ANDHRA PRADESH LEGISLATIVE ASSEMBLY DEBATES
OFFICIAL REPORT

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

ANDHRA PRADESH LEGISLATIVE ASSEMBLY
Saturday, the 26th July, 1986
The House met at Half-past Eight of the Clock.
(Mr. DEPUTY SPEAKER IN THE CHAIR)

PAPERS LAID ON THE TABLE OF THE HOUSE

Mr. Deputy Speaker:—All the Papers are deemed to have been laid on the Table of the House.

The following Papers are laid on the Table.


Copy of the Report of the Commission of Inquiry into the causes of opening of fire by Police at Thimmaipally Thanda, Wanaparthy Taluk, Mahbubnagar District on 15th March, 1985 together with the memorandum of the action taken thereon, as required under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952.


Copy of the Report of the Commission of Inquiry into the circumstances leading to assault on Pressmen and Advocates by Police at Hyderabad on 7th of March'84 together with the Memorandum of the action taken thereon, as required under sub-section (4) of section 3 of the Commissions of Inquiry Act, 1952.

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

[109]
3. Andhra Pradesh Public Employment (Regulation of Conditions of Service) Ordinance, 1983.

Copies of rules issued in:

as required under sub-section (4) of Section 3 of the Andhra Pradesh Public Employment (Regulation of Conditions of Service) Ordinance, 1983.

4. Andhra Pradesh Administrative Tribunal.

Copy of the order issued in G.O. Ms. No 215, Fin & Ptg. (Fin. Wing) Deptt., D/14-7-86 amending the orders of the Andhra Pradesh Administrative Tribunal as required under clause (5) of article 371-D of the Constitution of India.

5. ANDHRA PRASHI ADMINISTRATIVE TRIBUNAL


6. ANDHRA PRABDESH COOPERATIVE SOCIETIES ACT, 1964

Copy of the amendment to the Andhra Pradesh Cooperative Societies Rules, 1964, issued in G.O.Ms. No. 95, F and A (Coop-I) Deptt., D/ 22-7-1986, and published in the Rules supplement to Part-II of the Gazette extraordinary of Andhra Pradesh, Dated 6-3-1986 as required under sub-section (2) of section 130 of the Andhra Pradesh Cooperative Societies Act, 1964


Copy of the amendment to the Andhra Pradesh Cooperative Societies Rules, 1964 issued in G.O.Ms.No 102, F and A (Coop.IV) Deptt, D/ 27-2-1985 and published in the rules supplement to Part-II of Gazette extraordinary of Andhra Pradesh D/ 10-3-1986, as required under sub-section (2) of Section 130 of the Andhra Pradesh Cooperative Societies Act, 1964.
Papers laid on the Table. 26th July, 1986.


9. Andhra Pradesh Payment of Salaries and Pension and Removal of Disqualification Act, 1953

Copy of the notification containing the Andhra Pradesh Medical Attendance Rules applicable to Ministers, Speaker, Deputy Speaker, Chief Whip or Whip in the Legislative Assembly or Parliamentary Secretary and members of Legislative Assembly and members of their families which have been re-issued in G.O.Ms.No. 368, G.A. (Elec.A) Deptt. D/5-7-86 and published in the Andhra Pradesh Gazette, Rules Supplement to Part-I extraordinary, D/8-7-86, as required under sub-section (3) of Section 13 of the Andhra Pradesh Payment of Salaries and Pension and Removal of Disqualifications Act, 1953.


11. Andhra Pradesh Administrative Tribunal.


Copy of the amendment issued to the rules of admission to the Post Graduate Courses in the Medical College in the State, issued in G.O.Ms.No. 104, M & H D/ 6-2-1986, as required under Section 15 (2) of the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983.
112 26th July, 1986.

Government Bills:
The Andhra Pradesh Vaidya Vidhana Parishad Bill, 1986. (Introduced)


Copy of the Revised Rules relating to selection of candidates for admission to first year B.Sc. (Nursing) Course issued in G.O.Ms. No. 759, M & H. D/25-10-84, as required under section 15 (2) of the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983.


Copy of the amendment to the rules for admission to the B.Sc. (Nursing) Course as amended in G.O.Ms.No. 466, M & H D/22-8-85, and published in rules supplement to Part-I of the Andhra Pradesh Gazette D/17-10-1985, as required under Section 13 (2) of the Andhra Pradesh Educational Institutions (Regulations of Admissions and Prohibition of Capitation Fee) Act, 1983.

GOVERNMENT BILLS


The Minister for Education (Sri G. Muddu Krishna Naidu):- Sir, with your permission on behalf of Minister for Medical and Health:—I beg to move:

"That leave be granted to introduce the Andhra Pradesh Vaidya Vidhana Parishad Bill, 1986."

Mr. Dy. Speaker:—Motion moved.

(Pause)

The question is:

"That leave be granted to introduce the Andhra Pradesh Vaidya Vidhana Parishad Bill, 1986."

The Motion was adopted and the Bill was introduced.

The bill (in Telugu):—and the bill was introduced.
Government Bills: 26th July, 1986. 113

The Andhra Pradesh Urban Areas (Development) Amendment Bill, 1986. (Introduced)

The Andhra Pradesh Urban Areas (Development) Amendment Bill, 1986. (Introduced)

The Minister for Education (Sri G. Muddu Krishnama Naidu):—Sir, with your permission on behalf of Minister for Medical and Health:—I beg to move:

"That leave be granted to introduce the Andhra Pradesh Medical Practitioners Registration (Amendment) Bill, 1986."

Mr. Dy. Speaker:—Motion moved.

(Pause)

The question is:

"That leave be granted to introduce the Andhra Pradesh Medical Practitioners Registration (Amendment) Bill, 1986."

The Motion was adopted and the Bill was introduced.


The Minister for Commercial Taxes (Sri P. Ashok Gajapathi Raju):—Sir, with your permission, on behalf of Minister for Municipal Administration:—I beg to move:

"That leave be granted to introduce The Andhra Pradesh Urban Areas (Development) Amendment Bill, 1986."

