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Title: Combined discussion on Statutory Resolution regarding Disapproval of the Andhra Pradesh Reorganisation (Amendment) Ordinance, 2014 and Andhra Pradesh Reorganisation (Amendment) Bill, 2014 (Statutory Resolutions – Negatived and Government Bill-Passed).

HON. SPEAKER: Now, we shall take up Item nos. 11 and 12 together. Shri B. Vinod Kumar.

...(Interruptions)

HON. SPEAKER: I have called Shri B. Vinod Kumar to speak. Is he there?

...(Interruptions)

HON. SPEAKER: I have called Shri B. Vinod Kumar. He will speak now.

...(Interruptions)

HON. SPEAKER: Nothing will go on record except what Shri Vinod Kumar says.

(Interruptions) â€¦

HON. SPEAKER: Shri B. Vinod Kumar, you have given a Statutory Resolution. You have to move that. Are you moving it or not?

...(Interruptions)

SHRI B. VINOD KUMAR (KARIMNAGAR): I beg to move:

"That this House disapproves of the Andhra Pradesh Reorganisation (Amendment) Ordinance, 2014 (No. 4 of 2014) promulgated by the President on 29 May, 2014."

Madam Speaker, there are some reasons why I have moved this Statutory Resolution. ...(Interruptions)

HON. SPEAKER: You can speak after the hon. Minister.

Now, the hon. Minister.

12.21 hrs

At this stage, Shri Balka Suman and some other hon. Members came and stood on the floor near the Table.

HON. SPEAKER: Please go back to your seats.

...(Interruptions)

THE MINISTER OF HOME AFFAIRS (SHRI RAJNATH SINGH): Madam Speaker, I beg to move:

"That the Bill to amend the Andhra Pradesh Reorganisation Act, 2014 be taken into consideration."

Madam, it may be recalled that the 15th Lok Sabha had passed the Andhra Pradesh Reorganisation Bill on 18th February and subsequently on 20th February the Rajya Sabha had passed the Bill without any amendments. The Bill received the assent of the President on 1st March, 2014 and hence was notified as Act VI of 2014. ...(Interruptions)

Subsequently, it was found that immediate action was necessary to revise the territories of the two successor States before the appointed day of 2nd June, 2014 on which day the Andhra Pradesh Reorganisation Act, 2014 will come into force. ...(Interruptions) Hence an Ordinance was promulgated by the President. I have already given a statement as required under Rule 71 (1) of the Rules of Procedure and Conduct of Business in Lok Sabha to explain the reasons for the promulgation of the Andhra Pradesh Reorganisation (Amendment) Ordinance, 2014. â€¦ (Interruptions)

The Statement of Objects and Reasons of the Bill gives the rationale in detail. Briefly, this Bill seeks to maintain the continuity of amendments carried out by the Ordinance. ...(Interruptions) The Bill seeks to transfer six Mandals in full and two in part of Khammam District to Andhra Pradesh. This will provide a much needed flexibility to the Andhra Pradesh Government to implement the rehabilitation and resettlement (R&R) package of the Polavaram Multi-purpose National Irrigation Project in the identification of areas for R&R. ...(Interruptions) It will also provide contiguity in the areas that form a part of Andhra Pradesh for administrative convenience. We have retained the temple town of Bhadrachalam in Telangana and also seen to it that the road to the town remains a part of Telangana. I may mention that most of these areas were a part of the East Godavari District and were transferred in 1958 to Khammam District. ...(Interruptions)

I may add that the former Prime Minister during the debate during the consideration of the Bill had said that, "I would like to reassure Hon. Members that if any further amendments are needed to facilitate smooth and full R&R for the Polavaram project, they will be given effect to at the earliest. Our government will execute the Polavaram project; let there be no doubt about it." I would like to reassure the House that this Government shall endeavour to realize the dream of prosperity that the Polavaram project would bring to Andhra Pradesh. ...(*Interruptions*)

With these words, Madam, I commend, The Andhra Pradesh Reorganisation (Amendment) Bill, 2014 to this august House for consideration and passing. ...(*Interruptions*)

HON. SPEAKER: Motions moved:

"That this House disapproves of the Andhra Pradesh Reorganisaition (Amendment) Ordinance, 2014 (No. 4 of 2014) promulgated by the President on 29 May, 2014."

