is it not a fraud on the part of the Government to levy additional taxes in this Session? That is No. 1.

Sri P. Ashoka Gajapathi Raju:— I also happened to be in the House when the Hon’ble Minister for Finance mentioned that burden of taxes as far as possible, would not be on the poorer sections of the society. Relatively speaking, this burden will fall on the better of section.

Sri Basheeruddin Baboo Khan (Bodhan):— I would like to ask the Hon’ble Minister to state: He has already stated that about Rs. 800 crores has been realised from the Commercial Taxes structure. What is the quantum of expenditure incurred for the administration of these taxes and what would be the additional expenditure in administering the entry tax?

Sri P. Ashoka Gajapathi Raju:— Sorry Sir. About Rs. 800 crores has been realised under A.P.G.S.T. and C.S.T. The Department is also administrating HRBT and APET. For all these, the expenditure involved per year is about Rs. 13 crores.

Sri P. Ashoka Gajapathi Raju:— No Sir. Because we have the machinery and we are making use of the same machinery.

Sri P. Ashoka Gajapathi Raju:— I request the Hon’ble Member not to give their political culture.

Sri P. Ashoka Gujapathi Raju:—Once again I repeat that I do not encourage such a political culture. The second thing is entry tax is rather different from octroi. There are no check posts where taxes are paid. Quite a few States still levy octroi also.

Mr. Speaker:—No, please.

He cannot assure such things here at least in this Bill.

Government Bills:

Sri P. Ashok Gajapathi Raju:—I think the Hon. Member has understood me wrongly. Indirect taxation State Government has power; direct taxation, we have no power.

Sri K. Bapiraju:—Just as Sri Venkatapathi has mentioned, I also would request the Minister, through You, there can be a change of view. The Minister could think of having half percent increase which can avoid lot of nuisance again after the Bill is passed. Minister also mentioned probably most of the Legislators could not understand properly the legislation and all that. Definitely, I could not understand as much as the Minister could have understood. But definitely, I feel with a little commonsense available with me. Sir, how the Minister is going to implement this, collect the entry tax with the existing machinery. The department is not sufficient for collection of the existing taxation or assessment. Even with regard to reopening of assessments, out of curse they have been going back and reopening assessments. What exactly, I want is how he is going to use his officers for the collection of entry tax. I fell he requires separate and additional staff is required. Without additional staff can he collect and is it possible? Can he enlighten us?

Sri P. Ashoka Gajapathi Raju:—As it is the dealer is filing his returns. Later on if there is any variation found, they are liable for penalties. We do not go on premises and we trust that the existing machinery is there and we want to make use of that machinery.
Sri P. Ashok Gajapathi Raju:—Each local area, if it enters it suffers tax.

Smt. Y. Seeta Devi (Mudicpalli):—This is about tax on synthetic. They are durable and long lasting and to-day they are actually being used by common man and even lower middle class people. If you tax synthetics, it is going to be a terrible pressure. The Minister may kindly consider about that again.

Sri P. Ashok Gajapathi Raju:—I do agree that synthetics suffer taxation but the common man generally tends to use handlooms, khaddar and more cotton and things like that.

Smt. Y. Seetha Devi:—No, no. We do not agree.
Government Bills

The Andhra Pradesh Entry of Goods Into Local Area Tax Bill, 1987

(Passed).

Sri P. Ashok Gajapathi Raju:—If any goods is manufactured in the local area, it does not suffer local tax. But if it is brought from outside it suffers. Charminar cigarettes manufactured here in the city, won't suffer taxation. But if it goes to 39 areas—local areas mentioned here, it is bound to suffer. It is exactly what I have said.

Shri Ibrahim Bin Abdulla Saeedi:—Ms. K. G. Zade, Aur Baire and other increases through logistic goods will be used in the local area mentioned here. This bill will suffer taxation. Ms. K. G. Zade:—

Shri Ibrahim Bin Abdulla Saeedi:—If any cigarettes manufactured here in the city, won't suffer taxation.

Sri P. Ashok Gajapathi Raju:—We have no intention to...
The Andhra Pradesh Entry of Goods into Local Area Tax Bill, 1987—(Passed)

Sri P. Ashok Gajapathi Raju:—This is a different issue. We are examining it separately.

Sri A. Dharma Rao (Duggirala):—4% is now sought to be lived and quite likely it is going to be multi-point. The dealer will have some thing more and official mamools will be more and all that will come to 6%. If it is single point it might be between 10 to 12%. In that case the incidence of taxation will ultimately be on the consumer and in effect it will affect the original producer of the raw-material. It is a heavy taxation suddenly at a time. Will the Minister agree with me that it is too heavy a tax being imposed suddenly?

Sri P. Ashok Gajapathi Raju:—This is a new taxation measure.
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Government Bills


We have competition in Karnataka, Maharashtra, Tamil Nadu and other places. Our articles will be costlier and the quantum of trade will be reduced and the profits you are expecting will be reduced.

Sri P. Ashok Gajapathi Raju:—This is a tax on entry into local area. As far as I understand, Karnataka has, Maharashtra and certain places there is octroi, I fail to understand how it will affect.

Sri D. Sripada Rao (Manthani):—In the schedule at P. 13 tobacco and other things are there. In the villages most of the people grow in 5 to 10 gunta maximum 1 acre. This is called ‘Natu Pogaku’ a local variety which can be sold only in Warangal and Guntur. Can it be exempted from taxation.

Sri P. Ashok Gajapathi Raju:—Exemptions, we can always pursue separately.

Sri D. Sripada Rao:—But if a certain product is grown locally, if it goes outside.

Sri P. Ashok Gajapathi Raju:—We will examine that.

Sri M. Baga Reddy (Zaheerabad):—My question remains unanswered. I have put a question in the interest of the State. I was expecting a reply from the hon. Minister whether we are going to lose or gain. That is the main issue. By this way, I am confident that we are going to lose.

Sri P. Ashok Gajapathi Raju:—The Leader of the Opposition is confident now that we are going to lose. But I am confident that we are going to gain.
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The Andhra Pradesh Entry of Goods into Local Area Tax Bill, 1987—(Passed)

Sri P. Ashok Gajapathi Raju:— Probably, he might. We are confined to 39 local areas.

Mr. Speaker:— The question is: "That the Andhra Pradesh Entry of Goods into Local Area Tax Bill, 1987 be taken into consideration."

(Pause)

The motion was adopted and the Bill was considered.
Sri P. Ashok Gajapathi Raju:—This piece of legislation was first envisaged and cleared in Cabinet in 1981 when I was a Member in the Opposition and Hon. Leader of the Opposition was a Minister in the Government. What was right then has become a wrong policy. I fail to understand this.

Mr. Speaker:—The question is:

"That Clauses 2 to 33, Schedule, Clause 1, Enacting formula and long title, do stand part of the Bill."

(Pause)

The motion was adopted and clauses 2 to 33, Schedule, clause 1, enacting formula and long title were added to the Bill.

Sri P. Ashok Gajapathi Raju:—Sir, I beg to move:

"That the Andhra Pradesh Entry of Goods into Local Area Tax Bill, 1987, be passed."

Mr. Speaker:—Motion moved.

The question is:

(Shouts of no, no)

Sri M. Baga Reddy:—Sir, Sir......
The Andhra Pradesh Advocates' Welfare Fund Bill 1987—(Passed)

Mr. Speaker:—This is not the stage. That stage is over.