Mr. Dy. Speaker:—Motion moved.

(Pause)

The question is:

"That leave be granted to introduce The Andhra Pradesh Urban Areas (Development) Amendment Bill, 1986."

The Motion was adopted and the Bill was introduced.

The Minister For Commercial Taxes (Sri P. Ashok Gajapathi Raju):—Sir, with your permission, on behalf of Minister for Municipal Administration:—I beg to move:

“That leave be granted to introduce the Andhra Pradesh Municipal Laws (Amendment) Bill, 1986.”

Mr. Deputy Speaker :-Motion moved.

(Pause)

The question is:

“That leave be granted to introduce The Andhra Pradesh Municipal Laws (Amendment) Bill, 1986.”

The motion was adopted and the Bill was introduced.
The Minister or any other Minister on his behalf can move the Bill.

Sri Kudupudi Prabhakara Rao:—That is ‘provided he is absent because of some emergency.’ But the Member says, he has gone to Guntur in an ‘opening ceremony’ of a hospital.
Government Bills:

8.40 a.m.

(Andhra Pradesh Municipal Laws (Amendment) Bill, 1986)

The Municipal Council of the District of Visakhapatnam is the highest authority in the field of municipal administration. The Bill seeks to provide for the inclusion of certain matters in the agenda of the Municipal Council. The Bill is expected to be passed during the current session of the Legislative Assembly.

The Minister for Home (Sri Vasanta Nageshwara Rao):—Sir, on behalf of Chief Minister I beg to move:


Mr. Deputy Speaker:—Motion moved.
Government Bill:

8.50 a.m. P. R. G. B. (M. R.) (Mr. Jayaprakash):—Sir, there is an urgent need of this legislation. The situation in the country calls for such measures. The law should not only be on the statute books but should also be enforced. The police and the administration should take strict action against those who violate the law. It is necessary to educate the public about the consequences of breaking the law. The punishments should be severe enough to deter others from committing such acts.

I, therefore, request the government to consider amending this legislation to ensure greater effectiveness in combating these activities.


Government Bills:

120 26th July, 1986.
Government Bills

26th July, 1986

The Andhra Pradesh Prevention of Dangerous
Acts of Boot Leggers, Dacoits, Drug
Offenders, Goondas, Immoral Traffic
Offenders and Land Grabbers (Amendment)
Bill, 1986. (Passed)

1986, and it is hereby declared that the aforesaid
sections, namely, sections 2 and 6 thereof,
are hereby amended by deleting the words
and figures "1980, as amended by the
amendment of 1985" in clause (a), (b), (c),
and (d) thereof.

Passed

1986

9-00 a.m.

The Minister for Home Affairs (Mr. Veeranna) said:

Mr. Speaker, the provisions of the Bill which cover dangerous activities of boot loggers, dacoits, drug offenders, goondas, immoral traffic offenders, and land grabbers are not new. They have been in force since 1980. The Bill, however, seeks to amend various sections of the existing law to provide for more stringent penalties.

The amendments are designed to enhance the effectiveness of the law in curbing such activities. The provisions of the Bill are intended to deter potential offenders and provide a stronger deterrent to those already involved in these dangerous activities.

The amendments aim to ensure that the law is effectively enforced and that those who engage in these activities are held accountable for their actions. The amendments also seek to provide for more rigorous monitoring and enforcement mechanisms to ensure compliance with the law.

In conclusion, the amendments to the Bill are necessary to address the challenges posed by dangerous activities and to ensure that the law is effectively enforced. The amendments are designed to make the law more effective in deterring potential offenders and providing a stronger deterrent to those already involved in these activities.

Mr. Speaker, I request your support for the amendment to the Bill to ensure that it is passed into law so that we can effectively address the challenges posed by dangerous activities and protect the people of Andhra Pradesh.

Thank you.
Government Bills : 26th July, 1986. 123


The Bill seeks to amend the existing law to provide for the prevention of dangerous activities of bootleggers, dacoits, drug offenders, goondas, immoral traffic offenders, and land grabbers. The amendment aims to strengthen the existing provisions and enhance the efficacy of the law in combating these activities.

The Bill, which was passed, is intended to deter and control the activities of individuals involved in such illegal and harmful practices, ensuring a safer and more secure environment for the citizens of Andhra Pradesh.
Government Bills:


124 26th July, 1986.
Government Bills:


Sri K. Bapi Raju (Kaikalur) :- Sir, a simple and straight question to the Hon’ble Home Minister is: How did you benefit and what are the advantages and disadvantages he has faced in implementing? Can he kindly answer me?

60-3
Government Bills:

26th July, 1986.

Mr. Deputy Speaker:—The Question is:

"That the Andhra Pradesh Prevention of Dangerous Activities of Boot Leggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers (Amendment) Bill, 1986" be taken into consideration.

The Motion was adopted and the Bill was considered.

Mr. Deputy Speaker:—There are no amendments to Clauses 2, 1, Enacting Formula and Long Title.

The Question is:

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

The Motion was adopted and Clauses 2, 1, Enacting Formula and Long Title were added to the Bill.

Sri VasanthaNagcswara Rao:—I beg to move:

"That the Andhra Pradesh Prevention of Dangerous Activities of Boot Leggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers (Amendment) Bill, 1986" be passed.

Mr. Deputy Speaker:—Motion moved.

The question is:

"That the Andhra Pradesh Prevention of Dangerous Activities of Boot Leggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers (Amendment) Bill, 1986 be passed.

The Motion was adopted and the Bill was passed.


The Minister for Education (Sri G.Muddu Krishnama Naidu):—Sir, I beg to move:

"That the Andhra Pradesh Commissionerate of Higher Education Bill, 1986" be taken into consideration.

Mr. Deputy Speaker:—Motion moved.
Government Bills:

26th July, 1986.

