

PROGRESS OF IMPLEMENTATION ON THE RECOMMENDATIONS MADE IN THE 23RD AND 24TH MEETINGS OF SOUTHERN ZONAL COUNCIL HELD AT PUDUCHERRY AND HYDERABAD ON 31ST MAY, 2005 AND 12TH FEBRUARY, 2007 RESPECTIVELY

Progress of follow up action taken on the recommendations made at the 23rd and 24th meetings of the Southern Zonal Council held at Puducherry and Hyderabad on 31st May, 2005 and 12th February, 2007 respectively is as under:

I. **Recommendations made at the 23rd meeting of Southern Zonal Council held at Puducherry on 31st May, 2005**

Sl.No. 1 : Trafficking in women and children.

The Chairman requested the State Governments in the Zone to evolve a comprehensive strategy for effectively dealing with the problem of trafficking in women and children.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Women & Child Development has taken the following latest initiatives against trafficking for commercial sexual purposes:

- A Central Comprehensive Scheme called “Ujjawala” has been launched on 4th December, 2007 for Prevention of Trafficking and for Rescue, Rehabilitation and Re-integration of Victims of Trafficking for Commercial Sexual Exploitation;
- An integrated Plan of Action for Combating Human Trafficking for all purposes is being formulated in collaboration with MHA, NHRC and NCW;
- Manuals for various stakeholders such as the judicial officers, medical officers, counselors and social workers have been developed;
- Certain amendments are proposed to Immoral Traffic (Prevention) Act, 1956 which include more stringent punishment for perpetrators and deletion of those sections that revictimise the victims and; and
- Workshops/training programmes for NGOs are being organized in collaboration with NIPCCD on issues relating to trafficking.

Government of Andhra Pradesh has formed “District level Committees” for prevention, rescue and rehabilitation of victims apart from arranging awareness campaigns by involving NGOs. Anti Trafficking Squads have also been set up in every districts.

Government of Tamil Nadu has constituted Committees at the State, District and Village levels. Issues relating to child rights and trafficking in human beings have been included as one of the subjects in the agenda of the Gram Sabha meetings. Financial assistance is being given to the victims under Tamil Nadu Social Defence Fund.

Government of Kerala has intimated that all Station House Officers of Police Stations in the State have been designated as “Juvenile/Child Welfare Officers” as per guidelines laid down in the Juvenile Justice (Care and Protection of Children) Act, 2000. Special Juvenile Police Units are also functioning in all Police Districts. Instructions have also been issued to all concerned to take effective action to detect and prevent trafficking in women and children by arranging ‘suo-moto’ raids on such shady dens of crime by the SDPOs.

Government of Puducherry has intimated that the Local Police and Special Branch have been sensitized for effectively dealing with the problem of trafficking in women and children.

Sl.No. 2 : Sharing of information on crime and criminals for crime Prevention

The Chairman advised the State Governments to furnish crime statistics to National Crime Records Bureau on time to enable expeditious compilation of crime data, which can be used for evolving effective strategies for crime control.

FURTHER PROGRESS/DEVELOPMENTS

Government of Karnataka has intimated that crime statistics pertaining to prisoners are being sent to NCRB in time.

Government of Kerala has intimated that all the information required by the NCRB is furnished promptly to them as a matter of routine and also on their specific queries. Half yearly and annual reports on the inmates of all jails of Kerala are being furnished to NCRB in the format prescribed by them. Prompt action is being taken to furnish all statistics required by NCRB from time to time.

Government of Andhra Pradesh has intimated that vital information on Criminals and Crime is shared with neighbouring states for effective crime prevention perpetrated by Ganga/Criminals operating within the state and neighbouring states. As regards Common Integrated Police Application (CIPA), Data Migration Software from eCOPS to other versions of Police Computerisation has been developed. Implementation of Crime and Criminal Tracking Network & Systems (CCTNS) is under process.

POLNET is in operation in only 3 places in the State i.e. Visakhapatnam (U), Vijayawada and Anantapur. However, in many places the equipment is not working properly. The POLNET at present is not under warranty or under AMC. POLNET can be made operational only after taking up the repairs of the defective POLNET equipment in the State and also allotting the AMC.

Government of Puducherry has also intimated that monthly reports are also being sent in time every month.

National Crime Records Bureau (NCRB) has furnished point-wise status as under:

I. Crime Criminal Information System (CCIS) :

The status of CCIS data has been reported as 'nil' by the states of Andhra Pradesh, Karnataka, Tamil Nadu, Puducherry and Kerala for the quarter ending 31st December, 2010.

II. Crime In India (CII):

'Crime in India' is an annual publication report of National Crime Records Bureau being published with effect from 1953. Crime Statistics at the national level is compiled and analyzed to help the Central and State Governments in better understanding of the crime scenario at the National and State level and enable effective crime control and prevention strategies.

Data from Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Puducherry has been received and finalized in respect of crime in India 2009.

III. Organized Crime Intelligence System (OCIS):

The OCIS Pilot Project has been taken up in Andhra Pradesh for 'Sale and Purchase of Women and Children for Prostitution and Maid Services'. The latest status report on OCIS is as under:

No. of Gang profile	-	32
No. of Criminal activities	-	30
No. of Member detail	-	147

The other States from southern zone i.e. Karnataka, Kerala, Tamil Nadu and Puducherry are not under the Pilot Project on 'Organised Crime Intelligence System' (OCIS).

IV. Daily Crime Reporting System (DCRS) :

Since the web enabled DCR hosted at MHA website did not meet the web security features/norms, it has been removed from the MHA website. Therefore, any reports from DCR could not be generated.

V. POLNET :

Nil data is reported in respect of CCIS from states of the southern zone during the quarter ending 31st December, 2010.

VI. Common Integrated Police Application (CIPA) :

Common Integrated Police Application (CIPA) which is a non-planned and Mission Mode Project (MMP) under e-Governance of Government of India, aimed at automation of all functions carried out at the Police Stations, is functional in all the southern states. The status in these states is as under:

Sl. No.	States	CIPA operation in PS	Total no. of cases registered through all the modules of CIPA
1.	Andhra Pradesh	105	17328
2.	Karnataka	81	-
3.	Kerala	44	15707
4.	Tamil Nadu	137	22057
5.	Puducherry	41	50528

VII. Crime and Criminal Tracking Network & Systems (CCTNS) :

CCTNS aims at creating a comprehensive and integrated system for enhancing the efficiency and effectiveness of policing through adopting of principle of e-Governance and creation of a nationwide networking infrastructure for evolution of IT-enabled-state-of-the-art tracking system around 'Investigation of crime and detection of criminals'. An allocation of 2000 crores has been made for CCTNS Project. Cabinet Committee on Economic Affairs (CCEA) approved the project on 19.06.2009.

The present status of CCTNS is as given below:

- Project Implementation and Monitoring (PIM) Report has been submitted by all 35 States/UTs and has been reviewed by NCRB and has been submitted to MHA for approval.
- Conference Room Pilot was held in 2 rounds in October and in November. Screens for five scenarios was discussed with a team consisting of Lawyers, representatives from all States/UTs range including Head Constables to IGP. Following this a CRP Kit was delivered by the SDA to NCRB.
- BSNL has been selected to provide the Networking solutions for CCTNS and the proposal was evaluated and reviewed by Department of Information Technology, AS(CS) and JS(CS), MHA.
- Empowered Committee Meeting was held for fund revision and reallocation for CCTNS.
- Model Templates for Request for Proposal (RFP) for System Integrator (SI) for all States was shared with states.

- Best Practices Report was submitted to NCRB and was evaluated by Central Project Management Unit (CPMU).
- The Functional Requirement Specifications (FRS) was finalized by NCRB with CPMU.
- Capacity building infrastructure has been established in 9 States/UTs and is in progress in other States/UTs. Approximately 90,000 personnel have been trained in Basic IT Training.

Sl. No. 3 : POLNET

The Chairman urged the State Governments to take all necessary steps for enabling timely completion of the POLNET (Police telecommunication) project.

FURTHER PROGRESS/DEVELOPMENT

Ministry of Home Affairs (PM-II Division) has intimated that installation of POLNET has been completed in all feasible locations in Karnataka, Tamil Nadu and Puducherry. However, in Andhra Pradesh and Kerala State Police authorities have not accepted MART installation.

Government of Andhra Pradesh has intimated that the POLNET is not under operation in the entire State except at 3 places Visakhapatnam (U), Vijayawada and Anantapur. In many places the equipment is not working properly. The POLNET at present is not under Warranty or under AMC and can be made operational only after taking up the repairs of the defective POLNET equipment in the State and also allotting the AMC. Further, it has some limitations as the speed of 4 KBPS does not enable video conferencing and the equipment is also not suitable for use in disaster prone areas during national calamities as the aerial towers do not withstand high wind velocities which hamper the transmission.

Sl.No. 4: Need to devise measures to prevent/detect inter-state crimes.

It was suggested that Chiefs of Crime Branches of States/UT in the Southern Zone should meet once in three months and photographs and bio-data of wanted criminals, prisoners released on bail and those released after serving their sentences be shared among the States.

FURTHER PROGRESS/DEVELOPMENT

Government of Tamil Nadu has intimated that the details of prisoners released on bail and those released after serving their sentences will be provided to the police authorities of the neighbouring States as and when any request is received for the same.

Government of Kerala has intimated that the recommendation has been complied with and in this connection last meeting of the concerned officials was held at Chennai on 25.07.2008.

The State Government has further intimated that intelligence on Inter State Crimes is being shared and consequently a number of cases were filed in Kerala against the offenders of other states in the zone in 2009 and 2010 in the categories of property cases, crime against persons and white collar cases. Many of the cases culminated in the arrest of the accused. Government of Kerala has also emphasized the need for inter-State coordination in tracking and controlling video piracy.

Government of Andhra Pradesh has intimated that various systems have already been initiated for preventing and detecting inter-State criminals and information on notorious inter-State/District gangs is exchanged within the State and with other States by the CID of the State Police.

Government of Puducherry has intimated that even though no meeting was held, photographs and bail-data of wanted criminals, prisoners released on bail and those released after serving their sentences have been shared among the States by way of receipt of crime booklets.

Sl.No. 5: Request for creation of 8 marine Police Stations in Andhra Pradesh.

The Minister for Finance, Andhra Pradesh stated that Government of Andhra Pradesh had sent a proposal for creation of 8 marine police stations to the Union Government and requested for expeditious approval thereof.

FURTHER PROGRESS/DEVELOPMENTS

Department of Border Management (MHA) has intimated that 6 coastal police stations have been approved for Andhra Pradesh under the Coastal Security Scheme. An assistance of 24.70 lakh per police station has also been approved under the scheme. ₹74.10 lakh were released to Government of Andhra Pradesh in 2005-06 as 50% cost of construction of Police Stations. The balance amount of ₹ 74.10 lakh has also been released on 25.2.2009.

Government of Andhra Pradesh has intimated that 06 Marine Police Stations were sanctioned to the State in the 1st phase and the Government of India released the amount @ ₹ 24.20 lakh per Police Station Building. 03 police stations have been constructed and will be operational shortly. Further, a joint survey of coastal area was conducted in June/July 2009 with the teams consisting of Police/Coast Guard/Fisheries Department for assessing the security environment in the coastal area and also to determine the suitability of the proposed locations for establishing new marine police stations and outposts. Based on this joint survey report, 15 new marine police stations are proposed to be constructed in the state. The estimated cost worked out for this is ₹137,94,40,210/- i.e. recurring expenditure of ₹.19,32,51,060 and non-recurring expenditure of ₹118,61,89,150/. However, the approval for this proposal is awaited from Government of India.

Sl.No.6: Jail Reforms

The Chairman urged the State Governments to give special emphasis on prison reforms. He also requested the State Governments to utilize the funds made available by the Central Government and provide the corresponding funds for this purpose in their own budget also.

FURTHER PROGRESS/DEVELOPMENTS

Government of Tamil Nadu has intimated that the funds provided by the Government of India have been properly utilized. The progress of implementation of Modernisation of Prison is being sent to the Union Ministry of Home Affairs every quarter and regular meetings are held to review the progress.

Government of Karnataka has intimated that several initiatives have been taken towards prison reforms and the rate of utilization of central funds is good. In the review meeting held at Ministry of Home Affairs in 2005, the progress of Karnataka was very much appreciated.

Government of Kerala has intimated that the State Government is implementing a Perspective Plan for Modernization of Prison Administration with 75% Central Assistance. The total outlay of the scheme is ₹ 32.75 crore. The components of the scheme are construction of new jails, repair/renovation of existing jails, improvements to sanitation and water supply in jails and construction of living accommodation of Prison staff.

The position regarding allocation of State share for implementing an integrated 3-year action plan for modernization of prisons is indicated below :

(₹ in lakhs)

Year	Total Outlay	Central share	State share	Expenditure	% of expenditure
2003-04	655.12	491.00	164.00	711.35	109%
2004-05	642.75	491.00	151.00	652.21	101%
2007-08	783.90	587.92	195.98	783.90*	

* Amount transferred to implementing agency

Government of Andhra Pradesh has intimated that Andhra Pradesh is one of the States having best administered Prisons in the entire Country. The prisoners are provided with all basic necessities like good accommodation, sanitation, running water supply, adequate number of toilets, bathrooms, modern kitchen with gas connection etc.

While new prisons are under construction at Nizamabad, Khammam, Sangareddy and Nellore, repairs and renovations of existing prisons are also being undertaken at various places.

Further various reform measures, such as training of the prisoners in construction activities, establishment of video linkage for production of prisoners before the courts, sending children in the age group of 3-5 years of the female prisoners to school outside the prison, providing special facilities like nutrition food to the children, computerisation of entire prisons department, provision of 2 Open Air Prisons (one at Anantapur and other at Cherlapali in Ranga Reddy District), etc. have been undertaken.

Government of Puducherry has intimated that a new central prison has been constructed in Puducherry as per recommendation of the All India Committee on Jail Reforms. The existing prison is being shifted to the new premises shortly.

Sl.No. 7 : National Disaster Management and strengthening the preparedness for disaster management.

The Chairman advised the State Governments to initiate immediate measures for setting up state level and district level authorities under the Disaster Management Act. He further mentioned that we should apply our mind to man made disasters like chemical, biological & nuclear disasters. He also stated that Government of India has taken a decision to establish a disaster warning system, which is relevant for tsunami also. The Chief Minister of Tamil Nadu requested that the same may be located in Chennai. The Minister for Revenue and Law, Kerala, pointed to another dangerous phenomenon called 'Swell waves' which occurred in Kerala and Tamil Nadu this year. He stressed the need for developing effective warning mechanism in case of swell waves also.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Home Affairs (NDM-II Division) has intimated that Andhra Praesh, Karnataka, Kerala, Tamil Nadu and UT Administration of Puducherry have set up State Disaster Management Authority (SDMA) and State Executive Committee at State level and District Disaster Management Authority (DDMA) at District level. However, Tamil Nadu has yet to establish the DDMA at district level. The National Policy on Disaster Management duly approved by the Government of India has been circulated.

The National Disaster Response Force (NDRF) has been constituted comprising eight battalions of Central Para Military Forces (CPMFs); two each from BSF, ITBP, CISF and CRPF. Four of these eight battalions of NDRF have been identified, earmarked and trained for responding to Radiological/Nuclear/Biological/Chemical (RNBC) disasters. The NDRF battalions are being trained regularly and have been deployed effectively and promptly in the disaster affected States/UTs as and when required.

Two additional bns of NDRF comprising one bn each from BSF and CRPF have been constituted during the year 2010-11. As a result, the strength of the NDRF bns has now increased to 10 from the earlier strength of 08.

Further, a National Emergent Reserve (NER) has been created in July, 2009 for procurement of items of immediate nature for providing emergent relief to the victims of major natural or manmade disasters. These items include shelter material, inflatable lighting towers for restoration of light and standby power supply, BOUTS.

The Department of Ocean Development has informed that an Interim Tsunami Warning Centre (ITWC) has been established at Indian National Centre for Ocean Information Services, Hyderabad and the same is operational round the clock with active support of the Indian Meteorological Department (IMD) and other international agencies. A Central Receiving Station will be established at IMD in New Delhi.

India Meteorological Department (IMD) has intimated that forecast of swell waves is issued by IMD only for specific areas like Bombay High as part of its services to off-shore drilling operation. India Meteorological Department also provides forecast for general weather, wind and sea conditions of the Arabian Sea and the Bay of Bengal for the marine activities.

Ministry of Civil Aviation has intimated that both Air India and Indian Airlines Limited have offered to provide necessary support services/manpower etc. in such emergent situations.

Inter State Council Secretariat (MHA) has intimated that the Inter State Council in its Ninth meeting held on 28th June, 2005 after considering the agenda item, 'Disaster Management – Preparedness of States to Cope with Disasters', advised that the States/Union Territories would take measures to integrate disaster management into

developmental planning in line with the institutional and coordination mechanisms being set up by the Union Government.

Government of Tamil Nadu has intimated that State Disaster Management Authority has been established under the Chairmanship of the Hon'ble Chief Minister. A State Executive Committee has also been appointed to assist the above authority. The State Executive Committee has also been appointed to assist the above authority. The State Relief Commissioner implements the relief measures and he is assisted by the Joint commissioner (LR) and District Collectors.

Disaster Risk Management Programme sponsored by the Government of India for identifying hazard prone areas is being implemented in Tiruvallur, Kancheepuram, Cuddalore, Nagapattinam, Kanyakumari and the Nilgiris districts as Phase-I in the State. The coastal Districts of Villupuram, Thiruvarur, Tanjavur, Pudukkotal, Ramanathapuram, Tirunelveli and Thoothukudi have been included in the Phase-II. The goal of the programme is sustainable reduction in natural disaster risks in these districts. Under this programme, Government officials, Members of Panchayat Raj Institutions and Non-Governmental Organisations have been sensitized. NSS volunteers have also been trained and disaster management plans have been prepared at the Panchayat and village levels.

Emergency Operation Centre has been constructed in Tiruvallur, Kancheepuram, Cuddalore, Nagapattinam and Kanyakumari and construction has reached advanced stage in Nilgiris District and has been completed at the State Level. Construction of Emergency Operation Centre is in progress in seven other districts of Villupuram, Thiruvarur, Thanjavur, Pudukkottai, Ramanathapuram, Tirunelveli and Thoothukudi.