Sri M. Baga Reddy:—Sir, we are asking for division.

Mr. Speaker:—The question is:

"That the Andhra Pradesh Entry of Goods into Local Area Tax Bill, 1987, be passed."

(Pause)

The House divided thus: AYES 87, NOES, 28 ABST. 2

The motion was adopted and the Bill was passed.


(L. A. Bill No. 37 of 1987)

Sri P. Ramachandra Reddy:—Sir, may I make a request Sir. To-day in the Agenda there is Andhra Pradesh Advocate's Welfare Fund Bill, 1987 (L. A. Bill No. 37 of 1987). It is a matter of few minutes and I request you to take it up so that the Education Bill may be considered in detail. I request you to permit the Law Minister to move the Bill.

Mr. Speaker:—Yes.

Sri P. Ramachandra Reddy (Sangareddy):—Sir, this Bill introduced by the Minister for Law and Courts is a welcome measure and Bill was under preparation for a quite a long time since 1974. This State wanted to do it in 1974-75 when Sri Pidathala Ranga
Reddy was the Finance Minister and Sri Asif Pasha was the Law Minister and Sri J. Vengala Rao was the Chief Minister. After various efforts, ultimately at the instance of the Finance Department it was not agreed upon. The main reason was that Advocates as a class were rich people, and therefore it was not necessary. The second point was that it will be an additional burden on the litigant public. We could not convince the bureaucrats who came in the way then and it was stalled and stopped. Now it is a happy augury that the present Law Minister has taken up this and brought forward this Bill. I thank him on behalf of the Community of Advocates and all those interested in the Bill. It is a good measure as far as those Advocates who will die untimely and for those who will not have much practice. It is a scheme like any welfare scheme for weaker sections. Sir, you are aware that twenty years back, before Independence it was a monopoly of a few people who were rich and those having sufficient properties left behind. After Independence when Education became common and educated unemployment problem has come to the forefront, large number of Advocates started joining the Bars and coming to the Courts. Many of them are not having work at all.

10:30 A.M. There may be large number of Advocates attending the Courts. Out of them, very few are rich and managing well. Many of the Advocates are not in good position. Their conditions are very bad. If you compare them with Government servants or with anybody in other services, their conditions are pitiable; that much only I can say because of decency and decorum. I wish that everybody will welcome and appreciate this bill. I will only make few suggestions here.

Only three Members are elected as representatives from the Bar Council. Three are sufficient. But at the same time, I suggest that since our State is consisting of three regions, let there be one representative from one region. Clause 4 (f) reads like this; “three members of the Bar Council elected by it from amongst its members of whom one shall be nominated by the Committee as the Treasurer of funde
Government Bills: 10th April, 1987


Here, one Member from one Region may be included and accordingly amended. To this extent, an official amendment may be moved so that one region is represented by one member. Otherwise there is a scope of all the three members from one region. It is better to have one representative from one region. This is one suggestion, I would like to make in regard to Clause 4 (f).

In regard to Schedule, at page 16 of the Bill, it is shown as Rs. 30,000 for 30 years of standing and Rs. 5,000 for 5 years' standing. Now, money value has gone down. Rs. 30,000 for 30 years standing have no value. Rs. 30,000 is a very meagre amount. It should be raised to Rs. 50,000. My contention is, let it be Rs. 50,000 instead of Rs. 30,000 Rs. 10,000 is also not bad, instead of Rs. 30,000, for 30 years' standing. Whatever the case may be, let it be Rs. 50,000 instead of Rs. 30,000, which is reasonable.

Under Clause 12, "the Andhra Pradesh Advocate’s Welfare Fund" stamp each of the value of three rupees to be affixed to a vakalat is a good one. Instead of Rs. 2 stamp, now Rs. 3 stamp is going to be affixed. There may be an additional burden of Rs. 1 only. In the system of litigation solvation, the procedure adopted in the process, the nominal fee of Rs. 3/- could be a bearable one and is not much serious, in the eye of public. If you take into consideration, in the gravity of the situation in this State, a special stamp fee of Rs. 3 is not a big burden on the public.

Hon'ble Minister might have gone through the various proposals before him including the proposals from other States. Now the succeeded in getting this Bill in this House to make it a Law. Other State like Uttar Pradesh, when Mr. Bahuguna was the Chief Minister, has given an adhoc grant to the State Bar Association i.e., if I am correct to the tune of Rs. 5 to 6 crores. That grant would be utilised for the benefit of the Members i.e., for unforeseen deaths, any calamities of health, etc., according to the Bar Council's decisions and will and pleasure. In such a way, the adhoc court fee of Rs. 3 or Rs. 5/- could meet the welfare activities of the Advocates. I may also suggest to raise the adhoc court fee from Rs. 3 to Rs. 5. For looking after the better health of the advocates; to look after the physical disability of the Member, to look after the deaths in harness and retirement benefits, there should be some lumpsum contribution also.

Just now, I have also seen some official amendments. I am happy that "Law Secretary" is also added in this Welfare Fund Activity. On behalf of my party and being an Advocate myself,
I wish that this Bill be unanimously adopted in this House. This would be much useful to the Advocates who are not earning much I am an earning Advocate and very few advocates’ conditions are good. Today, when I see the conditions of some of my own advocates, it is horrible. For some advocates, even funeral expenses have become a problem. Recently, one advocate died suddenly leaving two daughters for marriage and two wives. He is a Muslim. He died suddenly. Then, the Bar Association has collected the funds. The Bar Association rose to the occasion and arranged jobs to his two daughters. The entire burden was taken by the local bar association. Similar situations may come where on humanitarian grounds, the bar Association has to take care of the welfare of the Advocates. In the implementation part also, let this Bill be implemented effectively after passing it.

With these suggestions, I welcome this Bill, and totally support this Bill. I thank you, Sir.

Mr. Speaker:—During the year 1974-75, I was the Vice-Chairman of the Bar Council and I was trying to get this Bill. 5% of the Advocates are rich and 5% of the Advocates are having sufficient earnings and 90% of the Advocates are poor and their conditions are not good. So far as the Advocates who are very poor are concerned if they die, their families are not in a position to even the funeral expenses. Even though the Advocates spend their lives for the liberty and justice of the citizens, that is their position. They have been neglected. Mr. Ramachandra Reddy, you are right in appreciating the Minister for Law for introducing this Bill.

I will now request Mr. B. Venkateswara Rao to speak on the Bill.
10th April, 1987.

Government Bills:
Government Bills:


10th April, 1987.
Government Bills:
The Andhra Pradesh Advocates' Welfare Fund Bill, 1987: (Passed)

10th April, 1987.

నాయక మంగాపండి అందించిన భాష అధ్యక్షుడు ప్రస్తుతం అధ్యక్షవ్యవస్థ అంశాల సమావేషానికి ఉపయోగించారు. మాహితీ మంగాపండి నుండి సమావేషానికి ఉపయోగించారు. సంఘాతి మంగాపండి నుండి సమావేషానికి ఉపయోగించారు. గ్రామ సంఘాతి మంగాపండి నుండి సమావేషానికి ఉపయోగించారు. గ్రామ సంఘాతి మంగాపండి నుండి సమావేషానికి ఉపయోగించారు. గ్రామ సంఘాతి మంగాపండి నుండి సమావేషానికి ఉపయోగించారు. గ్రామ సంఘాతి మంగాపండి నుండి సమావేషానికి ఉపయోగించారు. గ్రామ సంఘాతి మంగాపండి నుండి సమావేషానికి ఉపయోగించారు.