Sir, I beg to move the following amendments:

(1) That the Bill be referred to a Select Committee.

(2) That the Bill be circulated for the purpose of eliciting public opinion.

Mr. Deputy Speaker:— Amendments moved.
Government Bills:

26th July, 1986.


Government Bills.

Mr. Deputy Speaker: The Question is:

1. "That the Bill be referred to a Select Committee,"
2. "That the Bill be circulated for the purpose of eliciting 9-30 a.m. Public opinion."

The motion was negatived.

(Sri N. Raghava Rddy pressed for division)

The House divided thus:

Ayes ....... 34
Noes ....... 85
Neutrals: Nil

The Motion was declared lost.
Government Bills:  
26th July, 1986.  
133  
the Andhra Pradesh Commissionerate of  
Higher Education Bill, 1986. (Passed)  

(Appointed 3 years term as may be specified in the order of appointment which shall not exceed three years. . . . .)
Government Bills:
The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)

9-40 a.m.
The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)
Government Bills:
The Andhra Pradesh Commissionerate of Higher Education Bill, 1986 (Passed)
Government Bills: 26th July, 1986. 137
The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)

(Sri C. Ananda Rao in the Chair)

9 a.m.
Government Bills
The Andhra Pradesh Commission on Higher Education Bill, 1986. (Passed)


Autonomy, by itself, is not a golden principle. A society is not a group of individuals who are all equal in every respect. People are different in many ways - physically, intellectually, culturally, economically, politically, socially. Each person has unique talents and abilities. Therefore, it is important to provide opportunities for education and training that are tailored to the individual's needs. In this way, autonomy can be achieved.

10-00 a.m.

Dr. L. K. Chaudhary (Vice-Chancellor): The situation, overall, is not very encouraging. The number of students in this university is still quite low. We need to do more to attract more students. The number of vacancies is still not sufficient to meet the demand. The infrastructure is also lacking. We need to improve the facilities. Moreover, the financial situation is not very good. We need to find ways to increase our funding. We also need to focus on research and development. This will help us to attract more students.
Government Bills:

26th July 1986, 139

The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)
140 26th July, 1986. 

Government Bills: 
Government Bills: 26th July, 1986 141
The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)

60–5
Government Bills

The Amrutha Pradeesha Commissionerate of Higher Education Bill, 1986. (Passed)

142 26th July, 1986.
The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)


The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)
144 26th July, 1986.

The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)

Sri Mohd. Mukaramuddin (Charminar):—Point of order, Sir. If the Members want the House, they should hear the speaker. Instead of listening to the speaker, speaking amongst themselves making noise.
in the Assembly—it is derogatory to the House. All the Members should be attentive to the speaker. After all when a speaker makes his speech and expresses his thought, they should not fail a deaf ear. Members should be silent and hear the speaker.

Chairman:—They are doing it now.

Sri Mohd. Mukaramuddin:—No, Sir.

Chairman:—Come on proceed.
The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)

Mr. Speaker, Sir, here are two provisions in the Constitution—art. 45 which is in the Directive Principles of State Policy and art. 350 A which in Special Directives.

Art. 45 says:

"The State shall endeavour to provide for free and compulsory education for all children until they complete the age of fourteen years."

Arts. 350–A says: "It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups..."
How far have we achieved this? Sir, you know that in Andhra Pradesh and practically in every part of India, in every village there are Muslims whose mother-tongue is Urdu. Has the State taken action to provide Urdu education at Primary level in the mother-tongue of the students? In every village there should be Urdu classes. And this being done? Having filed in this what is the State is doing in, the State has created Directorate of Education, Directorate of Higher Education, Directorate of Intermediate Education and now this Commissionerate of Higher Education. What is this all for? Certainly this is not correct. The State should endeavour to provide basic education to the students of the State.

Now, so far as this Bill is concerned, all right it is the Government's policy to have this Act to have a Commissionerate of Higher Education. I see from the Bill, the provisions which are made--all appointments are to be by the Government `Four shall be appointed by the Government to represent Professors or Vice-Chancellors of any of the Universities in the State. This is provided for in Sec. 4 (d). How these four persons have to be chosen is not mentioned in the Bill itself. There is absolutely no provision for this. All the others are appointed by the Government and how can persons appointed by the State Government carry out the objects of the Bill? The Commissionerate is supposed to be an independent body to administer the policy of education. The basic policy of education is there. Whatever is the basic policy of education, the State Government is bound to follow.

Then Section 11 (1) (c) says that the Commissionerate can decide on the need for, and location of, new Colleges and courses of study including Engineering Colleges, subject to general guidelines issued by Government from time to time. This is a provision which is certainly injurious to the cause of education itself. Who should decide whether there should be colleges or not? Certainly, it is not for the Government to decide whether there should be colleges or not. Supposing private individuals want to impart training to their children, they can form themselves into a group and organise a college. Why should government stop it and why should Commissionerate stop it? I submit this is a provision contrary to the very purpose of the Constitution. The Constitution aims at getting proper education for the children of India.

Then ten Members are provided for in the Commissionerate and a Chairman and Vice-Chairman. The total population in our State according to the 1981 Census is 5,35 crores out of which Muslims are a sizeable minority comprising 485 lakhs. The Muslims should
also be adequately represented on this Commissionerate if it is the intent on of the Government not to neglect Muslims. Therefore, I suggest that at least one member should be from the religious minority so that the sizeable majority of Muslims also can be represented to look after their needs.

Sec. 9 says "...the Director of Higher Education, the Secretary, Board of Intermediate Education, the Director of Technical Education and the Secretary to the Board of Technical Education shall function under the administrative control of the Commissionerate."