Government of Andhra Pradesh has intimated that the State Government has set up State Disaster Management Authority (SDMA) and State Executive Committee at State level and District Disaster Management Authority (DDMA) at District level. On receipt of warning messages from IMD/CWC, the Revenue (DM) Department communicates warnings to the District Collectors/Line Departments from time to time. A State Control Room is operationalised round the clock soon after receipt of a message. SOP for Revenue (DM) Department has been designed and the same will be operationalised in the event of any calamity. The CGG is being entrusted the task of preparation of State Disaster Management plan and a state level EOC is under construction. The structure of SDMA is also being evolved.

Government of Karnataka has intimated that the State Government has already set up Disaster Management Authorities at the State and District level.

Government of Kerala has intimated that the state is vulnerable to a multitude of hazards and is categorized as a multiple hazards prone state. The State experiences heavy rainfall and flood during the South West Monsoon. Drought conditions has also become more frequent now a days. Incidences of biological disasters such as epidemics, man-made accidents, death due to lightning and tragedies due to capsizing of boats are very

high in the state. The Tsunami that struck Kerala Coast in 2004 has added new dimension to hazard profile of the state. In this context the Government of Kerala recognizes the need to have proactive, comprehensive and sustained approach to Disaster Management. The Department of Disaster Management has been formed in the State under the Revenue Department.

In exercise of the powers conferred by sub-section (I) of section 78 of the Disaster Management Act, 2005 (Central Act 53 of 2005), the State Government of Kerala have notified the Kerala State Disaster Management Rules, 2007 and established “The Kerala State Disaster Management Authority”. The State Government has also constituted a State Executive Committee and the Disaster Management Authority for the 14 Districts of the state. The State Disaster Management Plan is under preparation. Disaster Management Department releases fund for the Calamity Relief Operations in the state as per the norms of the Central Government. The Additional Chief Secretary (Revenue) will act as State Relief Commissioner.

The State Disaster Management Department is now implementing various programmes such as, Suraksha Club, Village Youth Club, Suspension bridges to School Children, National Disaster Response Force (NDRF), State Disaster Response Force (SDRF), National Cyclone Risk Mitigation Project (NCRMP), Civil Defence Institute, Comprehensive Insurance Scheme to the people dwelling in Disaster Prone Areas, Inclusion of Disaster Management in School Curriculum and Early Warning System.

Sl.No. 8 : Implementation of Right to Information Act.

The Chairman advised that prompt action may be initiated by the States for setting up State Information Commissions under the Right to Information Act at the earliest for effective implementation of this law.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Personnel, Public Grievances and Pensions has intimated that the State Governments of Andhra Pradesh, Karnataka, Kerala and Tamil Nadu have already set up the State Information Commissions. The Government of Puducherry has also set up a State Information Commission although there is no specific provision in the Right to Information Act, 2005 for a UT to set up a separate commission.

Sl.No. 9 : Implementation of National Employment Guarantee Scheme.

The Chairman requested the State Governments to take all necessary steps for effective implementation of the National Employment Guarantee Scheme.

The Chief Minister, Tamil Nadu pointed out that the Employment Guarantee Scheme envisages that unemployment allowance shall be the responsibility of State Government. She requested the Central Government to fully fund payment of that

allowance. She also wanted the financial commitment of State Governments to be brought down from 25% to 10% in that scheme.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Rural Development has intimated that the National Rural Employment Guarantee Scheme has been launched in 183 identified districts w.e.f. 2nd February, 2006 and would be extended to remaining districts within a period of five years. All the State Governments have started preparatory work for effective implementation of the scheme being formulated by them in order to implement the provisions of the Act. Ministry is also regularly monitoring the progress of work done by the States.

The Act provides that entire cost of unskilled wages, 75% of the material and skilled wage component and administrative expenses as determined by the Central Government will be met by the Central Government. The State Government, would, however, meet the expenditure towards payment of unemployment allowance, 25% of the material and skilled wage cost.

Government of Tamil Nadu has intimated that the Rural Employment Guarantee Scheme was launched on 2.2.2006 and implemented in six (phase I) districts viz; Cuddalore, Nagapattinam, Tiruvannamalai, Villupuram, Dindigul and Sivaganga. The Government of India have extended the scheme to four more districts viz; Thanjavur, Tiruvarur, Tirunelveli and Karur during 2007-08 under phase II of item implementation.

Consequent to the notification issued by the Government of India extending the NREGS to all the remaining districts of the country, necessary notification has been issued on 10.1.2008 for the implementation of NREGS in the remaining 20 districts of Tamil Nadu (Phase III) with effect from 1.4.2008. As on 31.3.2009, 53,85,952 No. of household registrations and 87,31,577 No. of individual registrations were done. 86,52,235 individuals have been issued job cards. An amount of ₹1600.594 crores has been spent under NREGS.

Sl.No. 10 : Good Governance.

The Chairman emphasized the importance of Good Governance for improvement in the administration, proper planning, taking of appropriate decisions, effective implementation of laws, preventing misuse of authority and ensuring timely corrective action. He urged the States to take appropriate measures in this regard on priority.

FURTHER PROGRESS/DEVELOPMENTS

Government of Tamil Nadu has intimated that various measures on “Good Governance” have been taken by the Government, such as availability of citizen’s charter in respect of various Departments/Boards and Corporations on the web-site, introduction of single file system, adoption of level jumping system to ensure quick disposal of

subject (s), introduction of a system of direct circulation of files to Ministers in certain cases, issuance of guidelines to all offices in the State for conducting file closing week to ensure expeditious clearing of files within 90 days, appointment of a Staff and Expenditure Reforms Commission (SERC) to suggest ways of reducing the size of the civil services, outsourcing certain categories of employment, introduction of a new transfer policy etc. Besides, in order to have transparency in the public procurement and to regulate the procedure in inviting and accepting tenders and matters connected therewith, “The Tamil Nadu Transparency in Tenders Act, 1988” has been enacted.

Government of Andhra Pradesh has informed that the State Government has taken several initiatives for improving Governance and ensuring effective implementation of programmes. Various major projects such as Electronic Payment and Application System of Scholarships (e-Pass), Hostel Monitoring System, INDIRAMMA Housing Online Monitoring & e-Governance System (HOMES), Rajiv Aarogyasri Community Health Insurance Scheme (AROGYASRI), Electronic Fund Management System eFMS of Society of Elimination of Rural Poverty (SERP), Smart Card Project, Online Recruitment Processing System of Andhra Pradesh Public Services Commission (APPSC), e-Procurement in Government of Andhra Pradesh, Legal Case Load Management System, Bhu Bharati Integrated Land Information System etc. have been introduced in recent times under the good governance initiatives in the State.

Government of Karnataka has intimated that the changes made in the policy and new governance measures have facilitated the State to bring about an accountable, transparent and efficient administration.

Government of Kerala has intimated that the State Government’s Departments and organizations have developed websites providing information regarding their activities. Besides, details of other e-governance activities are available at itmission.kerala.gov.in. The State Government have also created an Empowered Group headed by the Chief Secretary for introducing Business-process reengineering with the objective of doing away with legacy procedures and adopting best practices in public administration.

Government of Kerala has brought a number of initiatives in the field of administration reforms in the state so as to achieve the ultimate aim of good governance. Kerala Administrative Reforms Committee was constituted to recommend measures to simplify and streamline the existing system of administration of the state. The Committee has submitted 15 reports to Government.

The State Government has taken steps to implement the recommendations contained in the 11 reports and issued orders for their implementation – viz; Citizen’s Charter, Attendance Monitoring System (Punching System), enhancement of financial powers, administrative powers and unification of financial control, quality improvement, recruitment and placement of staff and discipline as part of personnel reforms, formulation of State Training Policy, computerization of data for transfer of employees, setting up of inspection squads and punctuality groups for monitoring punctuality in

attendance, establishment of quality circles in government offices and institutions, simplification of procedure regarding salary and other entitlement of gazetted officers, formation of a Law Commission in the state, department specific administrative reforms in the Scheduled Caste Development Department, Scheduled Tribes Development Department, KIRTADS and Social Welfare Department, making reforms in the public works department on execution of public works, reformation measures recommended on the relation between government and public sector units, reforms in the health care aspects, health service delivery and guidelines on pay clinic etc. in government hospitals, decentralization of initiatives in Kerala – institutionalization issues etc. The other *reports* of the Kerala Administrative Reforms Committee are under consideration of the State Government.

A Service Delivery Policy Document was also issued under which service delivery projects have been taken in police, revenue, civil supplies, registration, education, health, social welfare and local self government departments. Simplification of procedures is being taken up in all departments except those departments in which service delivery project was implemented. Simplification of procedure has been completed in 24 departments. In other 7 departments process is going on.

Government of Puducherry has intimated that the reforms under Good Governance have been initiated, implemented and followed by various Departments of the UT Administration.

Sl.No. 11 : Getting general permission from Forest Department for building roads in forest areas for upliftment of hill tribals.

The State Governments of Karnataka and Tamil Nadu expressed concern over the delay in getting necessary clearance for diversion of forest land for social sector projects. Government of Kerala sought establishment of a Regional Office of the Ministry of Environment & Forest in the state for according expeditious clearances.

Government of Tamil Nadu subsequently requested the Government of India to extend the general approval upto 31.12.2008 under Forest (Conservation) Act, 1980 for diversion of forest land of less than 1 ha. in each case for specified 11 developmental works which expired on 31.12.2006.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Environment & Forests has indicated that there is already general approval under Article 3.2 of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for roads in Tribal areas.

Sl.No. 12: Puducherry's request to provide adequate land for extension of runway at Puducherry airport

The Chief Minister of Puducherry requested the Government of Tamil Nadu to provide adequate land for extension of runway of the Puducherry airport.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Civil Aviation has intimated that the Government of Puducherry has handed over 50 acres of land on the eastern side of the Airport to AAI on 25.07.2007 for immediate requirement to extend the Runway for operation of ATR72 type of aircraft. In this regard, AAI has intimated that the work for extension and strengthening of Runway to make total dimensions of 1502m X 30m (4928ft X 100ft) suitable for ATR-72 has been awarded on 7th March, 2008 and the work is likely to be completed by August, 2008. However, the Government of Puducherry is yet to hand over remaining 200 acres of land for further extension of the Runway for A320 operations alongwith augmentation of associated infrastructure.

Government of Tamil Nadu has intimated that an extent of 85.56.26 Hectares of land proposed for acquisition in Kottakuppam and Pattanur Villages, Vannur Taluk, Villupuram District for the extension of runway at Puducherry Airport is cultivable and valuable land and the owners have denied to part with their lands for the extension of runway at Puducherry Airport. The Collector of Villupuram District has been requested to get the revised Land Plan Schedule from the Government of Puducherry for the actual requirement of land and send the Administrative Sanction proposal to Government, through the Principal Secretary/Commissioner of Land Administration. As and when the proposal is received from the Collector of Villupuram Distt., the Administrative Sanction would be issued by the Government of Tamil Nadu.

Sl.No. 13: Puducherry's request to speed up the NH-66 and NH-45A projects.

The Chief Minister, Puducherry requested that development of Puducherry-Krishnagiri National Highway (NH-66) and Villupuram- Vedaranyam National Highway (NH-45A) be speeded up and the Karaikal-Kumbakonam road be declared as National Highway in view of its religious importance.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Road Transport & Highways has furnished the following progress:

Development of NH-45A (Villupuram-Puducherry-Nagapattinam Section from Km.0/0 to Km.194/000):

Contract for feasibility study has been awarded. Report is being reviewed based on site conditions. After finalization of feasibility report, RFQ will be invited by National Highways Authority of India.

Development of NH-66 (Puducherry-Tindivanam from Km.0/0 to Km.37/920)

The four laning of this section is in progress and the cumulative progress achieved by August, 2010 is 82.80.

Tindivanam-Krishnagiri from Km.38/0 to Km.214/200: PPPAC approved the project on 15.3.2010 for two lane with paved shoulder on (BOT) Annuity with a reduced project cost. Accordingly, the project has been restructured to a TPC of ₹610.21 crore. Due to reduction in TPC, RFQ has been re-invited on 20.8.2010 and it is under evaluation.

Declaration of Karaikal-Kumbakonam road as National Highway :

The priority of the Government at present is development and maintenance of the existing NH Network than declaring state roads as new NHs. However, the Government declares state roads as new NHs from time to time depending upon requirement of connectivity inter-se priority and availability of funds.

Sl.No. 14 : Puducherry's request for full central assistance without any cut in loan component.

The Chief Minister, Puducherry pointed out that conventionally 35% of the Central Assistance was given as loan and 65% of the Central Assistance was given as grant. But the Ministry of Finance had advised Puducherry to go for market borrowing in respect of loan component of Central Assistance. He stated that market borrowing is not possible because Union Territories are not entitled to extend sovereign guarantee. He requested full central assistance without any cut in loan component.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Home Affairs has intimated that Ministry of Finance and Planning Commission are the appropriate authorities to consider the matter as it is about changing the pattern of central assistance given to the Government of Puducherry. Central Assistance upto 2004-05 to Puducherry was in the form of 65% grant and 35% loan.

However from 2005-06, after the recommendations of the Twelfth Finance commission, the grant and loan ratio of 30% grant and 70% loan has been made applicable to Puducherry as applicable to other non-special category States. The request for providing 70% grant and 30% loan had been earlier considered by the Planning Commission and not acceded to. It was felt that there does not appear to be any reason that could justify treatment of Plan grants to Union Territories on a different basis as compared to other Non-special category states. The UT of Puducherry have since been allowed to go for market borrowing for raising loans and give guarantee on their Consolidated Fund.

Sl. No.15 : Central Financial assistance for construction of court complex at Puducherry.

The Chief Minister, Puducherry had intimated that the project for construction of Court Complex at Puducherry was taken up for implementation under the Centrally Sponsored Scheme viz. 'Infrastructure facilities for the Judiciary' at an estimated cost of 9.19 crores. The U.T. Administration received only 4.26 crores under the said scheme during the period 1993-2004, of which ₹. 2.33 crores was earmarked for construction of the court complex. These funds have been fully utilized but the project could not be completed due to non-allocation of further funds by the Government of India. He requested for allocation of adequate funds for construction of Court Complex at Puducherry.

FURTHER PROGRESS/DEVELOPMENTS

Department of Justice has indicated that during the period 1993-2004, .426 lakhs were provided to the UT of Puducherry under the Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary. Further, an amount of Rs.100 lakhs was released to the UT of Puducherry in 2005-06.

The Ten Year Persepective Plan was received from the Govt. of Puducherry in September, 2006 based on which following releases have been made to the UT of Puducherry under the above scheme :

2008-09	-	.272.52 lakhs
2009-10	-	.200.00 lakhs

Thus a total of ₹.998.88 lakhs have been released to the Govt. of Puducherry since 1993-94 till date subject to submission of utilization certificate/statement of expenditure for the earlier releases made to them.

Sl.No. 16 : Puducherry's request to introduce direct trains from Puducherry to other major cities.

The Chief Minister, Puducherry expressed the need for rail links from Puducherry to other major cities for movement of passengers as well as goods. He wanted extension of the proposed Nagore-Karaikal broad gauge line upto Mayilauthurai via Thirunallar. He was of the opinion that this project when implemented would give boost to spiritual tourism in this region.

The Chief Minister, Tamil Nadu emphasized the need to connect the cities in the region by fast inter-city express trains enabling trade and commerce to flourish.

The Union Home Minister observed that the Railway Ministry is already having too many pending projects and it may not be possible for them to consider the new proposals. It needs to be examined whether funds under 'Bharat Nirman Yojana' could be provided for this project.

FURTHER PROGRESS/DEVELOPMENTS

Planning Commission has intimated that Bharat Nirman Scheme envisages connecting habitations of 1000+ population and 500+ population in hilly and tribal areas by roads and not by rail. As such, it is not possible to fund this project under Bharat Nirman Scheme.

Sl.No. 17 : Holding up of vital projects on account of failure to resolve Inter-State disputes.

The Chief Minister of Tamil Nadu appreciated considerable progress made in drawing up agreements relating to hydro electric projects in the region. She appealed to the Government of Karnataka to bring forth the same spirit of cooperation in adhering to the interim award of the Cauvery Water Disputes Tribunal. She also suggested that Pandiar-Punnapuzha and the Cholathipuzha schemes may also be considered afresh based on the detailed revised technical report which has now been formulated and sent to Government of Kerala for consideration.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Water Resources has stated that the Cauvery Water Disputes Tribunal (CWDT) passed vide Order on 25th June, 1991 (published in Official Gazette on 10th December, 1991) gave interim relief to the State of Tamil Nadu and Union Territory of Puducherry. As per the Award, Karnataka is required to release water so as to ensure availability of 205 TMC of water in Mettur in a water year. This has been ensured in 12 years out of last 18 years. During the water year 2009-10, against 183.52 TMC of inflow

required at Mettur upto November, 2009, 185.14 TMC has been received at Mettur as per the Government of Tamil Nadu. For managing water supplies in years when the monsoon is not satisfactory, the Monitoring Committee of Cauvery River Authority headed by Secretary, Ministry of Water Resources which has Chief Secretaries of concerned States as its members has made efforts for evolving a formula to share the water during a distress situation. However, so far no agreed formula has been evolved.

The Central Government in 2002 amended ISWD Act, 1956 whereby the said Act is now the Inter-State River Water Disputes (ISRWD) Act, 1956. The Act stipulates that the decision of the Tribunal after its publication in the Official Gazette by the Central Government shall have the same force as an order or decree of the Supreme Court.

The Cauvery Water Disputes Tribunal (CWDT) submitted its report and decision on 5.2.2007. The party States including Government of Tamil Nadu filed an SLP in the Supreme Court against the above report and decision of the CWDT. Thus, the entire matter is subjudice.

As regards Pandiar-Punnapuzha and the Cholathipuzha Schemes, it is reiterated that the Detailed Project Reports of these projects have not been received in Central Water Commission so far.

