

The Annual Survey of State Laws in India

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ANDHRA PRADESH

Anindita Mukherjee¹

Introduction

The Andhra Pradesh legislative assembly is in its fifteenth term, and the second since the state was bifurcated in 2014. The last Assembly elections, held in 2019 along with the general elections, led to a massive upset for the incumbent Telugu Desam Party (TDP). The YSR Congress Party (YSRCP), helmed by YS Jagan Mohan Reddy, was elected to form government with its largest poll margin till date—they won 151 of 175 seats.² In keeping with some of their electoral promises, the government announced a slew of public policy decisions relating to education and social welfare almost immediately after coming to power in May 2019. A substantial portion of the government's legislative activity in 2020, therefore, came down to fine-tuning decisions made in 2019 and responding to judicial challenges to them. The pandemic, of course, was the other significant determinant, both of the level of legislative engagement over the year and its substance.

The Year in Numbers

The AP legislature, according to statistics collated by PRS Legislative Research (PRS), has consistently spent fewer days in session than the national average. As per the PRS annual review of state laws, among the 19 states that make this data available publicly, the average number of days that state legislatures have been in session between 2016 and 2019 is 29, while in 2020 they sat for an average of 18 days.³ Data disclosed by the AP government show that the Assembly has been sitting for around 25-26 days a year since 2014.⁴ In 2020, that number was halved to 12, of which five were before the lockdown and seven, after. The number of hours spent in session also dropped proportionately, with the opposition (TDP) speaking for a paltry 5.8 hours in the entire year in comparison with the ruling party's 72.8 hours,⁵ indicating that most decisions made through the pandemic in the Assembly did not see robust interrogation by the opposition within the Assembly.

1. Doctoral Fellow, NALSAR University of Law.
2. E Venkatesu, "Post-poll survey: dalits and farmers solidly behind YSRCP in Andhra Pradesh", *The Hindu*, May 27, 2019.
3. Anoop Ramakrishnan and N R Akhil, "Annual Survey of State Laws 2020", available at: <https://prsindia.org/policy/analytical-reports/annual-review-of-state-laws-2020> (last visited on March 5, 2022).
4. The number dropped to 18 in 2016, when the Assembly met only twice, as opposed to the usual three sessions a year. AP Legislature, Assembly Statistics, available at: <https://www.aplegislature.org/web/aplegislature/statistics> (last visited on March 5, 2022).
5. AP Legislature, Working Analysis of the XV AP Legislative Assembly, available at: https://legislation.aplegislature.org/PreviewPage.do?filePath=basePath&fileName=WorkingAnalysis/Assembly/Workinganalysis_Assembly_18_1.pdf (last visited on March 5, 2022).

Despite the lacklustre performance of the Assembly in terms of time spent in session, its legislative output remained on par with non-pandemic years⁶ and well above the national average for 2020.⁷ The Assembly passed 33 bills over the year, of which four were appropriation bills. Most bills received scant debate in the Assembly, with 16 being passed on the day they were introduced, 13 on the next day and four taking between three to four days to be passed. Three, out of the 29 substantive bills passed, were reserved by the governor for the president's assent. Of these, the president has withheld his assent to two. As a consequence, two bills passed by the Assembly in 2020 have yet to come into force; two came into force in 2021, and the remaining 29, in 2020. In addition, 16 bills passed in 2019 came into force in 2020.

Amongst the 29 bills passed (excluding appropriation bills) one sought to repeal an existing statute, 19 were amendments to Acts and nine were new laws. Four of the bills passed in 2019 which came into force in 2020 were new statutes on the book while the remaining 12 amended existing legislations.

Interestingly, a significant number of the bills passed through the year started out as ordinances. While between 2017 and 2019, the average number of ordinances promulgated hovered between five and six, in 2020, the number tripled to 17. All but one (which was struck down by the AP high court)⁸ were laid before the Assembly per procedure and none were re-promulgated, with the possible exception of one.⁹ Fifteen of these ordinances are now state statutes.¹⁰ Alongside its legislative business, the Assembly also adopted five resolutions through the year, most of which had substantive bearing on questions of institutional independence both within the state and in the federal setup.

A Note on the Legislative Council

Andhra Pradesh has a bi-cameral system, yet this discussion of AP's legislative activity concentrates on the functioning of the Assembly. This is because 2020 was a tumultuous year for the legislative council, with the Assembly resolving to have it dissolved early in the year.¹¹ While the Council continued to sit—it met for nine days in 2020, down from 23 in 2019¹²—its role and function was mired in controversy. This paper will, therefore, focus on the actions of the Assembly, except in contexts where it came into conflict with the Council (where it will discuss both).

6. Thirty-nine bills were passed in 2017; 25, in 2018 (when only two sessions were held) and in 2019, the TDP government passed 20 Bills, followed by 41 by the new YSRCP government. The average number of bills passed between 2014 and 2019 (the five-year term of the XIV Assembly) was 26.6.

7. The average excluding appropriation bills for the 19 states surveyed by PRS in 2020 was 22 bills. See Anoop Ramakrishnan and N R Akhil, "Annual Survey of State Laws 2020", available at: <https://prsindia.org/policy/analytical-reports/annual-review-of-state-laws-2020> (last visited on March 5, 2022).