And Sec. 11 (1) (b) says: The Commissionerate shall have power to "administer and release grants-in-aid to Universities and private colleges in the State and report the same to the Government." What is the object in providing for this? Will the budget of the Commissionerate come before the Assembly, whether the Members of the Legislative Assembly have an opportunity to express their opinion? After all, if we are not in a majority we can at least express our opinion which the Government is bound to consider. Do we have that opportunity? This is not provided for. So far as the budget is concerned, let the budget to be utilised by the Commissionerate come before the Assembly and let there be a provision for that so that the Legislative Assembly can also have its say which the Commissionerate should take into the account.

There is one more aspect which I want to touch upon. Art. 29 and 36 of the Constitution provide for any minority whether based on religion or language freedom or right to establish their institutions of their choice. And ‘their choice’ has been interpreted by the Supreme Court to be of wide import. But such of the colleges which are not exclusively imparting religious institutions are also brought within the purview of this Bill. Very good. But it should be amplified, it should be specified that such colleges, the Commissionerate will function subject to provisions of Art. 29 and 30. And the object to be achieved is better education.

So far as need is concerned, why should government assess the needs at all. Technical education or any other education may be had by the students desiring to have that branch of education as education and not to take up in their vocation. For instance, I can study engineering. I am an Advocate but I have an aptitude for learning and I can study engineering. It is not necessary that I should take up that vocation. Therefore, that should not be restricted at all. Similarly, I am an Advocate, if I am qualified to join M.B., B.S., course
I will join but I may not practise Medicine but I am at liberty to
I am that branch of education Therefore, there should not be any
My submission to the House is that Sec 11 (1) (c) provides
for the Commission to decide the need for, and location of, new
Colleges and courses of study including Engineering Colleges, subject
to general guidelines issued by Government from time to time. This
provision is contrary to the basic concept of the Constitution which
provides for education to all citizens of India Therefore, my
submission is this clause needs deletion.

Then Sec. 16 (1) says: "In the discharge of its functions under
this Act, the Commissionerate shall be guided by such directions on
questions of policy relating to State purposes or in case of any
emergency as may be given to it by the Government." Sec. 16 (2)
says: "If any dispute arises between the Government and the
Commissionerate as to whether a question is or is not a question of
policy relating to State purposes, or whether an emergency has
arisen, the decision of the Government the end shall be final." This
is unguided power given to the Government to voci the policies of
the Commissionerate. The very object of forming a Commissionerate
is to have an independent body to administer the educational needs
of the citizens. And this power is reserved with the Government to
give any direction and if the Commissionerate does not agree then
whatever directive is given by the Government should prevail. This
will also be contrary to the objectives to be achieved by this Act.
There is absolutely no nexus between the objectives of the Act and the
Section. So, this provision also, I submit is unconstitutional. If the
Government wants to have this Commissionerate, another body, let us
have a super body of all Opposition Members of the Legislative
Assembly to see whether various institutions, various directions and
now the Commissionerate whether they are functioning properly to
impair education to students. It should not simply go on creating
one body after another just to provide jobs opportunities to those
who can do nothing.

I would once again request the Government to provide for
at least one Member from religious minorities to Muslims in this.
Thank you.
Government Bills:
The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)

26th July, 1986.
Government Bills: 26th July, 1986

The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)
152 26th July, 1986.


The House re-assembled at 11-15 a.m.

(Mr. Deputy Speaker in the chair)

11-15 a.m.

The House re-assembled at 11-15 a.m.

(Mr. Deputy Speaker in the chair)
Government Bills:

The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)

26th July, 1986.

153
Government Bills:

11-25 a.m.
Government Bills:

26th July, 1986. 153

Andhra Pradesh Commissionerate of
Higher Education Bill, 1986. (Passed)
Government Bills:

(Sri G. Butchurah Chowdury in the Chair)

11-30 a.m.

A. B. M. (the Chair): The member of the House has moved the following:

1. The Government of Andhra Pradesh has introduced the Andhra Pradesh Education Bill, 1986, in the Assembly.

2. The Education Department of the Government of Andhra Pradesh has prepared a draft of the Bill, which has been circulated among the members for their consideration.

3. The Bill is aimed at improving the quality of education in the state and providing a framework for the development of education in the years to come.

4. The members are requested to study the Bill and give their suggestions for its improvement.

5. The Government guarantees to take into consideration the suggestions made by the members and ensure that the Bill is enacted in the best interest of the students and the schools in the state.

The members are requested to express their views on the Bill and suggest any amendments or improvements they may see fit.
Government Bills: 26th July, 1986. 157

The Andhra Pradesh Commission on Education Bill, 1986. (Passed)

11:35 a.m.
Dr. Mohd. Vizarat Rasool Khan (Aginagar):—Sir, this Bill is contradictory to the provisions of the Constitution of India. Section 20 of Andhra Pradesh Education Act says that no Educational Institution can be established without prior permission of the Government. Article 30 (1) of the Constitution says— "All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice." It is very clearly stated that we can establish and administer educational institutions of our choice. The State Governments of Tamil Nadu and Karnataka are very clear about this. There is no need to take prior permission for establishing minority institutions there. There is lot of difference, particularly in this respect between Andhra Pradesh and Tamilnadu and Karnataka. My suggestion is that this Bill should be amended suitably.

Secondly, you have established College Service Commission recently. In that it is very clear that minority educational Institutions should be excluded from the College Service Commission. According to Rule 2 (h) of the Bill 'Private College' means a college imparting
education or training established and administered by any person or body of persons, whether incorporated or not, or any local authority and recognised as such by Government but does not include a college,—

(i) established and administered by the Central Government or the State Government:

(ii) established and administered or maintained by any University by law; and

(iii) giving, providing or imparting only religious instruction, but not any other instruction.

My suggestion is that this Government should exclude the minority educational institutions. This is to be amended suitably otherwise, if anybody goes to a Court of law, it will be struck down by the Court.

(3) Recently, Minority Service Commission was set up wherein no member belonging to minority community was included. I have suggested to the Minister concerned to include one member from minority community so that there will be representation of the minorities on the Board.

(4) When you are considering the applications, you have given 18% for O.Cs and 12% for minorities Out of 6 crores of people in Andhra Pradesh, 1,80,00,000 people are forward and minority communities. According to this percentage of representation should be allowed.