Government of Tamil Nadu has intimated that the Draft Agreement finalized by the Tamil Nadu Electricity Board in regard to Cauvery Power Project is under consideration of Energy Department of Government of Tamil Nadu. The State Government has further intimated that the hydro-electric projects across Cauvery river, an inter-state river, have been under the consideration of Tamil Nadu and Karnataka for quite a long time, but they could not be taken up for execution due to Cauvery water dispute. During 1998, based on the direction of the Union Ministry of Power, NHPC, a Government of India enterprise and a neutral agency was entrusted with the development of the Cauvery hydro-electric projects (1150 MW) in Tamil Nadu and Karnataka at various location viz; Shivasamudram, Megadatu, Rasimanal and Hogenkkal. The total annual energy generation from the four projects is 3517 million units and total projects' cost is about .6285 crores, which is entirely to be funded by NHPC. Tamil Nadu fully agrees to the execution of all the above four projects and also the power sharing formula as formulated by the Ministry of Power. Tamil Nadu has accordingly given its concurrence to the Ministry of Power's draft tripartite agreement and sent it back on 15.12.2008. The Government of Karnataka, however, has not given its concurrence to the same and wants to execute the Shivasamudram scheme by KPC. Government of Tamil Nadu is firm in its stand that all the four hydro-electric projects are to be executed by NHPC only. The stand has also been reiterated by Government of Tamil Nadu during the meeting convened by Secretary, Ministry of Power on 17.8.2009 at Chennai. As suggested by the Secretary, Ministry of Power, copy of Shivasamudram HEP DPR prepared by KPCL was requested by TANGEDCO which is yet to be received.

The proposal in regard to Pandiyar-Punnapuzha Scheme was sanctioned by the Planning Commission on 10.10.1968 and preliminary works commenced during 1968-69

were stopped as Tamil Nadu wanted diversion of 50% of water realized i.e. 7 TMC to meet the basic water needs of Avinasi and Palladam Taluks of Coimbatore District based on the representation of Coimbatore Agricultural Association and also considering the fact that Pandiar-Punnapuzha waters are contributed by Tamil Nadu territory. But, Kerala was not agreeable to such diversion to Tamil Nadu. Since then various official/Ministerial level meetings were held between Tamil Nadu and Kerala during 1972, 1974, 1982 and 1996 but no consensus could be reached. Based on the minutes of the Ministerial level meeting between Kerala and Tamil Nadu at Chennai on 10.6.2002, modified proposal on Pandiar-Punnapuzha was evolved by the then TNEB (now TANGEDCO) and has been sent to Government of Kerala on 10.4.2007 for their concurrence.

Government of Kerala has intimated that there is no vital projects held up on account of failure to resolve inter-state disputes as far as the State Government is concerned.

Government of Karnataka has indicated that by an interim order dated 25th June, 1991, the State Government was directed to ensure 205 TMC of water annually, at Mettur reservoir in Tamil Nadu, on a monthly and weekly roaster which works to 180 TMC at Biligundlu Gauge Station, of Central Water Commission, located at the inter State border. However, by the order dated 19th December, 1995, the Tribunal clarified that deficits and surpluses of particular weeks are to be accounted at the end of the season in December. The Tribunal, in its order dated 3rd April, 1992, observed that in a bad year the basin states should share the water on 'pro-rata' basis without specifying any guidelines. On the request of Tamil Nadu, the Cauvery River Authority (CRA), headed by the Hon'ble Prime Minister, was constituted on 11th August, 1998, 'to give effect to the implementation of the interim order dated 25th June, 1991, of the Tribunal and all its subsequent orders.'

During the period from 1991-92 to 2004-05, Karnataka has ensured water to Tamil Nadu at Mettur reservoir in Tamil Nadu, except in the bad years of 1995-96, 2001-02, 2002-03, 2003-04 and 2004-05. However, in each of the bad years, Karnataka attempted to share the water equitably having regard to pro-rata principle. Tamil Nadu raised the issue in 1995-96, which was resolved by the order of the Hon'ble Prime Minister on 6th January, 1996, directing Karnataka to ensure 6 TMC immediately, which was undisputedly implemented. In the water year 2001-02, Tamil Nadu initially raised the issue, but was satisfied with flows in the subsequent months. For the year 2002-03, Tamil Nadu approached the Supreme Court which, in turn directed the CRA by various orders, beginning from 2nd September, 2002 and ending with 6th February, 2003. The accounts were satisfactorily settled by the decision of the Hon'ble Prime Minister on 10th February, 2003. In the subsequent years 2003-04 and 2004-05, Tamil Nadu did not make any grievances and was apparently satisfied by the flows ensured by Karnataka. Therefore, it is not correct that the 'spirit of cooperation' is lacking in implementing the interim order of the Cauvery Water Disputes Tribunal.

Sl.No. 18 : Sanction of Agri Export Zone (AEZ) for medicinal and aromatic plants in Kerala.

The Minister for Revenue & Law, Kerala asked for speedy sanction of the Government of India for Agri Export Zone (AEZ) for medicinal and aromatic plants, which is pending. He requested that an AEZ for spices may also be set up in Kerala as it is a major spice producing State in the country.

FURTHER PROGRESS/DEVELOPMENTS

Ministry Ministry of Commerce has intimated that a proposal for the project for medicinal and aromatic plants was earlier considered by the Empowered Committee (EC) under ASIDE, but was not approved. The proposal to set up AEZ on Spices has not been considered as Ministry has decided not to consider new AEZ's unless there are strong compelling reasons on the basis of evaluation of Peer Review.

Sl.No. 19 : Development of NW-3 from Kollam to Kottapuram and its extension to Kasaragod in north and Kovalam in the south as also connecting Puducherry and other regions through waterways.

The Minister for Revenue & Law, Kerala requested the Ministry of Shipping to review its policy decision of not taking up new waterways till the existing waterway are made fully functional vis-à-vis development of National Waterway -3 from Kollam to Kottapuram and its extension to Kasaragod in the north and Kovalam in the south.

The Chairman stated that it is not only the waterways in the rivers but also waterways in the ocean that can be developed. It is more economical to connect by waterways than through railways or roadways. He suggested that Puducherry and other regions should be connected through waterways.

FURTHER PROGRESS/DEVELOPMENTS

The Inland Waterways Authority of India (IWAI), Ministry of Shipping has intimated that the Authority would not be averse to starting development in the proposed extended parts of NW-3 (i.e. from Kollam to Kovalam in South and Kottapuram to Kasargode in North) as out of 205 km of NW-3, only 16.22 km remained to be dredged. The capital dredging work is going on in NW-3 though the progress is hampered due to objections by the local people and fishermen and issues relating to disposal of dredged material etc. However, the works are scheduled to be completed by December, 2012. 24 hrs. navigational aids have been installed in the entire stretch of National Waterways-3.

Out of 11 locations envisaged for setting up of terminals, 08 have already been constructed at Kottapuram, Aluva, Maradu (Kochi), Vaikom, Cherthala

(Thanneermukkom), Thrikunapuzha, Kayamkulam (Ayiram Thengu) and Kollam. Construction of terminal at Alappuzha at a cost of 9.04 cr has been taken up through CPWD. The terminals at remaining two locations namely Kakkanadu and Chavara are proposed to be constructed later on, depending upon the cargo availability. In addition to the above facilities, IWAI have constructed two IWT container terminals at Bolgatty and Willington Island with RO-RO and LO-LO facilities in Cochin Port Trust area for connectivity with ICTT Vallarpadam and commissioned on 22.02.2011.

A meeting was held between the Hon'ble Minister for Water Resources, Govt. of Kerala and Chairperson, IWAI on 21.6.2011 at Thiruvananthapuram and it was decided to update the techno-economic feasibility study for extension of waterway north of Kottapuram and south of Kollam through M/s NATPAC, a Government of Kerala agency. The proposal received from them is under process.

Promoting coastal shipping for linking major and minor ports does not come under the purview of IWAI.

As regards development of Kakinada-Puducherry canal system along with Godavari and Krishna rivers through inland waterways which were declared as National Waterway-4 in November 2008, the development work has not commenced since no funds have been allocated for this waterway yet. Since the Planning Commission has agreed to only Viability Gap Funding (VGF) for development of the National Waterway-4, instead of full funding for this waterway, the IWAI has requested the Department of Economic Affairs (DEA) to consider appointment of a 'Transaction Advisor/Consultant' to develop PPP project of more commercially viable stretch of this waterway through viability gap funding under their India Infrastructure Project Development Fund (IIPDF) through Pilot Project Initiative of Asian Development Bank (ADB). The matter is under consideration of DEA.

Sl.No. 20 : Need for a railway Station near the Nedumbassery airport in Kerala.

The Minister for Revenue & Law, Kerala pointed out that Nedumbassery is one of the fast developing international airports in the Western coast. For the convenience of the passengers, the airport authorities had requested for a railway station near the airport. They were willing to provide the land required for this purpose. He requested the Ministry of Railways to consider this favourably.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Railways has intimated that Nedumbassery airport is situated between Angamali and Alwaye stations and there is flag station at Chowara between these two stations situated 5.9 Km away from Angamali and 3.22 Km away from Alwaye. Since the nearest point from the airport will be Angamali, it is considered that opening a new station may not be operationally justifiable. Further, airport will be about 1.5 Km from the proposed station and passenger in any case will have to use road

vehicles to go to the airport from the station. Hence, the proposal is not considered acceptable.

Sl.No. 21 : Kerala's request for establishment of a Bench of Supreme Court in the Southern Zone.

The Minister for Revenue & Law, Kerala requested for establishment of a Bench of the Supreme Court at a convenient location in the South Zone.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Law & Justice (Department of Justice) has intimated that the Department Related Parliamentary Standing Committee in its 20th Report (2007-08) had recommended establishing a Bench of the Supreme Court at least in Chennai on trial basis and then in other parts of the country. The matter was considered by the Apex Court in its Full Court Meeting held on 7th August, 2007, which unanimously resolved that the recommendation made by the Committee cannot be accepted.

Sl.No.22: Revival of National Programme for interlinking of rivers.

The Chief Minister of Tamil Nadu requested that the national programme of inter-linking of rivers be revived. The Union Home Minister stated that it is necessary to discuss with other States and this suggestion will be kept in view.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Water Resources had formulated a National Perspective Plan (NPP) for Water Resources Development in 1980 envisaging Inter-basin transfer of water from surplus basins to deficit basins/areas which comprises of two components namely Himalayan Rivers Development Component and Peninsular Rivers Development Component. National Water Development Agency (NWDA) was set up under the Ministry of Water Resources (MOWR) in 1982 for carrying out various technical studies to establish the feasibility of the proposals of NPP and to give concrete shape to it. Based on various studies conducted, NWDA has identified 30 links for preparing Feasibility Reports (FRs). NWDA has completed feasibility reports for sixteen links.

The National Common Minimum Programme (NCMP) of the last UPA Government had indicated that it would make a comprehensive assessment of the feasibility of linking the rivers of the country starting with the Southern rivers and this assessment will be done in a fully consultative manner. After the comprehensive assessment, it has been decided that river linking programme be continued with a focus on Peninsular rivers.

Five links under Peninsular Components have been identified as priority links for building consensus among the concerned States for taking up their DPRs. Out of these, NWDA has taken up the work of preparation of DPR of one of the priority link viz. Ken-Betwa link after concurrence of concerned States and completed the same on 31st December, 2008. Further, Government of Gujarat and Maharashtra have given the concurrence on the draft MoU for preparation of DPRs of another two priority links namely Par-Tapi-Narmada & Damanganga-Pinjal and NWDA has started the work of preparation of these DPRs which are planned to be completed by 31st December, 2011. Draft MoU for preparation of one more priority link namely Parbati-Kalisindh-Chambal is under consideration of the concerned State Governments for concurrence. Fifth priority link namely, Godavari (Polavaram)-Krishna (Vijaywada) is a part of Polavaram Project of Andhra Pradesh. As per the proposals of the Government of Andhra Pradesh, 80 TMC of water is proposed to be transferred through this link from Godavari to Krishna basin in their State as per award of Godavari Water Dispute Tribunal. However, NWDA's proposals envisage transferring another 44 TMC of water through this link to be used in Krishna Delta in Andhra Pradesh. The Planning Commission has given the investment clearance for the above project as per proposals of the State Government. In view of above, the Government of Andhra Pradesh would be implementing the above link as per their proposal. However, it would not have effect on planning of other interlinking projects under NPP. Thus the Ministry is taking necessary action for carrying forward interlinking of Rivers (ILR) programme and the Government is already seized of the issue.

Government of Andhra Pradesh has intimated that the National Water Development Agency (NWDA) has identified 30 links for preparing feasibility reports and so far feasibility reports for 16 links are completed.

Later the Ministry constituted a Group under the Chairmanship of the Chairman, CWC to discuss and expedite the process of arriving at consensus amongst the states regarding sharing of water as per the proposals of inter basin water transfer of NWDA. However, the Government of Maharashtra and Karnataka raised certain objections before the KWDT which was constituted on 2.4.2005 in regard to allocation of additional waters in view of the augmentation of additional water to Krishna river due to linking of rivers. Therefore, during the Sixth Consensus Group meeting which was held on 13.5.2005, the views of Government of Andhra Pradesh were informed to the Chairman of the Group that "after constitution of second KWDT, the matter has become subjudice". Government of Maharashtra and Karnataka raised certain objections before the ongoing KWDT-II regarding allocation of additional waters to Andhra Pradesh, stating that Andhra Pradesh has lot of potential to augment water from Godavari River.

Further, the Government of Andhra Pradesh is implementing the link proposals (Godavari, Polavaram) – Krishna (Vijayawada) for diversion of 80 TMC through the Right Main Canal of Polavaram Project. The Polavaram Project as envisaged by Government of Andhra Pradesh has been cleared by Central Water Commission and Planning Commission. The 80 TMC of Water that gets augmented to Krishna River from

Godavari River shall be shared as follows among the riparian States (as per Inter State Agreement dated 4.8.1978):

Andhra Pradesh	:	45 TMC
Maharashtra	:	14 TMC
Karnataka	:	21 TMC

Total	:	80 TMC

Government of Tamil Nadu has intimated that the National Water Development Agency (NWDA), a registered society under Ministry of Water Resources has formulated the Pamba-Achankoil-Vaippar link proposal which envisages diversion of 634 Mcm (22.4 TMC) from the surplus waters available in Pamba and Achankoil rivers in Kerala to the deficit Vaippar basin in Tamil Nadu. Benefit from this proposal include irrigation to 91400 ha. in the drought prone districts of Tirunelveli, Thoothukudi and Virudjunagar districts of Tamil Nadu and generation of peaking power of 500 MW through a pumped storage scheme with the regulated release of 150 Mcm during lean period to Kerala.

The proposal consists of construction of two storage reservoirs, one across Pamba river and the other across Achankoil river. Both the dams will be inter-connected by a tunnel. The feasibility report of the project was approved by the Technical Advisory Committee of National Water Development Agency during its 29th meeting on 02.7.1999. In the meantime, Government of Kerala has conveyed its dissent against the acceptance of feasibility report to the NWDA stating that the study report by NWDA did not consider the ecological and environmental aspect and that there is no surplus water by the year 2051 for diverting from Pamba-Achankoil to Vaippar.

The NWDA has assessed the surplus in these rivers only after considering the long term in-basin requirements as 179 TMC and proposed to divert by this link only about 12% of the surplus to Tamil Nadu. This project will improve the flow in the river during the lean periods and help combat salinity intrusion, pollution control etc., besides generation of 500 MW power in Kerala.

The Kerala Government has not yet given its concurrence for this project. They have taken a decision not to consider this project. This issue was also raised in the Tenth meeting of Consensus Group on the proposals of inter-Basin Water Transfer of National Water Development Agency held in New Delhi on 23.7.2010.

NWDA has also done extensive work of feasibility studies on many of the inter-links for inter-basin water transfer proposals both in the Himalayan Rivers and also the Peninsular Rivers. It has assessed the overall surplus from Mahanadhi and Godavari as 925 TMC after allowing for all future in-basin requirements. It has proposed to utilize this surplus for various purposes like irrigation, drinking water, industrial use etc., under the Peninsular Component. They have assessed the benefits that would accrue as about 3 million hectares of additional irrigation and substantial additional hydro power besides

several other intangible benefits. Under this scheme, Tamil Nadu is expected to get about 214 TMC at the border and the additional area that could benefit by irrigation is estimated as 7.90 lakh hectares.

Tamil Nadu has requested for enhancing the quantum of water proposed to be transferred to Tamil Nadu by atleast another 100 TMC and suggested an alternative alignment for the Pennar-Palar-Cauvery link at a higher contour so as to spread the benefits within the State equitably to the most needed areas, which has been accepted in principle by the NWDA.

Tamil Nadu has suggested to the Government of India that the Parliament can make a law, by virtue of the powers conferred under the Article 248(1) read with Entry 97 of List 1 (Union List) of the Seventh Schedule of the Constitution for implementing the Interlinking Rivers Project (ILR). For this Peninsular link the NWDA conducted a consensus meeting of the States concerned on 23.7.2010 wherein divergent views were expressed by the states.

Government of Kerala has intimated that various schemes under Inter Linking of River (ILR) projects may be identified with the approval of the States concerned. Detailed studies should be conducted by impartial agencies on water availability, impact on socio-economic and environment and all apprehensions addressed before taking up for implementation. Prior concurrence of the concerned States should be obtained for the preparation of FR/DPR of ILR projects which could be carried out with their participation. Implementation should be attempted only after clearing all apprehensions of the States.

Government of Kerala is dead against the proposal of Pamba Achenkovil Vaippar (PAV) Link (i.e. 14th link of peninsular component of interlinking of rivers proposed by NWDA). The proposed PAV link is to divert the alleged surplus water of two intra State rivers viz; Pamba and Achenkovil of Kerala to the Vaippar area of Tamil Nadu. Government of Kerala has already opposed this proposal as there is no surplus water in these rivers and the utilization of this water is within the powers of the State Government as per the provisions of the Constitution.

The PAV link project proposal of NWDA that would submerge 2004 ha. of virgin forest, teak wood, plantation and cultivable land has been prepared by NWDA without conducting elaborate EIA studies. Dams and diversions will result in large scale irreversible loss of species and ecosystems. The construction of dams and excavation of thousands of kilometers of canals for the proposed project will make villages disappear, uprooting many families residing in that area. Even though the number of oustees have been estimated to be 297 as per NWDA's 1995 report, the actual number of affected people may be many fold this value thereby making proper rehabilitation and resettlement extremely difficult or rather impossible, in the densely populated state of Kerala.

