

Sri Krishna Committee Report:

maunnat satyam vishishiyte (truth is superior to silence): Manu

Gautam Pingle

We have seen how honesty lies like a pearl in an oyster of 505 hard pages of the SKC Report. Now it is necessary to deal with the dishonesty of it all. This is not your ordinary lying that comes to any one of us. As these are eminent persons and assisted by a barrage of ex-civil servants of the rank of Chief Secretary to State Governments and Secretary and Additional Secretary to Government of India, it is more subtle. They do not tell lies – they suppress the truth. They work on the old Latin adage *supressio veri; suggestio falsi* – suppress truth and suggest falsity.

Andhra State

First, the saga of the Andhra State is told as if the Andhras wanted separation only for “promoting their own distinct culture” (p.1). This is a travesty of the history of the more than 20-year struggle of the Andhras to come out from under the majority Tamil influence. They came out even when they had to face financial bankruptcy. The question for Andhra was how was it to survive. That solution then unfolds like a tragedy for Telangana.

SRC

Next, the SKC tells a devious tale of the SRC report, with selective quotations and extracts from it. Yet the SRC said many other things not quoted by SKC. Even Nehru’s objections to trifurcation of Hyderabad are not mentioned nor his support for a separate Telangana!

The SRC noted that Telengana was financially stable and viable while Andhra was not: “The existing Andhra State has faced a financial problem of some magnitude ever since it was crated and in comparison with Telengana the existing Andhra State has a low per capita revenue. Telengana, on the other hand, is much less likely to be faced with financial embarrassment”. (SRC, op.cit, para 376)

It stated Telengana’s fears: “The real fear of the people of Telengana is that if they join Andhra they will be unequally placed in relation to the people of Andhra and in this partnership the major partner will derive all the advantages immediately, while Telengana, itself may be converted into a colony by the enterprising coastal Andhra (SRC, op.cit, para. 378)

And it concluded: “After taking all these factors into consideration we have come to the conclusions that it will be in the interests of Andhra as well as Telengana, if for the

present, the Telangana area is to be constituted into a separate State, which may be known as the Hyderabad State” (SRC, op.cit, para 386)

Telangana Surpluses

SKC deals with the critical “Surpluses” issue in passing and only noted the appointment of Justice Bhargava who gave a figure of Rs 28 crores diverted from Telangana over 1956-68. No details of the estimation of Surpluses diverted from Telangana are given by SKC; no references to the earlier Kumar Lalit Report estimation of “surpluses” (Rs 38 crores). This after all was the crucial issue in the 1969 agitation. Neither did SKC refer to the figures of diversion over more recent years.

1969 Agitation and TPS

Then comes the unkindest cutoff all. The SKC Report says only this of the 1969 agitation: “The student agitation, as a result, passed in to the hands of the politicians demanding separate statehood, who formed themselves into what was called the “Telangana Praja Samithi”. The Samithi, thereafter, began to organize a planned agitation. The Government became tough with the agitating political leaders, while the agitation continued till November when there was a split in the Praja Samithi and slowly with the passage of time, normalcy returned to state”(p.33).

Notice the inverted commas around the TPS...”so called” it seems. This was a nationally recognized party that fought the 1971 Parliamentary Election and out of 12 seats in Telangana, contested 11 and won 10 – a score half of the 20 seats won by the BJP. “And slowly with passage of time” – forgotten is the TPS merger with Congress, P. V. Narasimha Rao as CM; all lost on (by?) SKC. The only other reference is: “On the political side, P.V. Narasimha Rao became the Chief Minister of Andhra Pradesh in September 1971, as the first Telanganite to assume the coveted office”(p.33). “PV” is not in fashion these days.

Unrecorded Deaths

As for the long agitation, the number of those killed in police firing, all that is old hat to SKC as “slowly, with passage of time, normalcy returned to the state” - normalcy but not to the mourning families whose children sacrificed themselves for ...what?

But this amnesia is not just because it was 40 years ago. See what they have to say about recent times: “between May 2004 and November 2005, Telangana reported 663 suicides while Rayalaseema reported 231 and coastal Andhra stood at 174 out of a total of 1068 reported suicides” (p.366). Just this many tragedies?

On an RTI application, the Government of AP confirmed 2,023 suicides in Telangana during 2005 of which it said 1,210 were “genuine”. If SKC can make a hash of such tragic voluntary deaths, what it could do with statistics is to be imagined.

Presidential Order and GO 610

As for the infamous GO 610 and its non-implementation, this is what SKC has to say about the all too revealing Grigliani Report; “The Girglani Commission submitted its final report on 30.9.2004 with 126 findings and suggested 35 remedial measures.” (p.47-48). It then devotes a whole chapter to the issue without once mentioning even one of the 126 findings and that the figure for Telangana share of government jobs misallocated to non-Telangana persons varies from 1,00,000 to 2,00,000. Total government jobs in the state are estimated at 12 lakhs, of which Telangana should get a share of at least 4 lakhs. A loss of one quarter to one half of its entitlement would impact not only on Telangana incomes but also in alienation that the usual confrontation with non-locals in government employment brings.

Irrigation

Now to irrigation - that critical subject for Telangana! SKC brought in an ex-Chairman of the Central Water Commission of the rank of additional Secretary to Government of India – a Dam person. CWC does not deal with small tanks or wells only dams. See what he has to say: “The Net Irrigated Area (NIA) in all the three regions of AP has increased over the years. In fact the NIA in Telangana has doubled (from 0.8 million hectares in 1956-60 to 1.7 million hectares to by 2006-09). Thus Telangana has experienced a **whopping** 113% increase; while coastal Andhra and Rayalaseema have experienced a much lower growth of NIA at 30% and 55% respectively. Telangana has experienced a remarkable increase in NIA after mid-1970s compared to the other two regions where there is a steady increase over time.” (p.88).

So what have you to bother about, all deprivation is ephemeral, product of diseased imagination. Hold on - when percentages are used, reach for your calculator. Farmers don't deal in percentages they deal in acres and hectares irrigated. Where are those figures? SKC Report reports 100 pages later that: “Tank irrigation has reduced from 4 lakh hectares in 1955-56 to around 2 lakh hectares at present.” (p.189). My calculations (based on GoAP figures) are that during the 53 year period, 1956-2009, Telangana has lost 2.92 lakh hectares of tank irrigation. This implies a loss of nearly Rs. 30,000 crores in government investment in irrigation.

Tank irrigation was out of fashion as SKC seems to think: “A cause of concern is that surface water irrigation through tanks has declined significantly from over 64% in 1955-56 to just 12% in 2008-09 in Telangana. The trend is similar in Rayalaseema with respect to decline in irrigation from surface/tanks.” But wait a minute – even this eminent expert has a problem: “The puzzle is in coastal Andhra, where the canal and tank irrigation has declined by about 10 percent, each over a period of 53 years” (p.89). What is the puzzle? The Government takes care to invest and repair the tanks and canals in Coastal Andhra and not in Telangana or Rayalaseema (where rain and Krishna water is scarce also)

Added to this is the loss of nearly 2 lakh hectares (or 5 lakh acres) of Telangana canal irrigation from the peak of 3,38,276 hectares in 1990-92 to a low of 1,16,203 hectares for

2004-05. The loss of another Rs. 20,000 crores of investment in this government irrigation is a major one

Thus despite the loss of 5 lakhs hectares of government irrigation in tanks and canals, “the net irrigation in Telangana has increased from about 7 lakh hectares in 1955-56 to around 18 lakh hectares in 2008-09.”(p.189). So Telangana is OK.

So how did the “whooping” increase come about? Thereby hangs another tale. This was due to Telangana farmers who invested their own money to increase well irrigation over the same period ten-fold from about 1.30 lakh hectares to nearly 13 lakh hectares (overtaking, by far, tank- and also canal irrigation) as the major contributory to Telangana irrigation. At a (estimated minimum) cost this was Rs 150,000 crores of farmer’s money. More than Jalayagnam!

Invidious Comparison

What is the trick SKC plays? Whenever Telengana is seen to be deprived, SKC compares it with Rayalaseema as if say you are better off without shoes because the other man has no legs! Then why not give Rayalaseema statehood also. They may be able to manage better on their own. That is only hinted at in SKC but not really addressed. Is Rayalaseema so desperate that it prefers to be a worse deprived region than Telangana by remaining in the unified state? Are they men or mice out there? Can they not stand on their own?

Summing Up

SRC tried to do both an honest and dishonest job at the same time .It admitted that the united state would not work as usual (Option 1). It played the fool with Options 2 to 4 and rejected them itself. It wants Option 6 – a united state with a Telengana Regional Committee, a River Water Development Board and Constitutional Amendment. This is history and it was a tragedy. The TRC was set up along with a similar one for Punjab by amending the Constitution. When the Punjab model did not work the state was separated. When the TRC was abolished we did not get a state. What was good for Punjab was not good for Telengana. Now SKC wants to repeat that history, now as a farce. What sort of eminence have these person exercised in such a crucial matter.

SKC was asked to drag on the whole exercise; hope against hope that like the times past in a year, Telengana would “slowly” subside like a soda water (champagne?) when opened would become flat and uninteresting. This time it did not work as all the people were involved and stood firm. In the Sri Krishna tulabharam, the weight of Satyabhama’s (Andhra) gold will be countered by Rukmini’s (Telangana) tulasi leaf. As long as the villages stay firm, the entire world cannot deny the statehood they so passionately want regardless of it being second best or no best. For them it is the best. That should do!

SKC's Option 6 ignores Girglani Report Findings

by

Gautam Pingle

1613 words

The SriKrishna Committee recommended, as its “best” option – Option 6 - the continued existence of the state of Andhra Pradesh but with such constitutional and other safeguards that will ensure justice, fairness and equity of Telengana. It is as if this was not tried for nearly 54 years and which had failed and had led the SKC to a unanimous verdict that the status quo - Option 1 - was untenable. If Option 1 is untenable and Option 6 has been tried and failed earlier, it leaves only Option 5 – a separate Telangana as the “ONLY option – not the “second best” option.

For the sake of argument let us see what effect a Constitutional Guarantee and a Presidential Order had on giving justice to Telengana over jobs in its own region.

Girglani Report (One Man Commission)

After 28 years of the Presidential Order being issued, J.M. Girglani Commission (2003) or the One Man Commission (OMC) was set up to examine the non-implementation of the GO 610, which reserved government jobs in Telengana for locals. This GO 610 was issued TEN years after the Presidential Order of 1975 and yet was not implemented even after TWO DECADES.

We need to bear in mind that the Girglani Report was commissioned by the TDP government and has been accepted by succeeding Congress Government. A House Committee of the Legislature and a Group of Ministers has extensively discussed it. **There is, therefore, nothing controversial about it except the discoveries it has made and the revelations.** NONE OF THESE FINDINGS WERE TAKEN INTO ACCOUNT BY THE SKC

Girglani set out 126 findings and 35 sets of remedial measures. Let us consider only a few of the 126 issues that he examined in light of the Presidential Order and the consequent GO 610.

Heads of Departments

The first is related to the exemption from the Presidential Order of the offices of the Heads of Department (HOD's) of 51 Departments in the State Government from the operation of the Order. The idea, sensibly, was that since the HOD's offices service the whole of the state their staffing would be statewide. As he writes:

“ Thus, the 51 Heads of Departments listed in the Annexure to G.O.P.No. 728 of 1- 11-1975, 54 in the Budget Manual, 66 in Financial Code and 78 in

Fundamental Rules – got multiplied into 288 (Planning Department's List), 174 (Finance Department's List) and to 145 (GAD's List). Even the Heads of Projects are treated as HODs.... However, the Report has listed out 102 HOD offices that alone are legitimately entitled to exclusion from localization of cadres under item (b) of Para 14 of the Presidential Order.” (See Chapter 1 in the Summary of the Report enclosed).

A Department can have only one single Head, while it may have many wings. Yet the Head of Wings were designated as Head of Departments -wings flew high, as it were, and became heads – an almost mythological exercise. **The Departments of Irrigation, Roads and Building, Panchayat Raj Engineering, Health - all became, like Ravana, hydra headed. The Irrigation and Command Area Department even outdid Ravana with 16 Heads, while R&B has 5, and PR Engineering and Health 7 each!!** In order to facilitate the posting of non-Telangana officers and staff, State Governments had opted to dismantle its command and control structure and set up multiple HODs. (Chapter 2)

Work Charged Establishment

This group largely consists of manual labour in a casual capacity without any tenure, perks and salaries of normal government employees. They are mainly employed in the Departments of Irrigation, Panchayat Raj and Road & Building. Their employment was exempted from the operation of the Presidential Order as they were temporarily employed and did not constitute a regular government cadre. (Chapter 7)

Yet the Girglani Commission recorded that the Irrigation Department regularized 17,161, Road & Building 5,984, Panchayat Raj 7,860 – a total of 40,870 who were non-local (i.e., not Telangana persons) in the Telangana region. They were given permanent government employment, circumventing the spirit of the Presidential Order. Girglani stated: **“This was only the tip of the iceberg as many more non-locals were employed as Work Charged Employees in Departments which did not furnish figures to the Commission”.** As Girglani says: “Such exclusion is even more unjustifiable. These have to be brought under the Local Cadres” (Chapter 7)

Gazetted Employees

The third is the exemption in the Presidential Order for Gazetted employees. **This was neatly circumvented by including previously non-Gazetted posts in the gazette with or without changing the designations of the posts.** Girliani stated: “Thus by this ingenious method the local candidates were deprived of the preferential treatment under the Presidential Order. By resorting to these methods the estimated number of posts that were Gazetted after 18.10.1975 (date of Order) cannot be less than a lakh of vacancies which otherwise would have been filled by local candidates.” (Chapter 8)

Part-time Junior Lecturers

The fourth is the elaborate and systematic procedure adopted in the polytechnics. **Non-locals were appointed as part-time junior lecturers on the basis that these**

temporary jobs - even though these are direct appointments and are reserved for locals by the Presidential Order. Subsequently, the Order is again violated for the second time by regularizing these Part-time Junior lecturers. Thereafter, the regularized Part-time Junior lecturers were “transferred” to their “native districts” and given seniority as of a particular date instead of being put at the last rank thus disturbing the seniorities of those selected by the AP College Service Commission /AP Public Service Commission. (Chapter 16)

“Free Zone”

Lastly, there is the neat invention of a “Free Zone”. Girglani says,

“ There is no territorial stipulation for the organizations that are excluded from the Presidential Order. They may be located anywhere. It is just incidentally that they are located in the Hyderabad City Area, which gives us the impression that Hyderabad City is Free Zone. **Therefore, the Hyderabad City or Hyderabad District should not be defined as a Zone VII or a Free Zone which is totally wrong...** The Presidential Order does not mention Zone VII and therefore, **there cannot be a separate cadre for Zone VII which does not exist.**” (Chapter 10)

Girglani goes on and on about another 121 issues...the litany is endless, it seems.

The expressions used by this experienced administrator in this Report sums up the conduct of successive administrations over nearly 30 years:

- “ Government may devise some means by which the **HOD’s will cooperate in giving information** required by the Commission in matters of deviations” (16.2.5)
- “Perhaps the government may also consider taking action against those who are responsible **unless it has been permitted at the Government level itself.**” (16.15.4)

It is very obvious that such **a blatant disregard of the Presidential Order over three decades** and under different political administrations – even of different political parties - could not have been affected **without the active connivance, ignorance, and initiative of the bureaucratic administration of the state. Which brings us neatly to the point that in the two years that Girglani worked on this job, only 52 Departments have responded to his requirement for data – so much for the writ of the Government!** In view of this how does SKC think its Option 6 would work ?

The refusal of nearly half the HOD’s to provide data to the Commission appointed by the State government itself shows the **level of utter disregard for the established law and its safeguards. Almost all HOD’s are All-India Cadre officers with a responsibility to conduct the business of government as per the Constitution and in conformity to the law and regulations in force.** As indicated generally by the Commission and in successive instances, senior All India Cadre officers would have to be party to decisions to violate the Presidential Order. **If this could be done then,**

how is anyone to expect they will do better in any new scheme of guarantees even with Presidential Orders and Constitutional Amendments as before given as proposed under Option 6 – the best and first option of the SKC!

From the individual figures cited by Grigliani, the overall figure of Telangana jobs lost to non-locals is a minimum of 150,000. Even at a modest annual salary of Rs 1 lakh per annum (averaged over the thirty year span of the job), this amounts to Rs 45,000 crores of income loss to Telangana people and undue gain to Andhras. Bearing in mind that these government jobs are entitled to pensions till the holder dies and then thereafter the widow getting her pension till she dies, the loss to Telangana is horrendous. The SKC ignored all this.

It is a matter of almost criminal negligence for the SKC to ignore the extraordinary findings of Girglani's hard work and analysis. It makes no sense for SKC to then go on and say:

“We, therefore, suggest that there is no real need to have any additional administrative instrumentalities for protection of persons belonging to Telangana region in public employment. However, existing safeguards should be implemented with renewed vigour.” (p.293)

If there was “no real need” then why should SKC recommend implementation with renewed vigour? **Is this what SKC's Option 6 is supposed to confer on Telangana.** SKC ignored this basic document without analyzing its findings - for if it did, it would come to the conclusion that **it would be impossible to maintain further safeguards in a united state dominated by Andhra politicians and bureaucrats. If it had applied its collective mind, it would never have recommended Option 6 as the “best option”. SKC's “best option” has been tried and seen to fail and repeating failure is not a “Way Forward” but a “Way Backward”.**

POWERLESS WELLS OR EMPOWERING TELENGANA FARMERS' WELLS

BY

GAUTAM PINGLE

1073 words

Recent news report in the Times of India declared that the Federation of AP Chambers of Commerce and Industry (Fapcci) and industrialists are “demanding that the government put an end to its free power scheme to the farm sector or show evidence how the free power supply has benefited farmers or their farm yield.”

The State government said to provide seven-hours of free power daily to farmers and this accounts for 40 per cent of state's total power consumption. How anyone can calculate this without metering it is a mystery that has yet to be solved. Basically whatever the utility cannot account for - either theft by industry or residential users or losses in line transmission is attributed to free power and billed to the State government.

With free power being doled out in two shifts, one in the night, farmers say their crops are withering due to poor timing of power supply. They are forgetting that as recent as last Friday, 12th March, Planning Commission Member Abhijit Sen held a meeting with the Chief Secretary S V Prasad and at least 22 principal secretaries and secretaries of various departments when every scheme from free power to farmers, power subsidy to industries, Arogyasri, pensions, loan waivers, pavala vaddi and input subsidies implemented by the YSR regime between 2004-09 came in for criticism from the Commission.

Planning Commission reportedly observed that the free power to farmers was actually being grossly abused besides causing reckless wastage of ground water. Apart from suggesting that the free power be metered and the farmer be made to pay for it, the panel told the state to do away with the power subsidy being extended to industries. “The industrial power tariff in Andhra Pradesh is very low. Therefore, there is no reason to give them any more incentives,” the Commission said.

So it is not just free power for farmers that are under attack but also subsidized power to the industry and many other free services.

Well irrigation has been in existence for a long time though the human and animal labour costs of lifting water using traditional devices has been a main hurdle – till the coming of diesel and electric pump sets. Even in time of famine, well irrigation has been able to hold its own as it relied on ground water.

Moulvi Mahdi Ali, in his “Memorandum to the Famine Commission” of 1879, says: “In the Telengana districts there are in all 52,685 wells, of which 33,851 are in use and about 18,834 are out of repair. If these were put in repair an area of about 210,740 acres (85,000 ha.) at the rate of 4 acres per well would in like manner be completely protected in a season of drought.” The areas under well irrigation were remarkable stable even during the famine period, 1875-1877

Yet its growth took off only after the electrification program got going and covered village after village. Most if not all the investment in well was private and productivity here tended to be high as farmers had flexibility in crop pattern and cultivated more crops per acre (and many of them commercial crops of higher value than food crops) than in other sources of irrigation.

These has grown from about 135,000 ha (in 1955-56) to nearly 990,000 hectares (in 2001-2005) overtaking, by far, tank- and also canal irrigation) as the major component in Telengana’s total irrigation of 1,280,000 hectares. The chief component of the growth is in the tube well segment, which is a high cost irrigation and is entirely dependent on the availability and cost of power. With free power since 2004 the segment will truly take off.

The most dynamic Telengana irrigation source is that of well irrigation – from tube and open wells. Left to their own devices by the State Government, Telengana farmers have invested their own capital in digging or boring wells, fitting pump sets and laying pipelines to bring water to their fields. The capital costs of this type of irrigation are far in excess of other type of irrigation and all of it is borne by the farmers rather than by the state. The only concession given the well irrigation farmer is the recent policy –5-year-old – of providing free power to them. This power, however, is given when no one else wants or needs it – at unearthly hours –and a low quality (below 230 volts). In Telengana, there are about 14 lakh agricultural connections (60% of the state total) with a connected load of 44 lakhs MW (52% of the State total). This indicated how important power is to Telengana agriculture to lift water from wells in the absence of adequate surface irrigation.

Much of the well irrigation therefore depends on the availability of power and the condition of the water table. Evidence indicates that the water table is falling and with the decline in surface irrigation – largely by tanks but also by canals- recharge of the water table depends largely on the monsoon. If the tank irrigation were not so badly affected, the recharge of ground water would have been much better and thus allowing well irrigation to expand.

The decline in surface irrigation is alarming. From 2000-01 to 2004-05, canal irrigation it has fallen precipitously by 2/3rds - equivalent to 184,000 hectares while there have been sharp declines in tank irrigation of over 50% - which lost another 83,338 hectares!!

That this should happen after the State has spent Rs 8,494 crores on minor irrigation and Rs 62,624 crores on Major and Medium irrigation during the period 1956-1997 (from the Second to the Eighth Plan) is extraordinary.

In recent decades and especially over the last one, State Governments have ignored tank and canal irrigation which has been built up – in the case of tanks over hundreds of years - and in the case of canals - over decades. Instead they have focused on huge and ambitious new schemes, which do not have all the clearances needed, nor are fully funded. These will take decades to result in irrigation to the fields is a complete mismanagement of this important sector. It will be useful to remember that agriculture now produces on 30% of the total income but is the basis for survival of nearly 78% of the Telengana rural population. For agriculture -especially in the semi-arid tropics - irrigation is a key element in raising land productivity, farmers' incomes and assuring stability of livelihoods.

What the SriKrishna Committee did not consider:

Views Across the National Political Spectrum on Telangana Statehood

1. The U.P.A. Government will consider the demand for 'formation of Telangana State' at an appropriate time after due consultations and consensus:

U.P.A. Common Minimum Programme adopted in 2004

2. The UPA Government will consider the demand for the formation of a Telangana state at an appropriate time after due consultations.

President of India's Address to the Joint Session of Parliament, 7th June, 2004

Responses of National Leaders to the UPA Sub Committee on Telangana Statehood – Chairman Pranab Mukherjee

3. The demand for Telengana state is a genuine demand emanating from the aspirations of the people.....It is my strong belief that Telengana has all the qualities that a self-sustaining state needs: economic viability, public support, unique cultural traditions optimum geographical size and relevant historical context...I, therefore, feel that this long standing people's demand should be considered at the earliest; so that further bickering could be avoided.

Chandrasekhar, Ex PM , 21st May 2005

4. The UP Government made this promise nearly a year ago and has formed a sub-committee headed by Sri Pranab Mukherji for this purpose. It is high time that the assurances given to the people is fulfilled without any further loss of time. I am of the opinion that the demand of the people of Telengana for a separate state is genuine and needs to be considered at the earliest. I am confident you will do the needful .

V.P.Singh Ex PM, 25th May 2005 to Sonia Gandhi,

The consensus expressed in favor of formation of Telengana State is unique and unprecedented. It has, thereby, made the formation of the state an inescapable necessity for the UPA Government. Any delay in clinching the issue will not only cause erosion of credibility of the present Government but will also force the people of Telengana to go back to the agitation mode. I, therefore earnestly feel that steps should be taken to form the state of Telengana without any further loss of time .

V.P.Singh, Ex PM, 9th August 2006 to Sonia Gandhi

5. In my speech of 15th August 1996, from Red Fort, as Prime Minister, I had announced the formation of a new state of Uttaranchal. With regards to the formation of the State of Telengana , I had participated in a rally organized by Sri Chandrasekhar Rao and I publicly made an announcement as per recommendations of the States Reorganization Commission set up in the early 1950s. Even now I am of the same opinion.

H D Deva Gowda , Ex PM , 8th May 2005

6. I am aware of the background of this demand that has my full support. ..Over the years – ever since the Indira Gandhi era – I have felt that formation of this state would go a long way to end many agonies and sufferances of the people in this region and provide opportunities for their socio-economic development .

I K Gujral ,Ex PM, 24th May 2005

7. The NCP Working Committee resolved that the demand of the people of Telengana for a separate state is not a new or sudden development. It has been there for more than five decades. The grievances of the people of the region are real and their demand for a Telengana State is genuine. The NCP is, therefore, of the opinion that the state of Telengana should be created without further loss of time.

Sharad Parwar, President, NCP , 2nd May 2005

8. As already committed by us in the Common Minimum Programme, the Rastriya Janata Dal extends it full support for creating Telengana State. We earnest feel that the creation of Telengana State cannot be delayed any longer. The people of the region have been fighting for it for more than a half-a-century. It is a people's movement in real sense. This movement has always been solidly backed by every section of the people of the region. Intellectuals, government employees, students remained all though, as the backbone of the movement. And now, it has percolated down to the agrarian sector and the working classes.... The people of this region strongly feel and they have every reason to feel so - that they can no longer live in the integrated state of Andhra Pradesh with self respect and dignity.....The electoral verdict of 2004 is of great significance in this regard. The Congress Party forged an alliance with the Telengana Rashtra Samiti clearly assuring the people of the region that the state of Telengana will be carved out if they were voted back to power. On the other hand, the Telugu Desam Party in alliance with the Bharatiya Janata Party staked its claim clearly opposing the creation of Telengana and we have seen the result....There cannot be a clearer verdict than this in favor of creating a Telengana State. Any interpretation given the contrary to it will amount to subverting the people's verdict. In a democratic polity, we cannot escape from honoring the people's wishes. The Rashtriya Janata Dal , therefore wholeheartedly suggest that the State of Telengana be created without delaying it any longer.

Lalu Prasad, President, Rastriya Janata Dal , 20th May 2005

9. The Bahujan Samj Party welcomes the initiative taken to fulfilling the assurances given to the people of Telengana and wholeheartedly supports the formation of Telengana State. The demand of the people of Telengana for a separate state is not a new or sudden development. It has been there for the last five to six decades.... The UPA government has rightly taken up on its agenda the proposal for the formation of Telengana state. It is nearly one year since this promise was made to the people and should have been fulfilled by now. Any further delay in forming the State of Telengana will send wrong signals to the people. Therefore, the Bahujan Samaj Party suggests that the state of Telengana be formed very soon.

Km. Mayawati President, Bahujan Samaj Party, 8th May 2005

10. It would be in the fitness of things to recall that the merger of Telengana with Andhra to form the present state of Andhra Pradesh was done ignoring a categorical recommendation made by the States Reorganization Commission. It was also much against the wishes of the people of Telengana and contrary to the views of the tallest leaders of the time Pandit Jawaharlal Nehru....The merger of Telengana with Andhra was however, not unconditional. ...No less a person than Jawaharlal Nehru himself compared it to a matrimonial alliance with the provision of divorce.

The demand of the people of Telengana for a separate state has many dimensions – economic, political, cultural, linguistic, social and so on. Deprived of their legitimate share in the fruits of development, marginalized in the political process and administrative set up, looked down on the cultural and linguistic fronts, they feel that they have been reduced to a status of second rate citizens in their own homeland. In fact, it is not just a problem of economic development. It is essentially a problem involving self-respect of the people of the region...It is already one year since this promise was made and it is high time to redeem forth the assurance given to the people.

Prakash Singh Badal, President, Shiromani Akali Dal, 12th June 2005

11. I wish to convey to you on behalf of our Party that we support the demand for a separate Telengana State

George Fernandes, President, Janata Dal (United) , 5th July 2005

12. The People's Democratic Party categorically supports the formation of Telengana State which is just demand of the people of that region. We feel that this matter has already been delayed, even after attaining broad consensus among several political parties across the nation. Having promised to consider the demand of the people for the creation of a separate state , we cannot afford to delay it any further. Creating the state of Telengana forthwith would, therefore, be in the larger interests of ensuring political stability in that part of the country, in particular, and in the entire country in General.

Mahbooba Mufti, President , J&K People's Democratic Party

13. We had also backed the formation of separate Telengana, to be carved out of Andhra Pradesh and Vidharbha, to be formed out of Maharashtra. Indeed the formation of these (five) states was an important commitment in our party's election manifesto in 1998. A peculiar situation has arisen in the case of the demand for a separate Telengana, a demand which is as old as the formation of Andhra Pradesh in 1956. The BJP has backed this demand . However, we could not do anything in this regard since Telugu Desam , which supported the Vajpayee government between 1998-2004 was opposed to it. Since Telugu Desam was in power in Andhra Pradesh at the time there was no possibility of the AP Assembly passing a resolution in favour of Telengana . As soon as the Telugu Desam severed its ties with the BJP, our party has unequivocally reiterated our support to the formation of a separate Telengana .

L K Advani, Former Deputy Prime Minister and Home Minister

Minutes of the Meeting of Floor Leaders of the AP Legislative Assembly, 7th December 2009, 8 pm as faxed to the Home Minister, GoI

14. The representative of TDP has informed that the stand of TDP was made abundantly clear in their Election Manifesto of the 2009 Elections and that there was no change in the Party's professed stand. He categorically stated that if Government brings Resolution for separate Telengana, the TDP will support the Resolution

Telugu Desam Party

15. The representative of CPM has reported that their party has made their stand clear to the Committee headed by Mr Pranab Mukerjee.