My suggestion, in view of the above, is that the Bill should be amended suitably, minority institutions should be excluded and it should be referred to a Select Committee.
Government Bills:

26th July, 1986.

Government Bills.
The Andhra Pradesh Commissionerate of
Higher Education Bill, 1986. (Passed)

The Andhra Pradesh Commissionerate of
Higher Education BiH, 1986. (Passed)

6th July 1986, 161
Government Bills

The Andhra Prades Commissionerate of Higher Education Bill, 1986 (Passed)

162 26th July, 1986.

The Andhra Pradesh Commissionerate of Higher Education Bill, 1986 (Passed)

11-55 a.m.
The Andhra Pradesh Commissionerate of Higher Education Bill, 1986 (Passed),
Government Bills:


12-00Noon
Sri Md. Mukarramuddin — Sir, I request that one of the members on this Board should be from Minority Community.
26th July, 1986.

Government Bills:

The Andhra Pradesh Commissionate of Higher Education Bill was passed by the Andhra Pradesh Legislative Assembly on 26th July, 1986.

The Bill provides for the establishment of a Commissionate of Higher Education which will have the powers and responsibilities assigned to it by law. The Commissionate will be responsible for the development and promotion of higher education in the state.

12.05 p.m.

The Hon'ble Member said —

The Commissionate of Higher Education will be an important body in the promotion of higher education in the state. It will have the responsibility of formulating policies and strategies for the development of higher education in the state. The Commissionate will also have the responsibility of monitoring the implementation of these policies and strategies.

The Commissionate will consist of members who will be appointed by the Governor of the state. The members will be drawn from various fields of higher education, including academics, professionals, and representatives of the private sector. The Commissionate will also have the authority to recommend the appointment of the Chief Commissioner of Higher Education, who will be the head of the Commissionate.

The Commissionate of Higher Education will be an autonomous body, and will have its own administrative and financial resources. The Bill provides for the appointment of an Executive Director for the Commissionate, who will be responsible for the day-to-day administration of the Commissionate.

The Commissionate of Higher Education will be an important body in the promotion of higher education in the state. It will ensure the development of a high-quality system of higher education, which will be accessible to all segments of the society.
Government Bills: 26th July, 1986. 167
The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)

The Andhra Pradesh Commissionerate of Higher Education Bill, 1986 (Passed) is an act of the Andhra Pradesh government passed on 26th July, 1986. The act is aimed at establishing a Commissionerate of Higher Education to regulate and manage higher educational institutions in the state. The act provides for the appointment of a Commissioner of Higher Education and lays down the procedures for the functioning of the commissionerate.

The act also empowers the commissioner to issue regulations for the conduct of academic and administrative affairs in higher educational institutions. The commissionerate is also responsible for the maintenance of standards of higher education and the enforcement of rules and regulations relating to higher education.

The act is a significant step towards the development of higher education in the state of Andhra Pradesh. It aims to improve the quality of higher education and ensure that the needs of the students are met. The act is a testament to the government's commitment to providing quality education to the people of the state.
Government Bills:
The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)
Government Bills:

26th July, 1986. 169

The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.

12-15 p.m.
Dr. Vizarat Rasool Khan:—Sir, I have made a request through you, to the Minister that minority institutions should be kept outside the purview of this Bill. He may add, “Such of the minority institutions which are not taking grant in aid are kept outside the purview of this Bill”.

Telugu Desham Government is doing all these things against Constitutional guarantees. The minority institutions should be excluded when they are not receiving grant-in-aid.

Dr. Vizarat Rasool Khan:—This TDP Government is against minorities; it is going against Constitution.

Marjorie Mrs. M. Godfrey (Nominated):—I want on clarification: whether all the professional colleges also would come under this commissionerate of education? If not, it should be clearly spelt out, in the Bill.

Constitution gives guarantee to minorities. There are good Colleges run by them. Permission should not be withheld on flimsy grounds. If there is anything wrong, grant may be withheld. They must be given full freedom so that children are brought up in a proper way and good education is imparted.

Sri G. Muddu Krishnama Naidu:—We are giving aid even to the minority institutions.

Dr. Vizarat Rasool Khan:—I can give details of one institution which is a minority institution, which has not been given permission, since two years.

Cl. 9 (1) says:

The Secretary Board of Intermediate Education Director Technical Education - all these will function under the administrative control of the commissionerate.

(1) 12-25 p.m.

The Director of Higher Education, the Secretary Board of Intermediate Education Director Technical Education - all these will function under the administrative control of the commissionerate.
172 26th July, 1986.

Government Bills:
The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)

Government Bills:
The Andhra Pradesh Commissionerate of
Higher Education Bill, 1986. (Passed)

12.30 p.m. to 2.30 p.m.

The Andhra Pradesh Commissionerate of
Higher Education Bill, 1986. (Passed)
Government Bills:  
26th July, 1986.  

Sri Mohd. Mukarramuddin:—Sir, only the branch of education which is left out—is Director of Education. Will there be any separate Commissionerate?

12:35 p.m. 26th July, 1986.

Government Bills:

Government Bills:

The Motion was adopted and the Bill was considered.

CLASSES 2 & 3
Chairman—There are no amendments to Clauses 2 and 3.

The question is:

"That Clauses 2 and 3 do stand part of the Bill."

(Pause)
The Motion was adopted and Clause 2 and 3 were added to the Bill.

CLAUSE 4

Chairman:—There are four amendments to Clause 4.

Sri N Raghava Reddy: Sir, I beg to move the following amendments to Clause 4.

"In item (iii) of sub-clause (1) of Clause 4 for 'Ten' substitute 'Fourteen'."

"For sub-clause (3) (d) of Clause 4, substitute the following:—

Four Vice-Chancellors/Donors of the Faculties by rotation from among the different Universities as suggested by the Academic Councils of the respective Universities."