1. సంఘాతి మంగాపండి నుండి సమావేషానికి ఉపయోగించారు.

ప్రస్తుతం అధ్యక్షవ్యవస్థ అంశాల సమావేషానికి ఉపయోగించారు.
10th April, 1987.


Government Bills:


11:00 a.m.

Sri B. Chandrasekhar (Member in Charge) — Honorable, Advocate General

The Advocate General moved that the Andhra Pradesh Advocate's Welfare Fund Bill, 1987, be passed. The Advocate General stated that the purpose of the Bill was to provide financial assistance to advocates who were in dire need of support. The Advocate General highlighted the importance of the Bill in ensuring that advocates who were facing financial difficulties could continue their profession without compromising on the quality of legal services they provided.

The Advocate General pointed out that the Bill would provide a minimum wage of Rs. 200,000 to advocates who had not been able to secure appointments in the legal profession. This would help to ensure that advocates who had not been able to secure appointments in the legal profession could continue to provide legal services to the people.

The Advocate General also pointed out that the Bill would provide a minimum wage of Rs. 500,000 to advocates who had been able to secure appointments in the legal profession. This would help to ensure that advocates who had been able to secure appointments in the legal profession could continue to provide legal services to the people.

The Advocate General concluded by stating that the Bill was a landmark in the history of the legal profession in Andhra Pradesh and would go a long way in ensuring that advocates who were facing financial difficulties could continue to provide legal services to the people.

The Advocate General was seconded by Sri V. Suryanarayana, Member of the Legislative Assembly. The Advocate General thanked all members of the House for their support and urged them to pass the Bill without any further delay.

The Bill was passed unanimously by the House.
Government Bills : 10th April, 1987. 355


Sri D. K. Samarasimha Reddy:—Sir, I concur with the view expressed by my friends. The Members who spoke earlier have given out in detail the predicaments, difficulties and the financial stringencies in which the members of the Bar have been facing particularly at the fag end of their career and untimely death.

I whole-heartedly welcome this Bill. Though this does not solve all the problems, to some extent, it solves the major problems. In this Bill, my submission will be, the schedule which has been under Clause 9 and Clause 16, requires to be re-scheduled. I purposely do not give any amendment from my side because I want that it should come from the Minister himself as an official amendment. At the bottom of the schedule, it is said that for 5 years standing, Rs. 5,000/- will be paid to him. Here I would like to add that it should be ‘5 years standing or less—Rs. 10,000/-’ As Mr. P. Ramachandra Reddy had suggested that the maximum may be put at Rs. 50,000/-. Please amend it suitably.

Clause 10, sub-clause (1) reads thus—“The Committee may, with the prior approval of the Government and the Bar Council borrow, from time to time, any sum required for carrying out th.
purpose of this Act.” I would like to submit here that the word “Government” may be deleted here because it creates some problems. The words “... with the prior approval of the Council...” are enough.

Clause 17 (1) deals with restriction on alienation, attachment etc., of interest of member in the Fund.

In the Explanation we find—“For the purpose of this Section ‘Creditor’ includes the Government or an official assignee or receiver appointed under the...” I would request the Minister to add the words ‘any financial institution’ also. Otherwise there is every scope for misutilising this amount.

I request the Minister to look into these two aspects referred to above.

Thank you.

This is a component part and necessary appara! to the judiciary. They have got legitimate right to have something from the Court: fees. 1/3rd of the court fee must be allocated towards this fund. Then only you can run this fund.

Meritorious few or lucky few are enjoying this. Large number of Advocates are suffering from financial disability.
The Andhra Pradesh Advocates’ Welfare Fund Bill, 1987.—(Passed)

.....

The Andhra Pradesh Advocates’ Welfare Fund Bill, 1987.—(Passed)

Necessarily 1/3rd of the Court fee must be allocated to this Fund and it has been administered on the socialistic basis. The Court fee in the amount of 80,000 has been settled.
10th April, 1987.

The Andhra Pradesh Advocates’ Welfare Fund Bill, 1987.—(Passed)

Government Bills:
Government Bills:

10th April, 1987.


Some members have suggested to have 4 (c) as “one from each region, coastal Andhra, Telengana and Rayalaseema.”
Mr. Speaker:—The Minister may think of making the amount as Rs. 10,000/-.

Sri H.B. Narase Gowd:—I have no objection, but let us wait for some time.

Mr. Speaker:—By that time so many Advocates will either die or retire.

Sri H.B. Narase Gowd:—Let us wait for one year, then we will bring amendments. What my friend has suggested, in addition to that I also have some more ideas. We will see for one year. However, I may add, that compared to Kerala and Karnataka, our Advocates would get more benefit out of this Fund.

Sri Kadupudi Prabhakara Rao (Amalapuram):—Today, what is the intrinsic value of five thousand rupees. What is the purchasing power of Rs. 5,000 today? As Hon'ble Speaker has suggested it is quite reasonable, make it Rs. 10,000.

Sri H.B. Narase Gowd:—I have no objection. But let us wait for some time. After that I will bring necessary amendments to all these things.

Sri D.K. Samarasimha Reddy:—I request the Minister to delete the words, "Government and the" in Clause 10, and in Clause 17, insert the words, "financial institutions".

Sri H.B. Narase Gowd:—We are bringing official amendments to both, Clause 10 and 17.

Mr. Speaker:—Bar Council is a statutory body, brought under Advocates Act '81. It is entitled to collect funds. As Hon'ble Member says, the Government money is not at stake then why prior approval of Government is necessary. Government is not involved; it is not a party. Then, why should the Government come into picture.

Sri H.B. Narase Gowd:—I may bring necessary official amendment for this also.

Sri Basheeruddin Babu Khan:—Mr. Speaker, Sir, I would like the Minister to clarify one or two points.

What would be the estimated quantum of the amount realised from the sale of three rupee stamp in a given year?
For the membership an application has to be made, directly, to the Fund by an Advocate. For this purpose why can't the Bar Council itself make an enquiry and recommend the name to the fund for admission as member? If there is no Bar Association existing in his particular area, how can the Advocate seek membership then?

If the fact of suspension or retirement of an Advocate is not intimated to the Bar Association, then what happens to that Advocate-Member?

Will there be branches of Funds in each district? If no branches are established the Members have to come necessarily to Hyderabad, to get benefit from Fund.

Then, there is no Vice-Chairman mentioned in the Act. Why not have a Vice-Chairman also? I suggest that one Advocate Member of this House may be made Vice-Chairman, otherwise each year one vice-chairman will have to be elected.

Is the Government seeking exemption from income tax, for the amount being made available to the Advocate at the time of retirement from his practice?

Mr. Speaker:—I think the suggestion for nominating a member from this House is reasonable. However, this matter is left to the Minister.

Sri H B. Narase Gowd:—In Kerala and Karnataka they are proposing an Advocate-Member to be nominated. An elected bar council is there.

Mr. Speaker:—When you are sending one Government nominee, on behalf of Government, then why not send an Advocate-Member from this House? What is wrong in it?