The study by NWDA on PAV link reveals that there is surplus water availability in Pamba and Achenkovil rivers by consciously diminishing the reasonable water requirements under the plea that the report has been prepared based on general guidelines prescribed by TAC of NWDA applicable for all their reports, which do not consider the special features and other local conditions pertaining to individual river basins of Kerala. The surpluses/deficits now established by NWDA may undergo drastic changes due to the climatic change the pangs of which have already stretched the entire earth due to Global Warming. Since severe droughts and heavy floods are anticipated the National Water Mission set up lately by MoWR has also prepared comprehensive mission document for adaptation measures. The summer in Kerala are becoming hotter *and* longer in the recent past. It is most likely that a surplus basin as established by NWDA may become a deficit one well before any link is executed.

Kerala is having bitter experience from the already executed agreements with Tamil Nadu by which the entire yield of the basins has been harnessed by dams built across them as in Mullaperiyar, PAP etc. without allowing any dry weather flow in the respective basins. All the inter state diversions have resulted in reduced summer flows in the west flowing rivers and as a result Kerala is finding it hard even to meet the drinking water requirements of the people living in the down stream reaches.

A link proposal objected/rejected by the concerned states shall not be taken for further study. In other words an ILR project shall never be conceived as an instrument to be imposed on a state to bind its intra state rivers and divert water outside its boundaries. The consent of the State should be invariably obtained before any proposal of utilizing her water resource is made in view of the Constitutional provisions of ownership of water as per State Entry 7, Schedule II, Article 262 that water is a state subject. Kerala's representatives had informed its objection on the link proposal in various meetings of NWDA. The Pamba-Achenkovil-Vaippar link proposal of NWDA has already been rejected by the State Legislative Assembly and hence may be deleted from the list of inter linking river projects.

In the 55th GB meeting of NWDA held on 21.10.2010 the DG, NWDA informed that PAV link was categorized for consensus building due to the resolution passed by KLA against the implementation of link. Government of Tamil Nadu had filed affidavit on WP(C) 512 of 2002 on 20.11.2007 in the Supreme Court to implement the PAV link project. Government of Kerala had filed a counter affidavit to the application filed by the State of Tamil Nadu on WP (C) 512 of 2002. Government of Kerala had also prepared a draft reply to the status report filed by the Government of India in 'Renetworking of rivers' seeking orders in the Supreme Court for the deletion of PAV link from the Peninsular components in the networking of rivers.

Sl.No. 23 : Post Matric Scholarship to Scheduled Caste Students – Request for reimbursement of full expenditure.

The Govt. of Karnataka requested the Ministry of Social Justice and Empowerment to review the funding pattern under the scheme of post-matric scholarship to scheduled caste students.

Government of Tamil Nadu subsequently pointed out that the Government of India is releasing assistance under the Post Matric Scholarship Scheme to the tune of 100% over and above the committed liability. According to this pattern Tamil Nadu cannot get much assistance since State Government has to provide the budget allotment equal to committed liability every year. The expenditure over and above the committed liability will be only a meagre amount for the first year of the plan period of 5 years and it will increase slightly in the forthcoming years. However, it will not exceed much if the rate of scholarship remains the same throughout the plan period. Hence, substantial funds are provided only by the State Government. Apart from this, State Government have to bear the 100% scholarship amount under State Post-Matric/State Pre-Matric Scholarship.

It was further pointed out that the Government of India have exempted the North Eastern States from making their own budgetary provisions towards committed liability from the IXth Plan Period and the entire expenditure is borne by the Government of India. It was suggested that the Government of India may share the expenditure on Post Matric Scholarship in the ratio of 75:25 by the Government of India and State Government respectively which will reduce the burden of the State to some extent.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Social Justice & Empowerment has intimated that the Scheme of Post Matric Scholarship to SC students is a flagship scheme of the Ministry and is running throughout the country keeping in view the wider aspects of development of Scheduled Castes. The concept of committed liability is an integral part of the scheme. The intention is to equally involve the State Governments in the national commitments towards all round development of SC population and particularly in assisting SC students to pursue higher studies. Therefore, keeping in view the various facts under the scheme, the funding pattern cannot be changed for one or two States.

Sl.No. 24: Promotion of export – Concerted efforts to develop institutional, fiscal and infrastructural facilities.

The Additional Chief Secretary, Karnataka wanted Software Exports to be considered under ASIDE scheme.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Commerce & Industry, Department of Commerce has intimated that the existing guidelines of Assistance to States for Developing Export Infrastructure and other Allied Activities (ASIDE) Scheme provide for allocation of funds to States/Union Territories on the basis of their merchandise export performance based on the State-wise data compiled by the Director General of Commercial Intelligence and Statistics (DGCI&S). Considering the diverse nature of services exports that include health, education, tourism etc., it has not been found appropriate to include the exports of services including software exports in the total exports from the State for making State-wise allocation out of State Component of the ASIDE Scheme.

Government of Andhra Pradesh has intimated that the State Government has constituted State Level Export Promotion Committee (SLEPC) under the Chairmanship of the Chief Secretary and the Commissioner of Industries, C&EP as Member convener. Since the inception of ASIDE scheme i.e. 2002-03 till 2010-11 the Government of India has allocated an amount of 151.44 crores out of which an amount of 142.69 crores was released among (85) projects and an amount of 8.75 crores is available unspent. The balance amount shall be released to the Projects as decided by the SLEPC which is meeting shortly. Further, Government of Andhra Pradesh has also sent a proposal to the Union Ministry of Commerce & Industry for sanction of additional fund of 136.43 crores.

Sl.No. 25 : Installation of desalination plants in coastal areas for solving the problem of drinking water.

The Chairman called upon the member States to examine installation of desalination plants in their coastal areas. This would solve the drinking water problem to a large extent.

FURTHER PROGRESS/DEVELOPMENTS

Government of Karnataka has intimated that there are no such proposals before the State Government as the drinking water problem of coastal areas is being solved through alternate methods.

Government of Tamil Nadu is giving top priority for effective potable water supply to all the rural as well as urban people in Tamil Nadu. The most common water sources adopted for this water supply project are surface water and sub-surface water viz; infiltration wells, sanitary wells, deep bore wells etc.

Due to excess salinity found in the sub-surface sources in the coastal belt and in the absence of perennial surface sources, 08 districts namely; Ramanathapuram, Nagapattinam, Thiruvarur, Kancheepuram, Cuddalore, Pudukottai, Tuticorin and Kanyakumari had deficient water supply.

Out of the above eight districts, Ramanathapuram district is the worst affected area. In order to provide safe water to Ramanathapuram district, 21 desalination plants have been installed including one major sea water based desalination plant of 3.8 mld capacity at Narippaiyur. Potable water supply is being made to 382 habitations in Kadaladi, Mudukulathur and Kamuthi union through these plants at a per capita supply of 15 lpcd. All the remaining habitations have been taken up for implementation for full coverage through individual power Pump and Combined Water supply schemes using distant safe sources. As scarcity of water exists, the Government of Tamil Nadu has decided to provide safe water to all the habitations in Ramanathapuram district using River Cauvery as source. Accordingly, a project at an estimated cost of 616.00 crore is now implemented.

To secure permanent solution to the drinking water problem in Chennai city, two desalination plants of 100 mld capacity each viz; one at Minjur North of Chennai and another at Nammoli on East Coast Road are being set up by the Chennai Metropolitan Water Supply and Sewerage Board. Further, the Government of India has approved the proposal for the second desalination plant of 100 mld capacity at Nemmeli, at an estimated cost of 908.28 crore. Recently, the Cabinet Committee on Economic Affairs of the Government of India has sanctioned a grant of 871.24 crore for this project. The Government of India has also released ₹300 crore for this during March, 2009. Tenders have been invited following international competitive bidding process and on finalisation of the same, work will be commenced during the current year and will be completed within 24 months from the start date.

Government of Andhra Pradesh has intimated that three towns namely, Bheemunipatnam, Bapatla and Chirala along the Coromandel Coast were proposed for installation of desalination plants. However, the Ministry of Urban Development has informed that since the present water supply in Bapatla and Chirala towns is more than 70 lpcd, these towns may not be eligible for setting up of desalination plants under the project.

Sl.No. 26 : Promotion of tourism among the States in the Southern region.

The Chairman emphasized on promotion of spiritual tourism, eco-tourism and village-tourism.

The Chief Minister, Tamil Nadu called for an action plan encompassing organizing special tourist trains like 'the Palace on Wheels', luxury cruises along the coast and new tourist circuits to promote tourism in the zone.

FURTHER PROGRESS/DEVELOPMENTS

Government of Tamil Nadu has furnished their comments in regard to eco-tourism, rural tourism and spiritual tourism as under:

Eco-Tourism

TTDC has formed the Eco-Tourism Wing headed by an officer in the rank of Chief Conservator of Forests on 19.10.2009 with the objective of promoting Eco-Tourism in Tamil Nadu in a big way. TTDC operates trekking tours to inculcate high achievement motivation in young minds and the participants are able to appreciate nature and the need to conserve it.

Eco-Tourism Wing is also taking steps to provide Tree Top Houses in Wild Life Sanctuaries in Tamil Nadu. It has been proposed to have a shelf of Projects to provide necessary fillip for the promotion of Eco-Tourism in the State in consultation with the Environment and Forest Department and action would be taken to release the policy in the appropriate forum. Efforts are being taken to make all the units run by TTDC as eco-friendly institutions with approved green practices and with prime stress on avoidance of use of non bio degradables in ecologically sensitive places (eco hot spots).

Rural Tourism

Tamil Nadu tourism is keen to market rural areas to urban dwellers to change their mindset and make them understand the significance of agriculture and allied activities. Tamil Nadu Tourism has identified Rural Tourism areas for development in a phased manner. Many tourist spots in Panchayat Union areas have been identified and funded adequately to promote domestic tourism.

Spiritual Tourism

Tamil Nadu is a fountain of spirituality and has prominent worshipping places for all religions and heritage sites. The tourism department has taken several positive steps to promote the spiritual places and attract pilgrims and tourists from abroad as well as from rest of the country. Funds have also been sanctioned to develop various spiritual places in the State.

Ministry of Railways (Railway Board) has intimated that the present policy of the Railways does not permit sharing of capital cost by Railways for any new luxury tourist train project. All details of present policy have been conveyed to the Government of Andhra Pradesh.

The Ministry has further intimated that the new proposal (revised proposal) pertaining to Southern Splendor Luxury tourist train project based on the present policy is still awaited from the Government of Andhra Pradesh. However, in the budget 2011-12 three stations on Southern Railway are being taken up for tourism.

Government of Andhra Pradesh has been apprised of the status intimated by the Ministry of Railways.

Government of Andhra Pradesh has intimated that the State Government is providing adequate importance to Spiritual tourism, Eco-Tourism and Village-Tourism. All the destinations in the State which offer the above categories of tourism are included in the State Government's publicity plan. Infrastructure is also created at all such destinations to provide amenities to the tourist.

They have further intimated that the State Government has learnt that the Union Ministry of Tourism is negotiating with the Ministry of Railways at the national level to have a policy which will be conducive for the State Governments and feasible for the private investors. Meanwhile, the State Governments have been advised by the Ministry of Tourism not to proceed further independently. Accordingly, the State Government is awaiting further in this regard from the Ministry of Tourism/Ministry of Railways.

Sl.No. 27 : Revival of concept of Southern Gas Grid.

The Chief Minister, Tamil Nadu requested for revival of the concept of a Southern Gas Grid.

The Finance Minister, Andhra Pradesh expressed concern over hike in the price of gas by GAIL and also inadequate availability of gas for power plants.

The Union Home Minister and Chairman offered to convey the concerns to the Union Petroleum Minister. At the same time he requested the States to develop solar energy and other renewable sources of energy.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Petroleum & Natural Gas has intimated that the indigenous production of natural gas has increased substantially in the year 2009 with commencement of production from KG D-6 fields in April, 2009. To ensure supply of natural gas to various parts of the country, Kakinada-Hyderabad-Uran-Ahemdabad pipeline (1385 km) has been commissioned this year. The present supply from KG D-6 fields is around 36 mmscmd.

Supply from KGD-6 is being used to supply gas to the four IPPs in Andhra Pradesh which had been stranded for a long time on account of shortage of natural gas. These plants have been allocated gas to ensure their operation at 70% PLF. The fallback allocation has also been made to these power plants, which has enabled them to operate at optimum PLF.

Further, Government has issued authorization to lay Vijaywada-Nellore-Chennai, Chennai-Bangalore-Mangalore, Chennai-Tuticorin, Dabhol-Bangalore and Kochi-

Kanjirkkod-Bangalore/Mangalore pipelines. These pipelines would serve to supply gas to various parts of Southern India.

Government of Puducherry has intimated that the Administration is making sincere efforts to promote renewable energy. Renewable Energy Agency of Puducherry has been established to pursue the issue. A pilot project to generate solar energy has been installed at the Chief Secretariat Building, Puducherry. The Administration has also installed many solar street lights, solar water pumps, solar lanterns and solar home lighting systems. Under Bio energy programme a 100 K.W. Biomass Power Plant has also been installed. Biomass crematorium and night soil based biogas plants have also been constructed.

Renewable Energy Policy is being evolved to involve public/private participation to a greater extent. Regular District Advisory Committee meetings are conducted and important issues relating to renewable energy programmes are discussed.

Government of Tamil Nadu has intimated that as per policy initiative of Government of India, Solar Power generation in grid interactive mode is encouraged by Tamil Nadu Electricity Board. As of now 165 KW Solar Photovoltaic (SPV) plants are in operation, out of which 150 KW is in the private sector. Power generation using SPV Plants has not gathered momentum due to the fact that the capital cost is very high even after availing the subsidy component provided by the Ministry of Non Conventional Energy Sources. However, small sized stand alone systems and roof top systems are being operated for self use at various locations. Besides, 19 Co-generation Power Plants and 09 Biomass Power Plants are also in operation which generate 336.6 MW and 77.85 MW of power. The same is being evacuated through the Tamil Nadu Electricity Board Grid.

Government of Karnataka has intimated that the State Government has implemented certain Solar Energy Programmes, namely, Solar Photovoltaic Program and Solar Water Heating System. Under Solar Photovoltaic Program, capital subsidy is available to SPV devices from MNRE which is routed through KREDL. KREDL has also taken up the "Village Lighting" Programme, under which 21 villages are electrified using solar home lighting and solar street lighting system.

The State Government has made installation of solar water heating system mandatory for the buildings having a minimum built-up area of 600 sq. ft. and site area of 1200 sq.ft. Electricity supply companies are providing a rebate of 50 paise per unit to a maximum extent of ₹ 50 for those consumers who are using solar water heater. Karnataka is also planning to install 2 MW Solar Power Plant with MNRE support.

Government of Andhra Pradesh has intimated that nine Gas based power projects (8 IPPs + 1 JV) are operating in the state with a total capacity of 2770 MW. The natural gas required for these projects is 13.74 MMSCMD.

Presently a total quantity of 13.74 MMSCMD of natural gas is being supplied to the above gas based power projects from ONGC fields and RIL D-6 fields, which includes 3.36 MMSCMD (from April, 2009) on fall back basis from RIL D-6 fields.

The State Government has stated that from 19.10.2010 M/s. Reliance have reduced the fallback natural gas supplies to the IPPs in the State resulting in loss of generation of about 400 MW capacity. Also, the joint venture project of APGPCL has not got gas allocation. The Government of Andhra Pradesh has taken up the matter with the Government of India for allocation of natural gas from RIL fields to APGPCL in which APDISCOMs/CPUs are having a share of about 42%.

The State Government has also requested the Government of India to restore the fallback supply of 3.36 MMSCMD to all the gas based IPPs in the State to enable them to supply total power from their projects in the State. It has also been requested for natural gas allocation of 9.72 MMSCMD for the proposed APGENCO 2100 MW power project at Karimnagar.

Government of Kerala has intimated that the concept of Southern Gas Grid Project was originated in 1999 based on natural gas to be made available either from Oman or Iran. Since the plan for getting gas from Oman/Iran through the sub-sea pipeline was technically not possible, the Southern Gas Grid Project did not progress at all. Since then, the member states individually devised plans for getting gas through the LNG route.

Natural gas is now available from the Krishna/Godavari basin (KG Basin) where Reliance Industries KG-D6 Block is producing gas. Similarly, it is understood that Oil and Natural Gas Corporation (ONGC) has drawn up plans to begin production from its KG basin block off the east coast by 2012. Both Companies have tied up with M/s Gas Authority of India Ltd. (GAIL) for transportation and marketing of the gas.

Since GAIL is now contemplating the marketing of KG basin gas of Reliance/ONGC by 2012, connectivity to Kerala State by requesting GAIL to bring the KG basin to Kerala could be explored. Various studies have confirmed potential demand in Kerala for natural gas/LNG. In view of this, Kerala's demand for getting the KG basin gas by implementing the concept of Southern Gas Grid connecting KG basin, Chennai, Bangalore and Kerala has important significance. The gas network will ensure complementary supply from Kochi LNG terminal and also gas from KG basin, thus ensuring competitive availability of natural gas to Kerala State. A number of industries in Kerala like the FACT, NTPC power plant expansion and power project like the Cheemeni power project could be benefited by the availability of natural gas.

M/s GAIL India Ltd. is at present laying pipelines across the State of Kerala connecting Kochi-Kanjirakode-Mangalore/Bangalore Pipeline. M/s GAIL is also laying

pipelines connecting KG basin gas upto Bangalore. Hence, the concept of Southern Gas Grid covering the states of Kerala, Tamil Nadu, Andhra Pradesh and Karnataka may be pursued.

Sl.No. 28 : Tamil Nadu's request for constitutional amendment to protect 69% reservation.

The Chief Minister of Tamil Nadu sought Constitutional amendment to protect 69% reservation existing in the State. The Union Home Minister stated this may not be feasible and more deliberations are required in this regard.

FURTHER PROGRESS/DEVELOPMENTS

Government of Tamil Nadu has intimated that to protect the 69% reservation, the Government has enacted Tamil Nadu Act 45 of 1994 and included the same in Ninth Schedule. However, the Act was challenged before the Supreme Court by way of filing writ petitions. It was considered that the amendment to the constitution will alone safeguard the reservation at 69% and the Government of India has been requested to bring in a constitutional amendment empowering the State Governments to fix the quantum of reservation in the respective states according to their requirement.

Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) indicated that the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993, inserted in the 9th Schedule of the Constitution of India by way of the Constitution (76th Amendment) Act, 1994. The validity of the Tamil Nadu Act and the 76th Amendment was challenged in the Civil Writ Petition No.238 of 1995 filed by the Common Cause, a Registered Society Vs. UOI in the Supreme Court.

