

AP Government's Stand on Schedule X Institutions Against Reorganisation Act

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The Andhra Pradesh Reorganisation Act 2014 (APAR) recognized the existence of 107 institutions in the erstwhile State and listed them in Schedule X. Regarding these institutions and their allocation to the successor States, the APAR is specific. It states in Section 75: "The Government of the State of Andhra Pradesh or the State of Telangana, as the case may be, shall, in respect of the institutions specified in the Tenth Schedule to this Act, located in that State, continue to provide facilities to the people of the other State."

A close reading of the text indicates that the Act: (1) recognizes that each State has control and ownership of the institutions located in that State and (2) mandates each State to provide services of the institutions located in that State to the other State on mutually agreed terms.

Out of 107 institutions, 97 are located in Telangana. For this reason, AP leaders took the position that as the institutions were built by the common resources of the erstwhile state, the ownership and/management of these institutions should be divided on population ratio, that is, 58% for AP and 42% for Telangana. This obviously is not what APAR mandates.

The first test case was that of the AP State Council for Higher Education (APSCHE). The Telangana Government appointed a Chairman to head their Telangana State Council for Higher Education (TSCHE) and deputed him to operate from APSCHE headquarters in Hyderabad. The Chairman was not given any facilities or cooperation to assist his urgent work regarding examinations like EAMCET etc. The Telangana Government then used powers under Section 101 of the APAR to take over the APSCHE and rename it TSCHE. It also instructed bankers not to honor cheques signed by the former APSCHE officials and froze all APSCHE funds. Promptly, the APSCHE went to the High Court.

The High Court decided: (1) the assets and properties and funds whatever lying at the present location of APSCHE belong to TSCHE; (2) the action of the Telangana Government was in keeping with the powers delegated to it by Parliament and (3) as a result, the APSCHE ceased to exist.

The APSCHE then went in appeal to the Supreme Court, which did not stay the order of the High Court but said the GoAP could set up its own Council for its own people if it wishes. This special test case has established the nature and applicability of Section 75.

While all this was going on, the Telangana Government had written three letters to the GoAP offering to provide services from its 97 institutions to AP. It requested GoAP to indent for the services required. It also suggested that the payments would be in the proportion of AP usage to Telangana usage.

On the other hand, the Telangana government informed GoAP that it had no need of 6 AP institutions but wanted 42% of the services of (1) Andhra Pradesh Study Circle for Backward Classes (2) State Animal Husbandry Training Centre (3) Sri Padmavathi Mahila University and (4) Dravidian University. It also offered to pay for these services based on mutual usage. No response came from GoAP.

Finally, the Telangana Government on 27th May 2015 wrote to the GoAP saying that, due to its non_response, it had concluded: “(a) the Government of Andhra Pradesh declines to offer the Government of Telangana the requested allotment in the four Schedule 10 entities in Andhra Pradesh and (b) the Government of Andhra Pradesh has no need for the services of the 97 Schedule 10 institutions in Telangana.” It, therefore, came to the final conclusion that: “Section 75, APAR Act is effectively non-operational.”

By trying to get what it was not entitled to, GoAP has effectively deprived its people of the services of 97 Telangana institutions. Now, the two parties have gone to Delhi to explain the situation to the Ministry of Home Affairs, which is likely to abide by APAR.

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