(No reply)

Sri Basheeruddin Babu Khan:—Sir, I had raised certain points.

Sri H.B. Narase Gowd:—Regarding the amount from sale of stamps, we are expecting Rs. 30 lakhs every year. With regard to starting of branches of bar council in every district, this matter has to be decided by the Bar Council itself, and not the Government.
Government Bills
The Andhra Pradesh Advocates' Welfar Fund Bill, 1987.—(Passed)

11:30 a.m.

(1) ఉత్సుకతుల దృశ్యం: — అధికారికంగా అందరాప్రదేశ్ అధికారుల సమితి విభాగాల మధ్య సమయాన్ని ప్రతిష్ఠించడానికి అడుగుపెట్టారని తెలియజేసారు. ఇది సాధారణ మండల సమితి విభాగాల ప్రాంగణం ఉపయోగించడానికి సాధారణం.

11:40 a.m.

(2) స్థాయిపద్ధతి: — వెలుపే ప్రతివిధ్యం మండల సమితి విభాగాల ప్రతిపాదించడానికి అడుగుపెట్టారని తెలియజేసారు. ఈ ప్రతిపాదించడానికి మండల సమితి విభాగాల ప్రతిపాదించడానికి సాధారణం.

12.00 p.m.

(3) కార్యకౌఠిత్యం: — ప్రతి సమాచారం విభాగాల ప్రతిపాదించడానికి ప్రతిపాదించడానికి సాధారణం.

12.40 p.m.

(4) సంస్థానాధికారులు (పాఠశాలాధికారులు): — ప్రతి సమాచారం విభాగాల ప్రతిపాదించడానికి ప్రతిపాదించడానికి సాధారణం.

364 10th ApiHi 19S7. Government Ms
The AaJhra Pradesh Advocates' Welfare Fund Bill, 1987.—(Passed)

Sri H.B. Narse Gowd:—It is not possible; as it will be a controversial matter between State and Centre.

Mr. Speaker:—The question is:

“That the Andhra Pradesh Advocates' Welfare Fund Bill, 1987, be taken into consideration.

(Pause)

The motion was adopted and the Bill was considered.

CLAUSE-2

Mr. Speaker:—In Clause 2, there is one official amendment.

Minister for Law & Courts (Sri H. B. Narse Goud):—Sir, I move:

“In sub-clause (d) add: “or on grounds of professional misconduct” at the end.”

Mr. Speaker:—Amendment moved.

The question is:

“In sub-clause (d) add: “or on grounds of professional misconduct” at the end.”

(Pause)

The amendment was carried.

Mr. Speaker:—The question is:

That Clause 2 as amended do stand part of the Bill.

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

CLAUSE-3

Mr. Speaker:—There are no amendments to Clause 3.

The question is:

That Clause 3 do stand part of the Bill.

(Pause)

The motion was adopted and Clause 3 was added to the Bill.
CLAUSE-10.

Mr. Speaker:—There is one official amendment.
Sri H. B. Narase Gowd:—Sir, I move:
"In sub-clause (1) of Clause 10".
"Omit the words, "Government and the".
Mr. Speaker:—Amendment moved.
The question is:
"In sub-clause (1) of Clause 10".
"Omit the words, "Government and the".

(Pause)
The amendment was carried.
Mr. Speaker:—The question is:
That Clause 10, as amended do stand part of the Bill.
The motion was adopted and Clause 10, as amended, was added to the Bill.

CLAUSES-11 to 16.

Mr. Speaker:—There are no amendments.
The question is:
That Clauses 11 to 16 do stand part of the Bill.
The motion was adopted and Clauses 11 to 16 were added to the Bill.

CLAUSE-17.

Mr. Speaker:—There is one official amendment.
Sri H.B. Narase Gowd:—Sir, I move:
"In sub-clause (1) of Clause 17 insert the words
"financial institutions" between the words, "tribunal" and "or other authority".

Mr. Speaker:— Amendment moved:
The question is:
"In sub-clause (1) of Clause 17 insert the words;"
The Andhra Pradesh Education ((Amendment) Bill, 1987. (Passed)

"financial institutions" between the words "tribunal" and "or other authority".

(Pause)

The amendment was carried.

Mr. Speaker:—The question is:

That Clause 17, as amended, do stand part of the Bill.

The motion was adopted and Clause 17, as amended was added to the Bill.

Clauses 18 to 26, Clause 1, Schedule—Enacting Formula and Long Title.

Mr. Speaker:—The question is:

Clauses 18 to 26, Clause 1, Schedule, Enacting Formula and Long Title do stand part of the Bill.

(Pause)

The motion was adopted and Clauses 18 to 26, Clause 1, Schedule, Enacting Formula and Long Title were added to the Bill.

Sri H.B. Narase Gowd:—Sir, I move:

"That the Andhra Pradesh Advocates' Welfare Fund Bill, 1987, be passed."

Mr. Speaker:—Motion moved:

The question is:

"That the Andhra Pradesh Advocates' Welfare Fund Bill, 1987, be passed."

The motion was adopted and the Andhra Pradesh Advocates' Welfare Fund Bill, 1987, was passed.


Further consideration of the Bill.

It is more aimed at controlling the mushroom growth of money making bodies to have a control by the Government on the prestigious minority institutions. This amendment is more aimed at to have a control by the Government on the prestigious minority institutions. It will be an exercise in futility. I am confident that the Minister will definitely favourably respond to our request. This Bill proposes amendments to Section: 2, 7, 11, 19, 22, 24, 26, 27, 28, 32, 56, 79, 85, 87, 96, 99 of 1982 Act. Government have tabled six amendments today itself; this has prevented us of giving any other amendments, particularly with regard to 47 of Section 2.
Government Bills : 10th April, 1987. 371

control over the prestigious minority institutions. This is totally aimed against the prestigious minority institutions. The Andhra Pradesh Education (Amendment) Bill, 1987. (Passed)

I am saying this with great restraint and constraint. I ask the Minister whether at least this Amendment, will give any definition of 'minority'? Clause 29 of Act 1982 says: "Minority Educational Institution means a private educational institution of its choice, established and administered by minority, whether based on religion or language, having the right to do so, under clause (1) of Article 30 of the Constitution of India."

This interference with minority institutions is there and without defining the word 'Minority' either in the Act or in the amendment, definitely goes a long way. This amounts to violation of the Principles of Article 30 of the Constitution. It is ultra virus to the Constitutional provisions. The Andhra Pradesh Education (Amendment) Bill, 1987. (Passed)

with one voice requested that this Bill be sent to the Select Committee. Let at least the wiser council prevail.
themselves wherein the financial memorandum ought to have been given under Rule 93 but you see, this Bill does not contain the financial memorandum anywhere.

Don't be inspired by the notifications of Transport department. Don't allow such things to take place. Down below in the page, you see that "In pursuance of the notification under sub-clause (1), any educational agency including local authority or a registered body of persons initiate to (a), (b), (c), and (d) you make an application,

How long? What is the time limit for disposal of these applications? How long you are going to keep these applications in cold storage? What is the method?
dology that is before you dispose the application. About this aspect, this Bill is silent. In the sense... it has been done with a particular motive behind it. Motive is ablique.