"That the Bill to amend the Andhra Pradesh Reorganisation Act, 2014 be taken into consideration."

...(*Interruptions*)

HON. SPEAKER: Shri Vinod Kumar.

...(*Interruptions*)

HON. SPEAKER: Nothing will go on record except what Mr. Vinod Kumar says.

(*Interruptions*) â€¦ *

HON. SPEAKER: Mr. Vinod Kumar, do you want to speak or not?

...(*Interruptions*)

HON. SPEAKER: Mr. Vinod Kumar, please speak.

...(*Interruptions*)

HON. SPEAKER: Hon. Members, please go back to your seats.

...(*Interruptions*)

SHRI B. VINOD KUMAR (KARIMNAGAR): Madam, the Andhra Pradesh Reorganisation (Amendment) Ordinance, 2014 is against the spirit of the Constitution...(*Interruptions*)

The Andhra Pradesh Reorganisation Act, 2014 had already been notified on 1st March, 2014. So, the State of Telangana was formed on 1st March, 2014 though the notified date was mentioned as 2nd June, 2014.

This Government had brought this Ordinance on 29th May, 2014...(*Interruptions*)

HON. SPEAKER: Hon. Members, please go back to your seats. The Member from your party is already speaking. I have given him the chance to speak. Do you not want to hear him?

...(*Interruptions*)

HON. SPEAKER: He is opposing or whatever it is. Let him speak. So, please go back to your seats.

...(*Interruptions*)

SHRI B. VINOD KUMAR : Madam, I have moved the Statutory Resolution whereas our party is opposing the discussion on the Bill in this House. It is because the Ordinance itself is against the spirit of the Constitution. They cannot issue the Ordinance after the State is formed. They have to follow the Article 3 of the Constitution in order to alter the boundaries of the State...(*Interruptions*)

HON. SPEAKER: Hon. Members, please go back to your seats. The Member from your party is already speaking. How can I understand what he is speaking?

12.27 hrs

At this stage, Shri Balka Suman and some other hon. Members

went back to their seats.

SHRI B. VINOD KUMAR : So, my contention is that let the Statutory Resolution be discussed first. You cannot club the Bill and the Statutory Resolution together. Let the Statutory Resolution be discussed first. Then only, we will discuss the Bill. It is because I have a case. The State of Telangana was formed on 1st March, 2014 as per the Gazette Notification issued by His Excellency, the President of India. So, on 29th May, 2014, the Government cannot bring an Ordinance. In order to alter the boundaries of a State, they have to follow Article 3 of the Constitution.

The President has to recommend the Bill to the House only after eliciting the views of the respective State Legislatures. So, the Government has not elicited the views of the State Legislatures of Telangana as well as the State of Andhra Pradesh. Thus I want a discussion on the Statutory Resolution first. Then only, we should proceed further into the List of Business.

Therefore, I would request you to have a discussion on the Statutory Resolution first. My request to the hon. Chair is that you cannot club the Bill and the Statutory Resolution together.

HON. SPEAKER: As per convention, we have clubbed these two items. Since you have spoken on the Statutory Resolution, now you may speak on the Bill. That is all. If you do not want to speak, I would call the name of the other Member.

SHRI B. VINOD KUMAR : Let all the parliamentarians know whether the Government can alter the boundaries of a State by bringing an Ordinance. Let all the States know whether the boundaries of a State can be altered by bringing an Ordinance. This is my contention....(*Interruptions*)

HON. SPEAKER: Nothing will go on record.

(Interruptions) â€¦

HON. SPEAKER: Now, Mr. Sukhender Reddy.

...(Interruptions)

PROF. SAUGATA ROY (DUM DUM): Madam, I am on a point of order.

HON. SPEAKER: Under what rule you are raising it? Which rule are you quoting?

PROF. SAUGATA ROY: It is under Rule 123(2) of the Constitutionâ€¦ (*Interruptions*)

Madam, "(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinanceâ€¦"

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions;"

So, this is the procedure as far as Ordinances are concerned. But what hon. Member, Shri Vinod Kumar has mentioned is an even more important point as to how a State to be formed.

Article 3 of the Constitution says under "Formation of new States and alteration of areas, boundaries or names of existing States.