8. The Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2020 (Ordinance 5 of 2020) struck down by the AP HC in *N Ramesh Kumar v. State of Andhra Pradesh*, WP No 8163 of 2020 decided on May 29, 2020.

9. The Andhra Pradesh Panchayat Raj (Amendment) Second Ordinance, 2020 (Ordinance 6 of 2020) was possibly a re-promulgation of the Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 2020 (Ordinance 2 of 2020) after the first session of the year, but the text of the ordinance is unavailable. Nonetheless, it was laid before the Assembly in November 2020 along with the others that were promulgated in the interim.

10. Thirteen came into force in 2020, two in 2021.

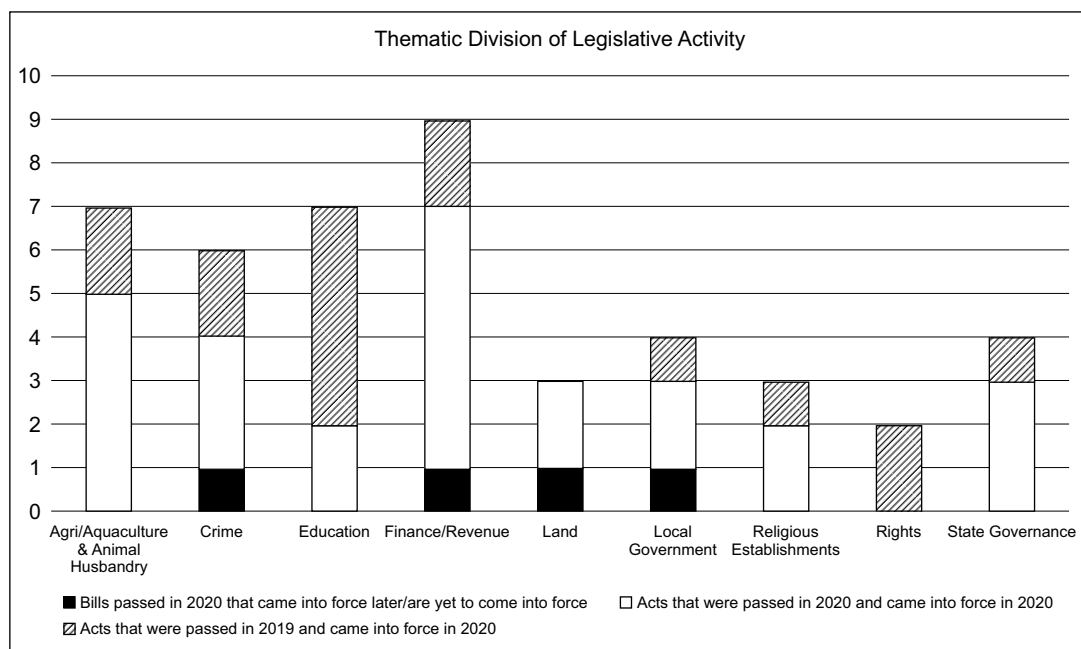
11. AP Legislature, Resolution on Abolition of Legislative Council, Jan. 27, 2020.

12. AP Legislature, Council Statistics, available at: <https://www.aplegislature.org/web/aplegislature/statistics> (last visited on March 5, 2022).

Legislative Activity Classified Thematically

The graph below breaks down the legislative output of the state into nine broad categories. The ordinances promulgated are absent because they were mostly absorbed into legislation within the year, thus their inclusion would double numbers and render analysis inaccurate. However, it must be noted that four ordinances of the 17 promulgated were not enacted as statutes within 2020. All four of these were amendments to statutes on local self-government.¹³

The following segment discusses in some detail the bills that were passed in the Assembly in 2020; the 16 bills passed in 2019 which came into force in 2020 are not the focus of analysis here. Legislative decisions that were the subject of significant contestation or controversy are discussed in greater depth in the next section.



State Revenue/Finance

Given that the pandemic put state finances under great stress, it comes as no surprise that the maximum number of legislations enacted through the year were to do with taxation and revenue. The AP Goods and Services Tax Act, 2017 was amended on the basis of recommendations of the thirty eighth GST Council meeting in December 2019.¹⁴ The amendment introduced flexibility in compliance

13. The Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 2020 (Ordinance 2 of 2020); the Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2020 (Ordinance 5 of 2020); the Andhra Pradesh Panchayat Raj (Amendment) Second Ordinance, 2020 (Ordinance 6 of 2020); the Andhra Pradesh Municipal Laws (Third Amendment) Ordinance, 2020 (Ordinance 17 of 2020).