It has been informed that the aforesaid Writ Petition has finally been disposed off by the Supreme Court with the direction to the State (Tamil Nadu) to place quantifiable data before the Tamil Nadu State Backward Classes Commission and on the basis of such quantifiable data amongst other things; the Commission would decide the quantum of reservation. It was further directed by the Supreme Court that the State Government should revisit and take appropriate decision in respect of reservation, in the light of what was stated above. The direction of the Supreme Court has to be complied with by the State of Tamil Nadu.

Sl.No. 29 : Tamil Nadu's request for structural changes in Panchayati Raj Institutions.

The Chief Minister of Tamil Nadu requested for structural changes in Panchayati Raj Institutions. The Union Home Minister stated that deliberations are required on the issue.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Panchayati Raj has intimated that it is working towards implementation of the provisions of the Constitution (73rd Amendment) Act, 1992 which provides for three tier system. The three tier system as provided in Article 243 B (I) is working smoothly in all the States. Two tier system is applicable only in States where the population is not exceeding 20 lakhs as per clause (2) of Article 243 B. It has been decided for the present, to facilitate and secure implementation of the Constitution (73rd Amendment) Act, 1992 by States/UTs in the fullest letter and spirit, by encouraging them to draw up plans of action after careful examination of all ramifications, benchmarking best practices, to implement the existing provision of the Constitution. This was in fact the theme of the Seven Round Tables held across the country from July through December 2004, the recommendations of which, arrived at by consensus, have already been sent to the Government of Tamil Nadu. There is thus, no proposal before this Ministry to amend Article 243 (Part IX) of the Constitution of India.

Government of Andhra Pradesh has intimated that prior to enactment of APPR Act 1994 (Act No.13 of 1994) there was a three tier Panchayati Raj set up in the State of Andhra Pradesh. At the village level, the Gram Panchayat, Mandala Praja Parishad at the mandal level and the Zila Praja Parishad at the district level. The Gram Panchayats are governed by the AP Gram Panchayat Act 1964 and the MPPs and ZPPs by the AP MPPs, ZPPs and Zilla Pranalika and Abhivruddhi Sameeksha Mandal Act 1986. The AP Local Bodies Electoral Reforms Act 1989 was also in force governing elections to the PRIs and the Commissioner, PR&RD was the election authority.

After the Constitution (73rd Amendment) Act 1992 by the Parliament with a view mainly to strengthen and revitalize the Panchayati Raj bodies and also to subserve the needs of the teeming millions that live in rural areas, the Andhra Pradesh Panchayati Raj Act 1994 (Act No.13 of 1994) has been enacted and followed the prominent feature of the Constitution Amendment, which contemplates territorial constituencies for each tier and election of members thereto directly from the territorial constituencies at intermediate and district levels. At Gram Panchayat level, the Sarpanches and the Ward Members are elected directly by the people. With the result, 1097 Zilla Parishad Territorial Constituencies and 16.148 Mandala Parishad Territorial Constituencies were additionally made available to provide scope for substantial number of local leadership. This Act also provided for the constitution of an Election Commission for the conduct of elections to the PRIs and a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Government.

Powers to intermediate body were substantial with a viable jurisdiction and almost all line departments at that level supporting the body. Now, the MPP being smaller in jurisdiction, the position is not so better. Regarding Zilla Praja Parishad and Panchayats there is improvement in powers and funds with new schemes and by devolution of powers to PRIs. At present, there is no proposal for changing the structure of PRIs in Andhra Pradesh.

Sl.No. 30 : Request of the Government of Tamil Nadu for inclusion of Dharampuri, Krishnagiri and Vellore districts of the State in the list of naxal prone districts.

The Chief Minister, Tamil Nadu requested the Union Home Minister to include Dharampuri, Krishnagiri and Vellore districts of Tamil Nadu in the list of naxal prone districts and stated that the special funds from the Backward Region Fund should be made available for these districts.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Home Affairs (IS Division) has indicated that under the Guidelines on Security Related Expenditure (SRE) Scheme for naxal affected States, a criteria for inclusion of new districts has been prescribed, such as, intensity of naxal violence over a period of 5 years, level of consolidation by the naxal outfits, pressure of armed dalams, spread of mass front organizations and the extent of pro-active measure initiated by the local administration in this regard. Since Dharampuri, Krishnagiri and Vellore districts of Tamil Nadu does not satisfy the criteria, it is not possible to include these districts under the SRE Scheme.

Sl.No. 31 : Puducherry's request for establishment of major training Institute for Civil service like the one for IAS/IPS.

The Chief Minister, Puducherry had requested that a major training institute for Civil Service like the one for the IAS/IPS should be established in Puducherry with a view to imparting professional training as is being done for the IAS/IPS officers at Moussoorie and Hyderabad respectively.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Personnel, Public Grievances & Pension, Department of Personnel & Training has intimated that establishment of a training institute for Central Services is not within the mandate of Training Division but is the responsibility of the administrative Ministry concerned with the relevant Central Civil Service.

The issue was also taken up with various Central Ministries by Southern Zonal Council Secretariat. The Ministries of Science & Technology, Company Affairs, Road Transport & Highways and Water Resources have intimated that they have no proposal under consideration to establish such Institutes.

Ministry of Power has intimated that the Ministry is the Cadre Controlling Authority in respect of Central Power Engineering (Group-A) Services (CPES). However, keeping in view the very small size of the Cadre, it was not found economically viable to establish a separate Training Institute exclusively for CPES officers.

Sl.No. 32 : Government of Tamil Nadu's request for exemption of goods manufactured by new industrial units established in Tsunami affected districts of Tamil Nadu, from excise levies.

The Chief Minister, Tamil Nadu requested the Union Home Minister to take up the issue of granting exemption from excise levies for a period of ten years from the date of commercial production on all excisable goods manufactured by new industrial units established in Tsunami affected districts of Tamil Nadu. She also indicated that large scale reconstruction work, including the building of houses for those affected by the Tsunami tragedy, had to be taken up. She requested the Union Government to exempt the excise levy on steel, cement and other construction material/equipment used for establishing new industrial units and building infrastructure in the Tsunami affected districts of Tamil Nadu for a period of three years.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Finance, Department of Revenue has pointed out that in principle, the Ministry is opposed to area based exemptions as such exemptions lead to shrinkage of tax base which adversely affects the buoyancy in revenue collection. The Ministry has also pointed out that it has been the policy of the Government to rationalize the rate structure and minimize the number of exemptions. These exemptions create economic distortions resulting in shifting of industry from non exempt areas to notified areas, affecting the economic viability of these units. This view is shared by a number of State Governments. The spirit underlying incentives to special category States like J & K, Sikkim, Himachal Pradesh, Uttaranchal and North Eastern States was that these are faced with geographical adversities as they are located in hilly, remote and inaccessible areas, resulting in their economic backwardness. The exemptions to Special category States, however, have now been restricted in Budget, 2004 only to such new units/units undertaking substantial expansion which start commercial production on or before 31.03.2007.

Sl.No. 33 : Regulation of sale and manufacture of sandalwood oil.

The State Governments in the Zone were requested to take appropriate measures for effective control on smuggling of sandalwood and illegal distillation of sandalwood oil.

Subsequently the Standing Committee of the Southern Zonal Council constituted a Committee comprising the Forest Secretaries of the States in the zone to go into all aspects of the problem and suggest measures for closer inter-State coordination.

The said Committee met at Bangalore on 20th September, 2000 at which it was recommended that uniform rules may be framed by the States to ensure coordinated enforcement of the Forest Acts. It was also suggested that the officers of the Forest Departments of the neighbouring States should meet frequently to sort out various problems and chalk out measures to prevent and detect sandalwood offences. Requisite follow up action on the recommendations of the Committee of Forest Secretaries of Southern States has been taken by all concerned.

FURTHER PROGRESS/DEVELOPMENTS

Ministry of Environment & Forests has intimated that it has been decided by the Competent Authority that the draft bill for Central Legislation on Sandalwood may be forwarded to the Forest Department of all States/UTs for their comments. Accordingly, the bill was forwarded to all the States/UTs for comments with respect to the concerned State Rules and Regulations related to Sandalwood. The comments from most of the State Governments/UTs, including member-States of Southern Zone are awaited.

Government of Kerala has intimated that there were no rules in the State to regulate the possession and sale of sandalwood or sandal oil in the yesteryears contrary to the existence of such rules in the neighbouring States of Karnataka and Tamil Nadu. This lack of enactments had caused mushrooming of sandal oil extraction units especially in the border areas of the State. These units were running with smuggled sandalwood from the states of Karanataka and Tamil Nadu and also within the State. As a result, theft of sandal trees from the forests and private lands were on the increase causing considerable loss in the sandal forests in the state. As part of Government's endeavour to stop the smuggling of sandalwoods and to prevent felling of the sandal trees all the sandal oil extraction units run by private entities were ordered to be closed down in pursuance of the judgement of the Hon'ble High Court.

Subsequently, Government amended the Kerala Forest Act, 1961 to provide statutory protection for the Government's aforementioned action. As per the amended Act, the Kerala Forest (Amendment) Act 2010, restrictions have been put in force for the felling of sandal trees and possession of sandalwood and sandal oil in the state. As per the amendment brought in, no person except Government or a PSU can distil sandal oil in the state now. The Act also prescribes penal provisions for the violations of the provision in the Act.

Consequent upon the closing of all the sandal oil distillation units in the State in 2005, Government have proposed to set up a sandal oil extraction unit at Marayoor for utilizing the sandal wood available with the Forest Department. Kerala Forest Development Corporation (KFDC) a Public Sector Undertaking under the Department has been entrusted with the task. Process is underway for establishing the unit by KFDC.

II. Recommendations made at the 24th meeting of Southern Zonal Council held at Hyderabad on 12th February, 2007

Sl.No. 1: Provision of more funds by the State Governments for policing in the States.

The Chairman observed that the expenditure incurred on providing security should be treated as investment for efficiency and better performance. The State Governments were, therefore, urged to provide more funds for policing in the States.

FURTHER PROGRESS/DEVELOPMENTS

Government of Tamil Nadu has intimated that need based allocations are made to the police department in the budget to ensure efficiency and better performance of the police personnel in the State.

Government of Karnataka has intimated that sufficient funds are provided every year in the state budget to meet the requirements of the police department.

Government of Kerala has intimated that this is progressively being done.

Sl.No. 2: Adoption of various measures for enhancement of capacity of the Police forces.

The Chairman mentioned that the capacity of the Police forces should be enhanced by raising new battalions, by filling the existing vacancies, by giving them modern weapons, transport and communication facilities, better training and making the police : population ratio more acceptable by using other agencies, like private security agencies, in a proper and agreed manner.

FURTHER PROGRESS/DEVELOPMENTS

Government of Tamil Nadu has initiated action on various measures such as procurement of modern weapons, connecting the entire Police Department through a Wide Area Network from Police Headquarters down to the District Police Office level, deputing officers and men for various training courses, including basic training/specialized training on VIP security, Communal Intelligence, Interrogation, surveillance etc. The State Government has also notified the Rules under the Private Security Agencies (Regulation) Act, 2005 and has nominated Competent authority and controlling authorities under the Act. The State Government has expressed the view that private agencies can only be permitted to help the local police on crime detection but not the intelligence agencies, due to secret, confidential and sensitive matters handled by intelligence agencies.

Government of Karnataka has intimated that 11 KSRP Battalions are already established and functioning in Karnataka and the process of raising the India Reserve

Battalion in Koppal District is in progress. These 12 Armed Reserve Battalions and the existing strength of the civil police are considered fairly adequate to meet the requirements in the State. Training facilities available for personnel at various levels in Karnataka Police are also adequate. It has been stated that private security agencies are functioning in the State, particularly in Bangalore city on a very large scale and the local police units are coordinating their activities.

Government of Andhra Pradesh has notified Andhra Pradesh Private Security (Regulation) Rules, 2008. The State Government, however, feels that allowing use of private security agencies and detective agencies needs a thorough examination.

As a policy, the State Police is conducting recruitment to fill up vacancies arising out of fresh sanctions, retirements and other wastages on a year to year basis, without allowing accumulations. 35831 Police Executive posts have been sanctioned in the year 2007 to be filled in 3 phases i.e. 2008-09, 2009-10 and 2010-11 to avoid problem of cadre management and also to provide effective training for the fresh recruits by expanding the training capacity of all the Police Training Centres and Institutions.

Recruitment and training of first phase i.e. 2008-09 was completed by recruiting and training 11986 PCs. Training for another 1804 PC recruits and 1145 SI recruits is nearing completion. Direct recruitment of 65 DSPs has been completed and they are undergoing training. The 2nd phase of recruitment has already been initiated to recruit 15959 PCs and 1404 SIs belonging to Civil, AR, APSP, PTO and FPB wings. This recruitment is expected to be completed by July/August, 2010. Government of Andhra Pradesh also created 'Octopus', consisting of specialized wings and Commando Unit to deal with terror menace.

Government of Kerala has intimated that orders have been issued for sanctioning the raising of one India Reserve Battalion. As coastal areas and territorial waters are not free from terrorists and illicit transportation of arms and other contrabands, Coastal Police Station and Marine Police are being raised for coastal protection.

Ministry of Home Affairs (PM Division) has intimated that "The Private Security Agencies (Regulation) Act, 2005" has been notified in the Gazette of India on June 23, 2005. The provisions of the Act have been brought into force with effect from 15th March, 2006. The main objective of the legislation is to regulate the functioning of private security agencies so that these are run within the legal parameters and are accountable to a regulatory mechanism. Under this Act, a Controlling Authority is to be appointed by the State Governments for granting licences to private security agencies for carrying on their business. The Central Government has also notified the "Private Security Agencies Central Model Rules, 2006" in the Gazette of India on 26.4.2006. These Rules have been sent to the State Governments for their guidance to enable them to frame their own rules, in conformity with the Central Model Rules.

Status regarding framing of rules under the Private Security Agencies (Regulation) Act, 2005 and appointment of Controlling Authority by Southern States is as under :

Sl. No.	Name of State	Appointment of Controlling Authority	Status of framing of Rules
1	Tamil Nadu	Inspector General of Police (Welfare), Office of the Director General of Police, Chennai.	The Tamil Nadu Private Security Agencies Rules, 2008 notified on 11.8.2008 in Tamil Nadu Gazette.
2.	Kerala	In pursuance to the Kerala Private Security Agencies Rules, 2010, action is underway for appointment of Controlling Authority	Kerala Private Security Agencies Rules, 2010 notified in the Gazette vide Notification dated 18 th June, 2010.
3.	Andhra Pradesh	Special Secretary, Home Department	Andhra Pradesh Private Security Agencies (Regulation) Rules, 2008 notified in the State Gazette on 22.1.2009.
4.	Karnataka	Deputy Inspector General of Police (Internal Security Division, Office of DGP, Bangalore.	The Karnataka Private Security Agencies Rules, 2008 notified in the Gazette on 23.7.2009.
5.	Puducherry	Joint Secretary (Home), Govt. of Puducherry.	Puducherry Private Security Agencies (Regulation) Rules, 2009 notified in the Gazette vide Notification dated 14.12.2009.

Sl.No. 3: Strengthening of Special Branches of Police Force to control terrorist activities and maintain law and order in the State.

The Chairman mentioned that intelligence was the most important weapon to control terrorist activities and maintain law and order. He, therefore, urged the State Governments to strengthen Special Branches of the States Police Forces by augmenting staff, giving modern facilities, selecting suitable officers and training them properly.

FURTHER PROGRESS/DEVELOPMENT

Government of Karnataka has intimated that the State Government has augmented the strength of the State Special Branch in the year 2006. Necessary action has been taken to tone up the functioning of the State Intelligence Wing also.

Government of Andhra Pradesh has intimated that there is a State Level Intelligence Control Room for round the clock monitoring. Similarly, Control Rooms of Intelligence Branch are established at Zonal and District level with requisite manpower and equipment. In addition, control rooms are also established at District and Cities under Superintendents of Police/Commissioners of Police.

The Intelligence Branch has been continuously analyzing and evaluating its requirements and strengthening its organization with needed new posts under the Ministry of Home Affairs' guidelines titled "Strengthening of the State Special Branch".

The State IB, SIB (which handles the anti-naxal operations), the Counter Intelligence Cell and VIP Security wing all of which are part of Intelligence Branch, are strengthened sufficiently from time to time. The District Special Branch under the Superintendent of Police has been strengthened by posting officer in the rank of Addl. S.P. exclusively to head and supervise the DSB. The Intelligence Branch is fully equipped with cyber surveillance equipment. The technology and the equipment are being upgraded from time to time. The State Government is in the process of upgrading the technology and the equipment to meet the needs of '3G' technology that is coming up. Appropriate manpower is also available. The equipment is obtained through MOP funds.

The strength of each existing QRT is being increased to 25/35 commandos at each urban centres. These teams are deployed in Hyderabad, Cyberabad, Visakhapatnam, Vijayawada and Tirupathi. The State Government has created "Organisation for Counter Terrorist Operations (OCTOPUS)" consisting of specialized wings and Commando Unit to deal with terror menace.

The State Government has further intimated that for security at public places it is contemplated to enact an Act titled "A.P. State Public Places Security Act" through a legislation of A.P. Legislative Assembly. This legislation will make it mandatory for all Corporate Groups, malls, theatres etc., to increase their security infrastructure and training mechanism.

Government of Kerala has intimated that the State Government has already strengthened its Internal Security Wing and the Special Branch is also being strengthened.

Government of Tamil Nadu has intimated that to cope with the increasing challenges in the internal security scenario, the State Government has created a new post of Inspector General of Police in Intelligence Wing for Internal Security, exclusively to deal with intelligence relating to the State's internal security in coordination with Central and other State agencies. In addition to this, the State Government has sanctioned 600 additional posts to strengthen the intelligence wing.

The Special Investigation Team (289 strength) now functioning under CB CID is being brought under the intelligence wing for better performance as recommended by

Third Police Commission. The thrust against Organised Crime is being further strengthened by creation of an Organized Crime Intelligence Unit with a strength of 456 personnel. SMAC – State Intelligence nodal center has been made operational in Headquarters and manned 24x7. The efficacy of control room was well tested recently during ‘Operation Barricade’, ‘Operation Rakshak’ and ‘Operation Hamla’.