Communist Party Marxist

16. Representative of Loksatta observed that the Congress Party has been keeping Telengana issue unsettled for 6 years. The Core Committee of Mr Pranab Mukerjee or the Committee under the Chairmanship of Mr Rosiah also has not given clarity to the issue..... He has informed that his party would support the Congress Party , if decisions are evolved carefully , keeping in mind the issues he has referred.

Lok Satta Party

17. The representative of the CPI has stated that their party has adopted a political resolution favoring Telengana in the National Conference held in Hyderabad.

Communist Party of India

18. The representative of the Praja Rajyam Party observed that even though Telengana issue is a complex one, yet his party would support the resolution for separate Telengana, if it is brought before the Assembly.

Praja Rajyam Party

19. The representative of TRS has observed that in view of the opinions/views communicated by all political parties to the Committee headed by Sri Pranab Mukharjee; as well as the unanimity that is obtaining today, the Telengana Resolution shall be introduced and be passed in the Assembly immediately.

Telengana Rashtra Samithi

20. The representative of the BJP exhorted that their National Executive in 2007 has categorically supported formation of separate Telengana State. Since the BJP is supporting this cause, Congress need not wait for securing support from other UPA partners , but go ahead with the passing of the bill in the Parliament as was done in the case of bill for revival of AP Legislative Council.

Bharatiya Janata Party

21. The representative of the MIM observed that as the Assembly is in Session , the proper forum to express his views is the floor of the house and suggested that such discussion may be taken in the current session of the Assembly.

Majlis Ittehad e- Musaleem

22. The representatives of the Congress Party has informed that since the Congress is a national party, the decisions are to be taken by the party's central leadership, as resolved in the CLP meeting of the Congress Party held today.

Congress Party

23. The Process of forming the state of Telengana will be initiated. An appropriate resolution will be moved in the State Assembly.

Home Minister of India, December 9, 2009

23. “Ek masoom bholi bhali ladki ko ek natkat ladke ke saat shaadi kiya jaa raha hai, chahe toh woh milke reh sakte hai ya bichad sakte hai”.

Jawaharlal Nehru, Prime Minister of India, 5th March 1956 at a Public Meeting in Nizamabad on announcing Telengana merger with Andhra to form Andhra Pradesh.

24. "Pandit Nehru ne vachan diya tha ki Telangana ka Andhra me vilaya ek prayog ke roop me hai aur agar ye asafal raha toh, Telangana ke log apna rajya alag se vapas maang sakte hain (Nehru during unification of Andhra Pradesh had promised merging of Telangana region with AP was only an experiment, and if it failed, Telangana people could reclaim the region),"

Senior BJP leader Sushma Swaraj told a rally on 23rd January 2010 quoting what **Jawaharlal Nehru** said on **AP Formation Day on 1st November 1956**

Epilogue

The allegations have now been loudly and openly voiced by Mr. Madhu Yakshi, Congress Senior Member of Parliament in the Conference of Telengana Congress MP's and MLA's on the influence of Andhra leaders who have bribed the Committee members with money deposited in Dubai Banks in the names of their relations.

Whatever the reasons why SKC has not considered important aspects of the Telengana case, the Report has become controversial as it is deeply flawed and hence treated with suspicion by the Telengana people

Sri Krishna's Leaks - The Story

By

Gautam Pingle

1492 words

The mystery of the Chapter 8 in the Sri Krishna Committee (SKC) Report has only partly been solved by Justice L Narasimha Reddy's path breaking judgment of 23rd March 2011. The Judgment reveals the whole sorry affair and comments adversely on the personalities concerned and procedure adopted to subvert its own Report by excluding a significant chapter for public scrutiny and discussions. Like an iceberg, which floats only 10% above the sea surface and has 90% hidden below the surface, the SKC Report has only the 10% showing in the public eye with 90% hidden like a thief in the night. As the extracts quoted in the Judgment indicate, most of that that 90% is now exposed not only to judicial scrutiny but also to public debate.

Yet the question is why? If the SKC felt as strong as the secret note implies, why did it not say so in the text openly and boldly? Why the patent dishonesty and lack of integrity in preparing a 505 page report? Is there a logical explanation for how it happened?

The probable story – and readers are reminded that this is only a possible explanation for the mess the SKC has created. It is not an excuse for what SKC has done - which is in excusable.

Justice Sri Krishna is reported to have told his Committee members and the extensive Committee staff that he is determined to complete and submit the report by the due date December 31, 2010. He seems to have been stung by criticism of the long period he took over the Mumbai riots. He also told them that if they cannot meet the deadline, they were to say so and he would write the report himself single-handed. Oh, how he must wish he had done that!

The Committee members and staff then allocated work amongst themselves and the hired consultants and others to write the rest and proceeded with the report writing.

As the report got drafted, each person's personal views entered into the exercise. Data was ignored, other data invented, facts recognized or forgotten etc. The Report became a set of chapters, each of which read idiosyncratically and revealed only the bias and view of its particular author rather than a combined, considered and careful view of the whole Committee. It is obvious that there has been no application of mind even in consolidating the Report and checking the numbers and other "facts"

Added to the confusion there was apparently some unofficial "consultants" who "helped" draft some of the chapters and provide data to justify the approach and results already determined before hand.

The Committee seems to have considered the entire report only on its 32nd meeting held on 29th December, 2010. At that stage three of the members (thought to be Justice Sri Krishna, Dr. Abusaleh Shariff and Prof. Dr. (Mrs.) Ravinder Kaur) objected to Chapter 8 as being not part of the Terms of Reference of the Committee - and likely to cause trouble. Apart from that they refused to accept the views expressed therein – views largely of V K Duggal, IAS (retired) former Home Secretary to Government of India, whose reputation – such as it - is well known in New Delhi circles. As a result and due to Duggal's insistence and his invocation of Home Minister Chidambaram's authority, they seem to have agreed to separate the Chapter and send it to the Home Ministry in a sealed cover with every page marked "secret". Compromise over principles has since got them into deep trouble as it will anybody foolish enough to do the same.

Thus Chapter 8 said

"A note on the above covering all aspects has been prepared and is being submitted to the Ministry of Home Affairs in a separate

cover along with this Report. The Committee has kept these dimensions in view while discussing various options included in Chapter 9 of the Report, i.e., “The Way Forward”. “

The Chapter then became a ‘note’ while the Report still called it a chapter. Thereafter, Duggal seems to have added a “supplementary note” telling the Gol how to handle the post-Report situation. He also recalled that he had conversations as early as September 2010 with the Home Minister, Chidambaram and Finance Minister, Pranab Mukherjee to appoint a Telangana man as CM which he said was “done”. This has reference to the rumor that Mr. Jaipal Reddy would come as CM - which due to his good political sense he did not accept the offer made. To quote:

“There is also a need for providing strong and firm political leadership and placement of representatives of Telangana in key positions (may be CM / Dy.CM (Since done. This aspect was discussed with FM & HM in September, 2010).”

This indicated that this part was written before November 25th 2010 when Kiran Kumar Reddy was appointed CM. Did Duggal forget to correct it or he had already sent the note by then? Another small mystery!

We now we need to consider what affect this unholy compromise of secreting Chapter 8 had on the SKC report itself.

First, due to multiple authors, unknown interventions, faulty and incorrect data, bad grammar etc., the Report was already flawed at birth. It is now obvious that it was set up to reverse the Government of India’s decision of 9th December 2009 to grant statehood to Telangana. Further the eleven-month exercise was meant to waste time and ensure that tempers and emotions die down in Telangana. This would allow the Government to do as its financial backers wanted, rather than fulfill the wishes of 40 million Telangana citizens to whom it had promised statehood. The Sri Krishna Committee Report, therefore, is misconceived, resulting in unnatural delivery and death at birth.

Second, since there was no overall editorial control, no one person was appointed to clean up the contradictions, inconsistencies etc. As Chairman, this would have been Justice Sri Krishna's job and he did not do it at all.

Third, though Chapter 8 became secret, the title page "Law & Order and Internal Security Implications" and 52 words were left to explain who wrote it and how it got there and where it was sent. This meant everyone knew there was a secret and where it was hidden!! The Report, and even Chapter 8 itself, said that Chapter 8 guided the SKC in its deliberations.

Fourth, the Report referred many times to the now secret Chapter. Moreover in referring to three Options, the SKC said Chapter 8 guided them. So the fundamental basis of the SKC Report was hidden from public view. The fat was in the fire and, as they say, "rest is history". The Judgment on the Writ Petition to force the Government of India to publish it, revealed the conspiracy for what it is. In the words of the Judge: "If one has any doubt about the hidden opposition of the Committee for formation of Telangana, that stands removed with this note."

Sixth, who takes the rap now? Duggal, Sri Krishna, and all the other three members have participated in an effort which is may be seen by some to amount a conspiracy to silence themselves or one of them (Duggal). They ended up awakening the consequence of the judiciary and consolidating the will of the Telengana people for separate state. This is historically the third attempt to trick and fool the Telangana people – first in 1956, then in 1969 and now. Third time unlucky should be the slogan now for the Seemandhra supporters.

What follows? What follows is that any further discussion on SKC is a joke and a farce. Will they discuss the secret Chapter 8? No self-respecting politician can participate in this black comedy of errors. It amounts to discussing a dead and rotting carcass. The only thing to do is to give it a decent burial – though some even think a charge of criminal conspiracy to deceive the citizens of India can be laid at the door of the SKC.

It is well that the SKC were not clever enough to simply delete the Chapter 8 altogether and erase references in the Report to it and keep mum. No one would have known and they would have got away with their trick played on the 40 million Telangana people and the billion or more Indian taxpayers. We must thank God that they are a foolish and incompetent lot – only to be pitied as they go down in history as the sorriest gang of “eminent” personalities.

For the country the only thing this SKC has done is to confirm the case for Telangana. This is the silver lining in the SKC dark cloud. Let us be satisfied that finally “*Satyam eva te*” and that always “*maunum satyam visistate*” (truth is superior to silence). And finally, a “hi-hip hooray” for the judiciary. May it always support the weak and stand for right – for it is all we have left.

SRIKRISHNA COMMITTEE
IGNORES
TELANGANA LANDLESS LABOURERS

By
Gautam Pingle

637 words

The Srikrishna Committee while speaking about the poorest of the poorer - the landless agricultural laborers - in Telangana - says the following:

On the other hand, the Telangana region is **experiencing a considerable erosion of relative income amongst the relatively poorer sections**, although the richest seem to have gained during the reference period. (p.107)

This analysis provides credence to the fact that **the most of the deprived communities in Telangana are facing hardship**. (p.108)

Such deepening inequity in Telangana can not only sustain the separatist agitation but it can also carry it further and increase its intensity. (p.119)

But, what is revealing is the fact that **considerably larger proportions have reported themselves as agricultural labourers in Telangana which has increased from 38% to 47%**, and in Rayalaseema this share has increased from 24% to 39%. In coastal Andhra region, the share of agricultural labour has increased only by about one percent. (p.101)

While the farmers in all regions have shown stable income or income which has hardly changed; **the real income of the agricultural wage labour has declined considerably in Telangana**, whereas it has increased considerably in coastal Andhra region (See Figure 2.39). (p.108)

However, while it refers one to charts etc, it does not deal in the text with the real figures – instead it hides them in the Appendix Volume. Here they are:

In Volume 2, Appendix Table 2-1 on page 121 , SKC the rural population in Telangana is 18.2 lakhs, in Rayalaseema 9 .0 lakhs and in Coastal Andhra 21.4 lakhs. Actually the figures are wrong- SKC missed decimal place! They are 182 lakhs for Telangana, 90 lakhs for Rayalaseema and 214 lakhs for Coastal Andhra- small mistake!!! Thus 47% of the rural population being agricultural laborers in Telangana means that nearly 85.5 lakhs are in this category. SKC admits that the **“real income of the agricultural wage labour has declined considerably in Telangana”** and refers us to another chart.

This Chart when closely examined indicates that in the decade between 1993-94 and 2004-05 this group of Telangana people (nearly 90 lakhs persons) **has seen a DECLINE of 35.9% in their income!!**

Over the same period, the 42.7 lakhs of the Rayalaseema group have suffered a real income decline of ONLY 6.7%. Wonder of wonders is that the same group in the Coastal Andhra over the same period – no figures are given by SKC for their numbers – but SKC says has ONLY increased by ONE percent and the real income of the whole group has INCREASED by a phenomenal 42.2%!!!

So while real income (i.e., purchasing power) of Telengana's worst placed economic group amounting to nearly ten million persons fell by 36% that of the same group over the same time in Coastal Andhra ROSE by 42%. Even trying to discount the deprivation in Telangana by comparing it with Rayalaseema (the SKC's standard method) does not work as the decline in Rayalaseema is one-fifth of that in Telangana

How does SKC explain it? They avoid it altogether and tell us stories of Telengana region GDP being great (Appendix 2.4 shows increases between 1993-94 and 2000-01 of 38%!), that the region is not backward (despite Government of India identifying 9 of the 10 Telangana districts for relief through the Backward Region Grants), irrigation increase is “whooping” (despite the fact that government irrigation acreage fell by 11 lakh acres) and crop productivity is as high or higher than in Andhra or Rayalaseema. Go tell all this to the ten million agricultural laborers whose real income fell by a third while their Andhra cousins saw an increase of 42%. No wonder their children are in revolt and their parents are solidly behind them and the cause for a Telangana state.

Who did SKC talk to when they wandered around Telangana? Not, apparently to landless agricultural laborers.

Introduction

The five member SriKrishna Committee (SKC) (“Committee for Consultations On the Situation in Andhra Pradesh”) under the Chairmanship of Mr Justice B. N .SriKrishna, former Judge of the Supreme Court of India was constituted by the Ministry of Home Affairs, to bring clarity to the Government of India, over the issue of separate statehood for the Telangana region of Andhra Pradesh.

The Government had earlier acceded to the All-Party request and support for such a separate state backed up by a unanimous resolution of the Legislature Congress Party leaving the decision to the central Government. However once that decision to accord statehood to Telangana was announced widespread agitation by the Andhra region resulted in a stay of execution and status quo was ordered pending the SriKrishna Committee ‘s report which was to take 11 months. That Report of 505 pages of the main Volume with another 183 pages of Appendix Volume has now been issued and this is an analysis and critique of it.

Part I. Honesty within Dishonesty: SKC makes the case for Telangana

palku rAvaNuDu teliya IEka pOye (Ravana, could not understand this truth.),
“Sarasa Saama Dhaana” by Saint Thyagaraja

The Sri Krishna Committee report is a product of eminent persons told to decide what in all honesty they could not; as a result they have concluded in confusion - which serves no one. Among 505 pages and 146,071 words, they had to say some honest things even then, which were obvious to all.

It is difficult for an ordinary person to obtain, let alone read with patience and understanding the Report. The following is a set of 25 extracts in inverted commas (with page references, important parts highlighted by me) from the Report which when placed in sequence. Readers need to understand that SKC was under extreme pressure to do the wrong thing and while so doing it still could not avoid stating the case for Telangana. It did leave out significant issues, which will be highlighted later, but what it said is enough to make a solid case for separation. Read on and decide for yourself!

Status Quo Opposed- Telangana Deprived

1. “Overall, in spite of 50 plus years of policy protected planning and execution, **one finds regional variations** in the economic development of AP” (p.118).
2. The SKC noted that the **Planning Commission notified as backward nine of the ten Telengana districts** – with the exception of Hyderabad and resources have been allocated under its Backward Region Grant Fund

(BRGF). These districts contain, as the SKC says, 87% of the population of Telengana (p.81)

3. Considering the allegation that ,“Telangana has low per capita income, lower access to employment, lower business opportunities and low access to education and so on”, SKC says, **“At the outset, some or all such allegations appear true when absolute amounts, numbers and percentages are reviewed”**(p.117).
4. (In Telangana the), “ net irrigation by canals has increased only slightly from about 1 lakh hectare to around 2.5 lakh hectares. **Tank irrigation has reduced from 4 lakh hectares in 1955-56 to around 2 lakh hectares at present.**” (p.189)
5. **“The implementation of G.O. 610 during 1985 to 2005 was, at best, tardy, which remains a grievance of Telangana employees.** This issue continues to be highly contentious even today (p.48).”
6. “However, the data received from the State Government shows (Appendix 3.16) that the combined amount released to government and aided colleges **together is Rs. 93 crores in Telangana while it is 224 crores in coastal Andhra (with college going population similar to that in Telangana) and 91 crores in Rayalaseema (with population share being less than half that in Telangana)**” (p.153)
7. **“The real income of the agricultural wage labourers has declined considerably in Telangana whereas it has increased considerably in coastal Andhra region. Similarly, the SCs, STs and minorities in Telangana region have suffered a decline in income during the past about decade or more, whereas these communities have gained substantially in coastal Andhra** (p.119).”

The Movement

8. “The present agitation, however, shows that the demand only lay dormant and could get re-ignited under specific circumstances. While the issue of rightful shares in public employment remains the key point of discord even in the current agitation, **a new turn has been given to the demand by Telangana region asserting that it has a separate cultural identity which is distinct from that of Andhra and Rayalaseema regions** (p.342).
9. **“The movement has also successfully performed the function of educating the people about Telangana’s grievances to the extent that even school children have now been made conversant with issues around the demand for a separate state.** Equally helpful to this cause have been NRI Telanganites (NRIs from the opposite side have participated by

opposing formation of Telangana) who are known to be supporting the movement in several ways and who have also represented to the Committee. **The present movement is considered to be much more extensive than the one in 1969 (which was mostly confined to urban locations),** a process in which modern technologies of communication and modern ways of conducting politics have surely helped” (p.352).

10. “While the JACs have sprung up in all the three regions, the most vibrant and numerous are in Telangana region with their reach going down to Mandal and even village level. **The JACs have successfully mobilized the common people who have articulated their particular interests through the movement**” (p.359).

Power Groups

11. **“The dominant upper castes, the Reddys, Kammas, Velamas and Kapus, continue to hold the reins of power in the state.** The Brahmins are much less influential politically due to smaller numbers; **however, coastal Andhra Brahmins played a historic role in forging a Telugu identity through their writings, eventually leading to the birth of Andhra state.** They were equally important in intellectual articulation of the cause of economically oppressed social groups and contributed to the extreme left movement to which major support was provided by coastal Kammas” (p.380).
12. **“The upper castes in Rayalaseema and coastal Andhra are vehemently against the idea of dividing the state; their greatest fear being the loss of Hyderabad.** The accommodation between these two regions has been in terms of **political domination by Rayalaseema and economic domination by coastal Andhra. Together the two regions have ruled the state through Congress and TDP political formations.** Telangana feels dominated by the upper castes of these regions and its struggle is primarily to shake off their yoke.” (p.390)
13. **“Large scale involvement of students including those from Dalits and Backward Castes in the current movement for Telangana seems to testify to this.** A large proportion of student leaders of the movement located in Osmania and Kakatiya Universities is known to be from Dalit/BC background. According to many sources, purported student suicides during the course of the agitation are also largely by Dalit and Backward Caste students”(p.163).
14. “The Madiga caste, which is predominant in Telangana and more numerous on the whole, has had less access to reservation benefits than the Malas who predominate in coastal Andhra. The former would certainly benefit from a separate Telangana but then their brethren in the coastal state would lose out without sub-categorisation. **The economic disaffection of SCs in**

Telangana versus their rapid strides in education form a potent mixture for agitation politics as is seen from the extensive participation of Dalit youth in the student movement. This is the very same constituency which may feel attracted towards and become co-opted by extreme left ideologies.” (p.415)

15. **“The Muslims in Telangana, contrary to common belief, are doing well on consumption (improvement by 76%) and poverty reduction levels (33 points)”** (p.363).
16. **“In 2007, literacy rates for the youth population aged 8-24 for SCs and Muslims in Telangana are ahead of or at par with those in the other two regions”** (p.131).
17. **“For example, it is possible that the ST community and the Muslims in AP may get a relatively better say in governance on separation in the state of Telangana”** (p.122).

Logic of the Movement

18. **“Although as a sub-regional movement, the Telangana movement does not pose a threat to national unity”** (p.344).
19. **“The Telangana movement can be interpreted as a desire for greater democracy and empowerment within a political unit.** As stated earlier, sub- regionalism is a movement, which is not necessarily primordial but is essentially modern – in the direction of a balanced and equitable modernization. **Our analysis shows that cutting across caste, religion, gender and other divisions, the Telangana movement brings a focus on the development of the region as a whole,** a focus on rights and access to regional resources and further, it pitches for a rights-based development perspective whereby groups and communities put forth their agendas within a larger vision of equitable development”(p.415).
20. **“However, given the long-standing history of the demand for a separate state, the deep penetration of the sense of grievance and the widespread emotion around the issue, unless genuine steps are taken to address both real and perceived disparities, the demand is unlikely to go away permanently even if it is subdued temporarily”** (p.417).
21. **“Thus, from the point of view of sheer size of economy, Telangana as a new state can sustain itself both with and without Hyderabad.** The other combination of regions – coastal Andhra and Rayalaseema together can also sustain themselves as a state; **in fact they can also sustain themselves separately”** (p.121).

Summing Up

22. "In view of the complex background of the situation and the rather serious and sensitive emotional aspects involved, **the Committee is of the unanimous view that it would not be practical to simply maintain the status quo in respect of the situation**" (p.442).
23. "Given the above first hand observations of the Committee during its tours of the regions, **the Committee feels that the issue of sentiment has to be considered only as one among several factors to be evaluated**. While not discounting people's wishes or sentiments, the overall implications of bifurcation (or trifurcation as the case may be) have to be carefully delineated to arrive at a responsible recommendation"(p.352-353).
24. "The Committee is of the view that given the long history of the demand for a separate Telangana, **the highly charged emotions at present and the likelihood of the agitation continuing in case the demand is not met** (unless handled deftly, tactfully and firmly as discussed under option six), consideration has to be given to this option. The grievances of the people of Telangana, such as non-implementation of some of the key decisions included in the Gentleman's Agreement (1956), certain amount of neglect in implementation of water and irrigation schemes, inadequate provision for education infrastructure (excluding Hyderabad), and the undue delay in the implementation of the Presidential order on public employment etc., have contributed to the felt psyche of discrimination and domination, with the issue attaining an emotional pitch. **The continuing demand, therefore, for a separate Telangana, the Committee felt, has some merit and is not entirely unjustified**" (p.453).
25. "Therefore, after taking into account all the pros and cons, the Committee did not think it to be the most preferred, but the second best option. **Separation is recommended only in case it is unavoidable** and if this decision can be reached amicably amongst all the three regions" (p.453).

Conclusion: What is "second best" for the Andhra is "first best " for Telangana!

Part II: Dishonesty

maunnat satyam vishishiyte (truth is superior to silence): Manu

Introduction

We have seen how honesty lies like a pearl in an oyster of 505 hard pages of the SKC Report. Now it is necessary to deal with the dishonesty of it all. This is not your ordinary lying that comes to any one of us. As these are eminent persons and assisted by a barrage of ex-civil servants of the rank of Chief Secretary to State Governments and Secretary and Additional Secretary to Government of India, it is more subtle. They do not tell lies – they suppress the truth.

Andhra State

First, the saga of the Andhra State is told as if the Andhras wanted separation only for “promoting their own distinct culture” (p.1). This is a travesty of the history of the more than 20-year struggle of the Andhras to come out from under the majority Tamil influence. They came out even when they had to face financial bankruptcy. The question for Andhra was how was it to survive. That solution then unfolds like a tragedy for Telangana.

SRC

Next, the SKC tells a devious tale of the SRC report, with selective quotations and extracts from it. Yet the SRC said many other things not quoted by SKC. Even Nehru’s objections to trifurcation of Hyderabad are not mentioned nor his support for a separate Telangana!

The SRC noted that Telengana was financially stable and viable while Andhra was not: “The existing Andhra State has faced a financial problem of some magnitude ever since it was crated and in comparison with Telengana the existing Andhra State has a low per capita revenue. Telengana, on the other hand, is much less likely to be faced with financial embarrassment”. (SRC, op.cit, para 376)

It stated Telengana’s fears: “The real fear of the people of Telengana is that if they join Andhra they will be unequally placed in relation to the people of Andhra and in this partnership the major partner will derive all the advantages immediately, while Telengana, itself may be converted into a colony by the enterprising coastal Andhra (SRC, op.cit, para. 378)

And it concluded: “After taking all these factors into consideration we have come to the conclusions that it will be in the interests of Andhra as well as Telengana, if

for the present, the Telengana area is to be constituted into a separate State, which may be known as the Hyderabad State” (SRC, op.cit, para 386)

Telangana Surpluses

SKC deals with the critical “Surpluses” issue in passing and only noted the appointment of Justice Bhargava who gave a figure of Rs 28 crores diverted from Telangana over 1956-68. No details of the estimation of Surpluses diverted from Telangana are given by SKC; no references to the earlier Kumar Lalit Report estimation of “surpluses” (Rs 38 crores). This after all was the crucial issue in the 1969 agitation. Neither did SKC refer to the figures of diversion over more recent years.

1969 Agitation and TPS

Then comes the unkindest cutoff all. The SKC Report says only this of the 1969 agitation: “The student agitation, as a result, passed in to the hands of the politicians demanding separate statehood, who formed themselves into what was called the “Telengana Praja Samithi”. The Samithi, thereafter, began to organize a planned agitation. The Government became tough with the agitating political leaders, while the agitation continued till November when there was a split in the Praja Samithi and slowly with the passage of time, normalcy returned to state”(p.33).

Notice the inverted commas around the TPS...”so called” it seems. This was a nationally recognized party that fought the 1971 Parliamentary Election and out of 12 seats in Telangana, contested 11 and won 10 – a score half of the 20 seats won by the BJP. “And slowly with passage of time” – forgotten is the TPS merger with Congress, P. V. Narasimha Rao as CM; all lost on (by?) SKC. The only other reference is: “On the political side, P.V. Narasimha Rao became the Chief Minister of Andhra Pradesh in September 1971, as the first Telanganite to assume the coveted office”(p.33). “PV” is not in fashion these days.

Unrecorded Deaths

As for the long agitation, the number of those killed in police firing, all that is old hat to SKC as “slowly, with passage of time, normalcy returned to the state” - normalcy but not to the mourning families whose children sacrificed themselves for ...what?

But this amnesia is not just because it was 40 years ago. See what they have to say about recent times: “between May 2004 and November 2005, Telangana reported 663 suicides while Rayalaseema reported 231 and coastal Andhra stood at 174 out of a total of 1068 reported suicides” (p.366). Just this many tragedies?

On an RTI application, the Government of AP confirmed 2,023 suicides in Telengana during 2005 of which it said 1,210 were “genuine”. If SKC can make a hash of such tragic voluntary deaths, what it could do with statistics is to be imagined.

Presidential Order and GO 610

As for the infamous GO 610 and its non-implementation, this is what SKC has to say about the all too revealing Grigliani Report; “The Girglani Commission submitted its final report on 30.9.2004 with 126 findings and suggested 35 remedial measures.” (p.47-48). It then devotes a whole chapter to the issue without once mentioning even one of the 126 findings and that the figure for Telengana share of government jobs misallocated to non-Telengana persons varies from 1,00,000 to 2,00,000. Total government jobs in the state are estimated at 12 lakhs, of which Telengana should get a share of at least 4 lakhs. A loss of one quarter to one half of its entitlement would impact not only on Telengana incomes but also in alienation that the usual confrontation with non-locals in government employment brings.

Irrigation

Now to irrigation - that critical subject for Telangana! SKC brought in an ex-Chairman of the Central Water Commission of the rank of additional Secretary to Government of India – a Dam person. CWC does not deal with small tanks or wells only dams. See what he has to say: “The Net Irrigated Area (NIA) in all the three regions of AP has increased over the years. In fact the NIA in Telangana has doubled (from 0.8 million hectares in 1956-60 to 1.7 million hectares to by 2006-09). Thus Telangana has experienced a **whopping** 113% increase; while coastal Andhra and Rayalaseema have experienced a much lower growth of NIA at 30% and 55% respectively. Telangana has experienced a remarkable increase in NIA after mid-1970s compared to the other two regions where there is a steady increase over time.” (p.88).

So what have you to bother about, all deprivation is ephemeral, product of diseased imagination. Hold on - when percentages are used, reach for your calculator. Farmers don’t deal in percentages they deal in acres and hectares irrigated. Where are those figures? SKC Report reports 100 pages later that: “Tank irrigation has reduced from 4 lakh hectares in 1955-56 to around 2 lakh hectares at present.” (p.189). My calculations (based on GoAP figures) are that during the 53 year period, 1956-2009, Telengana has lost 2.92 lakh hectares of tank irrigation. This implies a loss of nearly Rs. 30,000 crores in government investment in irrigation.

Tank irrigation was out of fashion as SKC seems to think: “A cause of concern is that surface water irrigation through tanks has declined significantly from over 64% in 1955-56 to just 12% in 2008-09 in Telangana. The trend is similar in

Rayalaseema with respect to decline in irrigation from surface/tanks.” But wait a minute – even this eminent expert has a problem: “The puzzle is in coastal Andhra, where the canal and tank irrigation has declined by about 10 percent, each over a period of 53 years” (p.89). What is the puzzle? The Government takes care to invest and repair the tanks and canals in Coastal Andhra and not in Telangana or Rayalaseema (where rain and Krishna water is scarce also)

Added to this is the loss of nearly 2 lakh hectares (or 5 lakh acres) of Telangana canal irrigation from the peak of 3,38,276 hectares in 1990-92 to a low of 1,16,203 hectares for 2004-05. The loss of another Rs. 20,000 crores of investment in this government irrigation is a major one

Thus despite the loss of 5 lakhs hectares of government irrigation in tanks and canals, “the net irrigation in Telangana has increased from about 7 lakh hectares in 1955-56 to around 18 lakh hectares in 2008-09.”(p.189). So Telangana is OK.

So how did the “whooping” increase come about? Thereby hangs another tale. This was due to Telangana farmers who invested their own money to increase well irrigation over the same period ten-fold from about 1.30 lakh hectares to nearly 13 lakh hectares (overtaking, by far, tank- and also canal irrigation) as the major contributory to Telangana irrigation. At a (estimated minimum) cost this was Rs 150,000 crores of farmer’s money. More than Jalayagnam!