Because both have to be read together. On and from the commencement of the Andhra Pradesh Educational Amendment Act, 1987, no educational institutions shall be established except in accordance with the provisions of this Act and any person who contravenes the provisions of this section or any person or who, after the permission granted to him under this section—having been cancelled, continues to run such institutions shall be punished with simple imprisonment which shall not be less than 6 months— but it may be extended to 3 years and with a fine which shall not be less than Rs. 2,000 but which may extend to Rs. 50,000.

On and from the commencement of the Andhra Pradesh Educational Amendment Act of 1987, no individual shall establish a private institution, provided that this section shall not have any effect on any private institution established by an individual and recognised by the competent authority prior to such commencement. Then, in 21-A, no institution imparting education and located in this State shall affiliate itself to any University outside the State of Andhra Pradesh. In sub-clause 4 of 20-A you have said, No educational institution be commenced at all. When these three things are read together, it is a common knowledge to everybody who has been practicing that this is again ultra virus of the Constitution. It affects the fundamental rights of the citizen of this country. You cannot prevent anybody in this country from starting an educational institution. You cannot prevent him from taking recognition from outside the State and starting an institution within the State. You derecognise the degree that has been given. Even as a matter of fact, the Nizam Collage was recognised by Madras University.

Then, when we go to these registered schools business, ప్రత్యేకానికంగా చహాదంతో పైన్ భాగాన్ని అందించే అట్టి ప్రత్యేకంగా అనే రీతిలో నిర్ణయించారు. అప్పుడు అంటే అమలు లేదు. For the purpose of the chapter, ప్రత్యేకంగా అమలు లేదు నిర్ణయించారు, ప్రత్యేకంగా అమలు లేదు నిర్ణయించారు. The expression, Registered schools shall mean, the school recognised under Section 21, but not receiving the aid from the Government, Section 21 refers ప్రత్యేకంగా అమలు లేదు నిర్ణయించారు, ప్రత్యేకంగా అమలు లేదు నిర్ణయించారు. You are not giving them a single pie. Mostly such institutions are there. ప్రత్యేకంగా అమలు లేదు నిర్ణయించారు, ప్రత్యేకంగా అమలు లేదు నిర్ణయించారు. You are not giving them a single pie. Mostly such institutions are there.
The Andhra Pradesh Education (Amendment) Bill, 1987.—(Passed)

Advisory Body in 33-(g) says, that the Management of every registered school means—all schools come under the category of registered schools. The management of every registered school shall constitute advisory body for the pre-primary, primary and Upper Primary schools and for secondary school separately—and the composition and constitution of such Advisory Body shall be as may be prescribed. This word ‘Prescribed,’ which causes all the mischief, gives the lever to the Government for handling the affairs. So, what is the word “Prescribed” means? How did you prescribe? What are the rules? You want to keep the Sword hanging on them by using this word “Prescribed”.

That is the way how we have to do it. If you are really sincere to do. If you are interested in having controls of these Institutions which are considered to be prestigious institutions under the control of minorities, then you delete this word “prescribed”.

If you want standard of education if you want the quality of education and you also want (dot, dot...) I did not want to say. When you do not want it in the pretext of Service regulations or in the pretext of administrative control of these Advisory bodies—if you want to have the control of these then without giving them a single pie from the Government funds, how can you exercise the control? I am putting you this straight question. How can you exercise the control? You also said, to advise the management in evolving the fee structure, to be approved by the Government...
How do don expect the Management to run the institutions? How do you expect the Management to maintain the standard of education? If they want to provide standard of education, definitely, they will have to employ also people with good academic qualifications. If they want to employ people with good academic qualifications, naturally, they have to pay them much more than what they get outside.... Where from do they collect the amount? They have to collect from the students.

That is the thing, all of us would support. 

Again you are placing him at the mercy of the competent authority. Why all this? Otherwise you make an enactment saying (if the Law permits you) that you are abolishing all the private institutions and that all the private schools are being taken over by the Government.
Government Bills: 10th April, 1987. 377

The bill was introduced on the day, and passed without any modifications.

1. [Details of the amendments introduced.]
2. [Details of the amendments passed.]

The bill was passed unanimously, and will be implemented as soon as possible.

12:30 p.m. voomag 2&oa, ^c c^SfRbg) ss^cSb. §!0^ ^)8o^ ^g^^Coej

Government Bills:

10th April, 1987. Government BHls:


In the House of the Legislature of the State of Andhra Pradesh, 10th April, 1987.

The Hon’ble Speaker:

Sirs,

We, the members of the Assembly, being satisfied that there is urgency for the purpose specified in Paragraph 80 of the Rules of Procedure and Conduct of Business in the Legislature of the State of Andhra Pradesh, as amended, do hereby request the Lieutenant Governor to summon the House of the Legislature to meet on the 10th April, 1987, for the purpose of passing the following Bill:

The Andhra Pradesh Education (Amendment) Bill, 1987

We do hereby request the Lieutenant Governor to pass the said Bill into law.

Respectfully submitted,

[Signatures of the members of the Assembly]

[Date]
Government Bills:

12-40 p.m.

Government Bills: 10th April, 1987


Government Bills: 10th April, 1987. 381


...
Government Bills:
Government Bills:


10th April, 1987.

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Government Bills:

The Government of India while conveying the President's assent to the Andhra Pradesh Education Act made certain minor suggestions and comments in regard to the provisions relating to minority Educational Institutions, non-formal education and pre-primary education in the Bill, as passed by the State Legislature.
Government Bills:

10th April, 1987.


386 10th April, 1987.


Every Municipal Corporation, Municipal Council, Zilla Praja Parishad or Mandala Praja Parishad shall undertake to make provision for and improvement of, accommodation for schools with peoples participation. Is it possible? Are you going to implement strictly? You cannot do it.

The competent authority shall from time to time, conduct a survey as to identify the educational needs of the locality under its jurisdiction and notify in the prescribed manner through the local newspapers calling for applications from the educational agencies desirous of establishing educational institutions. In pursuance of the notification under sub-section (1), any educational agency including local authority or registered body of persons intending to—

To establish an institution for importing education.

within sixty days from such commencement, and if no application is made within the said period or where the application is rejected the institution shall continue to be a private institution.
Government Bills:

10th April, 1987.

In the eyes of law, this is not an Act, not an amendment. It cannot
scrutiny of any body's vision or legal position.

On the contrary, this is a mere instrument, a mere piece of paper, a mere
piece of ink, a mere piece of paper. In the eyes of law, this is not an Act, not an amendment. It cannot
10th April, 1987.


We are again reiterating that the Bill be sent to the Select Committee for study and reintroduction.
Government Bills:


Article 30—Constitution of India provides to enable minorities to preserve their religion, culture practices etc., unaffected by the majority communities.
Government Bills:

1-30 p.m.


Anybody belonging to Minority Religions, they can have their own Institutions. In the interest of the public and in the interest of the Minorities
Government Bills:


10th April, 1987.

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10th April, 1987.

Government Bills:
The Andhra Pradesh Education (Amendment) Bill, 1987\(\text{Passed}\).

(ii) that there is adequate financial provision for continued and efficient maintenance of the institution as prescribed by competent authority;

(iii) that the institution is proposed to be located in sanitary and healthy surroundings; then (b) (iii) : documents evidencing availability of the finances needed for constructing the proposed buildings ;...

