

Centre's Circular to T Govt on Powers to Governor Leads to Confusion

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HYDERABAD: The Home Ministry Circular (N o 12012/05/2014SR) to Telangana Chief Secretary with suggested procedures for implementing the Section 8 of the AP Reorganisation Act 2014 has led to more confusion and irritation.

Section 8 states:

- (1) On and from the appointed day, for the purposes of administration of the common capital area, the Governor shall have special responsibility for the security of life, liberty and property of all those who reside in such area.*
- (2) In particular, the responsibility of the Governor shall extend to matters such as law and order, internal security and security of vital installations, and management and allocation of Government buildings in the common capital area.*
- (3) In discharge of the functions, the Governor shall, after consulting the Council of Ministers of the State of Telangana, exercise his individual judgment as to the action to be taken.*

The governor had proposed to the Home Ministry in January that he be given appropriate powers in the Act itself. He asked for a new set of business rules for the Telangana Government to enable him to exercise his authority. The main points he made were:

The common capital area that was defined in the Act was composed of only the GHMC area. This area was overseen by both the Cyberabad and Hyderabad Police Commissionerates. Since these two Commissionerates included areas greater than GHMC, he suggested a creation of a separate Commissionerate for the common capital area, that is for GHMC. The Governor envisaged 'a proactive role' for himself although the Act made him like other governors, subject to the Telenagana government. In this regard, he wanted control over police appointments in GHMC area. As for the Advisers to the Governor, as provided in the Act, he wanted the right to choose them himself. The Union Cabinet ignored the governor's suggestions. However, the circular now reverts to the governor's earlier suggestions.

The main points of interest in this communication are that:

Instead of creating a special commisionerate for common capital area, as the Governor suggested, the common capital area is expanded from GHMC area to include Hyderabad and the Cyberabad Commissionerates, and the district of Ranga Reddy. This is not as per the Act and the Home Ministry is making a fool of itself.

The circular also desires that “The police force of Hyderabad and Cyberabad Commissionerates shall be a joint force comprising elements from Andhra and Telangana on fair share basis in higher supervisory posts.” This is again very irregular as police officers of residuary AP do not have jurisdiction in Telangana.

The rest of the Centre’s suggestion are not important and only require reporting daily details to governor and answering his queries regarding GHMC issues.

The Telangana Government has to take the suggestions made in the circular to the Cabinet after taking into account the AP Reorganisation Act and the letter and spirit of Constitution and federal structure of the country. After making suitable alterations as below it should incorporate them in its Business Rules.

First, it needs to be specific that the GHMC area is the only one where the governor has special powers as per the Act. Second, it should reconstitute the Police Commissionerates with a special Commissionerate for GHMC area where the governor’s special powers apply. Third, since staffing of senior Telangana police officers is from the All India Service they should be trusted to exercise their functions as per law and the Constitution. Finally, the Telangana government should ensure that the governor gets as many detailed reports on a daily basis from every police station in GHMC area. That should keep him occupied and ‘pro-active.’

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