Invidious Comparison

What is the trick SKC plays? Whenever Telangana is seen to be deprived, SKC compares it with Rayalaseema as if say you are better off without shoes because the other man has no legs! Then why not give Rayalaseema statehood also. They may be able to manage better on their own. That is only hinted at in SKC but not really addressed. Is Rayalaseema so desperate that it prefers to be a worse deprived region than Telangana by remaining in the unified state? Are they men or mice out there? Can they not stand on their own?

Summing Up

SRC tried to do both an honest and dishonest job at the same time .It admitted that the united state would not work as usual (Option 1). It played the fool with Options 2 to 4 and rejected them itself. It wants Option 6 – a united state with a Telangana Regional Committee, a River Water Development Board and Constitutional Amendment. This is history and it was a tragedy. The TRC was set up along with a similar one for Punjab by amending the Constitution. When the Punjab model did not work the state was separated. When the TRC was abolished we did not get a state. What was good for Punjab was not good for Telangana. Now SKC wants to repeat that history, now as a farce. What sort of eminence have these person exercised in such a crucial matter.

Part III. SKC did not consider at all: Views Across the National Political Spectrum on Telangana Statehood¹

These views were solicited in writing by the Pranab Mukherjee Committee set up in 2004 to consider demand for separate Telangana state. They were as follows:

1. The U.P.A. Government will consider the demand for 'formation of Telangana State' at an appropriate time after due consultations and consensus. **U.P.A. Common Minimum Programme adopted in 2004**

2. The UPA Government will consider the demand for the formation of a Telangana state at an appropriate time after due consultations. **President of India's Address to the Joint Session of Parliament, 7th June, 2004**

Responses of National Leaders to the UPA Sub Committee on Telangana Statehood – Chairman Pranab Mukherjee

3. The demand for Telangana state is a genuine demand emanating from the aspirations of the people.....It is my strong belief that Telangana has all the qualities that a self-sustaining state needs: economic viability, public support, unique cultural traditions optimum geographical size and relevant historical context...I, therefore, feel that this long standing people's demand should be considered at the earliest; so that further bickering could be avoided. **Chandrasekhar, Ex PM , 21st May 2005**

4. The UP Government made this promise nearly a year ago and has formed a sub-committee headed by Sri Pranab Mukherji for this purpose. It is high time that the assurances given to the people is fulfilled without any further loss of time. I am of the opinion that the demand of the people of Telangana for a separate state is genuine and needs to be considered at the earliest. I am confident you will do the needful. **V.P.Singh Ex PM, 25th May 2005 to Sonia Gandhi**

The consensus expressed in favor of formation of Telangana State is unique and unprecedented. It has, thereby, made the formation of the state an inescapable necessity for the UPA Government. Any delay in clinching the issue will not only cause erosion of credibility of the present Government but will also force the people of Telangana to go back to the agitation mode. I, therefore earnestly feel that steps should be taken to form the state of Telangana without any further loss of time. **V.P.Singh, Ex PM, 9th August 2006 to Sonia Gandhi**

¹ This data for this section as kindly provided by Mr M Narayan Reddy, former MP who has been of great support in this endeavor

5. In my speech of 15th August 1996, from Red Fort, as Prime Minister, I had announced the formation of a new state of Uttaranchal. With regards to the formation of the State of Telengana , I had participated in a rally organized by Sri Chandrasekhkar Rao and I publicly made an announcement as per recommendations of the States Reorganization Commission set up in the early 1950s. Even now I am of the same opinion. **H D Deva Gowda , Ex PM , 8th May 2005**

6. I am aware of the background of this demand that has my full support. ..Over the years – ever since the Indira Gandhi era – I have felt that formation of this state would go a long way to end many agonies and sufferances of the people in this region and provide opportunities for their socio-economic development . **I K Gujral ,Ex PM, 24th May 2005**

7. The NCP Working Committee resolved that the demand of the people of Telengana for a separate state is not a new or sudden development. It has been there for more than five decades. The grievances of the people of the region are real and their demand for a Telengana State is genuine. The NCP is, therefore, of the opinion that the state of Telengana should be created without further loss of time. **Sharad Parwar, President, NCP , 2nd May 2005**

8. As already committed by us in the Common Minimum Programme, the Rastriya Janata Dal extends it full support for creating Telengana State. We earnest feel that the creation of Telengana State cannot be delayed any longer. The people of the region have been fighting for it for more than a half-a-century. It is a people's movement in real sense. This movement has always been solidly backed by every section of the people of the region. Intellectuals, government employees, students remained all though, as the backbone of the movement. And now, it has percolated down to the agrarian sector and the working classes.... The people of this region strongly feel and they have every reason to feel so - that they can no longer live in the integrated state of Andhra Pradesh with self respect and dignity.....The electoral verdict of 2004 is of great significance in this regard. The Congress Party forged an alliance with the Telengana Rashtra Samiti clearly assuring the people of the region that the state of Telengana will be carved out if they were voted back to power. On the other hand, the Telugu Desam Party in alliance with the Bharatiya Janata Party staked its claim clearly opposing the creation of Telengana and we have seen the result....There cannot be a clearer verdict than this in favor of creating a Telengana State. Any interpretation given the contrary to it will amount to subverting the people's verdict. In a democratic polity, we cannot escape from honoring the people's wishes. The Rashtriya Janata Dal , therefore wholeheartedly suggest that the State of Telengana be created without delaying it any longer. **Lalu Prasad, President, Rastriya Janata Dal , 20th May 2005**

9. The Bahujan Samaj Party welcomes the initiative taken to fulfilling the assurances given to the people of Telengana and wholeheartedly supports the formation of Telengana State. The demand of the people of Telengana for a separate state is not a new or sudden development. It has been there for the last five to six decades.... The UPA government has rightly taken up on its agenda the proposal for the formation of Telengana state. It is nearly one year since this promise was made to the people and should have been fulfilled by now. Any further delay in forming the State of Telengana will send wrong signals to the people. Therefore, the Bahujan Samaj Party suggests that the state of Telengana be formed very soon. **Km. Mayawati President, Bahujan Samaj Party, 8th May 2005**

10. It would be in the fitness of things to recall that the merger of Telengana with Andhra to form the present state of Andhra Pradesh was done ignoring a categorical recommendation made by the States Reorganization Commission. It was also much against the wishes of the people of Telengana and contrary to the views of the tallest leaders of the time Pandit Jawaharlal Nehru....The merger of Telengana with Andhra was however, not unconditional. ...No less a person than Jawaharlal Nehru himself compared it to a matrimonial alliance with the provision of divorce.

The demand of the people of Telengana for a separate state has many dimensions – economic, political, cultural, linguistic, social and so on. Deprived of their legitimate share in the fruits of development, marginalized in the political process and administrative set up, looked down on the cultural and linguistic fronts, they feel that they have been reduced to a status of second rate citizens in their own homeland. In fact, it is not just a problem of economic development. It is essentially a problem involving self-respect of the people of the region...It is already one year since this promise was made and it is high time to redeem forth the assurance given to the people. **Prakash Singh Badal, President, Shiromani Akali Dal, 12th June 2005**

11. I wish to convey to you on behalf of our Party that we support the demand for a separate Telengana State.**George Fernandes, President, Janata Dal (United) , 5th July 2005**

12. The People's Democratic Party categorically supports the formation of Telengana State which is just demand of the people of that region. We feel that this matter has already been delayed, even after attaining broad consensus among several political parties across the nation. Having promised to consider the demand of the people for the creation of a separate state , we cannot afford to delay it any further. Creating the state of Telengana forthwith would, therefore, be in the larger interests of ensuring political stability in that part of the country, in particular, and in the entire country in General. **Mahbooba Mufti, President , J&K People's Democratic Party**

13. We had also backed the formation of separate Telengana, to be carved out of Andhra Pradesh and Vidharbha, to be formed out of Maharashtra. Indeed the formation of these (five) states was an important commitment in our party's election manifesto in 1998. A peculiar situation has arisen in the case of the demand for a separate Telengana, a demand which is as old as the formation of Andhra Pradesh in 1956. The BJP has backed this demand . However, we could not do anything in this regard since Telugu Desam , which supported the Vajpayee government between 1998-2004 was opposed to it. Since Telugu Desam was in power in Andhra Pradesh at the time there was no possibility of the AP Assembly passing a resolution in favour of Telengana . As soon as the Telugu Desam severed its ties with the BJP, our party has unequivocally reiterated our support to the formation of a separate Telengana. **L K Advani, Former Deputy Prime Minister and Home Minister**

Minutes of the Meeting of Floor Leaders of the AP Legislative Assembly

Again in 2009, as we have seen the views of the State level leadership was requested and they were as under as given by the **Minutes of the Meeting of Floor Leaders of the AP Legislative Assembly**, 7th December 2009, 8 pm as faxed to the Home Minister, Government of India and faxed by the Chief Minister of the State.

14. The representative of TDP has informed that the stand of TDP was made abundantly clear in their Election Manifesto of the 2009 Elections and that there was no change in the Party's professed stand. He categorically stated that if Government brings Resolution for separate Telengana, the TDP will support the Resolution. **Telugu Desam Party**

15. The representative of CPM has reported that their party has made their stand clear to the Committee headed by Mr Pranab Mukerjee. **Communist Party Marxist**

16. Representative of Loksatta observed that the Congress Party has been keeping Telengana issue unsettled for 6 years. The Core Committee of Mr Pranab Mukerjee or the Committee under the Chairmanship of Mr Rosiah also has not given clarity to the issue..... He has informed that his party would support the Congress Party , if decisions are evolved carefully , keeping in mind the issues he has referred. **Lok Satta Party**

17. The representative of the CPI has stated that their party has adopted a political resolution favoring Telengana in the National Conference held in Hyderabad. **Communist Party of India**

18. The representative of the Praja Rajyam Party observed that even though Telangana issue is a complex one, yet his party would support the resolution for separate Telangana, if it is brought before the Assembly. **Praja Rajyam Party**

19. The representative of TRS has observed that in view of the opinions/views communicated by all political parties to the Committee headed by Sri Pranab Mukharjee; as well as the unanimity that is obtaining today, the Telangana Resolution shall be introduced and be passed in the Assembly immediately. **Telangana Rashtra Samithi**

20. The representative of the BJP exhorted that their National Executive in 2007 has categorically supported formation of separate Telangana State. Since the BJP is supporting this cause, Congress need not wait for securing support from other UPA partners , but go ahead with the passing of the bill in the Parliament as was done in the case of bill for revival of AP Legislative Council. **Bharatiya Janata Party**

21. The representative of the MIM observed that as the Assembly is in Session , the proper forum to express his views is the floor of the house and suggested that such discussion may be taken in the current session of the Assembly. **Majlis Ittehad e- Musaleem**

22. The representatives of the Congress Party has informed that since the Congress is a national party, the decisions are to be taken by the party's central leadership, as resolved in the CLP meeting of the Congress Party held today. **Congress Party**

23. The Process of forming the state of Telangana will be initiated. An appropriate resolution will be moved in the State Assembly. **Home Minister of India, December 9, 2009**

24. On 5th March, 1956, Prime Minister Nehru declared at Bharat Sevak Samaj Conference at Nizamabad, that Government of India had decided to merge Telangana with Andhra State. Nehru made the following observation to pacify the people of Telangana, "*ek masoom ki bachchi (Telangana) ka, ek natkhat (Andhra) ke saath shadi ho raha hai. Kai din ke bad me ittefaq nahi hone ke vaje se talaq de sakthe hain*". (An innocent girl (Telangana) is married off to a delinquent (Andhra). If they are dissatisfied they could seek separation at a later date. **Jawaharlal Nehru, Prime Minister of India, 5th March 1956** (Indian Express 6-3-1956).

25. At the inauguration of the State of Andhra Pradesh Pandit Nehru at Hyderabad, observed as follows: "From this day Andhras are on trial regarding treatment of Telangana People. If people of Telangana are ill-treated then they will have the right to seek separation". **Jawaharlal Nehru, Prime Minister of India, 1 November, 1956.** (Deccan Chronicle 02-11-1956)

Part IV: SKC ignores Girglani Report Findings: A loss of Rs 45,000 crores

SriKrishna Committee (SKC) dealt superficially with many of the assurances given to Telangana intended to avoid unfairness and injustice to its people. The failure to protect Telangana jobs for locals has been the most important grievance of the Region. Yet the SKC has not gone into the matter despite the knowledge of a through going detailed exercise by J. M. Grigliani, IAS.

Girglani Report (One Man Commission)

J.M. Girglani Commission (2003) or the One Man Commission (OMC) was set up examine the non-implementation of the GO 610 which reserved government jobs in Telengana for locals. This GO 610 was issued ten years after the Presidential Order of 1975 and yet was not implemented even after two decades

The Girglani Commission revealed the current situation regarding these solemn assurances and guarantees agreed nearly three decades ago by all political forces in the State and Center in the shape of a Presidential Order of 1975 safeguarding Telengana interests.

We need to bear in mind that the Grigliani Report was commissioned by the TDP government and has been accepted by succeeding Congress Government. A House Committee of the Legislature and a Group of Ministers has extensively discussed it. There is, therefore, nothing controversial about it except the discoveries it has made and the revelations. None of these findings were taken into account by the SKC

Girglani set out 126 findings and 35 sets of remedial measures. Let us consider only a few of the 126 issues that he examined in light of the Presidential Order and the consequent GO 610.

Heads of Departments

The first is related to the exemption from the Presidential Order of the offices of the Heads of Department (HOD's) of 51 Departments in the State Government from the operation of the Order. The idea, sensibly, was that since the HOD's offices service the whole of the state their staffing would be statewide. As he writes:

“ Thus, the 51 Heads of Departments listed in the Annexure to G.O.P.No. 728 of 1- 11-1975, 54 in the Budget Manual, 66 in Financial Code and 78 in Fundamental Rules – got multiplied into 288 (Planning Department's List), 174 (Finance Department's List) and to 145 (GAD's List). Even the Heads of Projects are treated as HODs.... However, the Report has listed out 102 HOD offices that alone are legitimately entitled to exclusion

from localization of cadres under item (b) of Para 14 of the Presidential Order.” (See Chapter 1 in the Summary of the Report enclosed).

A Department can have only one single Head, while it may have many wings. Yet the Head of Wings were designated as Head of Departments -wings flew high, as it were, and became heads – an almost mythological exercise. The Departments of Irrigation, Roads and Building, Panchayat Raj Engineering, Health - all became, like Ravana, hydra headed. The Irrigation and Command Area Department even outdid Ravana with 16 Heads, while R&B has 5, and PR Engineering and Health 7 each!! In order to facilitate the posting of non-Telangana officers and staff, State Governments had opted to dismantle its command and control structure and set up multiple HODs. (Chapter 2)

Work Charged Establishment

This group largely consists of manual labour in a casual capacity without any tenure, perks and salaries of normal government employees. They are mainly employed in the Departments of Irrigation, Panchayat Raj and Road & Building. Their employment was exempted from the operation of the Presidential Order as they were temporarily employed and did not constitute a regular government cadre. (Chapter 7)

Yet the Girglani Commission recorded that the Irrigation Department regularized 17,161, Road & Building 5,984, Panchayat Raj 7,860 – a total of 40,870 who were non-local (i.e., not Telengana persons) in the Telengana region. They were given permanent government employment, circumventing the spirit of the Presidential Order. Girglani stated: “This was only the tip of the iceberg as many more non-locals were employed as Work Charged Employees in Departments which did not furnish figures to the Commission”. As Girglani says: “Such exclusion is even more unjustifiable. These have to be brought under the Local Cadres” (Chapter 7)

Gazetted Employees

The third is the exemption in the Presidential Order for Gazetted employees. This was neatly circumvented by including previously non-Gazetted posts in the gazette with or without changing the designations of the posts. Girliani stated: “Thus by this ingenious method the local candidates were deprived of the preferential treatment under the Presidential Order. By resorting to these methods the estimated number of posts that were Gazetted after 18.10.1975 (date of Order) cannot be less than a lakh of vacancies which otherwise would have been filled by local candidates.” (Chapter 8)

Part-time Junior Lecturers

The fourth is the elaborate and systematic procedure adopted in the polytechnics. Non-locals were appointed as part-time junior lecturers, though even these temporary jobs are direct appointments and are covered by the Presidential Order. Subsequently, the Order is again violated for the second time by regularizing these Part-time Junior lecturers. Thereafter, the regularized Part-time Junior lecturers were “transferred” to their “native districts” and given seniority as of a particular date instead of being put at the last rank thus disturbing the seniorities of those selected by the AP College Service Commission /AP Public Service Commission. (Chapter 16)

“Free Zone”

Lastly, there is the neat invention of a “Free Zone”. Girglani says,

“ There is no territorial stipulation for the organizations that are excluded from the Presidential Order. They may be located anywhere. It is just incidentally that they are located in the Hyderabad City Area, which gives us the impression that Hyderabad City is Free Zone. Therefore, the Hyderabad City or Hyderabad District should not be defined as a Zone VII or a Free Zone which is totally wrong... The Presidential Order does not mention Zone VII and therefore, there cannot be a separate cadre for Zone VII which does not exist.” (Chapter 10)

Girliani goes on and on about another 121 issues...the litany is endless, it seems.

The expressions used by this experienced administrator in this Report sums up the conduct of successive administrations over nearly 30 years:

- “ Government may devise some means by which the HOD's will cooperate in giving information required by the Commission in matters of deviations” (16.2.5)
- “Perhaps the government may also consider taking action against those who are responsible unless it has been permitted at the Government level itself.’ (16.15.4)

It is very obvious that such a blatant disregard of the Presidential Order over three decades and under different political administrations – even of different political parties - could not have been affected without the active connivance, ignorance, and initiative of the bureaucratic administration of the state. **Which brings us neatly to the point that in the two years that Girgliani worked on this job, only 52 Departments have responded to his requirement for data – so much for the writ of the Government!**

The refusal of nearly half the HOD's to provide data to the Commission appointed by the State government itself shows the level of utter disregard for the established law and its safeguards. Almost all HOD's are All-India Cadre officers with a responsibility to conduct the business of government as per the Constitution and in conformity to the law and regulations in force. As indicated generally by the Commission and in successive instances, senior All India Cadre officers would have to be party to decisions to violate the Presidential Order. If this could be done then, how is anyone to expect they will do better in any new scheme of guarantees even with Presidential Orders and Constitutional Amendments as before given as proposed under Option 6 – the best and first option of the SKC!

From the individual figures cited by Griglani, the overall figure of Telangana jobs lost to non-locals is a minimum of 150,000. Even at a modest annual salary of Rs 1 lakh per annum (averaged over the thirty year span of the job), this amounts to Rs 45,000 crores of income loss to Telangana people and undue gain to Andhras. Bearing in mind that these government jobs are entitled to pensions till the holder dies and then thereafter the widow getting her pension till she dies, the loss to Telangana is horrendous. The SKC ignored all this.

It is a matter of almost criminal negligence for the SKC to ignore the extraordinary findings of Girglani's hard work and analysis. It makes no sense for SKC to then go on and say:

“We, therefore, suggest that there is no real need to have any additional administrative instrumentalities for protection of persons belonging to Telangana region in public employment. However, existing safeguards should be implemented with renewed vigour.” (p.293)

If there was “no real need” then why should SKC recommend implementation with renewed vigour? The conclusion is that the SKC did not read nor let alone want to understand the Girglani (OMC) report at all. SKC ignored this basic document without analyzing its findings - for if it did, it would come to the conclusion that it would be impossible to maintain further safeguards in a united state dominated by Andhra politicians and bureaucrats.

Part V: WHO IS BACKWARD –TELANGANA OR SRIKRISHNA?

Introduction

It is never a nice thing to be called “backward”. In my school days, a student who was called “backward” was one who could not keep pace with either the curriculum or the rest of the students. Next year, he (mine was a boys-only school) would have been kept back in class to repeat the curriculum and to find his true and comfortable place. But let that pass - today being Backward is something else and now allows you to fight for double promotion. And woe is it to them who suggest that he take a back seat where he belongs.

But the SriKrishna Committee (SKC) thought that Telangana deserves a double – maybe even a triple – promotion. So it declared that Telangana was not only NOT “backward” but also in fact better than Rayalaseema!

Government of India’s Views and Actions

Parliament was told that 9 out of 10 Telangana districts were included in the under ‘Backward Regions Grant Fund (BRGF)’ initiated in 2006-07 to address the problem of regional imbalances. In his written reply to a question in the Lok Sabha today, Minister of State for Rural Development, Pradeep Jain Aditya put by Mr Suresh K. Taware, said regional imbalances result from varying factors such as “differences in resource endowment, geographical and historical characteristics and also availability of infrastructure”.

But SKC wrote in their report that:

“The Government of India undertakes a review of the development of districts across India on a regular basis. The intention is to identify the most backward districts and infuse additional funds so as to make the backward districts catch up with other progressive areas across India. The National Planning Commission identifies such districts under the Backward Region Grant Fund (BRGF) scheme:

.....The backwardness of a district is normally defined using three main parameters; ‘value of output per agriculture worker’, ‘agriculture wage rate’ and ‘percentage of SC/ST population’ of the district.

Another factor considered as a special case is the presence of left wing extremism. For example, five districts in Andhra Pradesh namely Nizamabad, Karimnagar, Medak, Khammam and Nalgonda, which are all from Telangana region, are included in the RSVY on the recommendation of the Ministry of Home Affairs. These left wing affected districts constitute 46 % population of Telangana (including Hyderabad) and about 19 % of the population of Andhra Pradesh. On the basis of other backwardness characteristics, four districts from Telangana, three from Rayalaseema

and one from coastal Andhra are listed under BRGF. The BRGF population covered due to backwardness works out to be 41% (including Hyderabad) in Telangana, 74% in Rayalaseema and only 7% in coastal Andhra.

Of the total 87% population covered by BRGF in Telangana, 46 % is covered under extremist affected districts selection criteria. Thus, a large percentage of population from Rayalaseema, relatively smaller percentage from Telangana and very small percentage from coastal Andhra were backward as per the BRGF backwardness identification criteria. Hence, the argument extended by some political parties and civil society groups from Telangana region does not get support from this analysis of the BRGF” (Emphasis mine) p.81-82

SKC reports that: “Being the most backward region of the state, Rayalaseema is apprehensive of its fate in case an autonomous Telangana state is formed. The sentiment in this region, therefore, has been vehemently against the division of the state”(p.353). What is with Rayalaseema – if it is more backward it should want to separate and stand on its own feet – not live off other regions. What happened to the successors of those great leaders who had to be persuaded to sign the Sri Bagh Pact with false assurances from their Coastal cousins!

This a devious and dishonest attempt of SKC to twist what the Government of India, Planning Commission and the Ministry of Panchayati Raj have stated clearly. SKC is trying to convince its readers that Telangana was not backward by playing around with words that are not on record and which make no sense. Even the expression “Backward Regions” is part of the title of the Central Scheme. Even by their logic “value of output per agriculture worker”, ‘agriculture wage rate’” are clear enough indicators of backwardness.

Anyway, SKC is trying to convince by this devious and dishonest argument is that out of the 9 districts – 4 (Nizamabad, Karimnagar, Medak, Khammam and Nalgonda) are not backward but Naxalite infected. So only 5 districts are truly backward and these districts contain only 46 % of the population but agree that if the other 4 are included, the population living in backward districts is 87%! Only the Hyderabad district is forward!!

Backward Regions Grant Fund (BRGF)

But unfortunately despite all the twists and turns of the SKC argument *satyam eva jayate*. This is what Planning Commission has to say about RSVY and BRGF:

7.1.28. The development of backward regions has been a major concern of planners in India. However, prior to the Tenth Plan, the issue of development of backward areas was approached as primarily one of

development of StatesThe emphasis was on backwardness in terms of economic performance, though the impact of historical and social factors in economic matters was also recognized....

7.1.29. The Mid-Term Appraisal of the Ninth Plan showed that despite these efforts, one of the most serious problems facing the country was the wide disparity and regional imbalances between States, and within a State between districts. It was these pockets of high poverty, low growth and poor governance that were slowing down the growth and development of the country. In the Tenth Plan, it was decided to have a new approach to target these areas through a specific programme for Backward Areas, and the Rashtriya Sam Vikas Yojana (RSVY) was introduced in 2003–04. (Emphasis mine) 11th Plan Document, Volume 1, pp.144-145

So much for RSVY!

The Ministry of Panchayati Raj administers the BRGF, as the idea is to leapfrog state capitals and send the funds directly to the Panchayats in the Backward Regions. Obviously the Center does not trust the States to distribute the funds to those areas most in need! The Ministry says:

1.1. The Backward Regions Grant Fund (BRGF) is designed to redress regional imbalances in development. The fund aims to supplement and converge existing developmental inflows into identified districts,

1.3. The Backward Regions Grant Fund (BRGF) represents a novel approach towards tackling chronic regional backwardness by entrusting a central role in planning and implementation of the programme to Panchayats in rural areas, municipalities in urban areas and District Planning Committees (DPCs) at the district level to consolidate Panchayat and Municipality plans into the district plan” (emphasis mine) “Handbook on monitoring of the Backward Regions Grant Fund”, p.1

So it will be seen that that the BRGF is a fund for helping “pockets of high poverty, low growth and poor governance”, where “backwardness in terms of economic performance, though the impact of historical and social factors in economic matters was also recognized” and intended to rectify “the wide disparity and regional imbalances by a “novel approach towards tackling chronic regional backwardness”

Conclusion

What SKC has tried to prove by ingenious twists and turns, is that what is real is only a mirage! SKC is the mirage and which has kept Telangana occupied for a year and wasted precious time, which was needed to accelerate development of this Region. SKC has only succeeded in making a fool of itself, when it wanted to fool Telangana.

Part VI: SRIKRISHNA COMMITEE IGNORES VIOLATION OF TELENGANA TRIBAL LAND RIGHTS BY “ANDHRA SETTLERS”

“There were two dangers to which subjection to normal laws would have specially exposed these peoples, and both arose out of the fact that they were primitive people, simple, unsophisticated and frequently improvident. There was a risk of their agricultural land passing to the more civilized section of the population, and the occupation of the tribals was the most part agricultural; and, secondly they were likely to get into the “wiles of the moneylenders”. The primary aim of Government policy then was to protect them from these two dangers and preserve their tribal customs; and this was achieved by prescribing special procedures applicable to these backward areas.” Simon Commission Report, quoted in *Samatha vs. State of Andhra Pradesh*, Supreme Court of India (K. Ramaswamy, S. Saghir Ahmad, G.B. Pattanaik JJ) 11.07.1997, para 16

Introduction

The Nizam's government in Hyderabad State recognized the issue of tribal land rights and the protection they needed from exploitation by non-tribals. The Tribal Areas Regulation, 1356-Fasli (1948 AD) and the Hyderabad Tribal Areas Regulation, (Regulation No. III of 1359F –1951 AD) was in force to restrict transfer of land in Scheduled/Notified areas.

Tribals were also given patta for the land they cultivated and this ensured protection by law. In the case of one district, Prof Christoph von Furer-Haimendorf, Advisor on Tribal Affairs, HEH the Nizam's Government of Hyderabad State, reported:

Despite all such obstacles the allocation of land to the tribals of Adilabad, which began in 1944, made good progress. By 1945 a total of 45,417 acres of land had been granted to 3,144 tribals, and by 1949 the amount of land assigned on patta to tribals had risen to 160,000 acres and the numbers of beneficiaries to 11,198. The work continued until about 85 per cent of the tribal householders of Adilabad adequate holdings of cultivable land." (Quoted in the Samata Judgment, para 20)

Nonetheless, the Nizam's government in Hyderabad State recognized the issue of tribal land rights and the protection they needed from exploitation by non-tribals. The Tribal Areas Regulation, 1356-Fasli (1948 AD) and the Hyderabad Tribal Areas Regulation, (Regulation No. III of 1359F –1951 AD) was in force to restrict transfer of land in Scheduled/Notified areas

Even under the British Raj, protection of tribal land from non-tribal acquisition was important. This was continued in the Constitution adopted for the independent Republic of India.

The Constitutional Position

The President, by the Scheduled Areas (Part 'B' States) Order, 1950, which became effective from December 7, 1950, exercised the power declaring certain specified areas as Scheduled Areas in Part 'B' States including the State of Hyderabad (Adilabad, Karimnagar, Nizamabad, Warangal, Khammam, Mehboob Nagar Districts).

The Fifth Schedule enjoins that the Governor of each State, having Scheduled Areas therein, shall report to the President regarding the administration of the Scheduled Areas in that State. Special power has been conferred to prohibit or to restrict the transfer of land by or among members of the Scheduled Tribes in such area and to regulate the allotment of land to members of the Scheduled Tribes in such area and to regulate money lending to the tribals in the Scheduled Area.

Andhra Pradesh and Telengana

The main statute governing tribal land and provision of safeguards in Schedule V Areas is: **Andhra Pradesh Scheduled Areas Land Transfer Regulation (LTR), 1959 (Regulation No:1 of 1959)** as amended in 1970, 1971 and 1978 and the Rules framed under this Regulation in 1969

In Telangana area of the State of Andhra Pradesh, prior to the Regulation and pursuant to Part B State Regulation in Fifth Schedule, the AP Tribal Area Regulation, III of 1359 F promulgated by the Nizam, as Raj Pramukh, of Hyderabad was in effect.

The Regulation came into force on March 4, 1959 in Andhra Pradesh area and in Telangana area with effect from December 1, 1963. Prior to this, the law in Telangana area was in operation prohibiting any transfer of agricultural lands without prior permission. The non-tribals in the Schedule V Area were presumed to have acquired title from tribals unless they are able to prove to the contrary that their possession of properties in the Agency tracts was lawfully acquired.