Mrs. Marjorie M. Godfrey (Nominated):—Madam Chairman, quite welcome what Mr. Narsimha Reddy and other hon'ble Members have said and made a correct assessment of minority institutions.
Some of the minority institutions in our State and all over the country are about a hundred years old. They have a record of service to humanity. These Schools and institutions have produced some of the most eminent citizens of India of whom we are very proud. These eminent persons include Revd. President Zakir Hussain, he was the student of All Saints High School. We also have persons like Dr. Abid Hussain, who is the Member of Planning Commission; and also Azheruddin of international fame who is entered as a Cricketer in the Guiness Book. All these people are the products of these minority institutions, These institutions are not only serving the minority community but all the citizens of the country. We impart the same education to minorities as to anybody else. There is no discrimination in our institutions based on religion, caste or community or language. They have a very good record of imparting perfect education and in character-building of the pupils.

Once, while I was in Parliament, there was a talk that Government was going to take-over private institutions including minority institutions. I met and represented to our late Prime Minister Smt. Indira Gandhi. Sh. said “We are not able to administer our schools and maintain standards as are to found in your institutions. We are not hinking of any takeover.”

I would request the Government not to impose any restrictions or put obstacles which would derogate the name and spoil the best record of these institutions.

An amendment has been brought which prohibits institutions from seeking affiliation to Universities outside the State. I think many of our Institutions are affiliated to Delhi or Madras. As Mr. Amenullah Khan has said these Institutions are imparting best education and carrying on with distinction. There is also the amendment which brings an Advisory Board for Pre-primary, Primary and Upper-Schools. I do not want sort of advise they would give—whether it will be advice or ‘mis-advice’. Our institutions are scrupulously following all the norms and regulations laid down by the State. As I already said some of them are a century old. Recently All Saints High School has celebrated its centenary. Then there is St. Annes School and the Rosary School. Many of them very very old schools. I may say that these amendments would not do any good. On the other hand they would lower the standards and cast a slur on our institutions.

Under clause 33 (a) (6) you are making a provision and want to rope in all the private institutions in the matter of recruitment and condition of service of teaching and non-teaching staff. But this goes against the spirit of the Constitution.

Article 31 (i) of the Constitution gives us the right to run and manage the minority institutions on our own. Even the admission of students and recruitment of teaching and non-teaching staff is entirely the right of these institutions, guaranteed under the Constitution of India.

I may mention one case wherein the High Court gave a judgement (two years ago) in the case of a B.Ed. college run by minorities, that they have a right to admit their own students, and administer the college on their own.

In the minority institutions it is not that the students learn only the three Rs, but their future is also shaped and character building to become good citizens of India, also takes place in these citadels. Apart from this they get moral education also which helps them to be good citizens, especially, in the present set-up and conditions in our country.

I, therefore, request Madam, that this Bill may please be referred to a Select Committee which would give an opportunity for a thorough examination. They may also be able to make suitable amendments, keeping in view the rights of minorities as enshrined in our Constitution, which may also help to keep alive the traditions and the standards which now obtain in the minority institutions.

Thank you.
Government Bills:


10th April, 1987.
Sri Bashiruddin Babu Khan:—Madam Speaker, the Government was brought in, the amendments to this Education Act with the ostensible and good purpose of regulating the administration of Educational Institutions, particularly to prevent the mis-management and exploitation of students. The objective is very good and the intention of the Government is welcome.

However, I would like to make few suggestions on the provisions made in the Bill placed before us. Although in the objectives part of the Bill, the minorities institutions are supposed to have the benefit of the Central Government's doubts or special mention that it has suggested, some of the provisions of the Bill, I feel are repugnant to such advice of the Central Government given in approving the 1982 Education Act. In Clause 21 of the Bill, it is provided that a survey will be made by the competent authority. If there is a need for establishing an Educational Institution in any part of the State, whether it is in the Urban or Rural area and if the competent authority does not make a survey and yet there is a need for an Institution, kind of agency, whether it is a Government agency such as Zilla Parishad or Municipality or a private agency, suo moto can call for applications for establishment of such required institution.

Madam Speaker, in pursuance of the notifications, certain agencies will be called upon to submit applications. These agencies will have to be registered in advance with the competent authority in selecting the agencies; to whom this Institution will be allotted, what would be the criteria fixed by the competent authority in selecting amongst the more number of Institutions that would be submitting applications, etc., will have to be examined and clarified. There is provision for permission to be granted subject to certain conditions.
"33B. (3) The authority empowered to grant permission 2-00 p.m. under sub-section (2) may, after satisfying that the conditions prescribed for the grant of permission are fulfilled, grant the permission and register the school in such manner as may be prescribed or refuse such permission after giving reasons therefor and where the school is so registered a certificate to that effect may be issued in the name of the school."

Sir, if that is the case, there is no need for providing education.

"33B. (1) The competent authority shall, from time to time, conduct a survey as to identify the need for establishing registered schools under its jurisdiction and then notify in the prescribed manner through the local newspapers calling for applications from the educational agencies desirous of establishing the school to be registered in the manner hereinafter provided."

To identify the need for establishing registered schools under its jurisdiction, the authority has to conduct a survey. Where is the need to conduct a survey? Is it to satisfy about the need for establishing a registered school? There is some confusion in that. There should be adequate financial sources to maintain an institution. Before giving permission, how can anybody satisfy with the financial position? The institution proposed to be located in a good healthy locality and an application to that effect should be enclosed along with the title deed. If I am granted permission, I can produce the title deed. How can I produce it in advance? How can a plan be produced? These are all putting the cart before the horse.

Here also, there is some confusion.

In Clause 4 you have prescribed the punishment. ".... no educational institution should be established until they satisfy the conditions ..." Who is the person to punish? It is not described here. In that case, all the members of a registered educational institution will be punished. How a Manager or an Administrator appointed on salary basis is punished?

Affiliation: It has been pointed by Mrs. Majorie M. Godfrey very clearly about the affiliations. For instance, Central Board of Secondary Education is at New Delhi. Many institutions and public schools are affiliated to CBSE. After the Bill is passed, all these institutions and public schools will be deaffiliated from the CBSE. This will be a contravention of the constitutional provision. Because these are the minority institutions. They cannot be prevented and they must be taken out of the purview of the Section. At one place
you have said that grant-in-aid will be stopped. If this is stopped, how these institutions will run? Some institutions are running partly with grants-in-aid. The salaries of the teachers are prescribed by the Government. With the result, the institutions have to be closed down. If these institutions are closed down, what will be the fate of the students?

Clause 33-E. prescribed the salaries of the teachers. If the salaries of the teachers are enhanced, let the fees also be enhanced and collected from the students to make up the loss of the institutions.

Cl. 30-G. The management of every registered school shall constitute an advisory body for the pre-primary, primary and upper primary classes and for secondary school classes separately and the composition and the constitution of such advisory body shall be such as may be prescribed.

You have suggested an advisory body for all the sections. Will it be practicable to the advisory body to look after all these sections? In one School, there will be 5 advisory committees. Whether it is desirable or not, it is to be seen.

One of the Members of this House said that in minority institutions, religious education is being imparted to the other section of people also. This is not true. If they are imparting religious education, it is for those minority section students, and it is not compulsory for the majority section students.

What will happen to schools which have not been registered? Will they remain as private institutions? Do they have the right to send its students to Government Examinations? What is their status? Even if they are private institutions, let the students be permitted to sit for the Government Examinations.

