

# AP Reorganisation Act Just Ensures Andhra Domination

By Adithya Krishna Chintapanti - HYDERABAD

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An analysis of the provisions of the Andhra Pradesh Reorganisation Act, 2014, through its points of divergence from the standard legislative format for state creation, reveals that the political intent was to reconstitute the systems and processes of united Andhra Pradesh. This involves two strategies. First, linking the macro institutional processes at the highest levels by having a common Governor and High Court for an indeterminate period of time for the successor States. Second, it replicates administrative and institutional arrangements of the united state. This results in undermining the political autonomy of the Telangana state, subjecting the region's internal processes to the renewed influence of the Seemandhra region/state, replicating the very processes which lead to the demand for a separate state.

**Common Governor:** The Act envisages a common Governor for both states for such period as may be determined by the President. This would mean that a single individual would be privy to the internal working of the governments of both the states externally in terms of communications to the Union government and internally with regard to the Cabinet briefings. This leads to continuation of the present system of political coordination through the institution of the Governor in the united State; only that these informal political arrangements are now formalised by statute.

**Common High Court:** The Act states that the High Court in Hyderabad shall be the common High Court for the states of Andhra Pradesh and Telangana till the establishment of a High Court for Andhra Pradesh. Though it speaks about the establishment of High Court of Andhra Pradesh, there is no specific timeline given for the transition. Under ordinary circumstances, this should not raise eyebrows as similar large states like Punjab and Haryana also share a common High Court. What is of concern is the high level of politicisation and regional division of the higher judiciary and the Bar Association in Andhra Pradesh. Also judges from Telangana are numerically/disproportionately smaller (in terms of population ratios) in contrast to judges from Andhra Pradesh, owing to systemic exclusion in the joint judiciary. Given the same, having a common High Court does not appear to be a credible prospect.

**River Management:** Interstate river management boards are not a new phenomenon in case of state reorganisation. However, the establishment of an apex council for the river systems of Krishna and Godavari, consisting of the chief ministers of successor states and coordinated by the Central minister of water resources may end up depoliticising issues pertaining to water allocation, by making coordination which is subject to power play as the rule, as opposed to contestation in a court of law, which is an equitable course of action for a politically weaker state.

The clause that deems Telangana's consent for the highly controversial Polavaram Irrigation Project on river Godavari not only raises questions about its legality but is also symptomatic of the irrelevance of Telangana's stand on interstate water sharing under the proposed apex council mechanism.

**Control of Companies:** Like most states, the government-led developmental work in Andhra Pradesh is executed through government companies and corporations. The Ninth Schedule to the Reorganisation Act includes 44 companies providing key infrastructural facilities. These operate in sectors such as housing, transportation, electricity generation, transmission and distribution, industrial development and others. The present Reorganisation Act has an overriding ("notwithstanding") clause which allows the Central government to issue directions regarding the division of interest and shares of the existing state of Andhra Pradesh in the company or corporation between the successor states. It also provides for reconstitution of the board of directors of state-owned companies or corporations so as to give adequate representation to the successor states. The population ratio of Andhra Pradesh to Telangana, based on 2011 census is around 60:40. If the principle of division as per population ratios is to be applied, then the successor state of Andhra Pradesh with nearly 60 percent population of the united State, is bound to emerge as the majority shareholder and have greater numerical representation on the board of directors, effectively being able to steer the mandate of these companies and corporations. This would imply that Andhra Pradesh would continue to dictate the developmental and infrastructural priorities and decisions pertaining to allocation of financial resources towards the same. Unlike other state reorganisation statutes, there is no time frame for incorporation of new Companies and corporations in the successor states and effecting a complete division of assets and liabilities.

The Act only decouples the legislative processes, presenting it as the "be all and end all" of Telangana statehood. Its provisions clearly undermine the internal self-determinative processes of Telangana by subjecting them to external surveillance, interference and subversion, through institutional arrangements reconstituting united Andhra Pradesh.

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