Situation on the Ground

However, with merger with Andhra there was a considerable influx of “Andhra settlers” from high-density populated areas into low-density populated regions, especially the tribal areas. Since most of the tribal areas were in the Godavari river valley and were very fertile, the influx from the Coastal Andhra areas proceeded upwards along the river in the Telengana districts of Khammam, Warangal and Karimnagar. The Coastal Andhra “settlers” were attracted by the black cotton soils with potential to grow cotton, chilli, tobacco and other cash crops in the cultivation of which they had considerable experience and for which there was a ready commercial market in the Coastal Andhra

The influx became widespread and, finally, with the intervention of the Supreme Court in the 1995 Samata judgment, the situation needed assessment. This three-bench Samata judgment cleared all legal controversy regarding the protection of tribal land and removed any ambiguity that governments had exploited earlier.

The Government of Andhra Pradesh (GoAP), commissioned J.M.Girglani IAS (retd.) to study the issue of Telengana Tribal Land rights. He presented the "Report of Tribal Land issues in the Telengana Area". This report is dated August 16, 2005.

It indicated widespread violations of tribal rights, which had been guaranteed by the Constitution and were supposed to be monitored by the Governor of the State (who has to submit an Annual Report to the President on Schedule V Areas). These violations have been going on for at least 53 years and largely by "settlers" from outside the region

As can be seen the LTR was issued in 1959 just after the merger of the Telengana with Andhra State with the avowed purpose of protecting Telengana tribal rights from the expected influx of settlers from the Andhra area. However, it will be noted that the Rules, which are the operative part of any statute, were not issued till 1969 - ten years after the basic law – and mainly due to the Telengana Agitation of that year! The Government issued GO Ms 971, dated 7.10.69, which prohibited assignment of Government Land in Scheduled Areas to non-tribals.

Subsequent to this, to favor non-tribals and in relaxation of GO Ms 971, three other Government Orders were issued, which in due course were struck down by the High Court as *ultra vires* the Constitution. This indicates the motives behind the issuance of the LTR, the non-issuance of operative Rules, the subsequent ameliorative GO's and violations despite these Rules and Regulations as detailed below from extracts of the Telengana Tribal Lands report

Main Points

1. The Report states (p.5) "In Govindrao Mandal, in almost all the villages, the land is under cultivation by non-tribals. 75% of the population is also non-tribal. Most of the non-tribals are not originally from these villages but are 'settlers' from Coastal districts. It is stated that the process started before the 1950's....The major thrust of infiltration and "detribalisation" has been during the last ten years. This influx of non-tribals has resulted in tribals leaving these villages...the land occupied by the non-tribals are not only patta lands but also government lands"

2. It further states (p.8) that: “ Like Govindrao Mandal, in Mulug Mandal there is an influx of “settlers”, on the invitation of non-tribals who are originally not inhabitants of this Mandal. The influx is still continuing. A large extent of the land occupied by non-tribal ‘settlers’ is government land. They are not evicted; but pattas have not been granted either to them or to tribals. There are 2,000 acres of Land Ceiling surplus land of which 1,200 odd acres are under occupation of non-tribals. The restoration orders have been issued under LTR for 350 acres. The orders are not being implemented since 1980 due to “non-tribal resistance””
3. Again (p.10), it states: “In Narsingpet Mandal, one of the Scheduled villages has 2400 acres of Government land of which 1700 acres are assigned to tribals as well as non-tribals. Lambadas and non-tribals have come to the village in large numbers. The Koyas have therefore vacated the village. ...The assignment of government land to the extent of 1,700 acres to non-tribals is in violation of the LTR”
4. It details (p. 15) the extent to which non-tribal settlers will go to protect their illegal possession of tribal land: “In Kothaguda Village there are 21,000 acres (worth about Rs 110 cores ate the minimum value of Rs 50,000 (per acre) of Billa number lands. A Billa number is a large part of surveyed land that has been left without numbering for whatever reason mainly because at the time of the survey, it was not cultivated though cultivable. In course of time, these unnumbered surveyed lands got occupied by enterprising non-tribals, who brought them under the plough or acquired them informally from tribals, who had started cultivating them. In 1993, the land was surveyed by Assistant Director, Palvancha. In 2002, the MRO’s office was blasted and the Survey records were destroyed. “
5. Also: “In Medapllai Village, the Billa no: is 536 acres. Of these 50% Maktadar’s portion admeasuring 180 acres was declared as surplus land under the Land ceiling Act. Out of these 90 acres are under submersion and another 90 acres under non-tribal occupation, the Village has no tribal population. (p.15)
6. Bhadrachalam village was notified under Schedule V. It later became a municipality. However, the Schedule V status does not alter because of this change as Schedule V specifically carefully excluded Hyderabad as well as major Panchayat towns for its ambit. On page 31 the report states: “ ..a staggering Rs 10,000 crores of worth of government and tribal lands are in the hands of non-tribals in the town for nothing except what may be called authorities turning the Nelson’s eye for over one or two decades” (p.31)

7. Apart for the lands of owned by tribals and government, even sacred temple lands – that too, of a great temple like Bhadrachalam, were not left alone. The Report states:

“ As mentioned above, the current market value of land in Bhadrachalam town is around Rs 4000 per sq yard. ...**the total value of the Endowments lands under encroachment and held in violation of the LTR can thus be estimated at Rs 500-1000 crores , by conservative estimates**(emphasis in original). (p.33)

8. The Government issued GO Ms 971, dated 7.10.69, which prohibited assignment of Government Land in Scheduled Areas to non-tribals. Thereafter, it issued a three GO's: GO. Ms 41 Revenue dated 12.10.71; GO Ms. 951 dated 4.12.1974 and GO MS 129, dated 13.08.79, which amended the GO MS 971 and, according to the Report “ which were intended to benefit non-tribals and protect them against the operation of the LTR.” (p.40).
9. “The High Court struck down these GO's, but in spite of these clear judgments striking down ALL these three GO's, strangely in all the Mandals of all the three districts , Warangal, Karimnagar and Adilabad, certain lands occupied by non-tribals were identified under GO Ms 41 and excluded from any action for eviction. There is no clear explanation as to why protection was given to the non-tribals under GO Ms 41 Revenue alone, among all the other GO's struck down by the High Court....When a GO is struck down by the High Court , it becomes in operative, null and void and it cannot be treated as valid....Whether it indicates a deliberate conspiracy or collective naivety or a convenient alibi to avoid taking action, or, to be charitable compassion for the poor occupants (presuming that they are poor which is doubtful. They are powerful), or that eviction may have the unpredictable fall out for the concerned officials, it is totally indefensible.” (p.41) (emphasis in original)

To sum up, the Report stated (page 23):

“Incredibly vast areas, in some case while villages and at least one whole Mandal and 70% of the lands in another Mandal are under occupation by non-tribals. If that had been the position 50 years ago, the villages would not have found place in Schedule V, inclusion in which is based on tribal population and land under their occupation. Their protection in their habitat and protection of their occupation is the very raison d'être of Schedule V. Inclusion of an area under Schedule V therefore is by itself sufficient evidence that most of the land is under tribal occupation. That much of it has gone into the hands of non-tribals shows that it has passed off illegally. The presumption in the LTR to this effect is also based on this premise. In this context, to assume that the lands held by the non-tribals are under 50 year old pattas or pre-1970 or pre-1959 pattas is a

rationalization of the administrative system's incapacity to cope with the magnitude of the problem, of putting every case under scrutiny under LTR."

Conclusion

And the Report goes on to detail case after case in Adilabad, Warangal and Khammam districts, which make for painful and sad reading. This will be obvious by just reading the above extracts, and confirmed by a reading of the whole 80-page report.

Yet the SriKrishna Committee, who has access to this extraordinary report as well as submissions based on it, has chosen to ignore the whole sorry situation of tribal dispossession. It dealt with the Tribal issue as a demand for a Tribal state ("Manyas seema" or a Dandakaranya State") based on deprivation of their culture, habits, languages, jobs and sentiment (but not land). This was aimed at countering the issue of the Telangana State issue. The tribal state contemplated by some of the tribal leaders envisages a state carved out of nearly three or four states and has no relevance to the deprivation of the Telangana tribal land by the "Andhra settler" influx.

SKC was criminally remiss in ignoring what "Andhra settlers" had done to the tribals of Telangana. Instead SKC said in case Telangana state is formed, "settlers" property should be protected. This means that according to SKC these illegal lands acquired from tribals the Telangana state should allow these lands to be retained by the non-tribals. All this shows how little application of mind SKC brought to the pressing problems of Telangana.

Thus is a wonder that despite the facts SKC ignored the tribal land issue - it talked about everything except land! It concluded that: "Thus Telangana has a higher proportion of tribal communities and both Adivasi and other tribal groups have expressed strong opinions on the demand for Telangana." (p.372). But on the next pages it says: "As discussed in detail later in this section, Adivasis residing in districts of Telangana prefer to remain in united Andhra or have their own state of Manyas Seema". (p.373). Each page seems to have been written by a different person!! The SKC Report is a confusion of a defense of vested interests of "Andhra settlers" by ill-organized minds and ill-intentioned persons

A separate Telangana State would be the main bulwark of the tribal population and would rectify and correct the injustices done to the tribal populations by the GoAP and "Andhra settlers".

Part VII : SRIKRISHNA COMMITTEE IGNORES TELANGANA LANDLESS LABOURERS

The Srikrishna Committee while speaking about the poorest of the poorer - the landless agricultural laborers - in Telangana - says the following:

On the other hand, the Telangana region is **experiencing a considerable erosion of relative income amongst the relatively poorer sections**, although the richest seem to have gained during the reference period. (p.107)

This analysis provides credence to the fact that **the most of the deprived communities in Telangana are facing hardship**. (p.108)

Such deepening inequities in Telangana can not only sustain the separatist agitation but it can also carry it further and increase its intensity. (p.119)

But, what is revealing is the fact that **considerably larger proportions have reported themselves as agricultural labourers in Telangana, which has increased from 38% to 47%**, and in Rayalaseema this share has increased from 24% to 39%. In coastal Andhra region, the share of agricultural labour has increased only by about one percent (p.101).

While the farmers in all regions have shown stable income or income which has hardly changed; **the real income of the agricultural wage labour has declined considerably in Telangana**, whereas it has increased considerably in coastal Andhra region (See Figure 2.39). (p.108)

However, while it refers one to charts etc, it does not deal in the text with the real figures – instead it hides them in the Appendix Volume. Here they are:

In Volume 2, Appendix Table 2-1 on page 121, SKC the rural population in Telangana is 18.2 lakhs, in Rayalaseema 9 .0 lakhs and in Coastal Andhra 21.4 lakhs. Actually the figures are wrong - SKC missed a decimal place! They are 182 lakhs for Telangana, 90 lakhs for Rayalaseema and 214 lakhs for Coastal Andhra - small mistake!!! Thus 47% of the rural population being agricultural laborers in Telangana means that nearly 85.5 lakhs are in this category. SKC admits that the **“real income of the agricultural wage labour has declined considerably in Telangana”** and refers us to another chart.

This Chart when closely examined indicates that in the decade between 1993-94 and 2004-05 this group of Telangana people (nearly 90 lakhs persons) **has seen a DECLINE of 35.9% in their income!!**

Over the same period, the 42.7 lakhs of the Rayalaseema group have suffered a real income decline of ONLY 6.7%. Wonder of wonders is that the same group in the Coastal Andhra over the same period – no figures are given by SKC for their numbers – but SKC says has ONLY increased by ONE percent in size. **However, the real income of the whole group in Coastal Andhra has INCREASED by a phenomenal 42.2%!!!**

So while real income (i.e., purchasing power) of Telangana's worst placed economic group amounting to nearly ten million persons fell by 36% that of the same group over the same time in Coastal Andhra ROSE by 42%. Even trying to discount the deprivation in Telangana by comparing it with Rayalaseema (the SKC's standard method) does not work, as the decline in Rayalaseema is one-fifth of that in Telangana

NREGS Data

The SKC toys with the idea of using the National Employment Guarantee Scheme (NREGS) operations to see if Telangana is really backward as it tends to believe it is not. So when they examined the figures they found:

It is clear from Figure 2.16 that **NREGA implementation is relatively better in Telangana compared with coastal Andhra. The number of job cards issued, wage employment provided and also expenditures is considerably higher than the share in rural population in case of Telangana and Rayalaseema.** Whereas these shares are considerably lower in coastal Andhra. (p.82)

Obviously if the real wage rate in Telangana has fallen by 36% in the previous decade compared to a negligible fall in Rayalaseema and a 42% INCREASE in Coastal Andhra, more Telangana agricultural labourers will naturally opt for NREGS wage work. In Coastal Andhra with wages higher than NREGS wages it is surprising that even that much of "progress" there is in NREGS – this could have other implications.

This shows up clearly when you examine the total number of individuals included in the NREGS job cards since inception of the Scheme: for Telangana there are 122 lakh persons, for Rayalaseema 60 lakhs and for Coastal Andhra 101 lakhs. This clearly indicates the extent of distress in both Telangana and Rayalaseema. See (<http://www.nrega.ap.gov.in/Nregs/FrontServlet?requestType=NewReportsRH&actionVal=Abstract>)

How does SKC explain all this? They avoid it altogether and tell us stories of Telangana region GDP being great (Appendix 2.4 shows increases between 1993-94 and 2000-01 of 38%!), that the region is not backward (despite Government of India identifying 9 of the 10 Telangana districts for relief through the Backward Region Grants), irrigation increase is "whooping" (despite the fact

that government irrigation acreage fell by 11 lakh acres) and crop productivity is as high or higher than in Andhra or Rayalaseema. They should tell all this to the ten million agricultural laborers whose real income fell by a third while their Andhra cousins saw an increase of 42%. No wonder their children are in revolt and their parents are solidly behind them and the cause for a Telangana state.

Who did SKC talk to when they wandered around Telangana? Not, apparently to landless agricultural laborers or NREGS beneficiaries!

Data Sought and Hidden

As reported in the Deccan Chronicle on April 24th, 2010 that:

The committee sought the district-wise data of fund flow and expenditure pattern since inception of Andhra Pradesh in 1956. The state officials, however, offered data pertaining to last 10-12 years. Incidentally, the successive governments have been spending funds in Telangana region higher than the two other regions in the past 15 years in view of the revival of the T struggle.

“The Accountant General and State treasury officials informed the member that the data could be available from the year of computerisation 10-12 years ago,” a senior official said. Dr Shareef, however, wanted the officials to give as much data as possible and make extra efforts to collect old data.

Dr Shareef handed over a seven-page proforma seeking details of district-wise expenditure in social sector, land development, irrigation, pachayats and urban development, plan and non-plan expenditure, revenue from taxes, land revenue, central grants and state government and cultivable area.

With the bifurcation issue largely revolving around the state capital, the panel wanted the data of Hyderabad to be separated in the revenue and expenditure. (<http://www.deccanchronicle.com/hyderabad/srikrishna-panel-fails-get-economic-data-767>)

Where is this data and why did SKC not use or even refer to it after it was so laboriously collected over nine months by the State Government through its District Pay and Accounts Offices which maintain a manual record for the last 54 years expenditure and revenue?

Missing Chapter

In the SKC Main Report, Chapter 8, entitled “Law and Order and Internal Security Dimensions” exists on only one page – page 423. That says just this:

8.1.01 During the Committee’s tenure, immediate law and order problems, and also the long-term internal security implications, including the growth of Maoist/Naxal activities were examined. These apprehensions had been expressed in the memoranda submitted by the Political Parties and various other groups, and also during interactions with different stake holders at the State level meetings as well as when the Committee visited the districts and villages.

Besides, the Member Secretary had one to one discussions on this subject with senior officers of the State Government, Police Department and local administration (in seventeen districts). Inputs were also obtained from various other sources. A note on the above covering all aspects has **been prepared and is being submitted to the Ministry of Home Affairs in a separate cover** along with this Report. The Committee has kept these dimensions in view while discussing various options included in Chapter 9 of the Report, i.e., “The Way Forward”(p.423) (emphasis mine).

No only does the Member Secretary who was a former Home Secretary of Government of India has confidential conversations outside the purview of the Committee with personnel in 17 districts – leaving out 6 other (for what reasons?), but the Committee admits to this highly irregular and improper conduct of the Member Secretary. And to compound it this, the entire Chapter, obviously drafted by the same Member Secretary, is made secret and given separately to the Ministry of Home Affairs. This also is openly admitted! What kind of behavior is this of a Committee presided over a former Supreme Court Judge. The Report therefore – apart from all the mistakes, omissions, commissions is faulty on this ground alone and should be dismissed as irregular and junked as a waste of public funds and time.

Main Conclusion

Whatever the reasons why SKC has not considered important aspects of the Telengana case, the Report has become controversial as it is deeply flawed and hence treated with suspicion by the Telengana people . SKC has worked on the principle enunciated by the Latin adage *supressio veri; suggestio falsi* – suppress truth and suggest falsity.

Fundamentally, It would seem that SKC was asked to drag on the whole exercise; hope against hope that like the times past in a year, Telengana would “slowly” subside like a soda water (champagne?) as when uncorked would

become flat and uninteresting. This time it did not work as all the people were involved and stood firm.

In the Sri Krishna *tulabharam*, the weight of Satyabhama's (Andhra) gold will be countered by Rukmini's (Telangana) *tulasi* leaf. As long as the villages stay firm, the entire world cannot deny the statehood they so passionately want regardless of it being second best or no best. For them it is the best. That should do!

Honesty within Dishonesty:

Sri Krishna Report makes the case for Telangana

by

Gautam Pingle

palku rAvaNuDu teliya IEka pOye (Ravana, could not understand this truth.),
“Sarasa Saama Dhaana” by Saint Thyagaraja

1702 words

Introduction

The Sri Krishna Committee report is a product of eminent persons told to decide what in all honesty they could not; as a result they have concluded in confusion - which serves no one. Among 505 pages and 146,071 words, they had to say some honest things even then, which were obvious to all.

It is difficult for an ordinary person to obtain, let alone read with patience and understanding the Report. The following is a set of 25 extracts in inverted commas (with page references, important parts highlighted by me) from the Report which when placed in sequence. Readers need to understand that SKC was under extreme pressure to do the wrong thing and while so doing it still could not avoid stating the case for Telangana. It did leave out significant issues, which will be highlighted later, but what it said is enough to make a solid case for separation. Read on and decide for yourself!

Status Quo Opposed- Telangana Deprived

1. “Overall, in spite of 50 plus years of policy protected planning and execution, **one finds regional variations** in the economic development of AP” (p.118).
2. The SKC noted that the **Planning Commission notified as backward nine of the ten Telengana districts** – with the exception of Hyderabad and resources have been allocated under its Backward Region Grant Fund (BRGF). These districts contain, as the SKC says, 87% of the population of Telengana (p.81)
3. Considering the allegation that ,“Telangana has low per capita income, lower access to employment, lower business opportunities and low access to education and so on”, SKC says, “**At the outset, some or all such allegations appear true when absolute amounts, numbers and percentages are reviewed**”(p.117).

4. (In Telangana the), “ net irrigation by canals has increased only slightly from about 1 lakh hectare to around 2.5 lakh hectares. **Tank irrigation has reduced from 4 lakh hectares in 1955-56 to around 2 lakh hectares at present.**” (p.189)
5. **“The implementation of G.O. 610 during 1985 to 2005 was, at best, tardy, which remains a grievance of Telangana employees.** This issue continues to be highly contentious even today (p.48).”
6. “However, the data received from the State Government shows (Appendix 3.16) that the combined amount released to government and aided colleges **together is Rs. 93 crores in Telangana while it is 224 crores in coastal Andhra (with college going population similar to that in Telangana) and 91 crores in Rayalaseema (with population share being less than half that in Telangana)**” (p.153)
7. **“The real income of the agricultural wage labourers has declined considerably in Telangana whereas it has increased considerably in coastal Andhra region. Similarly, the SCs, STs and minorities in Telangana region have suffered a decline in income during the past about decade or more, whereas these communities have gained substantially in coastal Andhra (p.119)”.**

The Movement

8. “The present agitation, however, shows that the demand only lay dormant and could get re-ignited under specific circumstances. While the issue of rightful shares in public employment remains the key point of discord even in the current agitation, **a new turn has been given to the demand by Telangana region asserting that it has a separate cultural identity which is distinct from that of Andhra and Rayalaseema regions** (p.342).
9. **“The movement has also successfully performed the function of educating the people about Telangana’s grievances to the extent that even school children have now been made conversant with issues around the demand for a separate state.** Equally helpful to this cause have been NRI Telanganites (NRIs from the opposite side have participated by opposing formation of Telangana) who are known to be supporting the movement in several ways and who have also represented to the Committee. **The present movement is considered to be much more extensive than the one in 1969 (which was mostly confined to urban locations),** a process in which modern technologies of communication and modern ways of conducting politics have surely helped” (p.352).
10. “While the JACs have sprung up in all the three regions, the most vibrant and numerous are in Telangana region with their reach going down to Mandal and

even village level. **The JACs have successfully mobilized the common people who have articulated their particular interests through the movement**" (p.359).

Power Groups

11. **"The dominant upper castes, the Reddys, Kammas, Velamas and Kapus, continue to hold the reins of power in the state.** The Brahmins are much less influential politically due to smaller numbers; **however, coastal Andhra Brahmins played a historic role in forging a Telugu identity through their writings, eventually leading to the birth of Andhra state.** They were equally important in intellectual articulation of the cause of economically oppressed social groups and contributed to the extreme left movement to which major support was provided by coastal Kammas" (p.380).
12. **"The upper castes in Rayalaseema and coastal Andhra are vehemently against the idea of dividing the state; their greatest fear being the loss of Hyderabad.** The accommodation between these two regions has been in terms of **political domination by Rayalaseema and economic domination by coastal Andhra. Together the two regions have ruled the state through Congress and TDP political formations.** Telangana feels dominated by the upper castes of these regions and its struggle is primarily to shake off their yoke." (p.390)
13. **"Large scale involvement of students including those from Dalits and Backward Castes in the current movement for Telangana seems to testify to this.** A large proportion of student leaders of the movement located in Osmania and Kakatiya Universities is known to be from Dalit/BC background. According to many sources, purported student suicides during the course of the agitation are also largely by Dalit and Backward Caste students"(p.163).
14. "The Madiga caste, which is predominant in Telangana and more numerous on the whole, has had less access to reservation benefits than the Malas who predominate in coastal Andhra. The former would certainly benefit from a separate Telangana but then their brethren in the coastal state would lose out without sub-categorisation. **The economic disaffection of SCs in Telangana versus their rapid strides in education form a potent mixture for agitation politics as is seen from the extensive participation of Dalit youth in the student movement.** This is the very same constituency which may feel attracted towards and become co-opted by extreme left ideologies." (p.415)
15. **"The Muslims in Telangana, contrary to common belief, are doing well on consumption (improvement by 76%) and poverty reduction levels (33 points)"** (p.363).

16. "In 2007, **literacy rates for the youth population aged 8-24 for SCs and Muslims in Telangana are ahead of or at par with those in the other two regions**" (p.131).
17. "For example, **it is possible that the ST community and the Muslims in AP may get a relatively better say in governance on separation in the state of Telangana**" (p.122).

Logic of the Movement

18. "Although as a sub-regional movement, **the Telangana movement does not pose a threat to national unity**" (p.344).
19. "**The Telangana movement can be interpreted as a desire for greater democracy and empowerment within a political unit.** As stated earlier, sub- regionalism is a movement, which is not necessarily primordial but is essentially modern – in the direction of a balanced and equitable modernization. **Our analysis shows that cutting across caste, religion, gender and other divisions, the Telangana movement brings a focus on the development of the region as a whole,** a focus on rights and access to regional resources and further, it pitches for a rights-based development perspective whereby groups and communities put forth their agendas within a larger vision of equitable development"(p.415).
20. "However, given the long-standing history of the demand for a separate state, the deep penetration of the sense of grievance and the widespread emotion around the issue, unless genuine steps are taken to address both real and perceived disparities, **the demand is unlikely to go away permanently even if it is subdued temporarily**" (p.417).
21. "Thus, from the point of view of sheer size of economy, **Telangana as a new state can sustain itself both with and without Hyderabad.** The other combination of regions – coastal Andhra and Rayalaseema together can also sustain themselves as a state; **in fact they can also sustain themselves separately**" (p.121).

Summing Up

22. "In view of the complex background of the situation and the rather serious and sensitive emotional aspects involved, **the Committee is of the unanimous view that it would not be practical to simply maintain the status quo in**

respect of the situation” (p.442).

23. “Given the above first hand observations of the Committee during its tours of the regions, **the Committee feels that the issue of sentiment has to be considered only as one among several factors to be evaluated.** While not discounting people’s wishes or sentiments, the overall implications of bifurcation (or trifurcation as the case may be) have to be carefully delineated to arrive at a responsible recommendation”(p.352-353).
24. “The Committee is of the view that given the long history of the demand for a separate Telangana, **the highly charged emotions at present and the likelihood of the agitation continuing in case the demand is not met** (unless handled deftly, tactfully and firmly as discussed under option six), consideration has to be given to this option. The grievances of the people of Telangana, such as non-implementation of some of the key decisions included in the Gentleman’s Agreement (1956), certain amount of neglect in implementation of water and irrigation schemes, inadequate provision for education infrastructure (excluding Hyderabad), and the undue delay in the implementation of the Presidential order on public employment etc., have contributed to the felt psyche of discrimination and domination, with the issue attaining an emotional pitch. **The continuing demand, therefore, for a separate Telangana, the Committee felt, has some merit and is not entirely unjustified”** (p.453).
25. “Therefore, after taking into account all the pros and cons, the Committee did not think it to be the most preferred, but the second best option. **Separation is recommended only in case it is unavoidable** and if this decision can be reached amicably amongst all the three regions” (p.453).

Conclusion: What is “second best” for the Andhra is “first best “ for Telangana!

TELENGANA IRRIGATION

BY

GAUTAM PINGLE

This is a submission to the SriKrishna Committee of the situation in Telengana over the 53 years 1956-2009 based on official data as published by the Government of Andhra Pradesh. It is small part of the lengthy paper submitted to the Economic and Political Weekly for publication. It also deal with earlier periods, where we have data, to put the whole scene in perspective

Abstract

In Telengana, during the 53 years (1956-2009) well-irrigated area has grown nine-fold from about 0.14 lakh hectares to nearly 13.0 lakh hectares overtaking, by far, tank- and also canal irrigation) as the major component in Telengana's total irrigation. The chief component of the growth is in the tube well segment, which is a high cost irrigation- both capital and operating - and is entirely dependent on the availability of water and cost of power.

Meanwhile over the same period Telengana has lost 2.30 lakh hectares of tank irrigation. It would need Rs 22,600 crores invested in new projects to make up this loss. Serious attention needs to be paid to stabilizing surface irrigation flows in Telengana.

Agriculture now produces only 30% of the total Telengana income but is the basis for survival of nearly 78% of the Telengana population. Whatever the future irrigation policy and its implementation, it will need close ground level, local district and regional governmental efforts

"Are the agriculturalists in thy kingdom contended? Are large tanks and lakes constructed all over thy kingdom at proper distances, without agriculture being in thy realm entirely dependent on the showers of heaven?" Narada to Yudhishtira¹,

"Irrigation works are the source of crops; the results of a good shower are ever attained in the case of crops below irrigation works." Kautilya²

"Virtue and prosperity will increase only when tanks and irrigation canals are constructed and favour shown to poor cultivators in the matter of taxation and services", Krishna Deva Raya"³ (Circa, 1509)

"In comparing socio-economic indicators and Millennium Development Goals, there is an almost perfect correlation between poverty and lack of access to irrigation". Government of Andhra Pradesh⁴

It will be seen from Table 1 below that the major push in tank irrigation came in the 65-year period 1875-1940, when tank irrigation multiplied ten-fold and total irrigation by seven-fold. On the whole, the Nizam's government can justifiably claim credit for this massive effort and achievement – while restoration of defunct tanks and wells held future promise for State and farmers (footnotes 5 and 33 below). Between 1940 and 1957, however, tank irrigation increased by 14% and total irrigation by 18%.

As Table 1 indicates, over the next five decades or so (1956 – 2009), after the merger of Telangana with Andhra, on the other hand, saw a fall in tank irrigation by about 51% or 2,28,876 hectares (while total irrigation more than doubled).

Table 1. Telangana Tank Irrigated Area

(Hectares)		
Period	Tank Irrigation	Total Irrigation
1875 ⁵	41,000	95,000
1901 ⁶		3,04,423
1920 ⁷	1,39,511	2,75,492
1930 ⁸	2,56,714	4,96,394
1940 ⁹	3,73,684	6,19,433
1955-56 ¹⁰	4,47,000	6,98,000
1970-72	2,84,500	7,04,600
1980-82	3,75,700	10,38,600
1990-92	3,28,900	14,07,500
2001-05	1,65,303	13,44,604
2005-09	2,18,124	16,95,395

Source (unless stated): BES, various

Table 2 gives data for the eight-year period from 2001 to 2009, which shows a sharp and steady decline in tank irrigation in the first four years over the period 1990-92. However, in the last four years (2005-09) there has been a recovery. The average for the period 2001-2005, however, conceals a drastic decline of over 34% within the period- losing nearly another 66,324 hectares!! The average for the period 2005-09 is higher due to better monsoon conditions but not any more stable.

Table 2. Eight -Year Tank Irrigated Area

Year	Hectares
2001-02	1,92,844
2002-03	1,53,090
2003-04	1,88,758
2004-05	1,26,520
4-year Average	1,65,303
2005-06	2,43,855
2006-07	2,29,035
2007-08	1,61,587
2008-09	2,38,019
4-year Average	2,18,124

Source: BES, various

As we have seen, in the last five decades, total tank irrigated area in Telengana has declined by 2,28,876 hectares. At the opportunity cost of Rs 4 lakh per acre or Rs.1.56 lakhs per hectare (the estimated cost of canal irrigation), this is large wastage of capital. What makes it worse is that total irrigated area under all sources, after reaching a peak average of 14,00,000 hectares in 1990-92, has declined to 12,80,000 hectares in 2001-05 and then rose to 16,95,395 hectares in 2005-09. This seems to indicate a shift of priority away from the primacy of tank irrigation in Telengana.