Parliament may by lawâ€¦"

- (a) form a new State;
- (b) increase the area of any State;
- (c) diminish the area of any State;

[Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its viewsâ€¦" (*Interruptions*)

So, under article 3 of the Constitution, has the President's recommendation been received for altering the boundary of the State? So, (a), we have to discuss the Statutory Resolution separately.

HON. SPEAKER: No, please sit down.

PROF. SAUGATA ROY: And, then the Minister has to clarify whether the recommendation of the President with regard to the Bill has been received. It is very unfortunate that without obtaining the sanction, without obtaining the approval of the Telangana Government and the Odisha Government, the Government has gone ahead and promulgated an Ordinance. This is bad in law. What is being done will be bad in law and it will be challenged in the Supreme Court. Madam, let us not be misled where the Constitution is violated ...(*Interruptions*)

HON. SPEAKER: Please sit down.

...(Interruptions)

HON. SPEAKER: I am replying to the objection raised by Mr. Vinod Kumar.

Hon. Members, Statutory Resolutions and Bills to replace Ordinances have been discussed together before also so as to save the time of the House. There is no rule which bars combining two things, and that is why, I have said Item No.11 and Item No.12 will be taken together.

...(Interruptions)

HON. SPEAKER: We can combine and we have combined them. If you want to speak, you can speak on the Bill itself.

SHRI B. VINOD KUMAR : Madam, I cannot speak on the Bill.

My contention is that the Bill is against the spirit of the Constitution. They have introduced this Bill against the spirit of the Constitution. On the first day, they tried to introduce it on Monday. I raised a question that they did not get the recommendation of the President. Then, the hon. Home Minister had said in the House that they could not get the recommendation of the President and they introduced it on Tuesday. On Monday, they deferred it. My contention is that the President has not sought or elicited the views of the respective State Legislature to introduce a Bill of such a nature which is altering the boundaries of a State. I mean to say, here they are going to alter the boundaries of two States, that is, the State of Telangana and the State of Andhra Pradesh. So, my contention is that the Bill does not deserve to be discussed in the House because it does not have the competence to be introduced in this House. Constitutionally, it does not have the competence to be introduced.

HON. SPEAKER: Let me say something.

SHRI B. VINOD KUMAR : Today let the Home Minister and let the Prime Minister defer the Bill and let them come on Monday after discussing it in detail.

HON. SPEAKER: Please sit down. Do you not want my ruling or what? You please sit down.

Hon. Members, Prof. Saugata Roy and Mr. Vinod Kumar also have contended that the Andhra Pradesh Reorganization (Amendment) Bill 2014 has been introduced in Lok Sabha without referring it to the concerned State Legislature in violation of article 3 of the Constitution.

Hon. Members, the Bill has already been introduced. The issue, whether or not, the Bill has been introduced, in violation of Article 3, requires interpretation of the provisions of the Constitution. Hon. Members would appreciate that interpretation of the provisions of the Constitution is primarily the responsibility of the court of law. Also, the point raised does not relate to regulating the business of the House.

...(Interruptions)

HON. SPEAKER: I, therefore, rule out the Point of Order and ask Shri Gutha Sukender Reddy to speak.

...(Interruptions)

12.36 hrs

At this stage, Shri Balka Suman and some other hon. Members came and stood on the floor near the Table.

*SHRI GUTHA SUKENDER REDDY (NALGONDA): Madam, I appreciate UPA-2 and Madam Sonia Gandhi Ji for making 'Telangana', 29th State of our country. Madam, I am opposing this Bill which does not confirm with law. Without knowing the views of Legislative Assemblies of Telangana and Andhra Pradesh the AP Reorganization (Amendment) Bill, 2014 cannot be introduced. It is gross injustice towards Telangana if 7 mandals comprising of 236 villages are illegally transferred to Andhra Pradesh. These Mandals fall under Schedule 5 of our constitution and are inhabited by tribals. This move will violate rights of tribals. This is not in the interests of tribals or the country. Ignoring views of tribals living there will harm our country's future.