14. The Andhra Pradesh Goods and Services Tax (Amendment) Act, 2020 (Act 22 of 2020).

requirements, made exceptions to accommodate the problems caused by the COVID lockdown and brought the AP statute in line with the already amended union Act.¹⁵

To make up for shortfalls in tax collection and the stress on the exchequer on account of unprecedented public health spending, states demanded and were permitted an additional borrowing space of two percent over the normal limit of three percent of Gross State Domestic Product for the year, subject to the required statutory amendments being made. The AP Fiscal Responsibility and Budget Management (Amendment) Act, 2020¹⁶ was enacted towards this end. It must be noted, however, that only half of this additional two percent is unconditional,¹⁷ while the remainder is contingent on ‘reforms’ brought in by the state in matters relating to the “universalisation of ‘One Nation One Ration card’, Ease of Doing Business, Power distribution and Urban Local Body revenues.”¹⁸ This is in keeping with a long history of the union government using the financial route to make incursions into state law and policy, with the Jawaharlal Nehru National Urban Renewal Mission being the most striking example in the recent past.¹⁹

In addition, three amendments were brought to AP Value Added Tax Act, 2005, increasing taxes on petrol and diesel,²⁰ revising tax rates on natural gas,²¹ and introducing a road development cess.²² While the first amendment was supported by the Council, it rejected the second and third amendments. They were enacted nonetheless per article 198 of the Constitution which limits the powers of the Council in relation to money bills.²³ Another amendment enacted to increase state revenue in a trying time, also rejected by the Council, was the AP Tax on Professions, Trades, Callings and Employments (Amendment) Act, 2020.²⁴ Noting that the professional tax collected had dropped 21.37 percent between 2019-2020, leading to an impact on disbursement of funds to local government under the Act, the amendment rationalised professional taxes within the constitutionally mandated ceiling limit of INR 2500 per annum.

An amendment to the AP Electricity Duty Act, 1939 was passed²⁵ to update its definition of a licensee, which was based on the Indian Electricity Act, 1910 and had not been updated in accordance with the Electricity Act of 2003. It also sought to give the government the power to revise the rate of duty based

15. The Finance Act, 2020 (Act 12 of 2020).

16. Act 34 of 2020.

17. The original scheme announced had only 0.5 percent unconditional. The union government changed it to one percent *vide* Press Information Bureau, “Borrowing options to meet the GST Compensation requirement for 2020-21”, Ministry of Finance, Aug. 29, 2020, *available at*: <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1649485> (last visited on March 5, 2022).

18. Press Information Bureau, “Finance Minister announces Government Reforms and Enablers across Seven Sectors under Aatma Nirbhar Bharat Abhiyaan”, Ministry of Finance, May 17, 2020, *available at*: <https://pib.gov.in/PressReleasePage.aspx?PRID=1624661> (last visited on March 5, 2022).

19. Anindita Mukherjee, *The Legal Right to Housing in India* 66-67 (Cambridge University Press, New Delhi, 2019). The AP government seemed to be unperturbed by this turn of affairs, however. It undertook the required ‘reforms’ with alacrity, becoming the first state to be eligible for additional borrowing. Bureau, “With second set of reforms, AP becomes first State to be eligible for 0.5% additional borrowing”, *The Hindu Business Line*, Oct. 02, 2020, *available at*: <https://www.thehindubusinessline.com/economy/with-second-set-of-reforms-ap-becomes-first-state-to-be-eligible-for-05-additional-borrowing/article32751233.ece> (last visited on March 5, 2022).

20. The Andhra Pradesh Value Added Tax (Amendment) Act, 2020 (Act 23 of 2020).

21. The Andhra Pradesh Value Added Tax (Third Amendment) Act, 2020 (Act 41 of 2020).

22. The Andhra Pradesh Value Added Tax (Amendment) Ordinance, 2020 (Ordinance 12 of 2020) repealed and replaced by the Andhra Pradesh Value Added Tax (Second Amendment) Act, 2020 (Act 40 of 2020).

23. The Constitution of India, 1950, art. 198(5).

24. Act 42 of 2020.

25. The Andhra Pradesh Electricity Duty (Amendment) Bill, 2020 (LA Bill 30 of 2021).

on current consumption charges as is the practice in Maharashtra, Karnataka, West Bengal, Kerala etc., instead of the flat rate of six paise that had been in place since 1994. The bill was reserved for president's assent by the governor, since it dealt with a subject in the concurrent list.²⁶

Agri/Aquaculture and Animal Husbandry

The state passed five legislations relating to agriculture, aquaculture and animal husbandry. This was amongst the areas in which several new statutes were enacted (as opposed to amendments). Andhra Pradesh currently leads the country in terms of coastal and freshwater aquaculture and efforts are on to improve its marine fishing industry.²⁷ Three statutes were enacted towards tapping into the economic potential of aquaculture in the state as well as organising the industry and regulating quality within it. The AP State Aquaculture Development Authority Act, 2020²⁸ was passed as the framework statute to achieve this end. In order to do so, it creates a nodal authority alongside a licensing system and a grievance redressal system. The AP Aquaculture Seed (Quality Control) Act, 2006 was accordingly amended²⁹ to mandate accreditation and licensing of hatcheries in the state in order to avoid in-breeding and low-quality seed production. The AP Fish Feed (Quality Control) Act, 2020³⁰ was passed to regulate the INR 17000 crore fish feed industry and control spurious practices. A similar law was also passed to regulate and lay down minimum standards for the animal feed industry.³¹

In December, Andhra Pradesh became the first state in the country to put in place a State Agricultural Council³² along the lines of governing bodies for other professions like medicine and nursing. The Council is to regulate agricultural and horticultural education in the state, maintain professional standards, and streamline research and development.