Canal Irrigation

From the year 1956-57, canal irrigation begins to receive attention and funding in Telengana largely During the Nizam's rule, one major irrigation project – Nizamsagar - and several medium schemes were undertaken. The real momentum comes with Independence and assistance from Central Government when giant projects such as Nagarjunasagar were undertaken. As Table 3 indicates, the period 2001-05 has seen a sharp decline by over one-thirds compared to the period 1990-92 when the figure was 3,14, 500 hectares. But the period 2005-09 has, fortunately, seen a stabilization around an average of 2,60,00 hectares.

Table 3. Telengana Canal Irrigated Area

(Hectares)		
Period	Canal	Total Irrigation
1875 ¹¹	7,000	95,000
1901 ¹²		3,04,423
1920 ¹³	27,447	2,75,492
1930 ¹⁴	61,700	4,96,394
1940 ¹⁵	51,417	6,19,433
1955-56 ¹⁶	1,15,000	6,98,000
1970-72	1,88,600	7,04,600
1980-82	2,84,500	10,38,600
1990-92	3,14,500	14,07,500
2001-05	1,62,315	13,44,604
2005-09	2,59,629	16,95,395

Source (unless stated): BES, various

Table 4 shows that the decline in canal irrigation within the period 2001-05 was alarming: it had fallen even more precipitously by 53% or 1,31,887 hectares!!¹⁷ It then improved during 2005-09 to exceed the 2001-02 figures, as old areas recovered under the very favorable monsoon conditions of 2005-06 and slightly less favorable years thereafter.

Thus weather conditions seem to affect canal irrigation also, despite it being thought to act as a guaranteed all-weather irrigation. From what the media reports, the new canal irrigation is yet to materialize.¹⁸ Hopefully, these new acreages will be more stable in future than has been the experience in the past.

Table 4. Eight-Year Canal Irrigation

Year	Hectares
2001-02	2,48,091
2002-03	1,48,815
2003-04	1,36,151
2004-05	1,16,203
4-year Average	1,62,315
2005-06	2,63,422
2006-07	2,79,493
2007-08	2,22,023
2008-09	2,73,579
4-year Average	2,59,629

Source: BES, various

However, the statistics of the Irrigation and CAD Department show an increase in canal irrigation ayacut (major and medium) of 1,18,739 hectares during 2004-07, with nearly 59% or 69,876 hectares coming into being (in use?) in 2006-07.¹⁹ The figures of I&CAD and the BES figures of irrigated acreage (given in the Revenue Department) cannot be reconciled largely because I&CAD reports only “developed” ayacut, which does not immediately (if ever) materialize as irrigated areas available to farmers. However, some un-quantifiable under-utilization seems to be apparent.

The State Government can hardly afford under utilization of expensive investment. At Rs. 4 lakhs per acre or Rs 9.88 lakhs per hectare (estimated for new projects) this is an extraordinary loss of sunken capital and, more so, if they are based on water rights allocated from the inter-state Krishna-Godavari Rivers. However, much interest in the political economy system is devoted to “develop” unused water rights on the Krishna-Godavari and to pre-empt any other state or region demanding a share.

In 1999 it was suggested in AP Vision-2020 that:

“Harnessing water resources as envisaged will require an investment of Rs. ~~1,25,000~~ 25,000 crores and power ~~of 9,000~~ of 9,000 MW. Committing these resources will enable the State to utilize 856 TMC of dependable water and 300 TMC of flood flow water available to the State, 50 percent of which would need to be pumped to a height 100-300 meters to lands situated at higher elevations.”²⁰

The Vision document gave skimpy details²¹:

1. Godavari for Telengana	775 TMC	23.5 lakh acres
2. Krishna for Rayalseema, Telengana, Andhra	Flood flow	8.0 <u>8.0</u> lakh acres
3. Pennar for Andhra and Rayalseema	Flood flow	nil
4. Vamsadra, Janjhavati and Bahuda for Andhra	?	?

Thus, the Vision involved more than 32 lakh acres at the cost of Rs. 1,25,000 crore! This works out to almost Rs. 4 lakhs per acre! This is so only if we take the ~~Thus~~ 9,000 MW as part of the Rs. 1,25,000 crore bill²². If not, the total bill would be much higher. Of this estimate, the State has spent already Rs. 64,469 crores between 2005-10²³ with little result so far.

While Telengana would benefit from such investment in the region, the high power requirement for pumping water, technical feasibility of pumping large volumes continuously over long periods, inter-state and central clearances, high capital costs and scarce funds would indicate that it is a much better alternative to concentrate on saving and restoring existing canal and tank irrigation and extending new tank irrigation and ensuring higher productivity for well-irrigated land.

However, the Telugu Desam government of Chandra Babu Naidu did very little to achieve this Vision in irrigation. On the other hand, the Congress government under Y.S.

Rajasekhar Reddy got going very fast by convincing the Planning Commission for clearances²⁴. His government began pumping thousands of crores into the Jalayagnam scheme aimed at creating vast acreage of irrigation in Rayalaseema and Telengana. It started irrigation projects, which will take decades to fructify, even if all the funds required for them can be mobilized in time. The use of the EPC method of contracting has its critics and some projects seem not to have been planned to the detail required before being tendered out²⁵. This will result in confusion, further delays and cost overruns. Funding of such a magnitude has put State finances under acute stress.

The Jalayagnam package²⁶ is an interesting one. The lift irrigation components of three of these five projects located in Telengana as well those of another five independent lift irrigation projects together require power of nearly 4,700 MW. The entire funding is to be requested from the Union government for these “national projects”.²⁷ The power requirement of these Telengana irrigation projects cannot be supplied against the existing generation of 14,000 MW (which is itself insufficient to meet current demand!).

Again the area to be irrigated by one TMC in Telengana is supposed to irrigate over 30,000 acres while the same volume is estimated to irrigate only 6,000 acres in the Coastal Andhra region! Thus these Telengana projects will have to await Union government clearances and funding and huge additional generation of power. And if they are realized, the acreage actually irrigated per TMC will be one-fifth of the “planned” figure.

It does not take much to conclude that some very simple and extra-clever sleigh of hand is being undertaken to show larger total allocation and larger irrigable areas for Telengana for which clearances, funding and power back up are unlikely in the future. The figures for Telengana being bandied about need very careful scrutiny²⁸.

As far as Rayalaseema is concerned, the more viable and modest-sized 14 projects are to cost Rs. 30,000 crore and are funded entirely from the State budget year-after-year²⁹. The matter also needs Karnataka and Union Government approvals and these are not likely in the near future – notwithstanding this, construction is being undertaken. Further, the water for all of them is sourced from the Srisailem reservoir on the Krishna River, which is expected to supply an additional 300 TMC yearly³⁰.

Well Irrigation

Well irrigation has been in existence in Telengana for a long time though the human and animal labour costs of lifting water using traditional devices has been a main hurdle. Even in time of famine in the late 19th Century, well irrigation has been able to hold its own as it relied on ground water³¹. Yet its growth took off only after the electrification program got going and covered village after village. Most, if not all, the investment in wells is privately funded and productivity tends to be high as farmers have flexibility in selection of crop pattern and also cultivate more crops in a year per acre irrigated (and many of them commercial crops of higher value than food crops) than is done under other sources of irrigation³².

Table 5. Telengana Well Irrigation

Period	(Hectares)			
	Open Well	Tube wells	Total well	Total Irrigation
1875 ³³	46,000	-	46,000	95,000
1901 ³⁴				3,04,423
1920 ³⁵	1,08,535		1,08,535	2,75,492
1930 ³⁶	1,77,980		1,77,980	4,96,394
1940 ³⁷	1,94,332		1,94,332	6,19,433
1955-56 ³⁸	1,35,600	-	1,35,600	6,98,000
1970-72	2,10,500	4,000	2,14,500	7,04,600
1980-82	3,32,000	9,400	3,41,400	10,38,600
1990-92	6,24,100	80,300	7,04,400	14,07,500
2001-05	4,73,697	5,00,773	9,74,470	13,44,604
2005-09	5,16,467	6,68,974	12,17,642	16,95,395

Source (unless stated): BES, various

As Table 5 indicates, well-irrigated area has grown nine-fold from about 135,000 hectares (in 1955-56) to nearly 12,17,642 hectares (in 2005-2009) overtaking, by far, tank- and also canal irrigation) as the major component in Telengana's total irrigation. The chief component of the growth is in the tube well segment, which is a high cost irrigation- both capital and operating - and is entirely dependent on the availability of water and cost of power. Table 6 shows a secular growth of well irrigation over the eight-year period.

Table 6. Eight-Year Well Irrigation

Year	(Hectares)		
	Open wells	Tube wells	Total
2001-02	5,45,551	4,85,642	10,31,193
2002-03	4,42,472	4,85,238	9,26,710
2003-04	4,46,281	4,96,739	9,43,020
2004-05	4,60,483	5,35,474	9,95,957
4-year Average	4,73,697	5,00,773	9,74,220
2005-06	4,76,136	6,21,264	10,97,400
2006-07	4,93,430	6,55,222	11,48,652
2007-08	N.A	N.A.	13,14,243
2008-09	5,79,837	7,30,437	13,10,274
4-year Average	5,16,467	6,68,974	12,17,642

Source: BES, various

Left to their own deserts by the Government, Telengana farmers have invested their capital in digging or boring wells, fitting pump sets and laying pipelines to bring water to

their fields. The only concession given to well-irrigation farmers is recent – since 2004 – that of providing free power to their wells. This power, however, is given when no one else wants or needs it – mostly at unearthly hours—and a low quality (below 230 volts). With free power being doled out in two shifts, one in the night, farmers say their crops are withering due to poor timing of power supply.

Table 7. Power for Well Irrigation in Telengana

	No: of connections in lakhs (% of state total)	Connected load (MW) (% of state total)
As of 31.03.2004	13.82 (60)	4,320 (52)
As of 31.03.2009	15.66 (58)	5,447 (53)

Source. BES: 2005, 2009

However, as Table 7 indicates, due to free power announced by the Congress government in 2004 and due to the inadequate rainfall, the number of connections in Telengana in 2009 increased by 13% over 2004, while connected load (not necessarily power consumption) increased over the same period by 26%. This indicates how important cost of power is for accelerating well irrigation in the absence of adequate surface irrigation.

The State government is said to provide seven-hours of free power daily to farmers and this accounts for 40 per cent of State's total power consumption³⁹. How anyone can calculate this, without metering at the user end, is a mystery that has yet to be solved. Basically it is suspected that whatever the power utility cannot account for - either theft by industry or residential users or losses in line transmission seem to be attributed to “free power” and billed to the State government.

Much of the well irrigation depends on the condition of the water table. As far as ground water depletion is concerned nearly 54% of the 462 basins in Telengana have been declared as “safe”, while 18% are “over exploited” and 28 % are “critical” or “semi-critical”⁴⁰. Evidence indicates that the water table is falling and with the decline in surface irrigation – largely of tanks but also of canals- recharge of the water table depends almost entirely on the monsoon. Telengana overlies a shallow rock region and where over-extraction does not necessarily involve long-term groundwater loss. Shallow aquifers of this region can be quickly recharged by one or two wet years or by safeguarding existing tank irrigation sources, which are widespread in Telengana⁴¹. If tank irrigation were not so badly affected, the recharge of ground water would have been much better and thus allowing well irrigation to expand further.

Conclusion

It will be useful to remember that agriculture now produces only 30% of the total Telengana income but is the basis for survival of nearly 78% of the Telengana population. For agriculture -especially in the semi-arid tropics - irrigation is a key element in raising land productivity, farmers' incomes and assuring stability of livelihoods.

The combined government owned tank irrigation in Telengana fell from 1955-56 to 2005-09 losing 2.30 lakh hectares or 5.65 lakh acres! This is surely something for which successive Governments should be truly ashamed, as it would need Rs 22,600 crores invested in new projects to make up the loss in this irrigated acreage. Serious attention needs to be paid to stabilizing tank, and also canal, irrigation flows in Telengana.

Further, there has been obviously lost production and income to the nation and to Telengana farmers from the non-utilization of these extensive and expensively developed irrigated areas. The consequent loss of ground water recharge, the decline in the water table and the reduction in well-irrigated acreage, further reduce Telengana farmers' incomes from their private irrigation sources.

It is also curious that successive State governments seem to be oblivious of the needs of Telengana region in restoring defunct or damaged tanks and stabilizing canal irrigation. As far as tank irrigation is concerned, the Nizam's Government seems to have done a better job than the "popular" and democratic governments that followed. As far as canal irrigation is concerned, democratic governments have done well till 1990-92 but the momentum was lost thereafter and regained only in 2005-09. Whether this is due to new irrigation capacity coming into use or recovery of old irrigated areas due to better monsoons needs to be examined more closely⁴². On the other hand, the Coastal Andhra region had the benefits of British rule and its investment in irrigation of the Godavari and Krishna Deltas⁴³.

Much of Telengana's needs and entitlements of surface irrigation and inter-state rivers seem to have been ignored. Only where well irrigation is concerned, Telengana has done extremely well – largely because its farmers have no other option - though even here much depends on availability of power (free, subsidized or otherwise) and the recharge of water table- which again is dependent on the monsoon and surface irrigation seepage.

Successive State governments seem to have been too pre-occupied to sort out the problems of Telengana irrigation and too uncertain of their tenure to take a holistic view of the development of the region. What is obviously needed is to move the level of enquiry, data collection, analysis, intervention and investment to a lower level - at least at district level, if not lower - and devise irrigation plans, especially for tank and well-irrigation, conducive to the weather, geography and soils conditions in the region. Too much attention of the political- bureaucratic system has been paid to huge investments in inter-state river projects, which take too long to complete and involve considerable fund mobilization - a significant part of which may be subject to diversion and distortion. What is needed is a more farmer-centric approach compared to the political-bureaucratic-contractor system that now dominates irrigation policy in the State and – or even as some would say - ignores the basic needs of the farming community.

Whatever the future policy and its implementation, it will need close ground-level, local district and regional governmental efforts to balance the delicate surface and ground water situation with the need for farmers to access irrigation in order to improve their livelihoods and raise their incomes.

¹ Ganguli, 2001, Vol. II, Sabha Parva, p.12.

² Shamasastri, 1915, p.374.

³ Appadorai, 1936, vol: II, p.668

⁴ Commissioner, Command Area Development, Government of Andhra Pradesh, 2010, p.7.

⁵ Ali, 1898, p.31. He also says: "But in order to get at the correct figures, the area should be increased by 50-25% to cover the difference between the correct area and the area entered in Patwari's records from which the above statements have been taken and a 25% for double cropped area."p.32. He reports on a survey of 14 villages in Tekmal Taluq of Medak District the differences between the record and actual ground position was an increase of 263% for irrigated land and 1635 for un-irrigated land (p.113). He also says that: "There are about 18,089 large tanks in Telengana , of which 4,924 are in use and about 3,165 are out of repair. Besides these, there are 10,110 small tanks, of which 5,616 are in use and 4,494 are out of repair. If these were put in through repair about 1,000,000 acres (405,000 ha.) of land would be irrigated"(pp.33-34)

⁶ The figures for 1901 are given in total irrigation for Telengana as 304,324 hectares, with 18,969 tanks and 58,001 wells. Figures were given in square miles for each district. Government of India (1909), see section for each district.

⁷ Pavier, 1981, p.23 , Quershi, 1947, pp. 94-96

⁸ Ibid.

⁹ Ibid.

¹⁰ Sree Rama Sastry, n.d., Table 3, p.62

¹¹ Ali, 1879, p.31.

¹² The figures for 1901 are given in total irrigation for Telengana as 304,324 hectares, with 18,969 tanks and 58,001 wells. Figures were given in square miles for each district. Government of India (1909), see section for each district

¹³ Pavier, 1981, p.23 , Quershi, 1947, pp. 94-96

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Sree Rama Sastry, n.d., Table 3, p.62

¹⁷ That this should be the result of spending Rs 62,998 crores on Major and Medium irrigation during the period 1956-1997 (from the Second to the Eighth Plan) is extraordinary. The expenditure figure for 2005-10 is almost the same!

¹⁸ The Chief Minister is reported to have stated that despite the fiscal troubles, the State Government has decided to complete 39 irrigation projects costing about Rs 6,900 crore during the 2010-11 financial year. The projects, which are in the final stages of completion under Jalayagnam, will be taken up on a priority basis, the objective being 'least effort and maximum benefit'. Chief Minister K Rosaiah today directed the officials to complete the projects on a priority basis by March next year. On completion, the projects will provide irrigation facility to about 14.33 lakh acres of new ayacut. New Indian Express, 16th March 2010.

¹⁹ Irrigation & CAD Department, 2010

²⁰ Government of Andhra Pradesh, 1999, p.174

²¹ Ibid., p.171-172

²² Current generating capacity is 14,047 MW and is insufficient to meet current demand. GoAP (2010b), p.23

²³ See Government of Andhra Pradesh, 2010a, Table 17, p.38

²⁴ The present Chief Minister of Andhra Pradesh is reported to have said that: "When I accompanied the late Chief Minister to New Delhi in 2005, Planning Commission Members put their foot down on the concept of Jalayagnam. However, within a short time they changed their view based on the necessity and urgency as presented by the State" (Times of India, March 18th, 2010). What persuasive skills were used is not mentioned!

²⁵ Allegations of poor planning, mismanagement of tender process, favoritism and outright corruption have been laid by Opposition parties and demands for an investigation are pending with Government of India. Two of the contracting parties are Maytas Infra and Maducon Projects <http://www.maytasinfra.com/html/water.html> and <http://madhucon.com/completedirrigation.html> (Both accessed on 24.03.2010).

²⁶ "Jalayagnam programme to complete 32 major and 17 medium irrigation projects at a cost of Rs. 65,000 crores to provide irrigation to an extent of 71 lakh acres besides stabilization of an existing ayacut of 21.32 lakh acres while providing drinking water to a population of 1.2 crore and generating power to the tune of 2700 MW. Eight of these projects were to be completed before the kharif season of 2006." Jalayagnam website.

²⁷ "The most expensive of the projects are the lift irrigation projects intended to irrigate the dry Telangana region and supply water to the Anantapur-Ongole-Mehaboobnagar area which is "turning into a desert". With the land level being 300 metres above the water level, lift irrigation is supposed to be the only way out to take water to the dry region. Currently, 3,000 tmc water from Godavari is wasted into the sea as the land is at a higher elevation. For the first time in the post-independence era, the Congress government took up linking of Godavari and Krishna by constructing Indira Sagar Project and Rajiv Sagar project across River Godavari. By executing projects like Rajiv Sagar, Indira Sagar flood flow canal, SRSP Phase-II and so on, 21 lakh acres of parched land in Telangana region would be made fertile." Jalayagnam website.

²⁸ In the Budget Speech for 2010, The Chief Minister (as Finance Minister) stated on February 10, 2010, the following: "The Government has taken up Major, Medium and Minor Irrigation projects in a big way under the "Jalayagnam" programme to utilize every drop of water in the State for agriculture and drinking water purposes. Where it is not possible to command the area

by gravity, lift irrigation schemes are being taken up to benefit the backward and drought prone areas. The State Government aims at completing 86 Major and Medium Irrigation Projects besides taking up programmes for raising Flood Banks, Modernization of Delta and Lift Irrigation Schemes with an ultimate objective of creating new Irrigation Potential of 98.41 lakh acres, besides stabilization of 22.26 lakh acres. During 2004-05 to 2008-09, as part of “Jalayagnam” programme an additional irrigation potential of 19.26 lakh acres was created in addition to providing stabilization of 3.09 lakh acres. GoAP (2010b), p.8. The Budget Estimate Allocation for 2010-11 is Rs 19,708 crores for Major and Medium Irrigation and Rs 2,074 crores for minor irrigation. GoAP (2010a), Table 17, p.38 (emphasis added).

²⁹ The total amount spent out of the State Budget between 2005-10 on Major and Medium Irrigation projects works out to Rs 64,469 crores. GoAP (2010a), Table 17, p.38.

³⁰ Srisailem is already overtaxed with having to generate power, supply existing irrigation to Rayalaseema and act as a balancing reservoir for Nagarjuna Sagar project downstream and (thereafter) the Krishna Delta. The Srisailem reservoir, therefore, has to be maintained at a high enough water level to allow water to flow into the Rayalaseema canals. Consequently, this means power generation and releases into the Krishna River towards Nagarjuna Sagar and the Delta will have to suffer. Keeping Srisailem at full reservoir level increases the risk of catastrophe due to dam breaks for the Nalgonda, Vijayawada-Guntur and Krishna Delta and its high density populated areas in eight districts, 108 mandals and 12 lakh hectares of area. (Commissioner, CAD, 2010, p.82.) This nearly took place in the unprecedented flood of August 2009 while Srisailem was kept at full reservoir level to facilitate Rayalaseema irrigation. The situation resulted in Srisailem backwaters flooding Kurnool and Alampur towns and more extensive damage along the Krishna and Tungabhadra river valleys further upstream of Srisailem. Fortunately, the dam itself, despite full and emergency releases into the river (and after giving everyone a fright), held and, fortunately, the flood eased off. The releases too had to held-up as downstream Nagarjunasagar project was nearing its full capacity and more release from there would inevitable flood high population density areas of Vijayawada and Guntur agglomerations and the Delta itself. Coordination and synchronization of the Krishna flows needs to be based solely on technical parameters of dam safety, irrigation and power generation. This requires integrated releases by Maharashtra, Karnataka and Andhra Pradesh – and by Telengana and Rayalaseema States (when they are formed) – if the entire valley and the Coastal Delta of the Krishna are to have predictable and flood free river flows and secure irrigation.

³¹ Ali, 1879, p.31

³² Pingle, 1976, Table 11, p.103 and p.212-215. In this statistically representative sample survey of 564 farms in 1970-71, it was found that even by using five different methodological analyses well irrigation showed higher per acre returns. These relative rankings are not likely to change by much even as the absolute figure will alter due to price and other changes.

Returns to Irrigation in Telangana (1970-71) (Rs. /Acre)

	Canal	Tank	Well
Gross Output	720	703	805
Business Income	425	454	520
Net Profit	74	82	103
Production Function analysis	102	108	239
Net Profit by Linear Programming	215	257	985

³³ “In the Telengana districts there are in all 52,685 wells, of which 33,851 are in use and about 18,834 are out of repair. If these were put in repair an area of about 210,740 acres (85,000 ha.) at the rate of 4 acres per well would in like manner be completely protected in a season of drought. This area would on average yield about 225,792 tons of grain which would support a population of 91,000.” Ali, 1879, p.33. The areas under well irrigation were remarkable stable during the famine period, 1875-1877

³⁴ The figures for 1901 are given in total irrigation for Telengana as 304,324 hectares, with 18,969 tanks and 58,001 wells. Government of India (1909). Figures were given in square miles for each district - see section for each district

³⁵ Pavier, 1981, p.23 , Quershi, 1947, pp. 94-96

³⁶ Ibid.

³⁷ Ibid.

³⁸ Sree Rama Sastry, n.d., Table 3, p.62

³⁹ BSE 2005, Table 10, p.222; BSE 2009, Table 10.8, p.264

⁴⁰ Groundwater Department – figures are for 2007

⁴¹ [Fishman, R.](#) et al, 2009

⁴² The Chief Minister of Andhra Pradesh in a press interview is supposed to have stated that: “During 2004-09 about 570,000 acres (230,000 hectares) of new ayacut was brought under minor irrigation and another 10,00,000 acres (405,000 hectares) stabilized”(emphasis added). New Indian Express, 16th March 2010. As is seen from official records cited in our paper; if it did, it certainly did not happen in the Telengana region.

⁴³ In the Godavari and Krishna Deltas the construction of annicuts in the mid-nineteenth century on the initiative of Sir Arthur Cotton and his associates under the rule of the East India Company ensured that these areas (hitherto famine ridden) became the basis of the high population densities and culture and civilization of the Coastal Andhra area – especially those of the Central Delta districts. That such a massive effort should be undertaken by a foreign joint-stock Company - which profited from the investment it made here - is a remarkable example for democratic and popular governments of today. It is little wonder that Sir Arthur is revered to the extent of being worshipped today by the population in the Delta as a demi-god.

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****THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

Writ Petition No.1569 of 2011

23-03-2011

Sri M. Narayan Reddy

..petitioner

And

The Govt. of India,
Ministry of Home Affairs, Rep. by Home Secretary,
New Delhi & another

..Respondents

Counsel for the petitioner : Sri G. Mohan Rao

^Counsel for respondent No.1 . : Sri Ravindran &
Sri Vivek Tanka,
Addl. Solicitors General

Sri K. Vivek Reddy, for R-2

Head Note:

Citations:

- 1) (1976) 2 SCC 521
- 2) AIR 2008 SC 1339
- 3) (2007) 9 SCC 461
- 4) (1978) 1 SCR 375
- 5) (1998) 8 SCC 1
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- 7) (1997) 4 SCC 306
- 8) (Beatson, Matthews and Elliott's Administrative Law
Text and Materials, at page 683)
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THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.1569 of 2011

JUDGMENT:

- The petitioner is a Practicing Advocate, a former Member of Parliament and A.P. Legislative Assembly. He has also held positions in the Zilla Parishad, Nizamabad District, and was associated with the Agro Industries in different capacities. He filed this writ petition with a prayer to declare that the action of the Union of India, Ministry of Home Affairs (for short 'the respondent'), in withholding a note on Chapter-VIII (Law and Order and Internal Security Dimensions) (for short 'the note') of the report of the Committee for Consultation on the situation in Andhra Pradesh, headed by Sri Justice Srikrishna (hereinafter referred to as 'the Committee'); as illegal, arbitrary, unreasonable and unconstitutional. Consequential direction to the respondent to furnish the same to him, or to place it on the website of the respondent, is also sought.

2. The averments, in the affidavit filed in support of the writ petition, in brief, are that, the State of Andhra Pradesh was formed by merging the Telangana Region of the erstwhile Hyderabad State with Andhra State, in 1956, and feeling that the conditions and safeguards are

not honoured, the people of Telangana brought a movement in the year 1969, demanding formation of a separate State. It is alleged that 369 people lost their lives in the agitation, and in 1972, the people from other part of the State have also organized a movement for formation of Andhra State. The petitioner had narrated the subsequent developments, leading to the inclusion of the promise to form Telangana State in the election manifestoes of certain political parties, on the eve of the General Elections held in the year 2004 and in the common minimum programme of the United Progressive Alliance.

3. In the last quarter of the year 2009, there was a serious agitation, demanding formation of separate State of Telangana, by dividing the State of Andhra Pradesh. Taking note of the gravity of the situation and seriousness of the matter, the Government of India arranged for an All Party Meeting, on 07-12-2009, at Hyderabad, wherein, unanimous opinion is said to have been expressed in favour of formation of Telangana State, and that, on the next day, it was reiterated in the Assembly.

4. On 09-12-2009, the Union Home Minister made a statement, announcing the decision of the Government, to initiate steps for formation of Telangana State. The petitioner contends that this statement was

reiterated on the floor of the Parliament on 10-12-2009.

5. There was protest from the Andhra and Rayalaseema regions of the State, against the announcement made by the Union of India, and almost a crisis-like situation emerged. Unable to reconcile the conflicting claims, instantly, the respondent announced constitution of a Committee, to be headed by a Former Judge of the Supreme Court of India, to examine various aspects pertaining to the issue. It was in this context, that the respondent issued an order dated 03-02-2010, forming a Committee, comprising of Sri Justice B.N. Srikrishna, a Retired Judge, Supreme Court of India, as Chairman; Prof. (Dr.) Ranbir Singh, Vice-Chancellor, National Law University, Delhi; Dr. Abusalem Shariff, Senior Research Fellow, International Food Policy Research Institute, Delhi; Dr. (Ms.) Ravinder Kaur, Professor, Department of Humanities and Social Sciences, IIT, Delhi, as Members, and Sri Vinod K. Duggal, IAS (Retd.), former Home Secretary, as Member Secretary. On 12-02-2010, Terms of Reference were announced. The Committee has undertaken wide-ranging consultations throughout the State. It ultimately submitted a report, on 30-12-2010. The report comprised of Nine Chapters, spread over 425 pages. The same was put on a website, a week thereafter. However, the note, dealing with the Law and Order and Internal Security Dimensions, representing Chapter VIII; was handed over

by the Committee,
to the respondent, in a sealed cover, and it was not made public.

6. The petitioner submits that the note dealt with important aspects, and that even according to the Committee, it was taken into account in suggesting "Way Forward" in the IX Chapter. The petitioner contends that the very purpose of making available the report is, to enable the various individuals, or stakeholders to put forward their contentions, in the light of the observations or findings of the Committee, and if a vital part of it is withheld, the very purpose would be defeated.

7. The petitioner contends that he made efforts to obtain copy of the note by submitting applications to the Authorities of the Home Ministry, and when there was no response, he had approached this Court by filing a Writ Petition, under Article 226 of the Constitution of India. He submits that, at a time when the right to information is being given impetus, such as by enacting the Right to Information Act, 2005 (for short 'the RTI Act'), there was no justification for the respondent in withholding the note.

He submits that his fundamental rights, guaranteed under Articles 14, 19 (1)(a) and 21 of the Constitution of India are infringed by the respondent.

8. In view of the importance and sensitivity involved in the matter, this Court requested the learned Attorney General to assist the

Court, at the threshold. The request was readily acceded to, and the learned Attorney General submitted that the Committee has no statutory basis, and the exercise undertaken by it cannot be subject-matter of any judicial review. He further submitted that it is only when a decision is taken by the respondent, adversely affecting the petitioner, or for that matter, any person, that they can pursue the remedies and not *vis-à-vis* the steps, in the preparation of a report, which itself is purely recommendatory in nature.

9. Learned Attorney General submitted that it is only a Consultative Committee, and not a Commission, constituted under the Commissions of Inquiry Act, 1952 (for short 'the 1952 Act'). His further contention was that the function assigned to the Committee is only to gather public opinion and to make suggestions, and that to arrive at a decision on the issue, the political process has to be started. He has also pleaded that the ultimate decision would involve legislative process, and that an aggrieved party has to ventilate its grievance only before a political forum, and that the remedy is not in a Court of Law. He submitted that the respondent has taken a conscious and well-informed decision, not to make the note public, and that the petitioner has no right to insist on the same, being furnished to him. He sought time to make further submissions.