Technical committee experts on many occasions advised the Government to change the design of Polavaram Project and save tribals by minimizing the number of villages that may get inundated, but the Government turned deaf ear to the suggestions made by the Technical committee. I request you to kindly withdraw this Bill as I sense bigger conspiracy behind this Bill. It is improper to transfer Lower Sileru Hydel Project with the capacity of 460 MW to Andhra Pradesh.

Hon. Speaker, it is our humble request that as Polavaram Project has been declared a National Project, Union Government should take steps to constitute a Technical Committee to change the design of Polavaram Project and save tribals. The people belonging to these 7 mandals are agitated and are on hunger strike for the last 4 months. Please seek the opinions of the tribals as well as Legislative Assembly of Telangana, before passing

this Bill.

Madam Speaker, I request the Union Government to consult Chief Ministers of Andhra Pradesh, Telangana, Odisha and Chattisgarh to know their views on this Bill and only after knowing the views of Chief Ministers of these states, the Bill may be passed.

* English translation of the speech originally delivered in Telugu.

It is improper and unlawful to transfer 7 mandals forcibly. I request Hon. Home Minister to withdraw the Bill and consult Chief Ministers of 4 states to know their views.

...(Interruptions)

HON. SPEAKER: No, this is not fair.

...(Interruptions)

HON. SPEAKER: If you are not listening, I will ask Mr. Minister to â€¦.

...(Interruptions)

HON. SPEAKER: I will stop this.

Yes, you want to say something.

...(Interruptions)

*SHRI GUTHA SUKENDER REDDY : Madam Speaker, the Bill may be withdrawn and let the Government consult Chief Ministers of 4 states to know their views. As per Schedule 5 it is the responsibility of Union Government, State Government and the Governor to protect the rights of tribals. Please don't betray tribals and don't betray Telugu people. I request through you to change the design of the project and save tribals' rights.

HON. SPEAKER: Thank you, That is all.

...(Interruptions)

* English translation of the speech originally delivered in Telugu.

HON. SPEAKER: Shri Bhartruhari Mahtab, do you want to say something?

...(Interruptions)

12.41 hrs

*At this stage, Dr. Sidhant Mohapatra and some other hon. Members came
and stood on the floor near the Table.*

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, we are in a very piquant situation today. The whole House is charged of the matter. The Congress Government initiated the Polavaram Project. The previous Government in Andhra Pradesh also supported the Polavaram Project. We are not against the Polavaram Project *per se*; we are against the arbitrariness in which the height of the Polavaram Project was increased without taking the State Governments of Odisha and Chhattisgarh into confidence. We are opposed to that. Because of that height increase, 307 *adivasi* villages are getting inundated. That is why, this new Ordinance came and this new Bill is coming – just to transfer 307 villages of Chhattisgarh, Odisha and Telangana to Andhra Pradesh. If the height of the project had not been increased, then we would not have any complaint. ...(Interruptions)

HON. SPEAKER: Thank you. Now, Dr. Haribabu.

...(Interruptions)

HON. SPEAKER: I have called Dr. Haribabu.

...(Interruptions)

SHRI BHARTRUHARI MAHTAB : Madam, a case relating to increase in the height of the project is now pending in the Supreme Court. Now, we are being told that whatever law we make here, it will be interpreted in the Supreme Court and the Supreme Court will decide that. ...(Interruptions)

HON. SPEAKER: Now, it is complete. It is okay. Thank you.

...(Interruptions)

SHRI BHARTRUHARI MAHTAB : Here, we are for the tribal people of these 307 villages, who will be rendered homeless. ...(*Interruptions*) That is our plea before you, Madam; that is our plea before this Government and before this House. â€¦ (*Interruptions*)

HON. SPEAKER: Mr. Minister, nobody is speaking. You can move the Bill for passing.

...(*Interruptions*)

HON. SPEAKER: You are not allowing anybody to speak. So, I will have to put the Bill to vote. What can I do?

...(*Interruptions*)

HON. SPEAKER: You are not allowing the discussion.

...(*Interruptions*)

HON. SPEAKER: Shri B. Vinod Kumar, do you want to speak?

...(*Interruptions*)

HON. SPEAKER: Nobody is listening. It is okay.

...(*Interruptions*)

HON. SPEAKER: The question is:

"That this House disapproves of the Andhra Pradesh Reorganisaition (Amendment) Ordinance, 2014 (No. 4 of 2014) promulgated by the President on 29 May, 2014."