Crime

Continuing from decisions made in 2019, when the government was elected to power, the state amended both the AP Excise Act, 1968³³ and the AP Prohibition Act, 1995³⁴ to include offences of bootlegging, conspiracy, etc. and give statutory legitimacy to the Special Enforcement Directorate set up towards bringing in gradual prohibition in the state. The move is said to have had mixed results (alongside the implementation of a prohibition tax and a steep increase in prices) with smuggling becoming rampant,³⁵ and prices being forced down after a few months of implementation.³⁶

26. It received the President's assent and came into force in 2021 (Act 10 of 2021).

27. S Guru Srikanth, "New harbours to put Andhra Pradesh on top in marine fishing", *The New Indian Express*, Nov. 23, 2020.

28. Act 29 of 2020.

29. The Andhra Pradesh Aquaculture Seed (Quality Control) (Amendment) Ordinance, 2020 (Ordinance 10 of 2020) repealed and replaced by the Andhra Pradesh Aquaculture Seed (Quality Control) (Amendment) Act, 2020 (Act 36 of 2020).

30. The Andhra Pradesh Fish Feed (Quality Control) Ordinance, 2020 (Ordinance 7 of 2020) repealed and replaced by Act 35 of 2020.

31. The Andhra Pradesh Animal Feed (Regulation of Manufacture, Quality Control, Sale and Distribution) Act, 2020 (Act 37 of 2020).

32. The Andhra Pradesh State Agricultural Council Act, 2020 (Act 38 of 2020); Staff reporter, "State takes the lead in setting up Agricultural Council", *The Hindu*, Dec. 3, 2020.

33. The Andhra Pradesh Excise (Amendment) Act, 2020 (Act 17 of 2020).

34. The Andhra Pradesh Prohibition (Amendment) Act, 2020 (Act 18 of 2020).

35. Sreenivas Janyala, "Andhra Pradesh: Illegal liquor trade on a high after prohibition, over 43,000 held in 3 months", *The Indian Express*, Aug. 31, 2020.

36. Srinivasa Rao Apparasu, "Jagan's policy of phased liquor prohibition goes for toss, prices drop to prevent smuggling", *Hindustan Times*, Oct. 30, 2020.

Responding to suicides amongst young people in the country who found themselves addicted to, or at the losing end of online gambling portals,³⁷ the government also amended the AP Gaming Act, 1974 to criminalise online gaming portals that allow for betting and gambling.³⁸ In addition, the government wrote to the union government asking it to block 132 apps identified as being platforms for the same.³⁹ The move was later emulated by the Tamil Nadu government. While the concern in relation to addiction and loss of money is real, the autocratic route of banning internet applications continues a troubling trend in Indian internet governance.

Land

The AP Assembly passed three bills relating to land and immovable property in the year. The AP Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2020⁴⁰ carved out an exception to the prohibition of transfer of assigned lands in cases where the land is being acquired by the Andhra Pradesh Green Energy Corporation (APGECL). This is another significant step in the dilution of the statute, once created to prevent the acquisition of assigned lands, held by small and marginal farmers, by government and private entities.⁴¹ At the same time, the state enacted an amendment to the AP Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006⁴² allowing for the reconversion of land acquired by the APGECL for solar power plants to agricultural land. While neither bill saw any sustained opposition and they were passed quickly by the legislative council too, their simultaneous passage, despite seeming to be at cross-purposes, merits some interrogation. It is unclear from the Amending Act, for instance, as to who would own the reconverted agricultural land.

Since the YSRCP came to power in 2019, resurveying land across the state and streamlining the registration of immovable property and titling process has been squarely on their agenda. The AP Land Titling Bill, 2019⁴³ was introduced and passed by both Houses, only for the president to withhold his assent. In 2020, the bill with some amendments was passed again.⁴⁴ The governor referred it to the president a second time, and as yet it has not received the president's assent. The ostensible legal reason behind this is the fact that the statute seeks to create an independent dispute resolution system for title related disputes, not bound by the civil procedure code and outside the jurisdiction of civil courts.⁴⁵ The opposition leaders have argued that the resurveying effort is futile, it has been attempted

37. Press Trust of India, "Andhra Pradesh Passes Gaming Amendment Bill To Ban Online Games", *NDTV*, Dec. 02, 2020, *available at*: <https://www.ndtv.com/india-news/andhra-pradesh-passes-gaming-amendment-bill-to-ban-online-gaming-2332856> (last visited on March 5, 2022); Jasvinder Sidhu, "IPL's Dark Side: A Rise in Suicide Cases Has Greeted the Return of Live Cricket on TV", *The Wire*, Oct. 23, 2020, *available at*: <https://thewire.in/sport/ipl-betting-suicide-cricket> (last visited on March 5, 2022).

38. The Andhra Pradesh Gaming (Amendment) Act, 2020 (Act 43 of 2020).

39. Press Trust of India, "Andhra Pradesh Bans Online Gaming, Betting; Asks Centre to Block Access to 132 Apps in State", *The Wire*, Oct. 30, 2020, *available at*: <https://thewire.in/tech/andhra-pradesh-ban-online-gaming-betting> (last visited on March 5, 2022).