10. On the next day of hearing, the learned Additional Solicitor General appeared, and submitted that the Court may go through the note, which was supplied in a sealed cover, and if it feels that the note contains sensitive information and cannot be made public, no further steps would become necessary in the writ petition; and on the other hand, if the Court feels that the note must be made public, time may be granted to the respondent to file counter-affidavit. After going through the report, this Court expressed its *prima facie* view, that the note has to be made public, and it would help the stakeholders to formulate their viewpoints. The matter was adjourned to enable the respondent to file counter-affidavit.

11. The respondent filed a counter-affidavit, opposing the writ petition. It is stated that the petitioner has no fundamental right to insist on furnishing of an important and sensitive document. According to the respondent, the note deals with the security and law and order aspects, after consultation with the various security agencies, and the same cannot be shared with public. It is also the case of the respondent that the Committee did not undertake any administrative or *quasi judicial* exercise, and that the report submitted by it, is only recommendatory in nature, and that the decision at appropriate level on the real issue would be taken by the concerned authorities, duly taking into account, all the

relevant facts. Privilege under Sections 123 and 124 of the Indian Evidence Act claimed

12. The writ petition was taken up for hearing after the pleadings are complete. The learned Additional Solicitor General (ASG) commenced the arguments by raising a preliminary objection, as to the maintainability of the writ petition. He submits that for all practical purposes, the fundamental right guaranteed under Article 19(1) (a) was codified, in the form of the RTI Act, and a perfect machinery is provided, for enforcement thereof. By referring to the various provisions of the RTI Act, he submits that an independent and foolproof machinery is provided for, under it, and that the petitioner ought to have availed the remedy under it.

Learned ASG submits that the Public Information Officer (PIO), of any department or establishment is conferred with the power not only to procure and furnish information, but also to overrule an objection, that may be raised by a department. He submits that it is only when the petitioner fails in his effort to get copy of the note, by availing the remedy under the RTI Act, duly exhausting the rights of appeal, etc., that he could have approached this Court.

13. He has also apprised this Court of the limitations, in the context of issuance of *Writ of Mandamus*, and submits that there did not

exist any statutory duty on the part of the respondent to furnish note, much less, the failure to discharge it. On this basis, he submits that there does not exist any occasion for this Court, to issue a *Writ of Mandamus*. He places reliance upon various precedents.

14. This Court kept in view, the objection, raised by the learned ASG, and requested the learned counsel for the parties to address arguments on merits.

15. Sri Gandra Mohan Rao, learned counsel for the petitioner submits that the fundamental right claimed by the petitioner is wider in its scope, than the one, contained in the RTI Act, and in that view of the matter, the preliminary objection is not tenable. He submits that the Constituent Assembly recognized the importance of the Right to Freedom of Speech and Expression, and while framing the restrictions, under Article 19 (2), they did not incorporate the grounds of security of State, or public interest, as justifications for restricting the scope of the right. He submits that the contents of the note would have direct bearing upon the decision making process, and withholding of the same is arbitrary and violative of Article 14 of the Constitution of India. He contends that, in addition to being violative of rights under Article

19(1) (a) and Article 14 of the Constitution, the action of the respondent would also amount to infraction of Article 21 thereof.

16. Learned counsel submits that the remedy that is provided for under the RTI Act is, at the most an alternative, for enforcing a legal right, and not a substitute for the jurisdiction of this Court, to issue a *Writ of Mandamus*, to enforce fundamental rights. He contends that the Union Home Minister circulated a note, suggesting the parties to go through the report, in its entirety, form their opinion, on the basis of the contents, and be prepared, either to convince, or to be convinced, and in that context, if a vital part of it is withheld, the whole exercise becomes redundant.

17. Sri Mohan Rao, further submits that the security aspects, or study thereof, were never part of reference, made to the Committee, nor did the Committee express the view, that it would not be in the public interest to disclose the contents of the note. He has drawn the attention of this Court to certain aspects of methodology adopted by the Committee and urged that nowhere in its marathon exercise, the Committee gave an indication that any step taken by it would be, either confidential or secret. He submits that the Committee was constituted with the sole objective of gathering public opinion, and maintenance of secrecy on any aspect would be, in fact, contradiction in terms. He places reliance upon number of precedents, in support of his contention.

18. Sri K. Vivek Reddy, learned counsel for the 2nd respondent, who is supporting the writ petitioner, has supplemented the arguments, addressed by the learned counsel for the petitioner. He argued that the writ petition is filed challenging the decision, to keep a part of the report, secret, and in that view of the matter, the remedy is not within the scope of the PIO, or for that matter, the RTI Act. Learned counsel submits that the right of a citizen to participate in decision making is a concomitant part of good governance, and withholding of any material, that is utilized in the process from the public, would certainly make a dent into the legality and quality of the decision. He further submits that when the effort of the Government is to invite comments from the public, in general, and stakeholders in particular, it would become fruitful only when the entire report of the Committee, together with its recommendations, is made available. He too has relied upon certain decided cases.

19. In reply, the learned ASG submits that no citizen can claim furnishing of a document or a report, or a part of it as a fundamental right. He submits that though Article 19(2) of the Constitution does not make any reference to public interest or public policy, Courts have recognized the same as one of the grounds to place restrictions on the fundamental right, under Article 19(1) (a) of the Constitution of India. He submits that

the issue pertaining to the formation of a separate State of Telangana is purely in the domain of political, or legislative exercises, and no part of it can be brought under the purview of judicial review by the High Court. He submits that the Committee itself felt that a part of report, dealing with the security and law and order aspects needs to be kept secret and that it is purely for the guidance of the Government to take certain precautionary measures, and for the purpose of arriving at a definite conclusions on the issue. By referring to various judgments, learned ASG submits that, in matters of this nature, the Court would be reluctant to interfere.

20. Before discussing the matter on merits, the preliminary objection raised by the learned ASG needs to be dealt with. The gist of his argument is that, the relief claimed by the petitioner is within the scope and ambit of the RTI Act, and unless the remedies thereunder are exhausted, the writ petition cannot be maintained. In a way, it is more a plea of non-exhaustion of alternative remedy, than the one, akin to preliminary objection. By now, it is well-known that, preliminary objection is raised mostly in cases where a particular forum is reminded or informed of lack of jurisdiction in it, whether by operation of any specific provision of law, or the conferment thereof, in another equally efficacious forum or agency. For example, Section 15 of the Administrative Tribunal Act specifically

excludes the jurisdiction of any Court of Law, including the High Court, as regards the matters pertaining to the service conditions of Civil Servants and confers the same on Administrative Tribunals. If a writ petition is filed in the High Court on such matters, either inadvertently, or by placing an interpretation upon the provision, that suits the petitioner, and if the High Court was, to certain extent convinced to entertain the writ petition, the opposite party or the State, can certainly remind it of the purport of Section 15. Such is not the case here.

21. The Freedom of Speech and Expression is guaranteed and incorporated in Article 19(1)(a) of the Constitution. The provision reads:

“Article 19: Protection of certain rights regarding freedom of speech, etc.—(1) All citizens shall have the right—

(a) to freedom of speech and expression.”

22. Though the provision is brief in its content, various facets thereof have been developed and evolved over the period through process of interpretation. The importance attached to this provision is reflected from the fact that public interest, which is treated as a ground for placing restrictions on the different types of freedoms, guaranteed under Article 19 is not made applicable to it. Of all the freedoms guaranteed under Article 19, the one, pertaining to speech and

expression is treated as more basic for human existence, survival and excellence. Without it, human life cannot be imagined at all. This case does not provide an occasion to delve deep into the scope and ambit of the said freedom.

23. It is not uncommon that Parliament enacts laws to enforce certain facets of fundamental rights, apart from other laws. While in some cases, the enactments are exclusively for that purpose, in other cases, the gist of the various fundamental rights is reflected in parts of the enactments. The RTI Act can be said to be a legislative device, to help the citizens to secure information, which they intend to. A detailed mechanism is provided. Appointment of a Public Information Officer in every office is made obligatory. He in turn is conferred with the power to process the application submitted for information, and to furnish it. The RTI Act also recognizes under Section 8, that certain categories of information, mentioned therein need not be furnished to an applicant.

24. Notwithstanding the comprehensive nature of the Act, it cannot be said to be repository of the fundamental right under Article 19(1)(a). The right to freedom of speech and expression is wider in its scope and it is not susceptible to any precise definition. Further, information is something which a person intends to get from others, whereas speech and expression is a phenomenon through which he

conveys his ideas to others. Viewed from this angle, right to information is only a step that helps an individual to get himself well-informed, so that he can exercise right to freedom of speech and expression, effectively.

25. There are certain rights and freedoms which are fundamental to human existence. It is rather a coincidence, if not compulsion, that the States, irrespective of their form, codify such rights. Howsoever fundamental the law that codifies such rights may be, it cannot be treated as the sole repository, at least in case of certain rights and freedoms. For instance, right to life and liberty is not something which a human being acquires under an enacted provision, of a parent legislation, like the Constitution, or an ordinary legislation, like an Act. Even when the society was in a disorganized form, persons enjoyed such rights.

26. An effort made to portray that, Article 21 of the Constitution of India is the sole repository of the right to live for an Indian citizen was, no doubt, approved by the Hon'ble Supreme Court in **A.D.M., Jabalpur v. Shiv Kant Shukla**^[1], by a majority of 4:1. The fact however remains that the learned Attorney General, who advanced such argument had said to Justice Khanna, the only dissenting judge,

“May I offer my congratulations for your great judgement”.

^[1] (1976) 2 SCC 521

27. One of the learned judges from the majority said few days later, in public,

"I regret that I did not have the courage to lay down my office and tell the people, Well, this is the law."

(See *Working a Democratic Constitution – The Indian Experience* by Granville Austin at page 342).

28. It is interesting to note the observation of Chief Justice M.H. Beg, another from the majority, about the conclusion in that case.

"...The common statement of a conclusion at the end of the judgments in the *Habeas Corpus* case, based on the majority view but signed by all the Judges, including Khanna, J., was perhaps misleading as it gave the impression that no petition at all would lie under either Article 226 or 32 to assert the right of personal liberty because the *locus standi* of the citizen was suspended...

I would have certainly made it clear that the statement of a conclusion reached by the majority did not accurately set out at least my conclusion which is found at the end of my judgment..."
(See (1978) 2 SCC para 16 at p.485)

29. The Hon'ble Supreme Court recently observed that the judgment in **A.D.M., Jabalpur v. Shiv Kant Shukla** (1 supra) did not lay the law correctly. The attempt of this Court is only to demonstrate that any effort made to present an enactment as the sole repository of a fundamental right guaranteed under the Constitution, or to restrict the scope of fundamental rights, that reflect basic tenets of human life

cannot be encouraged. When a provision of the Constitution cannot be treated as the sole repository of an important right that is essential for human existence, an enactment is incapable of being the complete code of such right.

30. The word "information" is defined under Section 2(5) of the RTI Act. It refers to material of different kinds, irrespective of their form, such as documents, memos, e-mails, opinions, advices, reports, etc. Here a basic difference needs to be kept in mind. 'Information', as defined under the RTI Act connotes the one, which is in the possession, custody or knowledge of the person from whom it is sought, and correspondingly, the seeker thereof was not aware of it. In cases where public hearings are undertaken and the agency or committee is not assigned any secret job, what it compiles is nothing, but the information, evidence and material, received from the public. Therefore, if an application is made for making available the report or a note, prepared on the basis of such hearings, what is requested is not an information-simplicitor, as defined under that Act. On the other hand, the attempt of the individual, seeking the report or a note is an effort to satisfy himself, whether the material presented by him or other stakeholders was properly reflected. In this sense, the matter cannot be said to be strictly governed by the provisions of the RTI Act. Therefore, the preliminary objection raised by the learned ASG is not sustained.

31. Another contention advanced by the learned ASG is that a *Writ of Mandamus* would lie only when a duty is cast upon an authority by a provision of law and such authority has failed to discharge that duty. He contends that basically the committee is not an authority amenable to judicial review, much less, any duty was cast upon it to make the note public. As a further extension of this argument, he submits that no duty cast upon the respondent to reveal the contents of the note and in that view of the matter, the question of its failure to discharge the duty does not arise.

He places reliance upon the judgment of the Supreme Court in **ORIENTAL BANK OF COMMERCE V. SUNDER LAL JAIN AND Anr**^{2[2]}. In that case, the Supreme Court explained the purport of the *Writ of Mandamus* by extracting a note from 'The Law of Extraordinary Legal Remedies' by F.G. Ferris and F.G. Ferris, Jr., and certain other texts and judgments. It was ultimately summed up:

"Therefore, in order that a writ of mandamus may be issued, there must be a legal right with the party asking for the writ to compel the performance of some-statutory duty cast upon the authorities. The respondents have not been able to show that there is any statute or rule having the force of law which casts a duty on the appellant bank..."

^{2[2]} AIR 2008 SC 1339

32. In **TIRUMALA TIRUPATI DEVASTHANAMS V. K. JOTHEESWARA PILLAI (D) BY LRs AND Ors**^{3[3]}, the Supreme Court reiterated the said principle by extracting the following portion from a judgment rendered by it, in **BIHAR EASTERN GANGETIC FISHERMEN COOPERATIVE SOCIETY LTD. V. SIPAHI SINGH**^{4[4]}. It reads,

“A writ of mandamus can be granted only in a case where there is a statutory duty imposed upon the officer concerned and there is a failure on the part of that officer to discharge the statutory obligation. The chief function of a writ is to compel performance of public duties prescribed by statute and to keep subordinate tribunals and officers exercising public functions within the limits of their jurisdiction. It follows, therefore, that in order that mandamus may issue to compel the authorities to do something, it must be shown that there is a statute which imposes a legal duty and the aggrieved party has a legal right under the statute to enforce its performance.”

33. In **WHIRLPOOL CORPORATION V. REGISTRAR OF TRADE MARKS, MUMBAI & ORS**^{5[5]}., the Supreme Court held,

Para 15: Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not

^{3[3]} (2007) 9 SCC 461

^{4[4]} (1978) 1 SCR 375

^{5[5]} (1998) 8 SCC 1

normally exercise its jurisdiction. But the alternative remedy has been consistently held by this court not to operate as a bar in at least three contingencies, namely, where the Writ Petition has been filed for the enforcement of any of the Fundamental rights or where there has been a violation of the principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged. There is a plethora of case law on this point but to cut down this circle of forensic whirlpool we would rely on some old decisions of the evolutionary era of the constitutional law as they still hold the field".

34. From this it is clear that, notwithstanding the restrictions felt upon the jurisdiction of the High Court to issue a *Writ of Mandamus* for enforcement of legal or statutory rights, the concept of existence of a duty to act upon the authority and failure to discharge such duty is not relevant, when it comes to the question of enforcement of fundamental right, or where a citizen complains of violation of principles of natural justice, or if the proceedings are wholly without jurisdiction, or where the vires of an enactment are challenged. It was also mentioned that the list is not exhaustive.

35. **PEOPLE'S UNION FOR CIVIL LIBERTIES AND ANOTHER V. UNION OF INDIA AND OTHERS^{6[6]}** is another judgment, in which the Supreme Court dealt exhaustively with the purport of Writ of Mandamus, particularly in the context of the right to freedom under Article 19(1)(a) of the Constitution.

^{6[6]} (2004) 2 SCC 476

Restrictions thereon were also recognized. It was held that sensitive information, such as the one, relating to process of technology of a nuclear plant, cannot be parted with, and no citizen can claim it, as of right.

36. In **DINESH TRIVEDI, M.P.AND OTHERS V. UNION OF INDIA AND OTHERS**^{7[7]}, the petitioners insisted on furnishing of the material relied upon by a committee, constituted by the Union of India, popularly known as "Vohra Committee". It is important to note that the committee was constituted by the Government of India, with heads of various investigating and intelligence agencies to work on a very sensitive issue, viz., "to take stock of all available information about the activities and links of all Mafia organizations/elements, to enable further action". It was not entrusted with any public hearing or investigation. The committee submitted its report and the same, in its entirety, was tabled in the Parliament. The petitioners insisted on furnishing of the material or inputs received by the committee. The Supreme Court turned down the request, keeping in view the nature of functions assigned to the committee, and the fact that the report was made public.

^{7[7]} (1997) 4 SCC 306

37. What can be discerned from these and other similar judgments is that a *Writ of Mandamus* can be maintained by a citizen to compel an authority to discharge the functions under a statute or to assail the decisions taken by the State and its instrumentalities, if they are violative of the fundamental rights guaranteed under the Constitution of India; or principles of natural justice; or to compel the discharge of a duty, which is public in nature, even if, it cannot be traced to any particular provision.

38. In the instant case, the petitioner has complained of violation of more fundamental rights, than one: Firstly, he pleads that the action of the respondent in withholding an important portion of the report, i.e. the note, is arbitrary, offending Article 14 of the Constitution of India. Secondly, he contends that his right to freedom under Article 19(1) (a) is violated on account of withholding of the note. Thirdly, he has invoked Article 21 of the Constitution of India. It hardly needs any mention that the scope of Article 21 was widened with each passing day, through process of interpretation, and it is not confined to the one of enabling a citizen to be nothing more than a living organism. Therefore, the objection raised on behalf of the respondent, as to maintainability of the writ petition does not merit acceptance.

39. It now needs to be seen as to whether the respondent was justified in keeping the note, as a secret document? For this purpose, it becomes necessary to have a broad view about the nature of functioning of Commissions of Inquiry or Committees, which are assigned almost similar functions. The functioning of the Government of whatever form is governed by the Constitution, or Conventions, and other enactments on various aspects. The enacted laws or conventions delineate the functions of the respective wings of the Government. Whenever problems or challenges in the field of public life arise, they are dealt with by the Legislative or Executive wings of the Government, depending upon the seriousness or gravity. If situations, which are a bit extraordinary, arise, the machinery available with the Government may not be sufficient, to analyze the situation or to recommend solutions. Many a time, the issues partake emotional or political characters, than legal. To meet contingencies of this nature, the practice of appointing Commissions or Committees is evolved. This is in vogue for quite a long time in England, and law in this regard was strengthened from time to time. In India, the 1952 Act provides for appointment of Commissions of Inquiry, and for vesting of such Commissions with certain powers. As and when the Government faced with problematic situations, Commissions headed by retired Judges of Supreme Court and High Courts were appointed and the working of the enactment came to be widely known.

40. For example, the appointment of Justice Vivian Bose Commission in 1956, to inquire into the affairs of Allen Berry and Company, Justice Chagla Commission appointed in 1966 to inquire into Mundra Group of Companies, Justice Tendolkar's Commission to investigate the affairs of the Dalmia Group, to mention a few, and the working thereof, virtually defined the scope and ambit of the Act and functioning of the Commissions. They have also evoked and instilled the public confidence in the system. The 1952 Act has been pressed into service, on fairly large number of occasions. The Commissions were appointed many a time, either on the basis of resolutions passed by the Parliament, or the Legislatures of the States, or in certain cases through executive orders.

41. It is also important to note that some times, committees were appointed without making reference to the provisions of the Act. For instance, the Vohra Committee on 09-07-1993, and Justice R.S. Pathak Inquiry Authority on 11-11-2005, were appointed by the Government of India, without making any reference to the provisions of the Act.

42. More often than not, sitting or former Judges are appointed to head the Commissions/Committees. It is on account of their neutrality to the issues, experience in analyzing the matters dispassionately, and their knowledge of law and procedure.

In *Administrative Law, Text and Materials*, by Beatson, Matthews and Elliott, it is said,

“It can be appropriate for judges to chair inquiries, because their experience and position make them particularly well suited to the role. The judiciary has a great deal of experience in analyzing evidence, determining facts and reaching conclusions, albeit in an adversarial rather than inquisitorial context. The judiciary also has a long tradition of independence from politics, and judges are widely accepted to be free from any party political bias ^{8[8]}.”

43. Any reservation expressed about this, is only on the grounds of suitability of their approach to certain critical problems with political overtones, and not otherwise. Experience has only shown that the Commissions or Committees headed by Judges have mostly gained public confidence, both as to functioning, or as regards the results of enquiry.

44. The very purpose of appointing Commissions or Committees is to gather different views from the public and stakeholders, analyzing them with reference to evidence and other material, and to make a suggestion to the Government, enabling it to arrive at a just and proper conclusion. It is a different matter that the ultimate decision is to be taken by the Government and in a given case, the report can be ignored altogether.

^{8[8]} (*Beatson, Matthews and Elliott's Administrative Law Text and Materials*, at page 683)

More than the conclusions, or recommendations of the Commission/Committee, it is the reasons, which prompted them to arrive at the conclusions, that become very important. Even where a person is otherwise opposed to a particular conclusion or viewpoint, may become convinced, once the relevant reasons are known to him. Conclusions can be arrived at by the administrative authorities also. What makes them more acceptable to the public, is the reasons recorded therefor. Since the Committee or Commission of Inquiry has a wider and larger access to the public, the reasons are bound to be sound. They are the ultimate distillation of the enormous material, which the committee receives, in the course of inquiry.

45. One of the grounds on which the administrative and *quasi judicial* authorities are required to furnish reasons in support of their conclusions, is that the Court or Authority that undertakes judicial review, or hears the appeal, *vis-a-vis* such decision would be in a position to know the working of the mind of the decision maker. That, however, is in the field of Administrative Law. A more convincing basis for insisting on furnishing of reasons is mentioned in the same treatise on Administrative Law (See 8 *supra*, at page 413). It reads,

"Giving reasons for decisions should be treated as a central facet of procedural fairness in administrative law. This follows both for practical reasons – in order, for instance, that individuals may know whether it is worth appealing or seeking judicial review – and for normative reasons that spring from a conception of the relationship between the citizen and the state according to which the latter should treat the former with respect, and as a participant in the process of governance. Constructing the relationship in that manner is important not only because it recognizes the dignity of the individual, but also because it promotes a trust between citizens and public authorities that, in turn, acts as a springboard for cooperation between them..."

46. This normative aspect becomes more prominent in the context of reports, that are to be submitted by the Commissions/Committees of Inquiry.

47. The following passage from Administrative Law, by H.W.R. Wade & C.F. Forsyth (Tenth Edition at p. 805), reflects the practice in England:

"In due course the inquiry is closed, and the inspector makes his report. Until 1958 the normal practice was to refuse disclosure of this report to the objectors: it was treated like any other confidential report from a civil servant to his department. Eventually the minister's decision would be given; but usually it would be unaccompanied by reasons. The failure to disclose the report and to state reasons was the source of much of the dissatisfaction with

inquiries before the reforms of 1958. Although the controversies which raged round these questions have now passed into history, they provide a classic illustration of the clash between the legal and administrative points of view.

48. It is relevant to note that sub-section (4) of Section 3 of the 1952 Act makes it obligatory on the part of the Government to lay the report of a Commission of Inquiry together with the action taken by it, before the concerned Legislature. It reads,

"Sub-sec.(4) of S.3: The appropriate Government shall cause to be laid before each House of Parliament or, as the case may be, the Legislature of the State, the report, if any, of the Commission on the inquiry made by the Commission under sub-section (1) together with a memorandum of the action taken thereon, within a period of six months of the submission of the report by the Commission to the appropriate Government".

49. Parliament amended Section 3 by inserting sub-sections (5) and (6) enabling the Government to withhold the report of an inquiry in its entirety, or part thereof, if it is satisfied that the interest of the sovereignty and integrity of India, the security of state, friendly relations with foreign states, or public interest; are involved. This however was to be done, by issuing a notification. Three years thereafter, the Parliament has chosen to do away with this. The statement of objects and reasons for this amendment of 1989, reads as under:

STATEMENT OF OBJECTS AND REASONS

Sub-section (4) of section 3 of the Commissions of Inquiry Act, 1952, casts an obligation on the appropriate Government to lay the report of the Commission of Inquiry appointed under sub-section (1) thereof before the House of the People or, as the case may be, the Legislative Assembly concerned, together with a memorandum of action taken thereon, within a period of six months of the submission of the report. However, in 1986 section 3 had been amended so as to provide therein that under certain circumstances the report of the Commission of Inquiry may not be so laid.

2. A Commission of Inquiry is always set up for the purpose of making an inquiry into any definite matter of public importance. As such, the report submitted by such a Commissioner should not be withheld from the House of the People or the Legislative Assembly under any circumstances and the public should have access to information which is of vital importance and interest to them. It is felt that the amendments made in 1986 should be done away with.

50. It therefore emerges that one of the important characteristics of the work undertaken by a Commission or Committee of Inquiry is to make its report public, and to enable the persons concerned, as well as the Government, to form their opinions. It would help them to change the opinions, which they have formed earlier, or enable them to convince those who hold the other point of view.

51. **Now; to the facts of the case:**

The State of Andhra Pradesh was formed in the year 1956 with the merger of Telangana, part of the erstwhile Hyderabad State, and the Andhra State, which was carved out from the erstwhile Madras State. Several conditions were incorporated in various forms, to ensure that the interests of the people of both the regions are adequately protected. However, there was an upsurge in the year 1969, in the Telangana region, demanding separation of Telangana from the State of Andhra Pradesh. There was huge loss of life. When the Supreme Court upheld the Mulki Rules, which were framed to protect the interests of the people of Telangana, there was agitation in Andhra area, with a demand for separate Andhra State giving rise to loss of life, injuries, etc. Ultimately, the Government of India evolved certain schemes and safeguards. It is not necessary to refer to them in detail.

52. In the year 2004, elections were held for the Parliament as well as State Assembly. Some of the political parties, particularly, the Indian National Congress, included in its election manifesto, a promise, to create separate Telangana State. In his speech to the Joint Session of the Parliament, the President of India made a reference to this. For one reason or the other, there was no progress in this direction. In the General Elections held in 2009, many more political parties included this, in their manifestoes.

53. In the last quarter of 2009, demand for separate Telangana State gained momentum. Noticing the gravity of the situation, the Government of India initiated the steps for consultation with political parties. Ultimately, a statement was made by the Union Home Minister on 09-12-2009, to the effect that the process for formation of separate Telangana will be initiated. There were protests from the people of Andhra and Rayalaseema areas for this proposal. The people of Telangana, on the other hand, insisted that the Government must adhere to its statement. Taking note of the disturbances in both the regions, the Government of India announced the formation of a Committee. Obviously, having regard to the legal, social and administrative implications in the matter, a Committee, comprising of a former Supreme Court Judge, a sitting Vice-Chancellor, Professor of Social Sciences, a Research Fellow in Policy Making and a former Home Secretary was formed. The process through which the committee was constituted is not certain. Initially, the respondent addressed a letter dated 03-02-2010, to one of the members and stated that the Government of India has constituted the committee comprising of the said members. The letter reads:

" ...

Subject: Constitution of Committee for consultations on the situation in Andhra Pradesh.

Dear Vinod,

Kindly refer to my discussion with you on the subject cited above. Government of India has constituted the following Committee to hold wide ranging consultations with all sections of the people and all political parties and groups in Andhra Pradesh:

- 1) 1) Shri Justice B.N. Srikrishna, retired Judge, Supreme Court of India – Chairman
 - 2) 2) Prof. (Dr.) Ranbir Singh, Vice-Chancellor, National Law University, Delhi – Member
 - 3) 3) Dr. Abusaleem Shariff, Senior Research Fellow, International Food Policy Research Institute, Delhi – Member
 - 4) 4) Dr. (Ms.) Ravinder Kaur, Professor, Department of Humanities and Social Sciences, IIT, Delhi – Member
 - 5) 5) Shri Vinod K. Duggal, IAS (Retd.) former Home Secretary – Member Secretary
2. 2. The terms of reference of the committee are being finalized in consultation with the Chairman and Member Secretary.
 3. 3. I am thankful that you have consented to serve on this committee.
 4. 4. A press release issued in this regard is enclosed...

Sd/--

xxx"

54. The terms of reference were framed in a letter dated 12-02-2010, addressed by the Special Secretary to Government. This was followed by a letter dated 03-03-2010, through which, the conditions of appointment, etc., are mentioned. A gazette notification was issued for

constitution of the Committee and notifying the terms of reference on 04-05-2010. The Terms of Reference of the committee read,

"The Terms of Reference of the five member Shri Justice B.N. Srikrishna Committee constituted on 3rd February, 2010 will be the following:-

- 1) 1) To examine the situation in the State of Andhra Pradesh with reference to the demand for a separate State of Telangana as well as the demand for maintaining the present status of a united Andhra Pradesh.
- 2) 2) To review the developments in the State since its formation and their impact on the progress and development of the different regions of the State.
- 3) 3) To examine the impact of the recent developments in the State on the different sections of the people such as women, children, students, minorities, other backward classes, scheduled castes and scheduled tribes.
- 4) 4) To identify the key issues that must be addressed while considering the matters mentioned in items (1), (2) and (3) above.
- 5) 5) To consult all sections of the people, especially the political parties, on the aforesaid matters and elicit their views; to seek from the political parties and other organizations a range of solutions that would resolve the present difficult situation and promote the welfare of all sections of the people; to identify the optimal solutions for this purpose; and to recommend a plan of action and a road map.
- 6) 6) To consult other organizations of civil society such as industry, trade, trade unions, farmers' organizations, women/s organizations and students' organizations on the aforesaid

matters and elicit their views with specific reference to the all round development of the different regions of the State.

- 7) 7) To make any other suggestion or recommendation that the Committee may deem appropriate.

The Committee is requested to submit its report by December 31, 2010".

55. The Committee has undertaken wide ranging consultations mostly in the State of Andhra Pradesh and some, at New Delhi. Ultimately, a report was submitted on 30-10-2010. The report comprised of Nine Chapters. In the last chapter, viz., "The Way Forward," six suggestions were made to the Government. The Committee itself observed that four suggestions made by it do not merit consideration. In its fifth suggestion, it recommended bifurcation of the State into Telangana and Seemandra, as per the existing boundaries. It reads,

"(v) Bifurcation of the State into Telangana and Seemandhra as per existing boundaries with Hyderabad as the capital of Telangana and Seemandhra to have a new capital."