"In sub-clause (3) of Clause 4 insert the words 'Agriculture' between the words 'Medical' and 'Education'."

"Add the following as sub-clause (3) (b) of Clause 4.

Four Teacher representatives out of whom two from the Universities, one from the Government and Private Degree Colleges and one from the Junior Colleges to be elected by the Members of the Academic Councils of all the Universities in the State."

Chairman:—Amendments moved.

The Question is:

"In item (iii) of sub-Clause (1) of Clause 4, for 'Ten' substitute 'Fourteen'."

The Amendment was negatived.

(ii) The House divided thus:

- Ayes: 26
- Noes: 87
- Neutrals: Nil.

The Amendment was declared lost.

Chairman: The question is:

“For sub-clause (3) (d) of Clause 4, substitute the following:

“Four Vice-Chancellors/Deans of the Faculties by rotation from among the different Universities as suggested by the Academic Councils of the respective Universities.”

(Pause)
178 26th July, 1986.


The Amendment was negatived.

Chairman:—The Question is:

"that in sub-clause (3) of Clause 4 insert the words "Or agriculture" between the words "Or Medical" and "Education".

Chairman:—The question is:

"that Add the following as sub-clause (3) (h) of Clause 4:

"Four teacher representatives out of whom two from the Universities, one from the Government and Private Degree Colleges and one from the Junior Colleges to be elected by the Members of the Academic Councils of all the Universities in the State."

(Pause)

The amendment was negatived.

Chairman:—The question is:

"that Clause 4, do stand part of the Bill."

(Pause)

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

CLAUSES 5 to 10

Chairman:—The question is:

"that Clauses 5 to 10 do stand part of the Bill."

(Pause)

The Motion was adopted and Clauses 5 to 10 were added to the Bill.

CLAUSE 11

Chairman:—There are six amendments to Clause 11.

Sri N. Raghava Reddy:—Sir, I beg to move the following amendments:

The Amendment was negatived.
In sub-clause (1) (b) of clause 11 for the words "to Universities and" substitute "Government and"

In sub-clause (1) (c) of Clause 11, insert the words "but including the courses offered by the Universities" after "Colleges" and subject to general guidelines."

"Delete (1) (i)"

In sub-clause (1) (n) of clause 11 for the words "General guidelines issued by the Government from time to time" substitute "U. G. C. stipulations."

"Delete sub-clause (1) (o) of clause 11."

In sub-clause (2) of Clause 11, delete the words "University or."

Chairman:—Amendments moved.

Chairman:—The question is:

"that in sub-clause (1) (c) of clause 11 insert the words "But including the courses offered by the Universities" after "Colleges" and subject to general guidelines."

The Amendment was negatived.

Chairman:—The question is:

"that — Delete (1) (i)."

(Pause)

The Amendment was negatived.

Chairman:—The Question is:

"that in Sub-clause (1) (n) of Clause 11 for the words "General Guidelines issued by the Government from time to time" substitute "U. G. C. stipulations."

The Amendment was negatived.

The Amendment was negatived.

Chairman:—The question is: 
“that Delete sub-clause (1)(a) of Clause 11.”

The Amendment was negatived.

Sri Mohd. Mukarramuddin:—They cannot impose any restriction on the creation of new posts, financial management and starting of new higher educational institutions. That cannot be done in view of the provisions of Art. 30 (1). That is violative of the Fundamental Rights. Therefore, I request that it should be very specifically excluded.

Dr. Mohd. Vizarat Rasool Khan:—Let them spell out whether the Telugu Desam Government is curbing the minority rights or they are in favour of minorities. This is violating the minority rights.

Chairman:—The Question is:

“that In Sub-clause (1) (h) of clause 11 for the words‘To Universities and’ substitute ‘Government and’

The Amendment was negatived.

Sri Mohd. Mukarramuddin:—Sir, in sub-clause (2) of Clause 11, it is said that “Notwithstanding anything contained in any law relating to Universities in the State, the Board of Intermediate Education Act, 1971 and the Andhra Pradesh Education Act, 1982, every University or College including a Private College in the State shall obtain the prior approval of the Commissionate.”
With regard to this, I submit that so far as minority institutions are concerned, they have a fundamental right under Article 31 of the Constitution of India. This clause so far as it relates to minority institutions will be violative of Article 31 of the Constitution.

Chairman:—The Question is:

That "In Sub-clause (2) of Clause 11, delete the words "University or"."

The Amendment was negatived.

Sri Mohd. Mukarramuddin:—Sri, the minority institutions have a fundamental right's under Article 31 of the Constitution to establish and administer any institution of their choice. Now, this very section, says that the minority institutions should take permission from the Commissionerate with regard to the creation of any new posts, financial management and starting of new higher educational institutions etc., and this again made subject to the permission of the general guide lines issued by the Government. This would be violative of the Article 31 of the Constitution of India.

Therefore, I would request this August House to see that this would not apply to those who are governed by Article 31. They should be specifically excluded, i.e., those institutions which are governed by article 31 of the Constitution.

Dr. Mohd. Vizarat Rasool Khan:—Sir, Keeping in view the Article 31 of the Constitution of India, the Act was made and it is very clear about the minority educational institutions. Even in Karnataka and Tamilnadu, it is very clear that there is no need for taking permission of the Government but in Andhra Pradesh, under Education Act, 1982, it is said that prior permission is needed. So, I suggest that this should be amended in the interest of the minority institutions. The Telugu Desam Government was talking about betterment of minorities. So, at least it should do this favour. We are not asking them to do this favour but justice should be done to minorities, because the Constitution has given us that right.

Sri G. Muddu Krishnamma Naidu:—Sir, even now for starting minority educational institutions, they have to obtain permission of the Government. Now that power is given to the Commissionerate. According to the Act, whatever be the rights which the minority institutions have, according to the needs, permission will be given.

Chairman:—The amendments were already negatived. It is over.
26th July, 1986.