I request the Minister for Education to clarify my points and leave the minority institutions from the purview of the proposed amendment.

Thank you very much for the opportunity given to me.
Government Bills:

10th April, 1987.

Passed.

The Andhra Pradesh Education (Amendment) Bill, 1987.—

This Bill amends the Andhra Pradesh Education Act, 1975, to provide for the establishment of a State Higher Education Council. The Council will be responsible for the development and coordination of higher education in the state.

The Bill specifies the composition of the Council, which includes representatives from the state government, the universities, the colleges, and the academic community. It also outlines the powers and duties of the Council, including the formulation of policies and programs for the development of higher education.

The Bill further provides for the establishment of a State Higher Education Board, which will be responsible for overseeing the implementation of the policies and programs formulated by the Council. The Board will consist of members from the Council and representatives from the universities and colleges.

The Bill also includes provisions for the establishment of a State Higher Education University, which will be responsible for the provision of higher education in the state. The University will be responsible for the formulation of academic programs and the administration of the institutions of higher education.

Overall, the Bill aims to strengthen the system of higher education in the state and provide a framework for its development and coordination.
402 10th April, 1987.

Government Bills:

ఇది అంటే కారందితం అధ్యాపకత విద్యా శాఖలు. శ్రేష్ఠానిక రైతుల జీవనంలో కాలువ కురించి అభిప్రాయములు మరియు సంఘరూపానికి సంబంధించిన సంచాలన జరిగింది. సంఘాలు తన శ్రేష్ఠానిక రైతుల మొదటి ప్రారంభం సాధారణ జాతీయ శాఖల తో మిశ్రితమైన రూపాలు. ఎందుకంటే ఈ రీతిని సాధారణే కొంతమంది ప్రయత్నం చేస్తారు. మొదటి రెండు పాశ్చాత్య సంఘాలు తన శ్రేష్ఠానిక రైతుల సాధారణ పాశ్చాత్య పాఠశాలల కోసం సమాచారం ప్రాంత ఉపయోగించారు.

ప్రమాణపత్రం

ఘరం, మనం తన శ్రేష్ఠానిక రైతుల మొదటి ప్రారంభం పాఠశాలలు తో మిశ్రితమైన రూపాలు. ఈ పాఠశాలలు సాధారణే కొంతమంది ప్రయత్నం చేస్తారు. మొదటి రెండు పాశ్చాత్య సంఘాలు తన శ్రేష్ఠానిక రైతుల సాధారణ పాఠశాలల కోసం సమాచారం ప్రాంత ఉపయోగించారు.

Government Bills : 10th April, 1987. 405


...
10th April, 1987.

Government Bills:

Government Bills:


10th April, 1987.

2-30 p.m.
Government Bills:

[Text in Telugu]
10th April, 1987.

The Andhra Pradesh Education (Amendment) Bill, 1987.—(Passed)

3.00 p.m.

విద్యానుమాయం అధీనంలో ఉన్న సంస్థలు ప్రతి రోజు సంభవనం చేసే వారిని విద్యానుమాయం సంస్థ పరిపాలన సంస్థ సమితి ప్రశన చెప్పారు. లేదు. సంభవనం చేసే వారిని విద్యానుమాయం సంస్థ పరిపాలన సంస్థ సమితి ప్రశన చెప్పారు. లేదు.
The Andhra Pradesh Education (Amend­ment) Bill, 1987. (Passed)

శేఖరం అనేక భూమి పసుపులను కలిగిన మొత్తం రక్షణ పాత్రాల కోసం ప్రధాన సభలో విస్తృతంగా విభ్యం చేసేందుకుంది. అర్థాన్ని వాంచడం లేదా అంతర్భాగం ప్రత్యేకంగా నిర్దిష్ట అంశాలు ఆధారంగా ప్రతి అనేక నియమాలను కలిగి వెలిఫి చేసేందుకుంది. అర్థాన్ని వాంచడం లేదా అంతర్భాగం ప్రతి అయితే సాధారణంగా పరిశీలన సాధనం ఉపయోగించాలాడు. అంతర్భాగం పరిస్థితి రాగించడం లేదా ఆధారంగా అంశాలను కలిగి వెలిఫి చేసేందుకుంది. అంతర్భాగం పరిస్థితి రాగించడం లేదా పరిస్థితిని పరిశీలిస్తుంది. అంతర్భాగం పరిస్థితి రాగించడం లేదా పరిస్థితిని పరిశీలిస్తుంది.

Government Bills:


(continued...)

(Translation of the original document)
10th April, 1987.


Government Bills:

414

(1) The Andhra Pradesh Education (Amendment) Bill, 1987, (Passed)

The Andhra Pradesh Education (Amendment) Bill, 1987, was passed by the Government of Andhra Pradesh on 10th April, 1987. The Bill makes certain amendments to the Andhra Pradesh Education Act, 1979, to improve the educational system in the state. The amendments include provisions for the establishment of new educational institutions, the introduction of new courses, and the enhancement of educational facilities. The Bill was passed in the Legislative Assembly of Andhra Pradesh with a majority of votes.
Government Bills :


What is rational behind it.

Chairman:—There are two amendments.

Sri N. Raghava Reddy:—Madam, I beg to move:

"That the Bill be referred to the Select Committee".

Chairman:—Amendment moved.

The question is:

"That the Bill be referred to the Select Committee."

(Pause)

The amendment was negatived.

Sri N. Raghava Reddy:—Madam, I beg to move:

"That the Bill be circulated for the purpose of eliciting public opinion."

Chairman:—Amendments moved.

The Question is:

"That the Bill be circulated for the purpose of eliciting public opinion."

(Pause)

The amendment was negatived.

Chairman :— The question is :

"That the Andhra Pradesh Education (Amendment) Bill, 1987 be taken into consideration."

(Pause)

The motion was adopted and the Bill was considered.

Clause 2

Chairman :— There are three official amendments to Clause 2.

Chief Minister (Sri N.T. Rama Rao) :— Madam, I beg to move:

"That in sub-clause (ii) omit "A Private Residential Junior College".

Chairman :— Amendment moved.

The Question is :

"That in sub-clause (ii) omit "A Private Residential Junior College."

(Pause)

The Amendment was carried.

Sri N.T. Rama Rao :— Madam, I beg to move:

"That in sub-clause (v) omit "A Private Residential Junior College."

Chairman :— Amendment moved.

The Question is :

"That in sub-clause (v) omit "A Private Residential Junior College."

(Pause)

The Amendment was carried.

Sri N.T. Rama Rao :— Madam, I beg to move:

"That omit Sub-clause (xi)."

Chairman :— Amendment moved.

The Question is :

"That Omit sub-clause (xi)."

(Pause)
Government Bills:

The Amendment was carried.

Chairman:—The Question is:

"That Clause 2, as amended do stand part of the Bill."

(Pause)

The Motion was adopted and clause 2, as amended was added to the Bill.

Clauses 3 to 6

Chairman:—The Question is:

"That Clause 3 to 6 do stand part of the Bill."

(Pause)

The Motion was adopted and Clauses 3 to 6 were added to the Bill.

Clause 7

Chairman:—There is one amendment to Clause 7.