56. In this very suggestion, it has elaborated the pros and cons and observed that, it is the second best option. The sixth recommendation made by it was, keeping the State of Andhra Pradesh. The Committee treated that as the best option. It reads,

“(vi) Keeping the State united by simultaneously providing certain definite Constitutional/Statutory measures for socio-economic development and political empowerment of Telangana region – creation of a statutorily empowered Telangana Regional Council”.

57. Chapter VIII pertains to law and order and internal security dimensions. However, the committee did not make the text of Chapter-VIII, as part of its report. The only paragraph that occurs in Chapter-VIII reads:

“Law & Order and Internal Security Dimensions.

8.1.01: During the Committee’s tenure, immediate law and order problems, and also the long-term internal security implications, including the growth of Maoist/Naxal activities were examined. These apprehensions had been expressed in the memoranda submitted by the Political Parties and various other groups, and also during interactions with different stake holders at the State level meetings as well as when the Committee visited the districts and villages. Besides, the Member Secretary had one to one discussions on this subject with senior officers of the State Government, Police Department and local administration (in seventeen districts). Inputs were also obtained from various other sources. A note on the above covering all aspects has been prepared and is being submitted to the Ministry of Home Affairs in a separate cover along with this Report. The Committee has kept these dimensions in view while discussing various options included in Chapter 9 of the Report, i.e., “The Way Forward”.

58. It is apt to note that the report of the Committee was made public, at an All Party Meeting, convened by the Union Home Minister. In that meeting, a brief note was handed over to the participants. It reads, *inter alia*,

"...I am also pleased to give you a summary of the report. The summary lists the "Optimum Solutions/Options' suggested by the Justice Srikrishna Committee and their recommendations. I urge you to give your most careful, thoughtful and impartial consideration to the report and the recommendations. In particular, I would urge you to read the report and the recommendations with an open mind and be prepared to persuade, and to be persuaded by, people who hold another point of view. It is Government's sincere hope that the report will generate an informed and mature debate..."

"...It is natural that you will require some time to read the report and hold consultations within your party. Hence, if all of you agree, I suggest that we meet again on a convenient date later this month."

59. The task before this Court is indeed, a delicate one. Several fundamental questions arise for consideration. The petitioner demands that a chapter of the report, in the form of a note, which is kept as secret by the respondent, be made public. In all fairness, the respondent made available to this Court, the report itself, and submitted that in case the Court finds that the report need not be made public, the writ petition be

dismissed in *limini*, and if it is felt that the report be made public, opportunity be given to them to file counter-affidavit. This accords with the principle laid down by the Supreme Court.

60. For the limited purpose of forming an opinion, as to whether Chapter-VIII deals with any aspects of security of state or any sensitive issues warranting non-disclosure, this Court perused the report carefully and with utmost caution. Initial view that the Chapter needs to be made public, was indicated by this Court, soon after perusal of the same, and thereafter, counter-affidavit is filed and arguments are advanced. Now the occasion and necessity arises for this Court, to justify its indication made at the earlier stage.

61. One of the contentions of the petitioner is that the committee did not feel that it must be made secret and that the decision taken by the respondent to withhold it from the public is untenable. That may be the general impression, which one may gain on reading the paragraph in Chapter VIII. However, the note which was handed over to the Union of India in a sealed cover, was directed to be kept as secret by the committee itself. This is evident from the fact that, on every page of it, the word "secret" was written. Therefore, it is not the case, where the decision to keep the note secret, is taken by the Government, on its own accord.

62. The very fact that the deliberations and proceedings before the Committee were public in nature and that even according to the committee, the contents of the note were taken into account, while discussing various options in Chapter-IX, and that a specific reference was made to the note at different places of the report is *prima facie* a ground to make it available to the political parties and other stakeholders.

63. Secondly, from the preamble of the note, it is evident that the note is based upon,

“(i) analysis of certain relevant memoranda given by the political parties and other groups; (ii) information gained through interaction with different political parties/groups at State level and during field visits (districts and villages); (iii) discussions held with Senior Officers of the State Government including that of the Police Department; with District Collectors and Superintendents of Police and with other sources; and (v) own experience”.

64. The Committee discussed the issue of communal violence in its secret note. The subject is certainly a sensitive issue. As to source of information, it, however, observed,

“The intelligence wing of the State Police and the I.B. will be more informed on this aspect”.

This means that the Committee relied upon some other source, for its analysis, if not, for its recommendations. Though privilege under Sections

123 and 124 of the Evidence Act was claimed, none of the ingredients thereof either pleaded or proved.

65. After a great deal of study, an in-depth pondering over, and after weighing the factors, such as propriety, this Court opinions not as matter of choice, that the objective in preparing a separate note and delivering it to the respondent was more, an effort to persuade the Union of India to desist from showing any inclination towards Option No.5, i.e. formation of Telangana State. In a way, it can be said that, whatever positive was said in support of option No.5, was just neutralized, through the note, even at the cost of several contradictions.

66. It appears that the committee hesitated to state in its report, what is exactly intended to, particularly about its disinclination to recommend the formation of a separate State of Telangana, though it has the right or to express any view of its choice.

67. To buttress this, it becomes necessary to make reference to some portions of the note, which, by any standard, cannot be treated, either as secret or sensitive. Take for instance, what the committee said in Option No.V of the IX Chapter, about the economic viability of a separate state of Telangana, if formed. The committee said,

"...However, the overall economic viability of Telangana with Hyderabad is projected to be stable and as a matter of fact the GDP of this state will be much larger than many other states in the country."

68. It is also mentioned that the continuing demand for a separate Telangana has some merit, though not totally unjustified. However, in the note, it painted a different picture, for a separate state. According to it, most of the major infrastructure in Telangana region in the fields of education, industries, etc., is owned by "Seemandra people", and formation of State would be detrimental to such establishments. The note, on this aspect reads,

"Most of the major educational infrastructure in the Telangana region has historically been owned by the Seemandhra people and it is located mostly within the limits of greater Hyderabad. The student community which is spearheading the separate Telangana agitation has been using these educational institutions for their agitational activities. This may lead to migration of the faculty as well as these institutions, impacting / reducing the availability of local persons who can be productively engaged by the industry/business-houses.

(i) Telangana region is mineral rich having deposits of limestone, and granite. The dominant industries here are thermal power stations, pharmaceuticals etc., which are mostly managed by Seemandhra people. One of the main propaganda issues in the Telangana agitation has been that once a separate state is created, the job opportunities in all these industries will be made available to the people of Telangana. Many of the owners and

skilled personnel in these industries have historically being from Seemandhra region, the inability to substitute them with sufficient number of qualified locals may lead to conflict between the locals and non-locals and also between the management and the workforce. Telangana region is dependent on coal reserves for its power generation while Seemandhra region, though dependent on coal reserves, is rapidly expanding its energy sources, viz., gas, wind, solar and nuclear. Thus, energy deficiencies may lead to migration of population, imbalance in the employment opportunities, which may become a cause for social unrest.

(ii) Farming in Telangana is mostly dependent on ground and rain water and lift irrigation schemes which require substantial amount of electrical energy. The present Government has extended free power facility to the farmers across the state which has benefited the small and marginal farmers in Telangana region to a large extent. Some districts of Telangana region such as Nalgonda, Medak, Mahbubnagar and Hyderabad are industrially developed and hence consume substantial amount of energy. Since Telangana region energy sources are largely coal based thermal power plants, any economic imbalance may lead to energy starvation of the small and marginal farmers which will adversely affect the productivity of the land. This can cause decline in their earnings which may result in distress sale of lands and their migration to the industrial belt in the Hyderabad city. This may further cause change in the population profile, pressure on unskilled employment sector, land and water utilization in Hyderabad which in turn may accentuate inter-regional rivalry and tensions in Hyderabad area."

69. The Committee has also mentioned in its note that if state of Telangana is formed, as suggested in the V option, it would become an epicenter for Maoist violence, and communal violence. It suspected both the religious communities of being desperate and outreaching each other. About Muslims, it said,

“...There is a certain sense of mutual suspicion between two communities who are living in the above mentioned areas. If communal passions become an additional factor in an atmosphere where unemployment, social unrest, etc. exist, it may give rise to birth of militant, Jihadi elements...”

As regards Hindus, it said,

“...Telangana has large number of Muslim pockets and to counter Muslim influence, Hindu fundamentalists may compete with them and try to polarize the Hindu population...”

70. Fissures on caste lines were also projected. The note suggests that Maoists will extend their activities to various districts of Telangana; spread Maoist violence, and that Maoists are trying to make a combat through Telangana region.

71. However, the scenario as to Maoist violence, and Communal violence, with reference to Option No.1, i.e. to treat the movement as a normal law and order situation, the committee has this to say:

“(b) Maoist violence

In the event of the demand of a separate Telangana state not being realized, some of the militant elements which have been in the forefront of the agitations may go underground to revive the Maoist movement in certain pockets of Telangana which, however, could possibly be tackled within a small timeframe with firm political will and strong administrative action. The Maoists who are active in Dandakaranya and Andhra-Orissa Border areas viz., Khammam, East Godavari, Vizag, etc., and certain forest areas of Adilabad, Karimnagar and Warangal may continue to operate along the borders with Madhya Pradesh, Chattisgarh, Maharashtra and Orissa. Their activities might be more intense in Vizag and Khammam regions but the fall out of violence may mostly be confined to these few districts.

(c) Communal violence

As the State has, by and large, been able to neutralize most of the Jihadi elements in the last two decades and has evolved a suitable mechanisms to contain communal and factional resistance, there may not be much change on the position on these two fronts. The status quo may remain. Since the alignment of political forces on communal lines is likely to be less probable, the outbreak of communal violence would be contingent upon extraneous factors”.

72. Option No.3 in the report was about merger of Rayalaseema with Telangana. In the main report, almost a rosy picture was painted about it, even while expressing the view that no political party may agree for that course. In the report, however, the Committee has this to say,

“Since the BJP has a strong presence, it may try to consolidate in Telangana area and further extend its base. AIMIM may try to expand in Rayalaseema regions resulting in birth of militant communalism in certain pockets”.

73. As regards Chapter-VI, the same version, as presented in the report was almost repeated in the note, may be in a different language. One can easily find the difference of approach of the committee, as reflected in the report, on the one hand, and the note, on the other hand.

74. That the Committee travelled beyond the terms of reference in its endeavour to persuade the Union of India, not to accede to the demand for Telangana, is demonstrated in a three-page Supplementary Note, appended to the note, representing Chapter-VIII. This Court pondered over for days together, as to whether it would be proper to reproduce the note. It is certainly a matter of serious concern for anyone to make public, a portion of the note, which a committee, comprising of highly placed personalities from different sections of the society; has opined otherwise. However, the reasons, that prompted this Court to make the supplementary note as part of the judgment; are,

- a) a) section 3(4) of the 1952 Act makes it obligatory on the part of the Government to make every report of Commission/Committee, public;
- b) b) the report submitted by the Vohra Committee, which was constituted on the same lines, as Justice Srikrishna Committee, i.e., not invoking specific provisions of the 1952 Act; was made public, though the very object of the Committee was to look into the sensitive issues pertaining to security of State;
- c) c) The Committee herein was not assigned any task of analyzing security aspects;
- d) d) the very exercise undertaken by the committee was in the light of a public demand on different directions and open enquiry, involving every stakeholder and that the contents of the note are of general importance; are needed to discuss certain fundamental issues, pertaining to public law domain; and
- e) e) the committee was not assigned any private or political functions. It was constituted by issuing a notification in the gazette. In the floor of the Parliament, it was stated that about Rs.20 crores was spent upon it.

75. The Supplementary Note has three parts, and it reads:

a) Political Management

(i) There is a need for ensuring unity among the leaders of the ruling party in the State. There is also a need for providing strong and firm political leadership and placement of representatives of Telangana in key positions (may be CM / Dy.CM (Since done. This aspect was discussed with FM & HM in September, 2010). Action also needs to be initiated for softening the TRS to the extent possible, especially in the context of the fact that TRS has threatened to launch a civil disobedience movement after December 31 and also initiate a "Maha Yuddam" (a Massive war) if Centre does not announce a Separate Telangana. Gaddar's TPF (Telangana Praja Front) who had parted company with TRS have again joined hands with TRS. Inputs indicate that this agitation can be tackled if Congress Leaders do not give an impression indicating any covert / overt support to it. Hence the Congress MPs / MLAs need to be taken into confidence and asked not to lend any form of support to the agitation. The Congress High Command must sensitize its own MPs and MLAs and educate them about the wisdom for arriving at an acceptable and workable solution. With the ruling party and main opposition party (for Telangana demand) being brought on the same page, the support mechanisms have a higher probability of becoming successful.

(ii) Further, on receipt of the Committee's Report by the Government, a general message should be conveyed amongst the people of the State that Centre will be open for detailed discussions on the recommendations / options of the Report with the concerned leaders / stakeholders either directly or through a Group of Ministers or through important interlocutors and that this process will start at the earliest.

76. Before analyzing this part of the supplementary note, it is relevant to refer to the emphasis added by jurists to keep the legal and political issues, in separate compartments, in the context of such enquiries also. In the chapter, the "Role of Judges in Public Inquiries", in a treatise on Administrative Law^{9[9]}, an article written by Drewry, 'Judicial Inquiries and Public Reassurance' was extracted. The article, in turn, made a reference to a book 'Legalism' written by Judith Shklar, published by Cambridge Mass in 1964. The learned author said,

"There appears to be virtually unanimous agreement that law and politics must be kept apart as much as possible in theory no less than in practice. The divorce of law from politics is, to be sure, designed to prevent arbitrariness, and that is why there is so little argument about its necessity. However, ideologically, legalism does not stop there. Politics is regarded not only as something apart from law, but as inferior to law. Law aims at justice, while politics looks only to expediency. The former is neutral and objective, the latter the uncontrolled child of competing ideologies."

77. It may be noted that the Government kept with it, the ultimate power to decide the further course of action upon the statement made on 09-12-2009 which is purely a political exercise. It has constituted a committee comprising of two jurists, two social scientists, and an ex-bureaucrat, to study the situation and submit report covering legal and

^{9[9]} (See 8 *Supra* at page 682)

social dimensions of the issue. None of them were supposed to have any political leanings, or for that matter, political tendencies. Unfortunately, the portion extracted above makes one to feel, whether it fits into any Terms of Reference to the Committee at all. A rough analysis of the same discloses that,

- a) a) there is a need for providing placement of representatives of Telangana in key positions such as Chief Minister, or Deputy Chief Minister, and that the same has been “since done”;
- b) b) the ruling and main opposition party are “being brought on the same page”;
- c) c) a political party “TRS” must be “softened”, to the extent possible; and
- d) d) it must be ensured that MPs and MLAs from the ruling party do not extend covert/overt support to the agitation.

78 The above analysis would find even political scientists and sociologists in wilderness, and persuade them to add new chapters to political sciences and public administration. None of these aspects could have been put on paper by a given ruling party, even if it is desperate. Extend the terms of reference to the extent possible without feeling any inhibition. Still you do not have a basis for this exercise. It does not even

reflect political expediency. At the most it manifest political despondency.

79. The factual accuracy of the note can be discerned from the observation of the committee in its note that its suggestion for making a representative from the State of Andhra Pradesh, as Chief Minister or Deputy Chief Minister "is done". At a time, when the committee was giving final touches to its report, a new Chief Minister was sworn in with some changes in the Cabinet. There was a serious speculation and talk that a Legislator from Telangana is going to be made as the Deputy Chief Minister, so much so, his name was also announced from Delhi. The Committee appears to have proceeded as though the said Legislator was sworn as Deputy Chief Minister.

80. The next part is much more startling. It is under the heading "Media Management". It is also beneficial to read it, and this Court is certain that, not a syllable of it pertains to "Security of State", much less "Sensitivity". The only basis for making it secret appears to be that such ideas do not occur to jurists and social scientists and they are not said in public. However, it is not necessary that anything, which cannot be discussed in public, for that very reason must be in the realm of security of state, or that privilege can be claimed about it. The part reads,

(b) Media Management

(i) Andhra Pradesh has got about 13 Electronic Channels and 5 major local Newspapers which are in the forefront of molding the public opinion. Except for two Channels (Raj News & hmtv), the rest of them are supporters of a united Andhra Pradesh. The equity holders of the channels except the above two and the entire Print Media are with the Seemandhra people. The main editors/resident and sub-editors, the Film world etc. are dominated by Seemandhra people. A coordinated action on their part has the potential of shaping the perception of the common man. However, the beat journalists in the respective regions are locals and are likely to capture only those events/news which reflect the regional sentiments.

(ii) Hyderabad city which is expected to be the center of most of the agitations is generally covered by those journalists who are votaries of a separate Telangana. Hence a lot of media hype on the Osmania University Students agitation, self-immolations etc. may be created. Therefore, media management assumes critical importance to ensure that only the reality is projected and no unnecessary hype is created. In the immediate past, it is observed that the media coverage on the issue has shown a declining trend resulting in a lower intensity of the agitation. Each of the media houses are affiliated to different Political Parties. In the Print Media all major Newspapers are owned by Seemandhra people and the Regional contents published by them play a vital role. Most of the editors except Andhra Jyothi are pro-united A.P. However, similar to the electronic channels, the print media have also got political affiliations. The editorial opinions, the banner headlines, the Regional content, the District editions need to be managed to be realistic and should give only due coverage to the separate Telangana agitations."

81. If one has any doubt about the hidden opposition of the Committee for formation of Telangana, that stands removed with this note. It suggests that, barring a miniscule exception, rest of the print and electronic media are dominated by people from one region of the state, and they are in a position to mould the public opinion. The committee also opined that it is only the “beat journalists” from in Telangana area, that are creating media hype on Osmania University Students agitation, self-immolations, etc.

82. If the equity-holders or owners of the channels subscribe to the view expressed by the Committee, it is a matter of deep concern as to how a sacrosanct fundamental right was reduced into a business activity and converted as tool to distort public opinion, and they do not represent the fourth estate, in its letter and spirit. On the other hand, if they do not agree with the opinion formed by the Committee, they have to prove their neutrality.

83. It is beneficial to recollect an incident, which will lend support to the opinion formed by the committee about the functioning of a section of electronic media in the State. When the agitation was at its peak, the State Government deployed large contingent of police personnel in the Osmania University Campus. Specially chosen officers

were deputed to oversee the operations. On a particular day, the police resorted to indiscriminate *lathi* charge and chasing of students. When girls, who gathered at the meeting, were running away, male police constables caught hold of them at their private parts. This was picturized by the so-called "beat journalists", and the same was telecast. The officer, who took responsibility for the entire operations, ensured that the journalist is beaten, blue and black. His motorcycle was burnt, and police constables were made to pour urine upon it.

84. In a writ petition filed by the victimized girls, this Court summoned the officer. He admitted in the open Court, that the beating of the journalist; burning of motorcycle, and pouring of urine by the constables occurred in his presence. The media, which unites to protest against even small ill-treatment of a journalist; unfortunately maintained strategic silence, and the individual had to fight the litigation by himself. The officer was rewarded with a promotional posting of 'Commissioner' at a different place. The patronage of the state, or by the support he has received from those, who run the State is such that, within a week after he was found, having sent objectionable SMS to a woman; was further promoted.

85. Many a time, when learned and great persons propound important principles, majority of the persons ignore them, as illusion or

rhetoric. It is only the time, that would make the words of great people a "prophecy".

86. Way back in 1972, Justice K.K. Mathew, one of the original thinkers and trend setters in the highest judiciary, said the following, in his judgment in **BENETT COLEMAN AND CO. LTD AND OTHERS V. UNION OF INDIA AND OTHERS**^{10[10]}:

"If ever there was a self-operating market of ideas, as Justice Holmes assumed, it has long since ceased to exist with the concentration of mass media in few hands. Protection against government is not enough to guarantee that a man who has something to say will have a chance to say it. The owners and the managers of the press determine which persons, which facts, which version of facts, which ideas shall reach the public. Through concentration of ownership, the variety of sources of news and opinion has become limited. At the same time, the citizen's need for variety and new opinions has increased. He is entirely dependent on the quality, proportion and extent of his news supply, -- the materials for the discharge of his duties as a citizen and a judge of public affairs -- on a few newspapers. The Press Commission has observed in its report (Part I, p.310) that since the essence of the process of formation of opinion is that the public must have an opportunity of studying various points of view and that the exclusive and continuous advocacy of one point of view through the medium of a newspaper which holds a monopolistic position is not conducive to the formation of healthy opinion,

^{10[10]} AIR 1973 SC 106

diversity of opinion should be promoted in the interest of free discussion of public affairs".

"The mass media's development of an antipathy to ideas antagonistic to theirs or novel or unpopular ideas, unorthodox points of view which have no claim for expression in their papers makes the theory of market place of ideas too unrealistic. The problem is how to bring all ideas into the market and make the concept of freedom of speech a live one having its roots in reality. A realistic view of our freedom of expression requires the recognition that right of expression is somewhat thin if it can be exercised only on the sufferance of the managers of the leading newspapers. The freedom of speech, if it has to fulfill its historic mission, namely, the spreading of political truth and the widest dissemination of news, must be a freedom for all citizens in the country. "What is essential" according to Meiklejohn, "is not that everyone shall speak, but that everything worth saying shall be said" (political Freedom, p.26.) If media are unavailable for most of the speakers, can the minds of the hearers be reached effectively?" (paragraphs 124 & 125)

87. He quoted the following passage from the Report of a Committee on Distribution of Income and Levels of Living:

"Of these, newspapers are the most important and constitute a powerful ancillary to sectoral and group interests. It is not, therefore, a matter for surprise that there is so much interlinking between newspapers and big business in this country, with newspapers controlled to a substantial extent by selected industrial houses directly through ownership as well as indirectly through membership of their boards of directors. In addition, of course,

there is the indirect control exercised through expenditure on advertisement which has been growing apace during the Plan periods. In a study of concentration of economic power in India, one must take into account this link between industry and newspapers which exists in our country to a much larger extent than is found in any of the other democratic countries in the World."

88. The excellent exposition of this very issue had emerged from the same learned Judge, but in a private speech. It is instructive, educative and beneficial to refer to the same. He said^{11[11]},

"...The phrase (freedom of the press) must now cover two sets of rights and not one only. With the rights of editors and publishers to express themselves, there must be associated a right of the public to be served with substantial and honest basis of facts for its judgment of public affairs. Of these two, it is the latter which today tends to take precedence and importance. The freedom of the press has to change its point of focus from the editor to the citizen".

89. The Supplementary Note under discussion and the recent revelation in certain tapes pointed out a strange "link" which, if permitted to grow and develop, would have the potential of sounding a death knell to the foundations of democracy. It is the link between the Government and the Media.

^{11[11]} K.K. Mathew, Democracy, Equality and Freedom, Ed. Upendra Baxi, (1978), p.106

90. Few years thereafter, Solzhenitsyn, in his article on “Freedom of Press”, published by Harvard [(1980) Ethics and Public Policy Centre], observed^{12[12]},

“What sort of responsibility does a journalist or a newspaper have to the readership or to the history? If they have misled public opinion by inaccurate information or wrong conclusions, do we know of any case of open regret voiced by the same journalist or the same newspaper? No. A nation may be worse for such a mistake, but the journalist always gets away with it. (p.10)

Press has become the greatest power within the Western countries, exceeding that of legislature, the executive and the judiciary. Yet one would like to ask, ‘According to what law has it been elected and to whom is it responsible? Who has voted Western journalists into their position of power, for how long and with what prerogatives? (p.10)

91. The state of affairs of the media houses prevailing in the State of Andhra Pradesh, as presented by the committee makes one to feel as how the observations of Justice K.K. Matthew and Alex Solzhenitsyn, have turned out to be true. More disturbing is the suggestion given by the Committee to the Government. It reads,

^{12[12]} T.K. Tope’s Constitutional Law of India by Sujata V. Manohar
Third Edition at pages 165 & 166

"The print media is hugely dependent on the Government for advertisement revenue and if carefully handled can be an effective tool to achieve this goal".

92. It is trite that the freedom of press was evolved, more through the judgments of the Supreme Court, and works of jurists and academicians. They have not only evolved such freedom, as a concomitant part of Article 19(1)(a) of the Constitution, but also have nurtured it from any onslaught by State or others from time to time. State control of allocation of newsprint or release of advertisements, was misused, either to encourage those, who toe the line of the Government, or to victimize the agencies, that make true and courageous reporting, causing embarrassment to the Government. Great persons like, Ramnath, Goenka withstood the victimization and onslaught, than to surrender, even while many others have, either bent, or crawled.

93. Whatever be the circumstances under which a person in the Government may have thought of using the Government advertisements, as a mechanism to arm-twist the media, such an idea ought not to have occurred to the Committee in general, or to the individual members thereof, in particular. One would only wish that the members of the Committee hailing from the legal fraternity and social sciences were not aware of these contents of the report. However, if these passages have

gained their entry into the report, with their knowledge, the people would have nothing more than, to lament, alas! where to look at.

94. Now comes the advice of the committee to the Government as to full preparedness. It is aware that if its advises are followed, they are found to be backlash and instead leaving the Government at crossroads, it gave advise as to the manner in which the agitators must be dealt with. Not only the manner of deployment of police force, but also the type of ammunition and arsenal to be used, was also suggested. The paragraph reads as under:

“(c) Full Preparedness

(i) As under each of the options there is a high possibility of agitational backlash, notwithstanding the actions taken in advance as suggested in (a) and (b) above, an appropriate plan of deployment grid of police force (both Central and State) with full technical support needs to be immediately drawn up. Advance preparedness in this regard would go a long way in containing the law and order situation and minimize destruction of lives and property. It would also be necessary to have a mechanism for monitoring the situation and collection of real time intelligence with a view to ensure taking up of effective advance action to preempt any break of violence in the potentially troubled spots. The likely troubled spots (e.g. Osmania, Kakatiya, Krishna Devraya Universities etc.) and the trouble creators in the three regions must be identified in advance and suitable action plan prepared. In my discussions with Chief Secretary and DGP, the kind of equipment and weaponry to be used were also discussed and it

was agreed that weaponry used should be such as not to cause fatal injuries, while at the same time effective enough to bring the agitationists quickly under control.

In nutshell it may be concluded that the first couple of months will be critical after the submission of the Report, as speculative stories will thrive and emotions of people incited”.

95. It is rather unfortunate that the committee did not even make a mention about the fact that about 600 persons, mostly students committed suicide during the agitation, spread over one year. At least, it ought to have taken note of the fact that, a teenaged Scheduled Tribe boy, with no parents, studying Intermediate, by doing part-time job in a small hotel, committed suicide by immolation, right in the middle of platoons of police, deployed at the gate of Osmania University. Few students in Osmania University committed suicides, out of frustration. It did not show any concern about the future of the innocent students or the families of the deceased persons, even while it expressed concern about the future of the educational institutions, industries and establishments owned by a section of people. Universities are viewed as centres of trouble and students, as potential “trouble creators”.

96. If the committee has suggested use of arsenal of lesser degree, it is not because there is any pity or sympathy towards the agitators. Obviously, it is to avoid the wrath of the human rights agencies.

97. The police, which is not inclined or able to nab persons who committed day-light murder in the middle of the city has proved its efficiency in booking cases against hundreds of students even with smallest provocation. The cases are so framed, that it would be difficult for them to get bails and even if one comes out, another case is ready, for putting him behind bars. For some, it would take remaining part of their life to come out of the cases.

98. It must not be forgotten that Universities are not only centers of learning, but also are the laboratories, where future leaders are turned out. It is not exaggeration that, either in the immediate past or at present, students, particularly, those, who were leaders in the campus, have proven to be effective leaders and administrators in the Government. Banaras Hindu University and Aligarh Muslim University, to name a few, produced leaders of very high caliber. At one point of time, the former students of Osmania University were Chief Ministers of three different States. (P.V. Narasimha Rao, S.B. Chavan and Veerendra Patil for the States of A.P., Maharashtra and Karnataka, respectively.) Later on, one of them became Prime Minister, and another, Union Home Minister. Andhra and Sri Venkateswara Universities have also presented persons of very high caliber, not only in academics, but also in different wings of the society including politics. This is not to suggest that indiscipline must be

tolerated. Bullet can not be a panacea for all the problems, particularly, in a society, governed by Rule of Law.

99. For some, it may appear that politics is antithesis to study, in the campus. However, they do not realize the fact that unless some well-informed and intelligent students with character and patriotism do not grow up as politicians, the space would be occupied by anti-social elements or by those, who do not find any difference between "University" and "anniversary", or the one between "acumen" and "vacuum". The country has already made substantial progress in this direction.

100. If students in large number have chosen to press for a demand, not concerning themselves, even at the cost of their studies and lives, the Government, and the society, at large, is required to stop for a while, and think about it, than to search modes of suppression. Today, Osmania University has become almost a cantonment, and one is welcomed with barbed wires or dreadful barricades. Many a time, the police and armed forces outnumber the students. The students do not have even freedom to go from one end of the University to another, in groups. The Government wanted a peaceful solution to this situation. The Committee, however, had a different thing in mind. Those who fed the committee with inaccurate information and projections should have

realized that, if real bullets that killed 369 persons could not suppress the demand, rubber bullets may not achieve that goal.

101. For those who indiscriminately use the force against their own citizens, an eye-opener came in the recent past. Libyan Air Force was exhorted to bombard the persons, who were agitating for change of guard. Two pilots of Jet Fighters have taken off from the ground, but have para-trooped in a safe location, permitting the flights to crash.

102. More than the contents of the note, a larger question arises. Existence of peace and tranquility is always a thing, which everyone can wish and relish. In a society, where several conflicts of interests and ideologies exist, it is but natural that dissents and dissensions are expressed. Some times, they are expressed in the legislative bodies, and on other occasions, outside them. Intensity thereof would depend upon the genuinity of the cause, on the one hand, and the response of the State or the lack of it, on the other hand. The best course to put an end to such agitations is, to engage the persons in meaningful discussion, accede to their demands, if they are genuine, or to explain them as to how their demand is not genuine, or not capable of being accepted, even if genuine. Use of forces can be justified only when the agitators resort to it first.