40. The Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Ordinance, 2020 (Ordinance 11 of 2020) repealed and replaced by the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2020 (Act 31 of 2020).

41. K Balagopal, "Land Unrest in Andhra Pradesh-I: Ceiling Surpluses and Public Lands" 42(38) *Economic and Political Weekly* 3829-3833 (2007).

42. The Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) (Amendment) Ordinance, 2020 (Ordinance 8 of 2020) repealed by Act 32 of 2020.

43. LA Bill 38 of 2019.

44. The Andhra Pradesh Land Titling Bill, 2020 (LA Bill 32 of 2020).

45. The AP Land Titling Bill, 2020, ss. 40, 41.

by previous governments to no avail, and that the bill should be withdrawn by the government.⁴⁶ The second iteration of the bill as introduced in 2020 is not accompanied by a statement of objects and reasons, but the 2019 draft makes its worrisome agenda quite clear:

“In the present system of Deed Registration, documents relating to immovable property transactions are registered under the Registration Act, 1908, without any title verification. With India’s rapid movement into the technological age, there is every need to introduce title registration system, which gives scope for growth in Land market with reduced litigation in courts and to ensure maximum utilization of land as a resource.”⁴⁷

The fact that a state with a significant adivasi population should seek to adopt this de Soto⁴⁸ inspired neo-liberal approach to land as a market commodity is disquieting. It ignores entirely the impact of easy access to title transfer on small and marginal holders of land whose bargaining power before large corporations or deep pockets is deeply unequal.⁴⁹ An alternate imagination for security of tenure, which does not buy so uncritically into illusory promises of a historically unfree free-market is necessary, especially for a government that seems to wish to portray itself as aligned with the interests of the most marginalised and impoverished communities in its state.

Education

In 2019, the government enacted the AP Higher Education Regulatory and Monitoring Commission Act.⁵⁰ It made news for its executive orders to make all government schools English medium⁵¹ and rationalise fee structures in higher education institutions. These orders were challenged before the AP high court, as they came mid-year and had several contradictory provisions. Private engineering colleges went to court to protest against the alteration in the fee structure, while the government maintained that all it had done was prevent the heavy profiteering by said colleges.⁵² In 2020, the government brought a retrospective amendment to the Act.⁵³ The amendment delineated the powers of the Commission (especially in relation to private and deemed universities) more clearly, alongside several other minor linguistic changes to clarify the intent of the statute. The most significant reason for its retrospectivity, however, was to validate the fee structure fixed by the Commission for the year 2019-2020 (which the Court had suspended in its interim order). The government justified the retrospective amendment on the grounds that it was both in the interest of students and in public interest. The petition by the private engineering colleges was subsequently withdrawn.

Buttressing the impetus that the government wishes to give to the aquaculture industry in the state, the AP Fisheries University Act, 2020⁵⁴ was also passed to structure research and education in the subject.

46. “Atchannaidu urges Jagan govt in Assembly to withdraw AP Land Titling Bill”, *available at*: <https://www.ap7am.com/lv-340544-atchannaidu-urges-jagan-govt-in-assembly-to-withdraw-ap-land-titling-bill> (last visited on March 5, 2022).

47. The Andhra Pradesh Land Titling Bill, 2020, Statement of Objects and Reasons.

48. Hernando de Soto, *The mystery of capital: Why capitalism triumphs in the West and fails everywhere else* (Basic Books, 2000).

49. Olivier De Schutter, “The Role of Property Rights in the Debate on Large-Scale Land Acquisitions”, in Christophe Gironde, Christophe Golay, et. al. (eds.), *Large-Scale Land Acquisitions: Focus on South-East Asia* 53-80 (Brill Nijhoff, 2016).

50. Act 20 of 2019.

51. G.O.Ms. No.85, SE (Prog.I) Dept. dated Nov. 20, 2019.

52. See order dated May 7, 2020 in WP No. 8266 of 2020.

53. The Andhra Pradesh Higher Education Regulatory and Monitoring Commission (Amendment) Act, 2020 (Act 16 of 2020).

54. Act 39 of 2020.

Religious Establishments

The state passed two strangely pacificatory amendments to the AP Charitable and Hindu Religious Institutions and Endowments Act, 1987 in 2020. The first⁵⁵ exempted eight prominent Hindu temples from the application procedure for the appointment of trustees on the grounds that the process kept “truly deserving prominent pious persons, donors, etc.” from being appointed.⁵⁶ The second amendment⁵⁷ restored the hereditary rights (which the original statute abolished) of the Sannidhi Yadava community in relation to the Tirumala Tirupati Devasthanams.