Sri N. Raghava Reddy:—Madam, I beg to move:

"That In clause 7, in sub-Section (4) of Section 20, in the 9th line for the words '6 months' substitute the words 'One month' in the 11th line for the words '3 years substitute the words 'Six months' in the line 11th line for the words 'Three thousand rupees' substitute the words 'Five hundred rupees'; and in the 12th line for the words 'Fifty thousand rupees' substitute the words 'Five thousand rupees'."

Chairman:—Amendment moved:

The Question is:

"That in clause 7, in sub-section (4) of Section 20, in the 9th line for the words '6 months' substitute the words 'One month'; in the 10th line for the words '3 years substitute the words 'Six months'; in the 11th line for the words 'Three thousand rupees' substitute the words 'Five hundred rupees'; and in the 12th line for the words 'Fifty thousand rupees' substitute the words 'Five thousand rupees'."

(Pause)

The Amendment was negatived.

Chairman:—The Question is:

"That Clause 7, do stand part of the Bill."

(Pause)

The Motion was adopted and Clause 7, was added to the Bill.
Clause 8
Chairman:—There is one amendment to Clause 8.

Sri N. Raghava Reddy:—Madam, I beg to move:

"That in clause 8, in sub-section (2) of section 21-A in the 3rd line for the words "Six months" substitute the words "One month"; in the 4th line for the words "Three years" substitute the words "Six months" in the fifth line for the words "Three thousand rupees" substitute the words "five hundred rupees" and in the Sixth Line for the words "Fifty thousand rupees" substitute the words "Five thousand rupees."

Chairman:—Amendment moved.

The question is:

"that In Clause 8, in sub-section (2) of Section 21-A in the 3rd line for the words “Six months” substitute the words “One month” in the 4th line for the words “Three years” substitute the words “Six months” in the fifth line for the words “Three thousand rupees” substitute the words “five hundred rupees” substitutes the words, “Five hundred rupees” and in the “Sixth Line” for the words “Fifty thousand rupees” substitute the words “Five thousand rupees”"

(pause)

The Amendment was negatived.

Chairman:—The question is:

"That Clause 8, do stand part of the Bill."

(pause)

The Motion was adopted and Clause 8 was added to the Bill.

Clause 9
Chairman:—There is one amendment to Clause 9.

Sri N. Raghava Reddy:—Madam, I beg to move:

"that in Clause 9, in sub-section (3) of Section 22 in the 4th line for the words “Six months” substitute the words “One month”; in the 5th line for the words “Three years” substitute the words “Six months” in the 6th line for the words “Three thousand rupees” substitute the words “Five hundred rupees” and in the 7th line for the words “Fifty thousand rupees” substitute the words “Five thousand rupees.”"

Chairman:—Amendment moved.
Sri Ch. Rajeswara Rao :-Madam, I beg to move:

“That in clause 15, in sub-section (1) of section 33-B for “calling for application—herein after provided”—substitute calling upon the Educational Agencies desirous of establishing the schools to start schools and then apply for registration in the manner prescribed.”

“That in Clause 15 delete sub-clauses (b) and (c) of sub-section (2) of section 33-B.”

“That in Clause 15, delete section 43-C.”

“That in Clause 15, delete sub-clause (iv) of section 33-H.”

“That In Clause 15, delete section 33-K.”

Chairman :- Amendments moved.

The question is:

“That in clause 15 add the following proviso to sub-section (1) of section 33-C:

“Provided that the existing private Institutions will automatically be registered on application with a condition that the prescribed conditions shall be fulfilled within a period of five years.”

“That In clause 15, in section 33-I” insert the following between the words “Its management.” and “The Existing recognised:—

However, the teaching posts in such schools shall be admitted to grants in aid after a lapse of 5 years period from the date of registration of such schools.”

“That in clause 15, in sub-section (1) of section 33-B for “calling for application here in after provides” substitute calling upon the Educational Agencies desirous of establishing the schools to start schools and then apply for registration in the manner prescribed.

“That in clause 15 delete sub-clauses (b) and (c) of sub-section (2) of section 33-B.”

“That in clause 15, delete section 33-C.”

“That in clause 15 delete sub-clause (iv) of section 33-H.”

“That in Clause 15 delete section 33-K.”

(Pause)

The amendments were negatived.
Chairman:—The question is:

"That Clause 15, as amended do stand part of the Bill."

(Pause)

The motion was adopted and Clause 15, as amended was added to the Bill.

Clauses 15 to 22, Clause 1, Enacting Formula and Long Title

Chairman:—There are no amendments to clauses 16 to 22, Clause 1, Enacting Formula and Long Title.

The question is:

"That Clauses 16 to 22, Clause 1, Enacting Formula and Long Title, do stand part of the Bill."

(Pause)

The motion was adopted and Clauses 16 to 22, Clause 1, Enacting Formula and Long Title were added to the Bill.

Smt. K. Prathibha Bharathi:—Madam, I beg to move:

"That the Andhra Pradesh Education (Amendment) Bill, 1987, be passed."

Chairman:—Motion moved.

The Question is:

"That the Andhra Pradesh Education (Amendment) Bill, 1987 be passed."

(Pause)

The Motion was adopted and the Bill was passed.

ANNOUNCEMENT

re: Members Elected to the Tele-Communication Advisory Committee for the year 1987-88.

Chairman:—I am to announce to the House that the following three Members have been duly elected to serve on the Tele-Communication Advisory Committee for Andhra Pradesh Tele-Communication Circle for the year 1987-88.


2. Shri M. Maneiah


Chairman:—

1. No. of days for which the Assembly sat ..... 11
2. No. of hours for which the Assembly worked ..... 66
3. No. of Starred Questions answered orally ..... 96
4. No. of Short Notice Questions Answered ..... 6
5. No. of Supplementaries ..... 547
6. No. of answers to Unstarred Questions placed on the Table of the House (Printed List) ..... 200
7. No. of answers to Starred Questions placed on the Table of the House on 9-4-1987 ..... 79
8. No. of answers to Unstarred Questions placed on the Table of the House on 9-4-1987 ..... 37
9. No. of Notices under Rule 304 admitted and statements made by the Ministers ..... 10
10. No. of Call Attention Notices admitted and statements made by the Ministers ..... 8
11. No. of speeches made by the members ..... 192
12. No. of speeches made by the Ministers ..... 21
13. No. of Bills introduced ..... 17
14. No. of Bills passed ..... 17
15. No. of visitors admitted to various galleries in the Assembly ..... 9173

PARTY POSITION IN THE ASSEMBLY AS ON 10-4-1987

<table>
<thead>
<tr>
<th>Party Position</th>
<th>Number</th>
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<tbody>
<tr>
<td>Telugu Desam Party</td>
<td>200</td>
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<tr>
<td>Indian National Congress (I)</td>
<td>51</td>
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<tr>
<td>Communist Party of India (Marxists)</td>
<td>11</td>
</tr>
<tr>
<td>Communist Party of India</td>
<td>10</td>
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<tr>
<td>Bharatiya Janata Party</td>
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<tr>
<td>Janata Party</td>
<td>3</td>
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<tr>
<td>Majlis-Ittehad-ul-Muslimeen</td>
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<tr>
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<tr>
<td>Independents (including one nominated)</td>
<td>5</td>
</tr>
<tr>
<td>Vacant</td>
<td>2</td>
</tr>
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</table>

Total: 295

Now, the House stands adjourned Sine die with the consent of the House.

(The House then adjourned at 3-34 p.m., Sine die)