The motion was negatived.

...(*Interruptions*)

HON. SPEAKER: Please listen to me.

...(*Interruptions*)

HON. SPEAKER: The question is:

"That the Bill to amend the Andhra Pradesh Reorganisation Act, 2014 be taken into consideration. "

The motion was adopted.

...(*Interruptions*)

HON. SPEAKER: The House will now take up clause by clause consideration of the Bill.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

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

...(*Interruptions*)

HON. SPEAKER: The Minister may now move that the Bill be passed.

...(*Interruptions*)

THE MINISTER OF HOME AFFAIRS (SHRI RAJNATH SINGH): Madam, I beg to move :

"That the Bill be passed."

HON. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

...(*Interruptions*)

HON. SPEAKER: Now, the Bill is passed.

...(Interruptions)

HON. SPEAKER: Do you want the next agenda item to be taken up or not?

...(Interruptions)

HON. SPEAKER: Please go back to your seats.

...(Interruptions)

HON. SPEAKER: Please go back to your seats.

...(Interruptions)

HON. SPEAKER: The House stands adjourned to meet again at 2 p.m.

12.46 hrs

The Lok Sabha then adjourned till *Fourteen of the Clock*.

14.00 hrs.

The Lok Sabha reassembled after lunch at Fourteen of the clock.

(Prof. K.V. Thomas in the Chair)

â€¦ (व्यवधान)

श्री प्रेम सिंह चन्दूमाजरा (आनंदपुर साहिब) : माननीय सभापति जी, मैं आपके माध्यम से सरकार का ध्यान एक बहुत ही गंभीर, जरूरी और संवेदनशील मामले पर लाना चाहता हूँ। आप भी जानते हैं, देश और सारी दुनिया जानती है कि सिखों के गुरुद्वारा साहिबान के प्रबंध के लिए एक संस्था बनी हुई है, जिसका नाम एसजीपीसी है। इसके फॉर्मेशन के लिए बहुत कुर्बानी देनी पड़ी। गोलियां चर्ती, रेल इंजनों के नीचे सिर देने पड़े, तो यह एक्ट बना था। उसका जो एरिया ऑपरेशन था, ... (व्यवधान) वह डेवलप किया हुआ है। ... (व्यवधान)

सभापति महोदय, यह बहुत अजैट मेटर है। ... (व्यवधान)

HON. CHAIRPERSON: You will be given an opportunity. Please take your seat. ... (Interruptions)

श्री प्रेम सिंह चन्दूमाजरा : सभापति महोदय, मैं इसलिए कहना चाहता हूँ, ... (व्यवधान)

HON. CHAIRPERSON: Now, please conclude.... (Interruptions)

श्री प्रेम सिंह चन्दूमाजरा : उसका एरिया बना हुआ है, डिफाइन किया हुआ है। जब देश आजाद हुआ, उस समय जब एक बार सरकार ने दखलअंदाजी की थी, तो मास्टर तारा सिंह और नेहरू पेवट हुआ था। आजाद भारत में सबसे पहले किसी के हाथ में हथकड़ी लगी तो मास्टर तारा सिंह के हाथ में लगी थी। ... (व्यवधान) उस समय नेहरू जी ने कहा था, ... (व्यवधान)

HON. CHAIRPERSON: please conclude.... (Interruptions)

श्री प्रेम सिंह चन्दूमाजरा : देश के लोगों को विश्वास दिलाया था कि अगर इसमें कोई दखलअंदाजी होगी तो हम एसजीपीसी की मर्जी से... (व्यवधान)

आज मुझे इस बात का खेद है, जो मैं सरकार के ध्यान में लाना चाहता हूँ कि हरियाणा की सरकार असेम्बली में इसको तोड़ने की बात कर रही है और राजसी लाभ लेने के लिए, फायदा लेने के लिए डिवीजन क्विरेट करने की बात कर रही है। पिछले समय में पंजाब और देश ने बहुत बड़ा संताप झेला है। ... (व्यवधान) Hon. Home Minister should check the illegal and act of the Haryana Government.

HON. CHAIRPERSON: Nothing will go in record.

(Interruptions) â€¦*

HON. CHAIRPERSON: Please sit down.