Indexing and documentation of profiles namely; Face and Finger Print Registration Search and Management System (F&FPRSM) is being done in ‘Q’ Branch CID and Special Division. It includes Biometric (finger prints), identification marks and other particulars of the accused/convicts and also suspects and to feed into the data bank at headquarters which would be useful in the long run. To encourage the staff working in the intelligence wing and to attract more suitable and efficient personnel to the wing, the Government has sanctioned 10% of Basic Pay of the personnel as Special Pay to the ranks from Constables to Non-IPS Superintendents of Police. This measure will help attract suitable and competent personnel to the wing in future.

Sl.No. 4: Mega City Policing.

The Chairman advised that separate Committees of Experts may be set up by the States to look into the details of mega city policing in respect of the big cities in the zone like, Hyderabad, Bangalore, Chennai and Kochi.

FURTHER PROGRESS/DEVELOPMENT

Ministry of Home Affairs (PM Division) has intimated that the cities of Hyderabad, Chennai and Bangalore are covered under the Mega City Policing. Funds are being provided for these Mega Cities within the overall MPF Scheme from the year 2005-06. In pursuance to the decisions taken in a meeting chaired by the Home Secretary on 22.01.2009, BPR&D had requested the States covering Mega Cities viz; Hyderabad, Chennai and Bangalore to prepare and submit an actionable plan for a year within a budget ranging from 80 to 100 crore per city. Proposals received from the concerned State Governments are under consideration.

Government of Andhra Pradesh has intimated that Mega City Policing was conceptualized in the year 2005 to cover six cities including Hyderabad/Cyberabad. Funds have been provided for construction activity, improve mobility and for security equipments. The sanctioned strength of Hyderabad City is 9200 and that of Cyberabad is about 4200. The training Institutions like PTCs, DTCs, CTCs, BTCs have been given additional resources for expansion of infrastructure, additional faculty, equipment etc. to enhance their capacity to handle the massive training load of all the personnel being recruited in the year. Effective training is imparted by optimizing the utilization of the resources of these institutions. Sufficient funds are provided to augment and enhance the training capacity to handle 16000 PCs and 1500 SIs.

Government of Tamil Nadu has intimated that the Union Ministry of Home Affairs was considering preparation of a model perspective plan to upgrade the existing infrastructure in policing in seven mega cities, namely; Delhi, Kolkata, Chennai, Hyderabad, Bangalore, Mumbai and Allahabad. Accordingly, a committee comprising City Police Commissioners of the above seven cities with the Mumbai Police Commissioner as convener, was constituted to prepare a 10 years perspective plan for the purpose. Following this decision, the Commissioner of Police, Mumbai convened a meeting on 14.10.2008 in Mumbai. Based on the broad guidelines arrived at in the meeting, the Commissioner of Police, Chennai City prepared a 10 year perspective plan for ₹ 7377.51 crore (Non- recurring cost of ₹ 7150 crore and recurring cost of ₹ 227.51 crore) and forwarded it to the Ministry of Home Affairs on 15.12.2008 subject to the condition that the non-recurring cost of ₹ 7150 crore should be fully met by the Government of India and that the recurring cost of ₹ 227.51 crore should also be met atleast for 10 years by the Government of India.

Meanwhile, the Government of India has convened a meeting in New Delhi on 30.12.2008 under the Chairmanship of Director General, Bureau of Police Research & Development with the Commissioners of Police of the above mega cities to prioritise those items which are immediately required in the current year for implementation before 31.3.2009 so that the Government of India could release the funds immediately. Accordingly, the Commissioner of Police, Chennai City has prepared the priority schemes to the tune of ₹ 149.60 crore for immediate implementation before 31.3.2009 and sent to the Government of India.

In continuation of the meeting held on 17.6.2009 at Bangalore, the Director General of Police has sent the comprehensive proposal in respect of Chennai Police to a value of ₹ 100.56 crore (Non-Recurring expenditure) and ₹ 36.91 crore (Recurring expenditure) to Government of India for consideration and release of funds.

Government of Kerala has intimated that the jurisdiction of the Police of the Kochi City not only includes the Corporation of Cochin but also contiguous Municipalities of Tripunithura, Aluva, Kalamassery, Eloor etc., and looks after the security needs of twenty four lakh people. It is the largest urban agglomeration in Kerala, and is extremely sensitive from a security point of view. Major institutions including the Southern Naval Air Command, the Cochin Shipyard Ltd., and Vallarpadom International Container Terminal are situated in Kochi and being a high profile city on the coast like Mumbai and Chennai, its importance is paramount.

The State Government has suggested that keeping in mind the special security and strategic importance of Kochi, and the fact that all the three southern cities of Bangalore, Hyderabad, Chennai, have already been included in this MHA initiative; Kochi should also be included in the Mega City Policing project of the Ministry of Home Affairs.

As per the action plan on the minutes of the 24th meeting of Southern Zonal Council held at Hyderabad on 12.2.2007 a Committee was constituted as suggested from

PHQ to look into the issues of Mega City Policing in Kochi. However, the meeting of the Committee is yet to be convened.

Sl No. 5: Problem of land acquisition for coastal police stations

The Chairman mentioned that the problems of land acquisition for coastal police stations should be solved by the State Governments as the cost of land cannot be met by the Central Government.

FURTHER PROGRESS/DEVELOPMENTS

Government of Andhra Pradesh has intimated that 6 Marine police stations sanctioned in the first phase have been constructed on government lands as availability of land in coastal areas is not critical in the state, except in port cities such as Vishakapatnam and Kakinada. For the proposed 15 marine police station in the 2nd phase, the unit officers have been requested to identify lands preferably in the control of government or excess land held by other departments eg. Fisheries, Agriculture etc.

Government of Karnataka has intimated that land for 05 Coastal Security Police Stations has been acquired and its cost is borne by the State Government.

Government of Kerala has intimated that proposals for land acquisition/transfer of land from other Departments for the Coastal Police Stations in different parts of the State have been received and a number of discussions at different levels have already been taken place to sort out/overcome the problems.

Government of Tamil Nadu *has* intimated that under Phase-1 of Coastal Security Group Scheme, 12 Marine Police Stations, 12 Outposts and 40 Check Posts were sanctioned. Of these, construction has been completed in 12 Marine Police Stations and taken over. Out of 12 Outposts sanctioned, 8 Outposts were constructed and taken over. Construction is under progress in 2 places and proposal for one outpost was dropped. Out of 39 Check Posts proposed for construction, 31 Check Posts were constructed and taken over while construction is under progress in 7 places and construction for 2 Check Posts dropped. No problem in acquiring land for these constructions was faced.

Sl.No. 6: Problem relating to naxalism in southern zone.

The Chairman mentioned that there should be a multi pronged approach to solve the problems related to naxalism and this should be viewed not only as a law & order problem but also as a socio-economic problem. The State Governments need to have their own plans to deal with violent activities in any form.

FURTHER PROGRESS/DEVELOPMENTS

Government of Andhra Pradesh has intimated that the State Government is viewing the naxalism not only as a law & order problem but also as a socio-economic issue and devised schemes to tackle the same on both fronts. A separate Department i.e. 'Remote & Interior Areas Development' has been created with the objective to wean away the people living in these areas from the influence of the Left Wing extremist ideologies by improving the economic conditions of the people. The State Government has also been implementing the Land Reforms and Rehabilitation package for the displaced tribals. A scheme for rehabilitating the surrendered extremists is also under operations.

The State Government has also been adopting both long term and short term strategies to tackle the Left Wing Extremist problem in the State as indicated below :

1. Operational Strategy

It consists of both defensive and offensive plans. On defensive side, PSs, VIPs, vital installations, Railways communication towers, MNCs, and other targets are provided with necessary security against extremist attacks. On offensive side, intelligence based operations/combing/patrol/vehicle checking are organized. These are yielding good results in the form of arrests, surrenders and deaths of important cadres in exchanges of fire. Greyhounds, a Commando force, raised in 1989 exclusively for curbing naxalite activities. Special Intelligence Branch (SIB), raised in 1990 to gather intelligence exclusively on LWE/naxalites.

2. Developmental Programmes

Vigorous developmental and welfare activities are being taken up in remote and interior areas under various schemes to wean away weaker sections from the influence of extremists.

3. Public Perception Management

Efforts are being made to minimize the support of frontal organizations, civil liberties groups, intelligence, etc. to extremist groups by exposing the mindless violence and illegal activities of the extremist groups in the electronic and print media. Seminars, Meetings etc. were organized condemning the violence of the extremists and those who are extending support to them. Special Publicity Cell of Intelligence Department and the police cultural troupes in the districts used to give programmes exposing the hollowness of the extremist ideology and its ill-effects on the society. Government's developmental and welfare schemes for the benefit of the downtrodden and weaker sections are also propagated. Counseling to the parents and relatives of UG extremists are organized to get their words surrendered. These programmes are yielding good results. On account of these programmes many misguided youths who joined extremist outfits have come out

and surrendered to the Government. At many places, people have revolted against extremists and not allowed them to enter their villages.

Government of Tamil Nadu has intimated that the State Government has initiated a three-pronged approach to tackle the problem of naxalism. The State Government have sanctioned additional strength of 439 police personnel. The Inspector General of Police, Intelligence (Internal Security) is directly supervising CID and Special Division of Special Branch CID including naxalites, religious fundamentalists, LTTE, Sri Lankan Tamil refugees etc. In case of terrorists moving from one state to another, practice of police personnel of one state entering into other's territory without the permission of the later state is already in practice.

The State Government has further intimated that the naxal problem is viewed as a socio-economic problem and special attention is being given for the developmental activities in naxal prone areas, besides redressing the grievances related to basic amenities. In order to prevent the youth from falling prey to naxalite ideologies, the Government has instructed that Collectors of Dharmapuri, Krishnagiri, Salem, Vellore, Thiruvallur, Theni, Dindigul and Madurai districts to take up social economic development programmes to solve the grievances of the public viz., road, bus and drinking water facilities in hilly areas, establishment of Primary Health Centres and Primary/ Middle School, to eradicate social problems like money lending at excessive interest, caste discrimination, etc., The Government has also given instructions to initiate certain proactive welfare measures to curtail the activities of Maoists, particularly to the Collectors of Dharmapuri, Krishnagiri, Salem, Vellore, Thiruvallur, Theni Dindigul, Madurai and Coimbatore districts.

Government of Karnataka has intimated that it has consistently followed a multi-pronged approach to solve the problems related to naxalism. Special attention is paid to the development of the areas affected by naxalism and the State Government has got its own plan to deal with violent activities of the naxals.

Government of Kerala has intimated that violent naxalite activities are not so far in evidence in the State. However, some extremist organizations are active in the State and their activities are closely monitored.

Government of Puducherry has intimated that no incidence of Naxalism is reported in the Puducherry. However, in view of naxalism prevailing in Andhra Pradesh adjacent to Yanam Region of UT Admn., the local police and Special Branch have been sensitized in this regard. Further necessary assistance shall be given to neighbouring State Police as and when necessary for tackling/apprehending of naxals. Superintendent of Police (Special Branch) has been nominated as incharge of collection/dissemination of intelligence as regards naxalism.

Ministry of Home Affairs (IS Division) has indicated that naxalite affected States have appointed Nodal Officers to deal with naxal related issues including the inter-

State problems. Besides Standard Operating Procedure (SOP) has been circulated among the concerned States for undertaking joint operations.

Sl.No. 7: Implementation of directions of the Supreme Court's judgement in WP(Civil) No. 310 of 1996 relating to framing of a new Police Act.

The Chairman (Union Home Minister) drew the attention of the State Governments to the Supreme Court's judgement in the Writ Petition (Civil) No. 310 of 1996 relating to framing of a new Police Act, and stated that the directions of the apex Court should be implemented.

FURTHER PROGRESS/DEVELOPMENTS

The Ministry of Home Affairs has intimated that a Review Committee was set in 2004 up by the Ministry to look into the recommendations of the National Police Commission and other Committees. In its report submitted to the Government in 2005, the Review Committee made 49 recommendations which were sent to the States/UTs for immediate implementation.

The Supreme Court of India in the meantime has also passed a judgement on September 22, 2006 in Writ Petition (Civil) No.310 of 1996 – Prakash Singh and others Vs UOI and others on several issues concerning police reforms. The Court in the said judgement directed the Union Government and the State Governments to set up mechanisms by December 31, 2006 and file affidavits of compliance by January 3, 2007. The directions inter-alia were :-

- Constitute a State Security Commission on any of the models recommended by the National Human Rights Commission, the Rebeiro Committee or the Sorabjee Committee;
- Select the Director General of Police of the State from amongst three senior-most officers of the Department empanelled for promotion to that rank by the Union Public Service Commission and once selected, provide him a minimum tenure of at least two years irrespective of his date of superannuation;
- Prescribe minimum tenure of two years to the police officers on operational duties;
- Separate investigating police from law & order wing, starting with towns/urban areas having population of ten lakhs or more, and gradually extend to smaller towns/urban areas also;
- Set up a Police Establishment Board at the state level for inter-alia deciding all transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police; and

- **Constitute Police Complaints Authorities at the State and District level for looking into complaints against police officers.**

The matter was last heard on May 16, 2008, in which the Hon'ble Supreme Court directed to set up a Committee under the Chairmanship Justice K.T. Thomas, former retired Judge of the Supreme Court with two other Members for monitoring the directions issued vide its judgement dated 22.9.2006. Thomas Commission has since submitted its report in a sealed cover to the Hon'ble Supreme Court and the said report has already been circulated to States/Union Territories. The matter is now under active consideration of the Hon'ble Supreme Court.

Ministry of Home Affairs (PM Division) has also intimated that draft Model Police Act has been sent to all State Governments/Union Territory Administrations for their consideration and appropriate action in pursuance of the Supreme Court's directions. In the Southern Zone, Kerala has either enacted Police legislation or carried out necessary amendments in the existing Act (s). From others the information is still awaited.

The Government of Tamil Nadu has intimated that Tamil Nadu Police Bill, 2008 had been introduced before the 13th Assembly of Tamil Nadu Legislative Assembly and the bill had been referred to a Select Committee.

As the 14th Assembly of Tamil Nadu Legislative Assembly is now in vogue, a new statute has to be legislated following due procedures again. As such, necessary steps are being taken in consultation with the Director General of Police for framing of a new Police Act as directed by the Apex Court.

Government of Karnataka has also proposed an amendment to the Karnataka Police Act and as the bill in this regard is awaiting approval of the State Legislature. Framing a New Police Act as directed by the Supreme Court is also under examination.

Government of Kerala has intimated that in compliance with the Hon'ble Supreme Court's judgement in WP(C) No.310/96, the State Government have enacted an amendment to the Kerala Police Act, 1960 vide Notification No.3613/Leg B1/07 Law dated 06.10.07.

Government of Andhra Pradesh has intimated that the Model Police Act prepared by the Drafting Committee of the Union Ministry of Home Affairs is currently under scrutiny by a Committee headed by Shri R. Prabhakar Rao, IPS (Retired).

2. DEVELOPMENTAL ISSUES

- (a) **Need for evolving common strategy for overall economic development of the Southern Zone.**

(Suggested by the Government of Karnataka)

The Government of Karnataka has brought out that the competitiveness of the States in the Southern Zone in offering incentives and concessions to industries by way of reduced sale taxes/Electricity duty/turn over taxes etc. has adversely affected the long term revenue mobilization efforts of the States, which has led to reduced investment in key infrastructure areas. It has been suggested that the States in the Southern Zone may constitute a Southern Economic Union for identifying specific areas of cooperation in regard to giving a boost to trade, commerce, tourism and other fields of economic development.

FURTHER PROGRESS/DEVELOPMENTS

In the meeting of the Standing Committee held on 9th May, 2005 all the States in the zone have expressed concern at fiscal incentives given by the Government of India to industries in States like Uttarakhand and Himachal Pradesh, which is leading to flight of capital.

The Ministry of Finance (Department of Revenue) has indicated that the Ministry is opposed to area based exemptions as it leads to shrinkage of tax base which adversely affects the buoyancy in revenue collection. It has been the policy of the Government to rationalize the rate structure and minimize the number of exemptions. These exemptions create economic distortions resulting in shifting of industry from non exempt areas to notified areas, affecting the economic viability of these units. This view is shared by a number of State Governments.

The Ministry has further indicated that the spirit underlying incentives to special category States like J & K, Sikkim, Himachal Pradesh, Uttarakhand and North Eastern States was that these are faced with geographical adversities as they are located in hilly, remote and inaccessible areas, resulting in their economic backwardness. The exemptions to Special category States, however, have now been restricted in Budget, 2004 only to such new units/units undertaking substantial expansion which start commercial production on or before 31.03.2007.

- (b) **Need for maintaining status quo ante in respect of formula for Central Allocation of funds under Poverty Alleviation and Rural Development Programmes.**

(Suggested by the Government of Tamil Nadu)

The Government of Tamil Nadu has stated that till 1997-98, allocation of funds for Rural Development and Poverty Alleviation was being made to the States by the Central Government on the basis of poverty ratio for the year 1987-88. This ratio was changed by the Central Government at the time of allocation of funds to the States during 1998-99. The new formula of poverty ratio is based on the poverty ratio arrived at by the Expert Group of Union Planning Commission. In the revised method adjustments have been done for certain States where variation between Task Force method (which was being adopted earlier) and Expert Group Estimates (now being followed) is more than 15%. It has been pointed out that as per the earlier formula Tamil Nadu was getting a share of 7.062% whereas according to the revised formula the State is entitled to a share of 4.987% only. Reduction of 2.075% in share leads to a decline of 29.38% in the entitlements for Tamil Nadu.

The Government of Tamil Nadu has objected to the revised formula for the following reasons:

- (i) Moderation of the Poverty ratio done by the Planning Commission is arbitrary.
- (ii) The States have not been consulted in changing the earlier Task Force Method formula according to which share of States was based on the number of people living below poverty line.

The State Government has mentioned that accurate number of BPL households would be available for all States on the basis of BPL Census. The Government of Tamil Nadu has therefore, demanded that status quo-ante be maintained in the sharing of Central Government allocation amongst States on the basis of Task Force method rather than a diluted method which affects many States.

COMMENTS/ACTION TAKEN

The Government of Andhra Pradesh has indicated that the State Governments are getting lesser Central allocations under the various poverty alleviation programmes because of the problems in regard to poverty ratio. While States have been given freedom to conduct the BPL survey and arrive at the number of BPL households, a limitation has been imposed that the States could not exceed 10% of poverty estimates of the Planning Commission of 1999-2000. According to the State Government's realistic estimates BPL population in Andhra Pradesh is around 35%, whereas as per limitation imposed by the Government of India, Andhra Pradesh is entitled for only 26% assistance under these programmes.