A Note on Statutes Passed in 2019 that Came into Force in 2020

Since the Andhra Pradesh Assembly went to polls in 2019, a significant chunk of the legislative activity of the newly elected government happened in the latter half of the year, leading to 16 statutes passed in 2019 coming into force in 2020. Of these, five were to do with the educational reforms that the government was keen to bring in, two each to do with revenue, agri/aquaculture and crime (relating to the phased prohibition agenda). There was also an amendment to the Co-operative Societies Act, 1964 to delete the provision that barred “a deaf-mute or a leper” from being part of committees under the statute. The AP State Commission for Scheduled Tribes Bill, which had been reserved for the president’s assent received it only in 2020.⁵⁸

Contentious Decisions

Trifurcation of the Capital

The bifurcation of the erstwhile state of Andhra Pradesh left the newly formed state with no capital city. The first Chief Minister, Chandrababu Naidu, embarked on an ambitious and sharply criticised project to build a world-class capital in Amravati. In order to do so, the AP Capital Region Development Authority Act was enacted in 2014,⁵⁹ and a land pooling scheme put in place through which farmers would trade in their agricultural land for the promise of a developed (smaller) plot in the capital city and an annual rent for a decade.⁶⁰ Many farmers did so willingly, others were forced to when their challenge to the scheme failed in the courts.⁶¹ However, on being elected into power in 2019, the YSRCP seemed to have different plans. The first two bills tabled in the Assembly in 2020 were to repeal the AP Capital Region Development Authority Act,⁶² and to put in place a decentralised, trifurcated capital

55. The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Ordinance, 2020 (Ordinance 1 of 2020) repealed and replaced by the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Act, 2020 (Act 25 of 2020).

56. The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Bill, 2020 (LA Bill 3 of 2020), Statement of Objects and Reasons.

57. The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Second Amendment) Act, 2020 (Act 26 of 2020).

58. Its counterpart statute for Scheduled Castes took longer, and received the President’s assent in 2021. With this, the Commissions stand bifurcated, in line with the National Commissions.

59. Act 11 of 2014.

60. The Andhra Pradesh Capital City Land Pooling Scheme (Formulation and Implementation) Rules 2015 issued in G.O.Ms. No.1, Municipal Administration & Urban Development (M2) Department, dated Jan. 1, 2015.

61. Sruthisagar Yamunan, “They gave up farmland for new Andhra capital. Now they are crippled with uncertainty” *available at*: <https://scroll.in/article/951454/they-gave-up-farmland-for-new-andhra-capital-now-they-are-crippled-with-uncertainty> (last visited on March 5, 2022).

62. The Andhra Pradesh Capital Region Development Authority Repeal Bill, 2020 (LA Bill 2 of 2020).

with the legislature, executive and judiciary sitting in different cities.⁶³ The stated reason for the same was to avoid the creation of a ‘honeypot’ city and to decentralise development in the state.⁶⁴ Two days later, the Assembly also passed a resolution on the basis of a cabinet sub-committee’s report, initiating an investigation into insider trading in land in Amravati.⁶⁵ The report noted that over 4000 acres of land had been bought by private individuals and associations prior to the announcement that Amravati was to be the next capital. In the FIR that ensued, family members of a sitting judge of the supreme court were mentioned,⁶⁶ and the AP government alleged that the courts were making it impossible for the state machinery to function on account of powerful vested interests.⁶⁷

The legislative council, in which the YSRCP does not have a majority, opposed the two bills. In response to this opposition, the Assembly resolved to abolish the Council altogether.⁶⁸ In the meantime, farmers who had given up their lands willingly took up an agitation against the government decision since the trifurcation would necessarily reduce the scale of development planned at Amravati and put them at a disadvantage.⁶⁹ In May 2020, the two bills were reintroduced and deemed to be passed by the legislative council since it was the second time they had been introduced and passed by the Assembly.⁷⁰ They received the governor’s assent on July 31, 2020⁷¹ amidst wide-spread protest and while the high court was already hearing petitions against the proposal.⁷²

The episode raised many important questions about urban planning practices, new forms of land acquisition that bypass compensation and consent requirements, and the degree to which new governments are bound by the decisions of their predecessors. It also raises institutional questions in terms of independence *of* and *from* the judiciary and the function of bi-cameral legislatures in states, given the significantly lesser powers of the legislative council within the constitutional scheme.

Amendments to Local Self-Government Laws

Of the 17 ordinances promulgated in 2020, six were amendments to laws relating to municipal corporations and panchayats. The relatively uncontroversial ones sought to increase property tax in line with that in neighbouring states,⁷³ increase the powers and responsibilities of panchayats⁷⁴ and

63. The Andhra Pradesh Decentralisation and Inclusive Development of All Regions Bill, 2020 (LA Bill 1 of 2020).

64. The Andhra Pradesh Capital Region Development Authority Repeal Bill, 2020 (LA Bill 2 of 2020), Statement of Objects and Reasons.

65. AP Legislative Assembly, Resolution on Insider Trading, Jan. 22, 2020.

66. The Wire Staff, “Andhra Land Scam FIR Names Daughters of Supreme Court Judge”, *The Wire*, Nov. 25, 2020, available at: <https://thewire.in/government/andhra-land-scam-fir-supreme-court-judge-amaravati> (last visited on March 5, 2022).

67. Scroll Staff, “Andhra Pradesh CM writes to CJI, alleges SC judge NV Ramana influencing High Court”, available at: <https://scroll.in/latest/975492/andhra-pradesh-cm-writes-to-cji-alleges-sc-judge-nv-ramana-influencing-high-court> (last visited on March 5, 2022).