12.55 p.m. Mr. Javadi:— Sir, I beg to move:

"Andhra Pradesh Commissionate of Higher Education Bill, 1986." The Bill was passed.

(Mr. Javadi)

Mr. Jagadish:— Sir, I beg to move:

The Commissionate of Higher Education Bill, 1986. After discussing it, I would like to move the following amendments:

(Mr. Jagadish)

Mr. Nagula:— Sir, I beg to move:

The Andhra Pradesh Commissionate of Higher Education Bill, 1986. After discussing it, I would like to move the following amendments:

(Mr. Nagula)

(Interruption)
Dr. Mohd. Vizarat Rasool Khan:—Sir, according to Art. 30 (1), all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

Chairman:—The law will take its own course.

Dr. Mohd. Vizarat Rasool Khan:—The Constitution is there. The Government is going against the Constitution.

Sri Mohd. Mukarramuddin:—According to Sec. 20 of the Education Act, for starting any educational institutions, permission has to be obtained. This is something new.

Dr. Mohd. Vizarat Rasool Khan:—I cannot follow, as to why the Telugu Desam Government is taking this type of attitude as far as the minorities are concerned. What do they want? Do they want our people to be ‘pandabawaalas’ and ‘rickshaw pullers’? I have seen the photograph of Chief Minister with a Muslim rickshaw puller.

Chairman:—The question relating to the legislative competence of the Assembly, which may often involve much difficulty and complexity, should not be summarily settled by the Chair on a point of order. In fact, the Federal Court has been established for the very purpose of dealing with these questions and the Chair really has not the facilities or the time and the material on which to come to a
satisfactory conclusion on a point of this character so as to be able to hold finally whether the Assembly should or should not consider a particular legislative proposal. Therefore, hold that this is not a question which should be settled by a ruling of the Chair on a point of order.

Sri Mohd. Mubarramuddin:—You have read some authority. I am very sorry to say that this provision is unconstitutional because of the fact that Art. 30 (1) provides certain special rights to the minorities and certain other classes of persons. The minorities should be excluded from the purview of this Bill. This is what I am demanding the Government. Let the Minister reply. It is not for the Chair to decide.

Dr. Mohd. Vizarat Rasool Khan:—Why should we go to the court? Why should you decide?

Sri Mohd. Mubarramuddin:—Let the Minister reply.

1-05 p.m.

XXX

10-00 a.

XXX Expunged as ordered by the Chair.

Sri Mohd. Mukarramuddin:—What for we are here? We have to act in accordance with the Constitution. We have been elected by the people. Since I know law, I can say.

P. B.:—What is the point of the discussion?...

P. G. :— The point is the question is to be asked. The amendment is in order.

Sri Mohd. Mukarramuddin:—What for we are here? We have to act in accordance with the Constitution. We have been elected by the people. Since I know law, I can say.

P. B.:—What is the point of the discussion?...

P. G.:—The point is the question is to be asked. The amendment is in order.

Sri Mohd. Mukarramuddin:—What for we are here? We have to act in accordance with the Constitution. We have been elected by the people. Since I know law, I can say.

P. B.:—What is the point of the discussion?...

P. G.:—The point is the question is to be asked. The amendment is in order.

Sri Mohd. Mukarramuddin:—What for we are here? We have to act in accordance with the Constitution. We have been elected by the people. Since I know law, I can say.

P. B.:—What is the point of the discussion?...

P. G.:—The point is the question is to be asked. The amendment is in order.

Sri Mohd. Mukarramuddin:—What for we are here? We have to act in accordance with the Constitution. We have been elected by the people. Since I know law, I can say.

P. B.:—What is the point of the discussion?...

P. G.:—The point is the question is to be asked. The amendment is in order.

Sri Mohd. Mukarramuddin:—What for we are here? We have to act in accordance with the Constitution. We have been elected by the people. Since I know law, I can say.

P. B.:—What is the point of the discussion?...

P. G.:—The point is the question is to be asked. The amendment is in order.

Sri Mohd. Mukarramuddin:—What for we are here? We have to act in accordance with the Constitution. We have been elected by the people. Since I know law, I can say.

P. B.:—What is the point of the discussion?...

P. G.:—The point is the question is to be asked. The amendment is in order.

Sri Mohd. Mukarramuddin:—What for we are here? We have to act in accordance with the Constitution. We have been elected by the people. Since I know law, I can say.

P. B.:—What is the point of the discussion?...

P. G.:—The point is the question is to be asked. The amendment is in order.

Sri Mohd. Mukarramuddin:—What for we are here? We have to act in accordance with the Constitution. We have been elected by the people. Since I know law, I can say.

P. B.:—What is the point of the discussion?...

P. G.:—The point is the question is to be asked. The amendment is in order.

Sri Mohd. Mukarramuddin:—What for we are here? We have to act in accordance with the Constitution. We have been elected by the people. Since I know law, I can say.

P. B.:—What is the point of the discussion?...

P. G.:—The point is the question is to be asked. The amendment is in order.

Sri Mohd. Mukarramuddin:—What for we are here? We have to act in accordance with the Constitution. We have been elected by the people. Since I know law, I can say.

P. B.:—What is the point of the discussion?...

P. G.:—The point is the question is to be asked. The amendment is in order.
Dr. Mohd. Vizarat Rasool Khan: Let them not repeat the mistake again.

Sri Mohd. Mukarramuddin: The provision is being enlarged. Section 20 of the Education Act says that it should be with the permission. Now this is enlarged and financial management and creation of new posts is also included. This is more than the Education Act.

Sri Mohd. Mukarramuddin: Don’t read from the precedents. You have to decide after hearing us.

Chairman:—It is the accepted practice in Lok Sabha that the Speaker does not give any ruling on a point of order raised whether a Bill is constitutionally within the legislative competence of the House or not. The House also does not take a decision on the specific question of vires of a Bill. It is open to the Members to express their views in the matter and to address arguments for and against the vires for the consideration of the House. The Member take this aspect into account in voting on the motion for leave to introduce the Bill or on the subsequent motions.