The Government of Karnataka has stressed the need for reduction in the number of Centrally Sponsored and Central Sector Schemes and transfer them to the States alongwith money in respect of such schemes to enable the States to formulate and implement these schemes according to their requirements and priority.

The Planning Commission has explained that poverty ratios for rural areas computed by the Planning Commission have been the basis for apportionment of funds among States/UTs under Major Rural Development Programmes. The rural poverty ratios of 1987-88 based on the Task Force methodology were used for this purpose till 1997-98. However, after the acceptance of the poverty ratios given by the Expert Group, it was decided that the poverty ratios of 1993-94 for rural areas based on the Expert Group methodology should be used as the basis for State-wise allocation of funds.

However, in view of the protests of some adversely affected States/UTs in their respective shares of allocation under major Rural Poverty Alleviation Programmes as a result of adoption of the poverty ratio of 1993-94 instead of 1987-88, as also reservation to the use of adjusted formula approved by Planning Commission, an attempt was made to contain such losses of the States to not more than 15% of their expected entitlement based on their share as per new (1993-94) poverty ratio. Planning Commission has constituted an Expert Group in December, 2005 under the Chairmanship of Prof. Suresh D. Tendulkar to review the methodology for estimation of poverty. The Expert group was to submit its interim report by February, 2006 and its final report to Planning commission within a year. However, the tenure of the Expert group has been extended upto 30th November, 2009.

As regards rationalization of Centrally Sponsored Schemes, the **Planning Commission** has intimated that in pursuance of a decision taken in the meeting of the National Development Council (NDC) held on 19.2.1999, a Committee of the NDC has already been set up on transfer of Centrally Sponsored Schemes (CSS). In addition, the Planning Commission undertook a Zero Based Budgeting (ZBB) exercise for Centrally Sponsored Schemes and Central Sector Schemes for all the Union Ministries/Departments for the year 2002-03 to rationalize the Schemes by way of convergence, weeding out and transfer to the States.

The Ministry of Rural Development has indicated that Below Poverty Line (BPL) Census is carried out every five years for identifying the BPL families/households who could be targetted through poverty alleviation programmes of the Ministry. Under the guidelines of BPL Census 2002', the States have been given flexibility to decide the cut off score in such a way that it does not exceed the 10% of the poverty estimates of the Planning Commission based on the 1999-2000 NSSO Survey or the poverty ratio adopted for the adjusted formula whichever is more. Purpose of this exercise is to identify the most deserving poor households. It is not used for the allocation of funds to the States, and as such it does not become a constraint in implementation of the programmes or resource flow.

It has also been indicated that the programmes/schemes of the Ministry have since been reviewed and restructured. Swarnajayanti Gram Swarozgar Yojana (SGSY) has been launched w.e.f. 1.4.1999 after merging erstwhile Integrated Rural Development Programme (IRDP) and other allied programmes. Similarly, the Sampoorna Gramin Rozgar Yojana (SGRY) has been launched w.e.f. 25th September, 2001 by merging the on-going schemes of the Employment Assurance Scheme (EAS) and the Jawahar Gram Samridhi Yojana (JGSY) to provide additional wage-employment in the rural areas. The scheme has become fully operational from 1st April, 2002. The present Centrally Sponsored Schemes (CSS) will have to be continued to achieve the national priorities, as recommended by the Planning Commission.

3. ISSUES RELATING TO FISHERIES

(Suggested by the Government of Tamil Nadu)

(A) **Problems arising out of migration of fishermen from Kanyakumari to Kerala.**

The fishermen of Kanyakumari District migrate and conduct fishing in the sea off Kerala coast, adopting latest techniques. During fishing seasons, fishermen of Colachel area also move to Kerala temporarily, particularly to Kollam area for fishing. The fishermen of Kollam resent the migration of Tamil Nadu fishermen to Kerala, even though it is temporary and seasonal. This has led to friction between the fishermen of both the States resulting in loss of lives and damages to fishing boats and implements.

The occurrence of clashes between the fishermen of Kerala and Kanyakumari became severe in 2002. During the clash fishing nets were damaged and one fisherman died. The loss sustained by the fishermen of Tamil Nadu amounted to ₹49.80 lakhs. Several Peace Committee meetings were conducted by the District Authorities of both the States on 09.01.2002 and 05.02.2002. Discussions at District Collectors' level and both States Fisheries Secretaries level were also held to solve the problem.

Government of Kerala formed a Sub Committee under the Chairmanship of District Collector, Kollam on 25.07.2002 to sort out the issues connected with the berthing facilities at Kollam and Neendakara for the fishing boats of Kanyakumari District. According to the decision taken in the meeting of the Sub Committee held on 03.12.2002, the berthing of 50 mechanised fishing boats of Kollam were allowed on trial basis at Chinnamuttom fishing harbour (Kanyakumari District) and an equal number of Kanyakumari Boats at Kollam (Kerala). However, in view of the persistent objections raised by the Kollam fishermen, the Kanyakumari fishermen could not berth their boats at Kollam. As an alternative, the fishermen of Kanyakumari, chose to berth their mechanized fishing boats at Cochin, Azhappuzhai, Veppur and Munambam areas in Kerala State. The fishermen of Cochin also raised objections to the berthing of Kanyakumari District mechanized fishing boats at Cochin Harbour and damaged the boats and fishing implements on 22.09.2003 and 15.10.2003. The approximate loss sustained was estimated as 1.02 crore.

The Hon'ble Minister for Fisheries, Government of Kerala had also convened a meeting with coastal MLAs and MPs of Kerala to find a solution to the problem and it was suggested that :-

- (i) Other State boats should not be prohibited in Kerala waters.
- (ii) Fishing licence should be given to other State boats, if they are registered under Marine Products Export Development Authority Act, and under Kerala Marine Fishing Regulation Act.

- (iii) The registration numbers and identification mark of the boats should be written.
- (iv) Only those boats which have obtained prior permission for migration and anchorage will be permitted to avail berthing facilities in the Kerala Fishing Harbours.
- (v) The information about the movements of the boats should be furnished to the concerned officials.
- (vi) The other State Boats should also contribute their share to the Kerala Fishermen Labourers' Welfare Fund.
- (vii) Regarding loss sustained to the boats on 22.09.2003 and 15.10.2003, payment of relief will be taken up for consideration.

The Kanyakumari District Public Representatives also met the Hon'ble Chief Minister of Kerala, Minister for Fisheries and Minister for Agriculture, Kerala and requested to arrange for peaceful fishing in Kerala waters by the Kannyakumari District fishermen.

Government of Kerala was also requested for payment of compensation to the tune of .101.56 lakhs for the damages caused to fishing implements of Kannyakumari district fishermen at Kollam. The Chief Minister of Tamil Nadu had also urged the Chief Minister of Kerala to intervene in this matter and allow the Kanyakumari District fishermen to use the berthing facilities at Kollam, Cochin and other fishing harbours of Kerala.

COMMENTS/ACTION TAKEN

The Government of Andhra Pradesh has intimated that this issue does not pertain to Government of Andhra Pradesh.

The Government of Kerala has intimated that steps have been taken by the State government to prevent the friction between the fishermen in Kerala and Tamil Nadu while fishing in the Kerala waters. Meetings have been conducted at the district level with the involvement of District Administration and MPs and boat owners. But, for a permanent solution the following actions may be deliberated and decision taken :

- The fishing boats belonging to other States having permits of the respective State have to obtain temporary permits from the State Department of Fisheries, Kerala for a given period of fishing in the coastal waters of Kerala subject to this provisions of Kerala Marine Fisheries Regulation Act.

- As a reciprocatory measure Government of Tamil Nadu also must come forward for permitting Kerala fishermen for fishing in Tamil Nadu waters through a temporary permit issued by Department of Fisheries, Tamil Nadu.
- The present practice of confiscating the fishing vessels from Kerala and charging huge amount of money for releasing the vessels has to be dispensed with.
- Awareness programmes have to be conducted for the local fishermen for solving the issues regarding the berthing of vessels from neighbouring states for which a committee consisting of District Collector, local body members, representatives from the fishermen communities will be constituted.
- The Migrant fishing vessel shall have the statutory documents of the home state with the vessel and shall be produced at the time of inspection by the authorized officer of the Department of Fisheries, Kerala State.
- The owner of the migrant fishing vessel is liable to furnish the address of the local contact person (Auctioneer/trader/fishermen representative) to the District Fisheries Officer.

The Ministry of Agriculture (Deptt. of Animal Husbandry, Dairying & Fisheries) has intimated that fishermen of certain States like Tamil Nadu migrate to the neighbouring State of Kerala etc. to conduct fishing. Such migration of fishermen from one State to other are historic and only seasonal. Clashes between fishermen of one State with its neighbouring States can be settled amicably through meetings and discussions between the representatives of the respective States. The provisions of the respective Marine Fishing Regulation Act of the State should also be borne in mind while seeking a solution to this issue.

(B) Abduction of Tamil Nadu fishermen by the Andhra Pradesh while fishing in the Bay of Bengal area.

Marine fisheries resources are a gift of nature and common property. So every fishing boat big or small try to exploit the maximum resource without considering it's effect on the fishery as a whole or on the working of fishing units. It leads to tension and conflicts between different types of fishing groups with different gears. Damage of nets, crowding of large number of boats in a limited area, local price of fishes coming down, fishing by outsiders, over trawling etc., are the main common causes for the above such conflicts.

Because of the poor landings, the fishermen of Chennai District have taken up multi-day fishing in Andhra waters. This has resulted in inter-State disputes among the fishermen of these States. There has been a 15 years long history that mechanized fishing boats of Chennai are captured by fishermen of Andhra Pradesh for collecting huge ransom. Fishermen groups of both States settled the disputes themselves. However, the fishermen of Chennai are still continuing their fishing in Andhra Pradesh waters and the

fishermen of Andhra Pradesh are seizing the Chennai fishing boats and fishermen during the past 10 years. In 129 incidents, 730 mechanised fishing boats and 3715 fishermen were abducted and released. About a sum of 57.24 lakh were paid as ransom by Chennai fishermen. The possible reason for the disputes may be the following: -

- i) Mechanised fishing boats venturing into sea for fishing from Chennai fishing Harbour, sometimes, enter into the protected zone of 5 nautical miles from the coast of Andhra Pradesh which is reserved for only country craft fishermen.
- ii) Andhra Pradesh fishermen try to collect ransom from Chennai fishermen for having encroached upon their area of operation.
- iii) Chennai fishermen are allegedly damaging the nets and fishing crafts of fishermen of Andhra Pradesh while fishing.

To solve this problem, the commissioner of Fisheries, Andhra Pradesh was requested to register the Chennai mechanized fishing boats under Andhra Pradesh Marine Fishing Regulation Act, for getting fishing license to fish in Andhra waters. However, the above request was denied. Hence, the Chennai District Mechanised Fishing Boat Fishermen Associations were requested to avoid fishing in Andhra waters and to abide the Andhra Pradesh Marine fishing Regulation Act and Rules.

In these circumstances, the following steps are considered necessary to solve the problems:-

- To avoid fishing in Andhra waters by Tamil Nadu fishermen.
- To adhere to the Andhra Pradesh Marine Fishing Rules and Regulations and permit to do fishing by the Tamil Nadu fishermen since the catches are very low in North Tamil Nadu waters.
- To take action against the Andhra Pradesh fishermen who voluntarily and illegally capture the Chennai fishermen and boats, even though fishing is done only after 5 nautical miles from the sea shore and deep sea Andhra Pradesh waters and releasing the fishermen and boats only after getting huge ransom from the Chennai fishermen.
- The Tamil Nadu boats which enter intentionally or due to boat repair in the Inshore area of the sea allotted for the catamaran fishermen of Andhra Pradesh, should be handed over to State Fisheries Department or to the District Authorities/Police Department.

COMMENTS/ACTION TAKEN

The Government of Andhra Pradesh has intimated that the unauthorized entry of Tamil Nadu fishing boats into the territorial waters of AP causes problem to the

livelihoods of Andhra fishermen since the Tamil Nadu fishermen compete for fishery resources of Andhra Pradesh which are limited in potential. The Tamil Nadu fishing boats have also been causing damage to the boats and nets of Andhra Pradesh who operate under AP Marine Fishing Regulation Rules. Therefore, the damage caused to the interests of Andhra fishermen goes scot free without paying any compensation to the Andhra fishermen. Under such circumstances, the Andhra fishermen resort to capturing the boats of Tamil Nadu fishermen. However, the captured boat and such fishermen are let off after receiving cost of damages caused. The proper way to meet the situation requires the Tamil Nadu Fisheries Department to take necessary steps to see that fishermen from Tamil Nadu do not enter into the territorial waters of the Andhra Pradesh. With regard to the steps mentioned as considered necessary to solve the problems, our views are as under:

- To avoid fishing in Andhra waters by Tamil Nadu fishermen.
- To adhere to the Andhra Pradesh Marine Fishing Rules and Regulations and permit to do fishing by the Tamil Nadu fishermen since the catches are very low in North Tamil Nadu waters.
- To take action against the Andhra Pradesh fishermen who voluntarily and illegally capture the Chennai fishermen and boats, eventhough fishing is done only after 5 nautical miles from the sea shore and deep sea Andhra Pradesh waters and releasing the fishermen and boats only after getting huge ransom from the Chennai fishermen.
- The Tamil Nadu boats which enter intentionally or due to boat repair in the inshore area of the sea allotted for the catamaran fishermen of Andhra Pradesh should be handed over to State Fisheries Department or to the district Authorities/Police Department.

The Ministry of Agriculture (Deptt. of Animal Husbandry, Dairying & Fisheries) has intimated that sometimes due to lack of proper demarcation of boundary in sea, fishermen of one State clash with fishermen of another State during fishing especially when they get a bumper catch. Fishers migrate from one State's boundary to another in search of fish resulting in such conflicts. Awareness among fishermen should be enhanced to recognize their area of operation as well as the legal provisions. All conflicts/clashes are to be settled by mutual discussions and agreements rather than adopting violent measures.

(C) Uniform ban on fishing in the coast.

The spawning periodicity of various marine fishes and shellfishes varies from place to place in the Indian EEZ. The maritime State Governments and Government of India have been issuing ban orders for fishing operations in certain periods during the monsoon months every year which is said to be their main breeding season to conserve and replenish the fishery resources of India EEZ.

Government of India have imposed a uniform ban on fishing by all **deep sea fishing vessels** every year in the Indian EEZ on the East and West Coast as given below:

East Coast - From 15th April to 31st May

West Coast - From 10th June to 15th August

In order to study the impact of closed season on fisheries, Government of India constituted a Committee to study the issue in detail. The terms of reference of the Committee are as under:

- to carry out an evaluation study on the impact of closed season in increasing fishery resources in the Indian EEZ;
- to study the population dynamics, recruitment, fecundity, natural death, catch etc. and MSY and NEY in the Indian coasts;
- to study the diurnal oscillation, eutrophication and upwelling season, migration, productivity of waters during and after monsoon months (closed season);
- whether all fishing including fishing by non-mechanized traditional crafts with OBM/BE to be banned during closed season or the type of crafts which can be allowed during closed season.

The above committee had three sittings and in its third and final meeting held on 25.8.2005 made certain recommendations which are as under:

- A mandatory closed season should be declared for the west coast of India from 15th June to 31st July every year (both days inclusive).
- A mandatory closed season should be declared for the East coast of India from 15th April to 29th May every year (both days inclusive).
- Only traditional non-motorized and low horse powered motorized vessels upto 10 HP OBM/IBE should be permitted during the ban.
- The States must ensure that there is no further increase in traditional motorized OBM/IBM crafts for fishing during the ban period.
- Licensing of all fishing vessels both traditional and motorized/mechanized should be mandatory and only such vessels be permitted to operate in the territorial waters and in the EEZ.

- There should be a ban on all fishing activities beyond the 12 nautical miles in the EEZ during the ban period on both the coasts and Government of India must ensure compliance and prevent poaching by vessels of other countries through surveillance by coast guards/marine patrol.
- The total fishing capacity in terms of total horse power should be fixed for each Maritime State and the State Governments must be directed to apportion this to the various craft-gear combinations and ensure strict compliance by enacting laws to implement punitive measures for offenders.
- The States must also consider additional closed seasons for certain local fisheries to meet emerging special conservational requirements without affecting the existing mandatory closed season.
- No fishing net with mesh size below 35 mm. should be permitted to operate from motorized and or mechanized fishing vessels during the closed season or the rest of the fishing season. The 35 mm. Mesh size regulation is applicable to the cod-end of trawl nets also during the regular fishing season.
- The banned gears like Ring seines, surface pelagic trawls and destructive fishing practices such as dynamite-fishing must not be allowed under any circumstance during the closed season as well as the rest of the fishing season.
- Adequate support should be provided by the Deptt. of Animal Husbandry, Dairying & fisheries (DAFDF) to the mandated institutions to develop the required information base which will help in developing management/policy advisories for an informed fisheries governance.
- A national policy advisory group be formed at the Ministry for an informed Marine fisheries governance.
- Central assistance and centrally sponsored schemes in fisheries to maritime states should be linked to total compliance to the regulations and guidelines issued by the DAHD & F.

COMMENTS/ACTION TAKEN

The Government of Andhra Pradesh has intimated that the State Government imposes ban on marine fishing since 1999 based on the recommendations of the Government of India for the period of 47 days from 15th April to 31st May every year in order to protect the fishery resources during the period of spawning and breeding period of many species which are important both ecologically and commercially. The fishing by motorized and mechanized fishing boats is totally banned. Only,

traditional fishing crafts are permitted to conduct fishing during the ban period. The views of the State Government with regard to the recommendations of the committee in its third and final meeting held on 28.5.2005 are as under:

- **A mandatory closed season should be declared for the west coast of India from 15th June to 31st July every year (both days inclusive).**

It is not applicable to the State of Andhra Pradesh.

- **A mandatory closed season should be declared for the East coast of India from 15th April to 29th May every year (both days inclusive).**

This recommendation is agreeable as such ban period is already in force in Andhra Pradesh State.

- **Only traditional non-motorized and low horse powered motorized vessels upto 10 HP OBM/IBE should be permitted during the ban.**

As it is Andhra Pradesh has prohibited fishing of all types of motorized fishing boats during ban period. This recommendation may be accepted as it helps low income fishermen group.