68. AP Legislature, Resolution on Abolition of Legislative Council, Jan. 27, 2020.

69. *Supra* note 61.

70. The Constitution of India, 1950, art. 197(2).

71. The Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 (Act 27 of 2020); the Andhra Pradesh Decentralisation and Inclusive Development of All Regions Act (Act 28 of 2020).

72. By the end of 2021, the government agreed to re-examine the issue, but the court chose to rule on legislative competence nonetheless. In March 2022, the court held that the government was bound by the original plan, and could not go ahead with the move to trifurcate. The Assembly also resolved to withdraw its earlier resolution seeking the abolition of the legislative Council, since the Union government had not taken necessary action in over a year and half, leaving the House in a state of disarray, essentially bringing things back to square one.

73. The Andhra Pradesh Municipal Laws (Second Amendment) Ordinance, 2020 (Ordinance 16 of 2020).

74. The Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 2020 (Ordinance 2 of 2020).

municipal corporations,⁷⁵ alter administrative boundaries of urban local bodies⁷⁶ and alter timelines for elections to local bodies.⁷⁷ These were absorbed into legislation in 2020 and 2021.

The Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2020,⁷⁸ however, came under intense scrutiny for enacting what seems like political vendetta through the law. The Amendment altered the terms of office of the State Election Commissioner (SEC), reducing their term to three years from five, and requiring the SEC to be retired judge of a high court. Most significantly, the ordinance abruptly ended the term of the (then) current SEC with immediate effect. This came hot on the heels of the state government locking horns with the Election Commission over its move to postpone elections to local bodies.⁷⁹ The ordinance was challenged before the AP high court and struck down⁸⁰ on the grounds that it ran afoul article 243K (2) which states:

“Subject to the provisions of any law made by the Legislature of a State the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine: Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like ground as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment”⁸¹

In this case, the HC held, that the ordinance amounted to unauthorised removal from office and that the term ‘conditions of service and tenure of office’ does not include pre-conditions for appointment. As a consequence, the SEC was reinstated. However, despite the SEC’s earlier position in favour of postponement, elections to local bodies were subsequently held.

Disha Act

The rape and murder of a young veterinarian in Hyderabad in November 2019 shook the collective conscience of the nation, leading to the custodial murder of four ‘accused’ by the Telangana police⁸² and a knee-jerk legislative response by the Andhra Pradesh government. The AP government introduced two bills on this front: the first, an amendment to criminal laws mandating death sentence for particular kinds of offences against women and children,⁸³ and the second, a statute to create exclusive special courts for speedy trial of specified offences against women and children.⁸⁴ The president withheld assent to the latter,

75. The Andhra Pradesh Municipal Laws (Amendment) Ordinance, 2020 (Ordinance 3 of 2020).

76. The Andhra Pradesh Municipal Laws (Third Amendment) Ordinance, 2020 (Ordinance 17 of 2020).

77. The Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 2020 (Ordinance 2 of 2020); the Andhra Pradesh Municipal Laws (Amendment) Ordinance, 2020 (Ordinance 3 of 2020).

78. Ordinance 5 of 2020.

79. Gali Nagaraja, “Jagan Govt Promulgates Ordinance to Remove State’s Election Commissioner”, *The Wire*, April 11, 2020, available at: <https://thewire.in/government/andhra-pradesh-ramesh-kumar-state-election-commissioner> (last visited on March 5, 2022).

80. *N Ramesh Kumar v. State of Andhra Pradesh*, WP No 8163 of 2020 decided on May 29, 2020.

81. The Constitution of India, 1950, art. 243K.

82. Marri Ramu, “Probe into Disha case encounter begins”, *The Hindu*, Feb. 3, 2020.

83. The Andhra Pradesh Disha Bill - Criminal Law (Andhra Pradesh Amendment) Bill, 2019 (LA Bill 47 of 2019).

84. The Andhra Pradesh Disha Bill - Andhra Pradesh Special Courts for Specified Offences against Women and Children Bill, 2019 (LA Bill 46 of 2019).

leading to it being withdrawn and reintroduced in 2020⁸⁵ with alterations recommended by the government of India. This bill too has been reserved by the governor for the president's consent, which is pending.

Though the focus has been on the speedy trial statute, the mandatory death penalty response to any incidence of gruesome violence remains both counterproductive and troubling.⁸⁶ As per the records on the AP Legislature website, the AP Disha Bill - Criminal Law (Andhra Pradesh Amendment) Bill, 2019 has been passed by both Houses but has not yet come in force. The government must be called on to expressly withdraw it.

Resolution against NPR

In an act of federal assertion, the Assembly moved a resolution⁸⁷ to ask the central government to revert to the 2010 format of data collection for the census, since the addition of new columns pertaining to parents' place of birth, mother-tongue etc. is causing "fear, apprehensions and insecurities in the minds of the people of Andhra Pradesh" and has "led to unnecessary confusion and lack of trust among the public to the extent of impinging on public order." The House also expressly reiterated its "principled stance against the National Register of Citizens (NRC)."