Sri G. Muddu Krishna Naidu:—We will examine it.

Dr. Mohd. Vizarat Rasool Khan:—The Karnataka Government has opened Medical Colleges also. If this Bill is passed I will not hesitate to say that the Telugu Desam Government is anti-Muslim.

Sri Mohd. Mukarramuddin:— Against this attitude of the Government, we are staging a walk out

(Sri Mohd. Mukarramuddin and other Hon. Members of M.I.M. Party staged a walk out).

Chairman:—Now the question is:

“ That clause 11 do stand part of the Bill.”

(pause)

The motion was adopted and clause 11 was added to the Bill.

CLAUSE 12

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

“That in sub-clause (1) of clause 12 delete the words ‘University and’.”

Chairman:—Amendment moved.

Chairman:—Now the question is:

“That in sub-clause (1) of clause 12 delete the words ‘University and’.”

(pause)

The amendment was lost.

(pause)

Chairman:—Now the question is:

“That clause 12 do stand part of the Bill.”

(pause)

The motion was adopted and clause 12 was added to the Bill.
Sri N. Raghava Reddy:—Sir, I beg to move:

"That for clause 13 substitute the following:

"The Commissionerate shall explain such assistance for improving the teaching standards and financial position and tender such advice for improving and tuning up of the examination system to the Universities as felt needed by the Commissionerate."

Chairman: Amendment moved. Now the question is:

"That for clause 13 substitute the following:

The Commissionerate shall explain such assistance for improving the teaching standards and financial position and tender such advice for improving and tuning up of the examination system to the Universities as felt needed by the Commissionerate."

(pause.)

The amendment was negatived.

Chairman: Now the question is:

"That clause 13 do stand part of the Bill"

(pause)

The motion was adopted and clause 13 was added to the Bill.

CLauses 14 and 15

Chairman:—Now the question is:

"That clauses 14 and 15 do stand part of the Bill."

(pause)

The motion was adopted and clauses 14 and 15 were added to the Bill.

Clause 16

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

For clause 16 substitute the following:

"In the discharge of the office functions under this Act, the Commissionerate shall formulate such policies as it deems necessary, keeping the interests and needs of higher education in the State. However, the Government can tender such advice as it deems fit, which shall also be taken into consideration by the Commissionerate,
Government Bills:


while formulating its policies in the field of higher education. The Government shall extend such help as sought for by the Commissionarate for implementing policies so formulated in the field of higher education."

Chairman:—Amendment moved.

Now the question is:

"1 or clause 16 substitute the following:

'In the discharge of the office functions under this Act, the Commissionarate shall formulate such policies as it deems necessary, keeping the interests and needs of higher education in the State. However, the Government can tender such advice as it deems fit, which shall also be taken into consideration by the Commissionarate, while formulating its policies in the field of higher education. The Government shall extend such help as sought for by the Commissionarate for implementing policies so formulated in the field of higher education."

(pause)
The amendment was negatived.

Chairman:—Now the question is:

"That clause 16 do stand part of the Bill."

(pause)
The motion was adopted and clause 16 was added to the Bill.

Clauses 17 to 19, 1, Enacting Formula and Long Title

Chairman:—There are no amendments to clauses 17 to 19, clause 1 Enacting Formula and Long Title.

Now the question is:

"That clauses 17 to 19, clause 1, Enacting Formula and Long Title do stand part of the Bill."

(pause)
The motion was adopted and clauses 17 to 19, clause 1 Enacting Formula and Long Title were added to the Bill.

Sri C. Murudu Krishna Naidu:—Sir, I beg to move:

"That the Andhra Pradesh Commissionarate of Higher Education Bill, 1986 be passed."

Chairman:—Motion moved.

---

60—11
Government Bills:

26th July, 1986.

The Andhra Pradesh Commissbnarate of Higher Education RM, 1966 (Passed)
Government Bills:  
26th July, 1986.  191

The Andhra Pradesh Commissionerate of Higher Education Bill, 1986. (Passed)

(Translation)

The Andhra Pradesh Commissionerate of Higher Education Bill, 1986 has been passed. This bill aims to establish a Commissionerate for Higher Education in the state of Andhra Pradesh. The Commissionerate will be responsible for the development and regulation of higher education in the state.

This bill is an important step towards improving the quality of education in the state. It is expected to bring in greater transparency and accountability in the administration of higher education institutions. The Commissionerate will have the power to enforce rules and regulations for the smooth functioning of higher education institutions.

The bill provides for the appointment of a Commissioner of Higher Education, who will be responsible for the overall administration of the Commissionerate. The Commissioner will be appointed by the Governor of the state and will hold office during the pleasure of the Governor.

In conclusion, the Andhra Pradesh Commissionerate of Higher Education Bill, 1986 is a significant legislative measure that will help in the development of higher education in the state. It is expected to bring in positive changes and improvements in the higher education sector.

(End of Translation)
Dr. Mohd. Vizaraj Rasool Khan: Sir, with deep sorry, I request the Hon’ble Speaker to think twice that this type of Bill, whatever is introduced, is contradictory to Constitution. Since the coming of this Telugu Desam Government in 1983, a lot of problems the minorities are facing. The Telugu Desam Government is dead against the minorities. We cannot establish our Educational Institutions. We cannot do justice. When we are giving the best type of education, the Telugu Desam Government is cancelling the permission to the Colleges. We regret and not hesitate to say that the Telugu Desam Government is communal and anti Muslim. Sorry.
Government Bills:

Chairman:—The question is:

"That the Andhra Pradesh Commissionerate of Higher Education Bill, 1986 be passed."

The motion was adopted and the Bill was passed.

The House stands adjourned to meet again at 8.30 a.m. on 28th July, 1986.

(The House then stands adjourned till half past eight O'Clock on the Twenty-eighth day of Nineteen Eighty Six.)

xxxx