103. The maneuver suggested by the Committee in its secret supplementary note poses an open challenge, if not threat, to the very system of democracy. If the source of inputs that gave rise to this is the Government, it (the Government) owes an explanation to the citizens. If, on the other hand, the origin of inputs is elsewhere, the Government must move in the right earnest to pluck and eradicate such foul source and thereby prove its respect for, and confidence in, the democracy.

104. It is not uncommon that people who want quick access to power or to be in the good looks of trigger happy Rulers, cross the limits of decency and propriety, and many a time, they are rewarded. The reward, however, will not only be short-lived, but, some times, would also prove costly. This Court is not able to resist its temptation to quote what Nick Meo said, in his article HUDA THE EXECUTIONER (*The New Indian Express* March 7, 2011). It was about a lady, who ascended to the position of Mayor of the Second Largest City, Benghazi, in Libya. In his own words,

“When Colonel Gaddafi hanged his first political opponent (Al-Sadek Hamed, a young Aeronautical Engineer) in Benghazi’s basketball stadium, thousands of schoolchildren were rounded up to watch a carefully choreographed, sadistic display of the regime’s version of justice. They had been told they would see the trial of one of the Colonel’s enemies. But instead a gallows was dramatically produced as the condemned man knelt in the middle

of the basketball court, hands bound behind his back. The crowd yelled out "No, no" as they realized what was about to happen. Two young men bravely ran up to the revolutionary judges and begged them for mercy.

The worst moment came right at the end, as the hanged man kicked and writhed on the gallows. A determined-looking young woman (Huda Ben Amir) stepped forward, grabbed him by the legs, and pulled hard on his body until the struggling stopped. Afterwards everyone knew why she did it. "She was ambitious, and Gaddafi has always promoted ruthless people..."

She knew Gaddafi would be watching on TV and would see her. Sure enough, afterwards she was rapidly promoted. That terrible thing she did was the making of Huda Ben Amir's career...

She is one of the richest and most powerful women in Libya and one of the most hated, a favourite of the colonel, a member of his privileged elite, and twice mayor of Benghazi".

105. However, everybody who felt that the protest in Libya was suppressed with the martyrdom of Al-Sadek, were proved wrong. Today, the young martyr from his grave makes a dictator, who ruled the country for decades together, to run for hiding.

106. What about Huda Ben Amir ?

"She fled from the city as soon as the uprising broke out two weeks ago, leaving her mansion home to be burned down".

107. History is replete with these examples. The lesson is that, suppression beyond a point becomes counter-productive. It is only the solutions that are brought about through mutual discussion and

democratic process, that will provide a long-lasting, respectable and peaceful solution.

108. For the foregoing reasons, this Court finds that the privilege claimed by the respondent for the report is untenable and that the withholding of note from public is arbitrary, unreasonable and unconstitutional, and that a meaningful discussion, with reference to the report submitted by the Committee, cannot take place, unless it is made public.

109. The writ petition is accordingly allowed, as prayed for. This judgment, however, shall not be construed as expressing opinion on any of the alternatives suggested by the Committee, or as limiting the power of the Government to take a decision on the issue concerned. The respondent shall consider the feasibility of making the note on Chapter-VIII, public, within two weeks. There shall be no order as to costs.

110. Before parting with the case, this Court acknowledges the dispassionate and meritorious assistance rendered by the learned Attorney General, Additional Solicitors General, Sri Ravindran, and Sri Vivek Tanka, Sri G. Mohan Rao, learned counsel for the petitioner, and Sri K.Vivek Reddy, learned counsel for the 2nd respondent.

L. NARASIMHA REDDY, J.

Dt.23-03-2011.

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THE MYSTERY OF THE MISSING CHAPTER –

Fifty-two words that damned the SriKrishna Committee Report

By

GAUTAM PINGLE

900 words

A distinguished former Supreme Court judge who has received plaudits for his report on the Mumbai riots headed the SriKrishna Committee on Telangana. Another four persons including one Vice Chancellor of a Law University, a retired Secretary of Government of India of average standing and two academics of moderate distinction assisted him. The Committee was further assisted by whole panoply of staff - retired and serving bureaucrats and consultants (both formal and informal) – in writing the Report. The Committee had conducted extensive consultations in the State and at Delhi and had received and, presumably read and absorbed, nearly a lakh of written submissions. They also receive oral and written presentations from 102 political and civil society groups.

In the end, they produced a Main Report of 505 pages and an Appendix Volume of 183 pages.

This was a Herculean task accomplished after 11 months of serious work and engagement with the many persons from all the regions of Andhra Pradesh. Yet the output seemed somewhat cumbersome, contradictory and - not to put too fine a point on it – totally confusing. Instead of shedding light, the Report shed more darkness and left a lot of darker shadows for people to speculate, suspect and misunderstand. It was everything unto everyone and nothing to anyone wanting to make a decision. Little wonder that the Government of India was confused and so were all the political parties.

Where lay the problem? Apart for the problem of too many cooks spoiling this broth, and not having an overall editor who could smooth over the contradictions and sharp edges, the Committee allowed itself to be influenced by too many extraneous considerations. To put it baldly - the issue was that 40 million-odd Telengana citizens preferred to have a state of their own- whatever the outcome. That the people's voice must ultimately prevail is a concept the Committee failed to understand or chose to ignore. It did not for example suggest a referendum or opinion poll to assess the will of the people of the region. Yet it seemed to suggest that it was only political machinations that drove the movement. It is uncharitable that anyone would say this of a movement that has existed on and off for 60 years. Therein lie the sadness and anger.

The worst case of all – and there are too many other ones to enumerate and describe and critique - is that of Chapter 9, “LAW & ORDER AND INTERNAL SECURITY DIMENSIONS”. This read for only a paragraph – 152 words - and ended up thus :

“ A note on the above covering all aspects has been prepared and is being submitted to the Ministry of Home Affairs in a separate cover along with this Report. The Committee has kept these dimensions in view while discussing various options included in Chapter 9 of the Report, i.e., “The Way Forward”.”

These critical 52 words damned the Report’s painstakingly constructed edifice of 146,071 words of text. These words implied that what was essential to the options recommended was to be a secret known only to the Committee and the Government.

Never in known history of 60 years of official reports has any official Committee or Commission dared to secret part of a report and that too a significant part of it (by its own admission). What is worse, the Committee was open about it – transparency taken to insulting extent - but only to tell us that a significant part was not to be disclosed to the *aam aadmi* – we were not good enough.

The Committee seemed to say: “we have studied everything and we have stated the cases for and against and come up with six solutions (of which four are unworkable) and feel that a decisive element is the law and order and internal security aspects – which we don’t think the public should read but that the Government should take into account while deciding the fate of 40 million people”.

No more and no less!

Since commonsense, decency and legal prudence seemed to have been abandoned, an able and competent citizen had no other recourse but to the Courts of Justice in a Writ.

The equally eminent Attorney General of India insisted on appearing before the Bench and stated categorically that the Committee has no legal standing; that it was not a Commission under law and, therefore, anything it said or wrote was of little or no consequence. All this was a storm in a teacup - as it were. He added that the Courts have no jurisdiction on what was a private affair of the Government and could not pass judgment on what was private correspondence. Well, that is what he seems to have meant, more or less.

A courageous judge will pronounce on the issue and has already shared some of his thoughts on it from the Bench - and what robust thoughts! He seems to have said that the whole exercise cost the public Rs 40 crores and it was unfortunate that a retired Supreme Court Judge should have been associated with it. It is clear that what a former Supreme Court Judge could not see, a sitting Judge of a High Court has. Here is the ultimate remedy of the citizen from the arbitrariness of officialdom. One must thank God for the Courts and wish that they might always see that justice and fairness prevail in the land.

SRIKRISHNA COMMITEE IGNORES VIOLATION OF TELENGANA TRIBAL LAND RIGHTS BY “ANDHRA SETTLERS”

BY

GAUTAM PINGLE

2231 words

Introduction

The Nizam's government in Hyderabad State recognized the issue of tribal land rights and the protection they needed from exploitation by non-tribals. The Tribal Areas Regulation, 1356-Fasli (1948 AD) and the Hyderabad Tribal Areas Regulation, (Regulation No. III of 1359F –1951 AD) was in force to restrict transfer of land in Scheduled/Notified areas.

Even under the British Raj, protection of tribal land from non-tribal acquisition was important. This was continued in the Constitution adopted for the independent Republic of India.

The Constitutional Position

The President, by the Scheduled Areas (Part 'B' States) Order, 1950, which became effective from December 7, 1950, exercised the power declaring certain specified areas as Scheduled Areas in Part 'B' States including the State of Hyderabad (Adilabad, Karimnagar, Nizamabad, Warangal, Khammam, Mehboob Nagar Districts).

The Fifth Schedule enjoins that the Governor of each State, having Scheduled Areas therein, shall report to the President regarding the administration of the Scheduled Areas in that State. Special power has been conferred to prohibit or to restrict the transfer of land by or among members of the Scheduled Tribes in such area and to regulate the allotment of land to members of the Scheduled Tribes in such area and to regulate money lending to the tribals in the Scheduled Area.

Andhra Pradesh and Telengana

The main statute governing tribal land and provision of safeguards in Schedule V Areas is: **Andhra Pradesh Scheduled Areas Land Transfer Regulation (LTR), 1959 (Regulation No:1 of 1959)** as amended in 1970, 1971 and 1978 and the Rules framed under this Regulation in 1969

In Telangana area of the State of Andhra Pradesh, prior to the Regulation and pursuant to Part B State Regulation in Fifth Schedule, the AP Tribal Area Regulation, III of 1359 F promulgated by the Nizam, as Raj Pramukh, of Hyderabad was in effect.

The Regulation came into force on March 4, 1959 in Andhra Pradesh area and in Telangana area with effect from December 1, 1963. Prior to this, the law in Telangana area was in operation prohibiting any transfer of agricultural lands without prior permission. The non-tribals in the Schedule V Area were presumed to have acquired title from tribals unless they are able to prove to the contrary that their possession of properties in the Agency tracts was lawfully acquired.

Situation on the Ground

However, with merger with Andhra there was a considerable influx of “Andhra settlers” from high-density populated areas into low-density populated regions, especially the tribal areas. Since most of the tribal areas were in the Godavari river valley and were very fertile, the influx from the Coastal Andhra areas proceeded upwards along the river in the Telangana districts of Khammam, Warangal and Karimnagar. The Coastal Andhra “settlers” were attracted by the black cotton soils with potential to grow cotton, chilli, tobacco and other cash crops in the cultivation of which they had considerable experience and for which there was a ready commercial market in the Coastal Andhra

The influx became widespread and, finally, with the intervention of the Supreme Court in the 1995 Samata judgment, the situation needed assessment. This three-bench Samata judgment cleared all legal controversy regarding the protection of tribal land and removed any ambiguity that governments had exploited earlier.

The Government of Andhra Pradesh (GoAP), commissioned J.M.Girgliani IAS (retd.) to study the issue of Telengana Tribal Land rights. He presented the “Report of Tribal Land issues in the Telengana Area”. This report is dated August 16, 2005.

It indicated widespread violations of tribal rights, which had been guaranteed by the Constitution and were supposed to be monitored by the Governor of the State (who has to submit an Annual Report to the President on Schedule V Areas). These violations have been going on for at least 53 years and largely by “settlers” from outside the region

As can be seen the LTR was issued in 1959 just after the merger of the Telengana with Andhra State with the avowed purpose of protecting Telengana tribal rights from the expected influx of settlers from the Andhra area. However, it will be noted that the Rules, which are the operative part of any statute, were not issued till 1969 - ten years after the basic law – and mainly due to the Telengana Agitation of that year! The Government issued GO Ms 971, dated 7.10.69, which prohibited assignment of Government Land in Scheduled Areas to non-tribals.

Subsequent to this, to favor non-tribals and in relaxation of GO Ms 971, three other Government Orders were issued, which in due course were struck down by the High Court as *ultra vires* the Constitution. This indicates the motives behind the issuance of the LTR, the non-issuance of operative Rules, the subsequent ameliorative GO’s and violations despite these Rules and Regulations as detailed below from extracts of the Telengana Tribal Lands report

Main Points

1. The Report states (p.5) “In Govindrao Mandal, in almost all the villages, the land is under cultivation by non-tribals. 75% of the population is also non-tribal. Most of the non-tribals are not originally from these villages but are ‘settlers’ from Coastal districts. It is stated that the process started before the 1950’s....The major thrust of infiltration and “detrribalisation” has been during the last ten years. This influx of non-tribals has resulted in tribals leaving these villages...the land occupied by the non-tribals are not only patta lands but also government lands”
2. It further states (p.8) that: “ Like Govindrao Mandal, in Mulug Mandal there is an influx of “settlers”, on the invitation of non-tribals who are originally not inhabitants of this Mandal. The influx is still continuing. A large extent of the land occupied by non-tribal ‘settlers’ is government land. They are not evicted; but pattas have not been granted either to them or to tribals. There are 2,000 acres of Land Ceiling surplus land of which 1,200 odd acres are under occupation of non-tribals. The restoration orders have been issued under LTR for 350 acres. The orders are not being implemented since 1980 due to “non-tribal resistance”
3. Again (p.10), it states: “In Narsingpet Mandal, one of the Scheduled villages has 2400 acres of Government land of which 1700 acres are assigned to tribals as well as non-tribals. Lambadas and non-tribals have come to the village in large numbers. The Koyas have therefore vacated the village. ...The assignment of government land to the extent of 1,700 acres to non-tribals is in violation of the LTR”
4. It details (p. 15) the extent to which non-tribal settlers will go to protect their illegal possession of tribal land: “In Kothaguda Village there are 21,000 acres (worth about Rs 110 cores ate the minimum value of Rs 50,000 (per acre) of Billa number lands. A Billa number is a large part of surveyed land that has been left without numbering for whatever reason mainly because at the time of the survey, it was not cultivated though cultivable. In course of time, these unnumbered surveyed lands got occupied by enterprising non-tribals, who brought them under the plough or acquired them informally from tribals, who had started cultivating them. In 1993, the land was surveyed by Assistant Director, Palvancha. In 2002, the MRO’s office was blasted and the Survey records were destroyed. “
5. Also: “In Medapllai Village, the Billa no: is 536 acres. Of these 50% Maktadar’s portion admeasuring 180 acres was declared as surplus land under the Land ceiling Act. Out of these 90 acres are under submersion and another 90 acres under non-tribal occupation, the Village has no tribal population. (p.15)

6. Bhadrachalam village was notified under Schedule V. It later became a municipality. However, the Schedule V status does not alter because of this change as Schedule V specifically carefully excluded Hyderabad as well as major Panchayat towns for its ambit. On page 31 the report states: “..a staggering Rs 10,000 crores of worth of government and tribal lands are in the hands of non-tribals in the town for nothing except what may be called authorities turning the Nelson’s eye for over one or two decades” (p.31)

7. Apart for the lands of owned by tribals and government, even sacred temple lands – that too, of a great temple like Bhadrachalam, were not left alone. The Report states:

 “ As mentioned above, the current market value of land in Bhadrachalam town is around Rs 4000 per sq yard. ...**the total value of the Endowments lands under encroachment and held in violation of the LTR can thus be estimated at Rs 500-1000 crores , by conservative estimates**(emphasis in original). (p.33)

8. The Government issued GO Ms 971, dated 7.10.69, which prohibited assignment of Government Land in Scheduled Areas to non-tribals. Thereafter, it issued a three GO’s: GO. Ms 41 Revenue dated 12.10.71; GO Ms. 951 dated 4.12.1974 and GO MS 129, dated 13.08.79, which amended the GO MS 971 and, according to the Report “ which were intended to benefit non-tribals and protect them against the operation of the LTR.” (p.40).

9. “The High Court struck down these GO’s, but in spite of these clear judgments striking down ALL these three GO’s, strangely in all the Mandals of all the three districts , Warangal, Karimnagar and Adilabad, certain lands occupied by non-tribals were identified under GO Ms 41 and excluded from any action for eviction. There is no clear explanation as to why protection was given to the non-tribals under GO Ms 41 Revenue alone, among all the other GO’s struck down by the High Court....When a GO is struck down by the High Court , it becomes in operative, null and void and it cannot be treated as valid....Whether it indicates a deliberate conspiracy or collective naivety or a convenient alibi to avoid taking action, or, to be charitable compassion for the poor occupants (presuming that they are poor which is doubtful. They are powerful), or that eviction may have the unpredictable fall out for the concerned officials, it is totally indefensible.” (p.41) (emphasis in original)

To sum up the Report stated (page 23):

“Incredibly vast areas, in some case while villages and at least one whole Mandal and 70% of the lands in another Mandal are under occupation by non-tribals. If that had been the position 50 years ago, the villages would not have found place in Schedule V, inclusion in which is based on tribal population and land under their occupation. Their protection in their habitat and protection of their occupation is the very raison d’etre of

Schedule V. Inclusion of an area under Schedule V therefore is by itself sufficient evidence that most of the land is under tribal occupation. That much of it has gone into the hands of non-tribals shows that it has passed off illegally. The presumption in the LTR to this effect is also based on this premise. In this context, to assume that the lands held by the non-tribals are under 50 year old pattas or pre-1970 of pre-1959 pattas is a rationalization of the administrative system's incapacity to cope with the magnitude of the problem, of putting every case under scrutiny under LTR."

Conclusion

And the Report goes on to detail case after case in Adilabad, Warangal and Khammam districts, which make for painful and sad reading. **This will be obvious by just reading the above extracts, and confirmed by a reading of the whole 80-page report.**

Yet the SriKrishna Committee, who has access to this extraordinary report as well as submissions based on it, has chosen to ignore the whole sorry situation of tribal dispossession. It dealt with the Tribal issue as a demand for a Tribal state ("Manya seema" or a Dandakaranya State") based on deprivation of their culture, habits, languages, jobs and sentiment (but not land). This was aimed at countering the issue of the Telangana State issue. The tribal state contemplated by some of the tribal leaders envisages a state carved out of nearly three or four states and has no relevance to the deprivation of the Telangana tribal land by the "Andhra settler" influx.

SKC was criminally remiss in ignoring what "Andhra settlers" had done to the tribals of Telangana. Instead SKC said in case Telangana state is formed, "settlers" property should be protected. This means that according to SKC these illegal lands acquired from tribals the Telangana state should allow these lands to be retained by the non-tribals. All this shows how little application of mind SKC brought to the pressing problems of Telangana.

A separate Telangana State would be the main bulwark of the tribal population and would rectify and correct the injustices done to the tribal populations by the GoAP and "Andhra settlers".

Thus is a wonder that despite the facts SKC ignored the tribal land issue - it talked about everything except land! It concluded that: "Thus Telangana has a higher proportion of tribal communities and both Adivasi and other tribal groups have expressed strong opinions on the demand for Telangana."(p.372). But on the next pages it says: "As discussed in detail later in this section, Adivasis residing in districts of Telangana prefer to remain in united Andhra or have their own state of Manya Seema".(p.373). Each page seems to have been written by a different person!! The SKC Report is a confusion of a defense of vested interests of "Andhra settlers" by ill-organized minds and ill-intentioned persons

TELENGANA WELLS AND WELFARE

BY

GAUTAM PINGLE

1012 words

A recent news report in the Times of India declared that the Federation of AP Chambers of Commerce and Industry (Fapcci) and industrialists are “demanding that the government put an end to its free power scheme to the farm sector or show evidence how the free power supply has benefited farmers or their farm yield.”

The State government said to provide seven-hours of free power daily to farmers and this accounts for 40 per cent of state’s total power consumption. How anyone can calculate this without metering it at the user, is a mystery that has yet to be solved. Basically whatever the utility cannot account for - either theft by industry or residential users or losses in line transmission is attributed to free power and billed to the State government.

With free power being doled out in two shifts, one in the night, farmers say their crops are withering due to poor timing of power supply. They are forgetting that as recent as 12th March 2010, Planning Commission Member Abhijit Sen held a meeting with the Chief Secretary S V Prasad and at least 22 principal secretaries and secretaries of various departments when every scheme from free power to farmers, power subsidy to industries, Arogyasri, pensions, loan waivers, pavala vaddi and input subsidies implemented by the YSR regime between 2004-09 came in for criticism from the Commission.

Planning Commission reportedly observed that the free power to farmers was actually being grossly abused besides causing reckless wastage of ground water. How any farmer can “waste” precious well water is anyone’s guess – all the water goes to the field and the crops and if it stands in a paddy field it also seeps back underground. Apart from suggesting that the free power be metered and the farmer be made to pay for it, the Commission is reported to have told the state to do away with the power subsidy being extended to industries. “The industrial power tariff in Andhra Pradesh is very low. Therefore, there is no reason to give them any more incentives,” the Commission said.

So it is not just free power for farmers that are under attack but also subsidized power to the industry and many other free services.

Well irrigation has been in existence for a long time though the human and animal labour costs of lifting water using traditional devices has been a main hurdle – till the coming of diesel and electric pump sets. Even in time of famine, well irrigation has been able to hold its own as it relied on ground water. Yet its growth took off only after the electrification program got going and covered village after village.

The most dynamic Telengana irrigation source is that of well irrigation – from tube and open wells. Left to their own deserts by the State Government, Telengana farmers have invested their own capital in digging or boring wells, fitting pump sets and laying pipelines to bring water to their fields. The capital costs of this type of irrigation are far in excess of other type of irrigation and all of it is borne by the farmers rather than by the state.

The only concession given to the well irrigation farmer is the recent policy –5-year-old – of providing free power to them. This power, however, is given when no one else wants or needs it – at unearthly hours –and a low quality (below 230 volts). In Telengana, in 2009, there were about 16 lakh agricultural connections (58% of the state total) with a connected load of 54 lakhs MW (53% of the State total).

The chief component of the growth is in the tube well segment, which is a high cost irrigation and is entirely dependent on the availability and cost of power. With free power since 2004 the segment has truly taken off, adding 1.8 lakh new connections with an additional connected load of 11 lakh MW.

In 1874 the figure for well irrigation in Telengana was estimated at 55,000 hectares growing to about 135,000 ha (in 1955-56). The ten-fold growth in the last 50 years to nearly 13 lakh hectares in 2008-2009 is entirely due to private investment by Telengana farmers. As a result well irrigation has overtaken, by far, government-funded tank- and also canal irrigation) as the major component total irrigation of 17 lakh hectares in Telengana.

Much of the well irrigation therefore depends on the availability of power and the condition of the water table. Evidence indicates that the water table is falling and with the decline in surface irrigation – largely by tanks but also by canals- recharge of the water table depends largely on the monsoon. According to the Groundwater Department, of the 462 Telengana basins, about 18% are “overexploited” and 28% are “critical” or “semi-critical”. If the tank irrigation were not so badly affected, the recharge of ground water would have been much better and thus allowing well irrigation to expand.

On the other hand, the decline in tank irrigation is alarming. In the last 50 years, Telengana has lost two lakhs hectares or five lakh acres of tank irrigated land. This is not compensated by the doubling over the same period of canal irrigated acreage from one lakh hectares to two and quarter lakh hectares.

In recent decades and especially over the last one, State Governments have ignored tank and canal irrigation which has been built up – in the case of tanks over hundreds of years - and in the case of canals - over decades. Instead they have focused on huge and ambitious new schemes, which do not have all the clearances needed, nor are fully funded. These will take decades to result in irrigation to the fields is a complete mismanagement of this important sector. It will be useful to remember that agriculture

now produces on 30% of the total income but is the basis for survival of nearly 78% of the Telengana rural population. For agriculture -especially in the semi-arid tropics - irrigation is a key element in raising land productivity, farmers' incomes and assuring stability of livelihoods.

WHO IS BACKWARD –TELANGANA OR SRIKRISHNA?

By

Gautam Pingle

1226 words

It is never a nice thing to be called “backward”. In my school days, a student who was called “backward” was one who could not keep pace with either the curriculum or the rest of the students. Next year, he (mine was a boys-only school) would have been kept back in class to repeat the curriculum and to find his true and comfortable place. But let that pass - today being Backward is something else and now allows you to fight for double promotion. And woe is it to them who suggest that he take a back seat where he belongs.

But the SriKrishna Committee (SKC) thought that Telangana deserves a double – maybe even a triple – promotion. So it declared that Telangana was not only NOT “backward” but also in fact better than Rayalaseema!

Parliament was told that 9 out of 10 Telangana districts were included in the under ‘Backward Regions Grant Fund (BRGF)’ initiated in 2006-07 to address the problem of regional imbalances. In his written reply to a question in the Lok Sabha today, Minister of State for Rural Development, Pradeep Jain Aditya put by Mr Suresh K. Taware, said regional imbalances result from varying factors such as “differences in resource endowment, geographical and historical characteristics and also availability of infrastructure”.

But SKC wrote in their report that:

“The Government of India undertakes a review of the development of districts across India on a regular basis. The intention is to identify the most backward districts and infuse additional funds so as to make the backward districts catch up with other progressive areas across India. The National Planning Commission identifies such districts under the Backward Region Grant Fund (BRGF) scheme.The backwardness of a district is normally defined using three main parameters; ‘value of output per agriculture worker’, ‘agriculture wage rate’ and ‘percentage of SC/ST population’ of the district.

Another factor considered as a special case is the presence of left wing extremism. For example, five districts in Andhra Pradesh namely Nizamabad, Karimnagar, Medak, Khammam and Nalgonda, which are all from Telangana region, are included in the RSVY on the recommendation of the Ministry of Home Affairs. These left wing affected districts constitute 46 % population of Telangana (including Hyderabad) and about 19 % of the population of Andhra Pradesh. On

the basis of other backwardness characteristics, four districts from Telangana, three from Rayalaseema and one from coastal Andhra are listed under BRGF. The BRGF population covered due to backwardness works out to be 41% (including Hyderabad) in Telangana, 74% in Rayalaseema and only 7% in coastal Andhra.

Of the total 87% population covered by BRGF in Telangana, 46 % is covered under extremist affected districts selection criteria. Thus, a large percentage of population from Rayalaseema, relatively smaller percentage from Telangana and very small percentage from coastal Andhra were backward as per the BRGF backwardness identification criteria. Hence, the argument extended by some political parties and civil society groups from Telangana region does not get support from this analysis of the BRGF” (Emphasis mine) p.81-82

SKC reports that: “Being the most backward region of the state, Rayalaseema is apprehensive of its fate in case an autonomous Telangana state is formed. The sentiment in this region, therefore, has been vehemently against the division of the state”(p.353). What is with Rayalaseema – if it is more backward it should want to separate and stand on its own feet – not live off other regions. What happened to the successors of those great leaders who had to be persuaded to sign the Sri Bagh Pact with false assurances from their Coastal cousins!

This a devious and dishonest attempt of SKC to twist what the Government of India, Planning Commission and the Ministry of Panchayati Raj have stated clearly. SKC is trying to convince its readers that Telangana was not backward by playing around with words that are not on record and which make no sense. Even the expression “Backward Regions” is part of the title of the Central Scheme. Even by their logic “value of output per agriculture worker”, ‘agriculture wage rate’” are clear enough indicators of backwardness.

Anyway, SKC is trying to convince by this devious and dishonest argument is that out of the 9 districts – 4 (Nizamabad, Karimnagar, Medak, Khammam and Nalgonda) are not backward but Naxalite infected. So only 5 districts are truly backward and these districts contain only 46 % of the population but agree that if the other 4 are included, the population living in backward districts is 87%! Only the Hyderabad district is forward!!

But unfortunately despite all the twists and turns of the SKC argument *satyam eva jayate*. This is what Planning Commission has to say about RSVY and BRGF:

BACKWARD REGIONS GRANT FUND (BRGF)

7.1.28. The development of backward regions has been a major concern of planners in India. However, prior to the Tenth Plan, the issue of development of backward areas was approached as primarily one of development of StatesThe emphasis was on backwardness in terms of economic performance, though the impact of historical and social factors in economic matters was also recognized....

7.1.29. The Mid-Term Appraisal of the Ninth Plan showed that despite these efforts, one of the most serious problems facing the country was the wide disparity and regional imbalances between States, and within a State between districts. It was these pockets of high poverty, low growth and poor governance that were slowing down the growth and development of the country. In the Tenth Plan, it was decided to have a new approach to target these areas through a specific programme for Backward Areas, and the Rashtriya Sam Vikas Yojana (RSVY) was introduced in 2003–04. (Emphasis mine) 11th Plan Document, Volume 1, pp.144-145

So much for RSVY!

The Ministry of Panchayati Raj administers the BRGF, as the idea is to leapfrog state capitals and send the funds directly to the Panchayats in the Backward Regions. Obviously the Center does not trust the States to distribute the funds to those areas most in need! The Ministry says:

1.1. The Backward Regions Grant Fund (BRGF) is designed to redress regional imbalances in development. The fund aims to supplement and converge existing developmental inflows into identified districts,

1.3. The Backward Regions Grant Fund (BRGF) represents a novel approach towards tackling chronic regional backwardness by entrusting a central role in planning and implementation of the programme to Panchayats in rural areas, municipalities in urban areas and District Planning Committees (DPCs) at the district level to consolidate Panchayat and Municipality plans into the district plan” (emphasis mine) “Handbook on monitoring of the Backward Regions Grant Fund”, p.1

So it will be seen that that the BRGF is a fund for helping “pockets of high poverty, low growth and poor governance”, where “backwardness in terms of economic performance, though the impact of historical and social factors in economic matters was also recognized” and intended to rectify “the wide disparity and regional imbalances by a “novel approach towards tackling chronic regional backwardness”

What SKC has tried to prove by ingenious twists and turns, is that what is real is only a mirage! SKC is the mirage and which has kept Telangana occupied for a year and wasted precious time, which was needed to accelerate development of this Region. SKC has only succeeded in making a fool of itself, when it wanted to fool Telangana.