A Note on Access to Information

Since coming to power, the current AP government has taken a public position against making government decisions (whether legislative or executive) easily accessible online.⁸⁸ The ostensible reason for doing this is to avoid 'frivolous' public interest litigation that 'hampers' the ability of the government to make decisions. This move from an automated system by which all public government directives were uploaded directly to a designated website, to a department-based offline system has significant repercussions for research. For example, the official AP legislature website lists 11 ordinances promulgated in 2020 (without the text of the ordinances being made available), while a search on the AP Government Order Issue Register (GOIR) shows that 17 were in fact promulgated. The PDFs associated with the entries on the GOIR are single page documents saying that the ordinance is appended (but is not). The gazette website does not list any ordinances at all for the period, while publication in the gazette is mandatory. This method of maintaining data makes research a cat-and-mouse game, rendering analysis fraught with the possibility that chunks of data might have been missed out altogether. Accessing government decisions in their physical form (across different departments)

85. The Andhra Pradesh Disha (Special Courts for Specified Offences against Women and Children) Bill, 2020 (LA Bill 31 of 2020).

86. Sahana Manjesh, "Why The Death Penalty Is Not A Solution To India's Rape Problem", available at: <https://www.article-14.com/post/why-the-death-penalty-is-not-a-solution-to-india-s-rape-problem> (last visited on March 5, 2022); Jahnavi Sen, "Seven Reasons Why We Shouldn't Demand the Death Penalty for Rape", *The Wire*, Nov. 25, 2021, available at: <https://thewire.in/women/rape-death-penalty> (last visited on March 5, 2022).

87. AP Legislative Assembly, Resolution on National Population Register (NPR), June 17, 2020.

88. "However, with litigants using the GOs to hamper the planning of the state government by challenging them in courts, the government is said to have taken the decision not to upload the GOs in the portal.

Though the question of transparency is being raised with the move, a senior official told TNIE that the decision will enable the government to proceed with its planning. "As of now, immediately after GOs are issued, litigants without verifying the real intentions of the government knock the doors of courts challenging the government attributing their own intentions, thereby wasting time," he said." Express News Service, "Separate records for 3 different series of government orders in Andhra Pradesh", *The New Indian Express*, Aug. 18, 2021.

is complex terrain, with variables like identity, political affiliations and the predilections of officials in charge playing an integral role in whether access is permitted.

In addition, the documents that are in fact uploaded on the AP legislature website are scanned image files, with parts missing (like the last few lines on several pages). Uploading public documents in this fashion renders them inaccessible to screen-readers and, hence, is disability unfriendly. In terms of language too, there is a marked absence of uniformity. Most bills uploaded have Telugu translations accompanying them, while none of the Acts that were finally passed do. Systematic data archiving practices that foreground accessibility and accountability must be demanded in relation to public data. Without this, the maxim *ignorantia juris non excusat* takes on a sinister tone.

Conclusion

The year 2020 was, in many ways, a year of disasters for Andhra Pradesh. The effect of the pandemic was compounded by a flood,⁸⁹ a cyclone,⁹⁰ an outbreak of a mysterious illness⁹¹ and a massive gas leak.⁹² The legislative activity of the state does not speak to this reality, however. On the surface, it would seem that the year was not executive driven, seeing as legislative activity did not flag on account of the reduced number of sitting hours and the ordinances that were promulgated were also tabled promptly before the Assembly. But closer analysis shows that the government chose the legislative route primarily in contexts where on account of either judicial pressure or the requirements of the parent statute, actions could not be undertaken through executive orders. For example, amendments to taxation and revenue statutes were made to increase state revenue, but the substance of the pandemic relief work that the government undertook was transacted entirely through government orders and directives. While this may seem understandable in the context of an emergency where swift changes in decisions may be required, it also makes it harder to hold the state to account for its decisions (especially given the charges of selective release of public information being levelled against it).

In sum, this analysis of the AP government's legislative practice through 2020 shows a marked absence of robust democratic engagement, with little productive debate in the Assembly, a strong autocratic inclination to obscure data and the troublesome tendency to view dissent as an irritant. This is not to say that the substance of the government's interventions was always problematic—indeed, certain schemes announced were laudable—but, that there persists a distrust of the democratic process as being an inefficient obstruction to governance, perhaps more so in governments that are elected to power with absolute majorities.

89. Express News Service, "Flood grips 20 mandals in East and West Godavari districts", *The New Indian Express*, Aug. 18, 2020.

90. P Samuel Jonathan, "Cyclone Nivar | Battered fields, shattered dreams in Andhra Pradesh", *The Hindu*, Dec. 7, 2020.

91. "Andhra Pradesh: 'Mystery' illness puts hundreds in hospital", *available at*: <https://www.bbc.com/news/world-asia-india-55209763> (last visited on March 5, 2022).

92. Scroll Staff, "Visakhapatnam: At least 11 dead after gas leak at chemical plant, over 200 hospitalised", *available at*: <https://scroll.in/latest/961241/visakhapatnam-at-least-three-dead-after-gas-leak-at-chemical-plant-many-unconscious-say-reports> (last visited on March 5, 2022).