- **The States must ensure that there is no further increase in traditional motorized OBM/IBM crafts for fishing during the ban period.**

This recommendation may be considered favourably.

- **Licensing of all fishing vessels both traditional and motorized/mechanized should be mandatory and only such vessels be permitted to operate in the territorial waters and in the EEZ.**

This recommendation is in line with the provisions of AP Marine Fishing Regulation Act, hence it is acceptable.

- **The total fishing capacity in terms of total horse power should be fixed for each Maritime State and the State Governments must be directed to apportion this to the various craft-gear combinations and ensure strict compliance by enacting laws to implement punitive measures for offenders.**

It is difficult to implement fishing capacity with regard to the craft – gear combinations by the State Government due to lack of awareness among the fishermen and other stakeholders, manpower and management technology.

- **The States must also consider additional closed seasons for certain local fisheries to meet emerging special conservational requirements without affecting the existing mandatory closed season.**

This is a positive recommendation. However, before it is considered there is need to have a detailed scientific study on ecological importance of such species required to be protected.

- **No fishing net with mesh size below 35 mm. should be permitted to operate from motorized and or mechanized fishing vessels during the closed season or the rest of the fishing season. The 35 mm. Mesh size regulation is applicable to the cod-end of trawl nets also during the regular fishing season.**

As provided under AP Marine Fishing Regulation Rules, no fishing net with mesh size below 25 mm should be permitted for all kinds of fishing crafts in all seasons. Enhancing of mesh size from 25 mm to 35 mm will be in the interest of protecting the young ones.

- **The banned gears like Ring seines, surface pelagic trawls and destructive fishing practices such as dynamite-fishing must not be allowed under any circumstance during the closed season as well as the rest of the fishing season.**

Destructive fishing practices such as dynamite fishing are disallowed as per the provisions of AP Marine Fishing Regulation Act in all seasons. Banning of gears like ring seines, surface pelagic trawls may be considered after thorough study of their impact on the marine ecosystem.

- **Adequate support should be provided by the Deptt. of Animal Husbandry, Dairying & fisheries (DAFDF) to the mandated institutions to develop the required information base which will help in developing management/policy advisories for an informed fisheries governance.**

This aspect is to be looked into by the Government of India.

- **A national policy advisory group be formed at the Ministry for an informed Marine fisheries governance.**

Government of India may look into this recommendation.

- **Central assistance and centrally sponsored schemes in fisheries to maritime states should be linked to total compliance to the regulations and guidelines issued by the DAHD & F.**

This recommendation is desirable and may be considered favourably.

Government of Kerala has intimated that as per Pelagic Fisheries Act, traditional fishermen in Kerala are permitted for fishing with vessels fitted with OBM without considering the HP of engine in Kerala waters during the trawling ban period from 15th June to 31st July. During this period as there is total fishing ban in the neighbouring states, traditional vessels from other states will not be permitted to enter the coastal waters of Kerala.

Licensing of all fishing vessels irrespective of motorized and mechanized vessel is made mandatory and only such vessels are permitted to operate in the territorial waters particularly in view of national security reasons. Non-motorised vessels are exempted from licencing.

As per G.O(Ms) 144/80/F&PD dated 29.11.1980 (SRO No.1143/80), in exercise of powers conferred by the clause (d) sub section (1) of section 4 of the KMFR ordinance, 1980 read with rule 4 of the KMFR Rules, Government of Kerala prohibited the use of Purse-seine, Ring Seine, pelagic trawl and mid water gears for fishing in the territorial waters along the entire coastline of Kerala.

The Government of Karnataka has indicated that fishing ban is observed in the State for 65 days i.e. from 10th June to 15th August. However, from the year 2005 onwards due to pressure from the fishermen to reduce the ban period as in the neighbouring states, the ban period was modified to 53 days for Dakshina Kannada & Udupi districts and 47 days for North Kanara district. Later based on the Hon'ble Supreme Court's interim order the ban period is now observed for 65 days along the entire coast of Karnataka. In the conference of West Coast States Fisheries Ministers on "Uniform Fishing Ban" held on 21.04.2007 at Mysore, it was decided that the direction from Government of India on ban period for deeper water is also agreeable to territorial waters. However, two separate ban periods one for North West Coast and one for South West Coast may be decided depending upon monsoon period and local conditions.

The Ministry of Agriculture (Deptt. of Animal Husbandry, Dairying & Fisheries) has intimated that the Central Government as well as the State Governments imposed ban on fishing during the monsoon period for conservation and effective management of the marine fishery resources. Earlier different State Governments banned fishing in different periods. Later it was decided that the fishing ban should be uniform in the West Coast and in the East coast for making conservation meaningful. An expert committee for ban on fishing has recommended that Government should ban fishing from 15th April to 31st May, 2006 on the East Coast and 15th June to 31st July, 2006 on the West Coast.

This was further discussed with Ministers in charge of fisheries of maritime States in a meeting convened by Hon'ble AM. Subsequently sectoral meeting of West Coast State was convened by the Ministers in-charge of fisheries, Karnataka and the East Coast States meet under Fisheries Minister of Bengal. Reports of these two sub groups were again considered in a meeting convened by Hon'ble A.M. in Cochin on 5-1-07 wherein it was decided to adopt a uniform fishing ban of 47 days along West Coast and 62 days ban along East Coast. The period of fishing ban imposed during 2008 are given below :

East Coast : from 15th April to 15th June, 2008 (both days inclusive) – 62 days

West Coast : from 15th June to 31st July, 2008 (both days inclusive) – 47 days

(D) Exemption of environmental clearance for fishing harbours

Fishing Harbour is a complex facility that acts as an interface between the capture of fish and its consumption. The fish and shrimp importing nations insist on hygienic and clean environmental condition right from the place of catching till it reaches the consumer. Naturally the Fishing Harbour Maintenance Authority and the fisherfolk who normally land with the fish catches in the harbour are responsible for keeping the harbour in a hygienic condition. Otherwise, they will be forced to suffer economic loss owing to poor quality fish which fetches less price and sometimes total rejection of the product. Therefore, it should be ensured that the Fishing Harbour environment is kept clean and eco-friendly.

The proposals for new Fishing Harbours are provided with protected fresh water supply, adequate toilet facilities, fish cleaning and packing halls, drainage and sewerage disposal system, electricity, fencing etc, for which in the project proposal itself sufficient funds are earmarked. When all these facilities are provided and implemented, there will be no adverse impact on the fishing Harbour environment.

At present Minor Ports and Harbour are exempted from obtaining environmental clearance from Government of India. These Harbours handle even hazardous material which in case of accidental spill may be detrimental and have adverse impacts on the environment due to the non-biodegradable nature. But fish is biodegradable and spoilable and even its indisciplined disposal may not cause any significant environmental degradation. Hence, it is requested that the Fishing Harbour and Fish Landing Centre should be exempted from getting environmental clearance from Government of India irrespective of the sizes.

In most of the Projects cost overrun is due to the delay in getting environmental clearance as the proposed projects have to get cleared in three stages i.e. District level, State level and then from Government of India. This involves study and inspection by District Level Committee/State Level Committee and then from Government of India. Processing fee charged for environmental clearance at District/State level costs few lakhs of rupees and cost escalation due to delay in getting environmental clearance could be avoided.

Southern Zonal Council may be requested to deliberate on exemption of environmental clearance for Fishing Harbour and Fish Landing Centres, subject to the following conditions:

- Disciplined fish handling will be done in modern proposed Fishing Harbours and hygiene is maintained so that there is no adverse impact on the environment.
- Proposed Fishery Harbour are provided with all amenities to protect the environment in the project proposal itself and sufficient funds are earmarked.

COMMENTS/ACTION TAKEN

Government of Andhra Pradesh has intimated that the proposals for new fishing harbours/fish landing centers are provided with protected fresh water supply, adequate toilet facilities, fish cleaning and packing halls, drainage and sewerage disposal system, electricity, fencing etc, for which in the project proposal itself sufficient funds are earmarked. When all these are provided and implemented, there will be no adverse impact on the fishing harbour environment. Hence, fishing harbours and fish landing centers may be exempted for getting environmental clearance from Government of India

irrespective of sizes subject to the conditions stated by Tamil Nadu Government, as hereunder which are desirable and necessary:

- Disciplined fish handling will be done in modern proposed Fishing Harbours and hygiene is maintained so that there is no adverse impact on the environment.
- Proposed Fishery Harbours are provided with all amenities to protect the environment in the project proposal itself and sufficient funds are earmarked.

The Government of Karnataka has intimated that, at present, all minor ports and harbours are exempted from obtaining environmental clearance from Government of India. Similarly proposed fishing harbours and the landing center projects need not be insisted on obtaining environmental clearance by Government of India irrespective of the size and capacity, project costs, location of the project etc., as the project proposal of fishing harbour contain inbuilt details of adequate water supply, fish handling and storage facilities, auction hall, sewerage system, electricity supply etc., with adequate funds earmarked for each.

Government of Kerala has intimated that as fish is biodegradable and spoilable, it does not cause serious Environmental problems and the question of exempting fishery Harbours and landing centers from getting environmental clearance may be deliberated upon and a suitable decision may be taken keeping the following aspects in mind :

- Disciplined fish handling will be done in modern proposed Fishing Harbours and hygiene is maintained so that there is no adverse impact on the environment.
- Proposed fishing harbours are provided with all amenities to protect the environment in the project proposal and sufficient funds are earmarked.

The Ministry of Agriculture (Deptt. of Animal Husbandry, Dairying & Fisheries) has intimated that the fishing harbours and fish landing centers are developed to handle fish landings. Fish is biodegradable and spoilable and even its indisciplined disposal may not cause any significant environmental degradation. Hence, it was requested that fishing harbour and Fish Landing Center (FLC) should be exempted from getting environmental clearance from the Government of India irrespective of the size of the fishing harbour/fish landing centers.

4. INCLUSION OF THE SUBJECT “EDUCATION” IN THE STATE LIST OF CONSTITUTION OF INDIA

(Suggested by the Government of Tamil Nadu)

The subject “Education” is included in the List-III of Concurrent list of the Seventh Schedule of Constitution of India vide the Constitution (Forty Second Amendment) Act, 1976 from the State List. Because of this the State government is not in a position to frame regulations relating to higher education. In the year 2006 the State Government enacted a legislation abolishing the Common Entrance Test for admission to the Professional Courses in respect of the students taking up the Plus 2 examinations conducted by the State Board of Secondary Education, Tamil Nadu. This Act was, however, struck down by the High Court of Madras as unconstitutional on the plea that the Central Acts, namely, All India Council for Technical Education and Medical Council of India already prescribed the Common entrance Test for admission to professional colleges and the Union law prevails over the State law.

It is mentioned that the matters relating to procedure on admissions to professional colleges, approval to start professional colleges, standards relating to quality of education, regulating the functioning of professional colleges etc. have close bearing on the State’s development. Recently, some trouble started in Deemed to be Universities at Chennai following an advertisement given by the All India Council for Technical Education that no technical institution including deemed to be Universities should run technical courses without the approval of the All India Council for Technical Education. On the other hand, the managements of the deemed to be universities claimed that they need not obtain the approval of the All India Council for Technical Education as they are bound only by the rules and regulations of the University Grants Commission. These conflicts arose due to certain overlapping provisions in the All India Council for Technical Education and University Grants Commission Acts with regard to the Deemed to be Universities.

It is also to mention that several self-financing colleges of Education have been affiliated by various Universities in respect of B.Ed. courses without the “No Objection Certificate” of the State Government. It would be difficult to settle various problems such as, litigation, students unrest, violence and law & order in such institutions. At present in Tamil Nadu there is mushrooming of Deemed Universities. While the institutions affiliated to the universities of the State are bound to follow the admission procedure and fee structure laid down by the Universities/State Government, the State has no control whatsoever, even in admission matters of the deemed to be universities. This situation has created a kind of imbalance in the field of higher education in the State with regard to quality of education and fee structure.

In the prevailing conditions, it is considered that ‘Education’ may be brought back to the State list, so that the State Governments will be in a better position to

handle the matters relating to 'Education' depending upon the local conditions and for the following reasons:

- To prevent exploitation of students in the name of capitation fee and other fees.
- Preventing mushrooming of professional colleges without any standards.
- To frame policy for regulated development of higher education taking into consideration the local priorities.
- To monitor the functioning of the professional colleges at the State level.
- To adopt procedures for approval for starting of new institutions.
- To establish standards/procedures in admissions including merit and reservations.
- To plan for providing access to higher education for all.
- To resolve issues arising out of conflicting orders of various Central agencies like University Grants Commission, All India Council for Technical Education etc.

COMMENTS/ACTION TAKEN

Government of Andhra Pradesh has intimated that the State Government is not in favour of including the subject "Education" in State list. Individual admission policies, curriculum pattern etc. would baffle the large number of students, particularly the children of officers with All India Service liability. However, State Government can also be involved in deliberations of apex policy formulating bodies to design curriculum to suit the local needs.

Government of Karnataka has intimated that the suggestion of Tamil Nadu Government is appropriate and the State Government has also agreed to bring the subject "Education" to the State List in 7th Schedule of Constitution of India.

Ministry of Human Resource Development (Department of Higher Education) has furnished the point-wise comments as under :

(a) Transfer of Education from Concurrent List to State List

Education was brought under the concurrent list by the Constitution (42nd Amendment Act, 1976. Entry No.25 in List III (Concurrent List) of the Seventh Schedule of the Constitution reads as under :

"25 Education, including technical education, medical education and universities, subject to the provision of entries 63, 64, 65 and 66 of list I vocational and technical training of labour.

Entries 63,64, 65 and 66 (Union List) are mentioned below :

- 63** the institution known at the commencement of this constitution as Benares Hindu University, the Aligarh Muslim University and other institution declared by Parliament by law to be an institution of national importance.
- 64** Institution for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institution of national importance.
- 65** Union agencies and institutions for
 - a) Professional, vocational or technical training, including the training of police officers, or
 - b) The promotion of special studies or research, or
 - c) Scientific or technical assistance in the investigation or detection of crime.
- 66** Co-ordination and determination of standards in institution for higher or research and scientific and technical institutions.”

Transfer of education from states list to Concurrent list has worked well with the Parliament stepping in to maintain National Education Policy, while at the same time enabling states to take legislative initiatives wherever required. Due to inclusion of Education in the Concurrent List, the center and states play a more active and coordinated role with regard to standards and quality of education. This has been found necessary because while there is a great earnestness for improving the enrolments and expanding the number of institutions, it is all the more necessary that in the interest of integration and in the interest of quality, there should be uniformity in the educational framework in the country.

The National Policy on Education formulated in 1968 and revised in 1986 and again modified in 1992 envisages a National System of Education, which implies that, up to a given level, all students, irrespective of caste, creed, location or sex, have access to education of a comparable quality. The National Education System envisages a common education structure, based on a national curricular framework, which contains a common core along with other components that are flexible.

During past more than three decades since the 42nd Amendment of the Constitution in 1976, the technical education system has made tremendous progress in terms of growth and standards. The Central Government bodies such as AICTE have been taking steps in all the aspects indicated by the Government of Tamil Nadu. Further, central Government has respected the legislative domain of States in setting up universities and decided to withdraw the “Private Universities’ Bill, 1995” [since

withdrawn on 14.8.2007] so that the inviolable domain of State Legislatures is not affected. In view of the position as explained above, there is plenty of scope within the present Constitutional arrangement to evolve a valuable Centre and State partnership on education. Moreover, if there are any differences in the views of States partnership on education, the same can be resolved or avoided through mature handling on both sides, particularly through the institutional mechanism of Central Advisory Board of Education.

Centre convenes meetings of Central Advisory Board on Education (CABE), an apex advisory body in the field of education for states and centers, on regular basis to discuss the issues relating to education. CABE is an institutional forum which could be utilized to sort out the differences between center and states. In addition, conference of State Education Ministers is also being held on regular basis to discuss issues relating to education. Therefore, there is no need to transfer education from the Concurrent List to State List, as the same was done after lot of thought.

(b) Abolition of Common Entrance Test-Law enacted by the Tamil Nadu.

The All India Council of Technical Education established by a Act of Parliament is empowered under section 10 :

“It shall be the duty of the Council to take all such steps as it may think fit for ensuring coordinated and integrated development of technical and management education and maintenance of standards and for the purposes of performing its function under the Act, the Council may :

- (i) Fix norms and guidelines for charging tuition fee and other fees;
- (ii) Take all necessary steps to prevent commercialization of technical education;
- (iii) Provide guidelines for admission of students to technical institutions and Universities imparting technical education;”

Therefore, the Central Enactment i.e. the AICTE Act covers all aspects which are proposed in the a Tamil Nadu Professional Educational Institutions (Regulation of Admission and Determination of Fee) Bill, 2006 thus have conflict with the Central Act hence cannot be allowed.

The AICTE has the responsibility for proper planning and coordinated development as also of regulation of technical education in all States and UTs through the country. The AICTE also prescribes norms and standards to be followed by all technical institutions uniformly throughout the country. If each state is allowed to enact legislation on the matters concerning admission of students and charging of fees by technical institutions, the very purpose of enactment of AICTE Act would be defeated. Therefore, it would be detrimental to the technical education, if each state is allowed to follow yardsticks and different methodologies and policies in the matters concerning technical education.

In this regard it may be pointed out that the Council has constituted a National Fee Committee under the Chairmanship of Justice Ranganath Mishra, Former Chief Justice of Supreme Court of India to frame guidelines for charging of fees and admission of students in all technical institutions in the country. Based on the recommendations of this Committee, the Council is in the process of notifying Regulations under section 10 read with section 23 of the AICTE Act for the purpose of regulating admission and charging of fees by technical institutions in the country.

In the light of the above, the Tamil Nadu Professional Educational Institutions (Regulation of Admission and Determination of Fee) Bill, 2006 may not be allowed to be enacted, in the best interest of the technical education.

(c) Potential overlap in the provisions of the AICTE and UGC Acts

This aspect has been effectively addressed by the High Level Committee comprising Chairman (UGC), Chairman (AICTE) and Secretary (Higher Education) which made the following recommendations :

“The Committee recommends that institutions deemed to be universities should be treated at par with the State and Central Universities and no prior approval of the Commission should be mandatory in such general courses. In respect of even the professional courses, the Committee recommends that no prior approval would be required to be taken by the institutions deemed to be university. However, in each such case, the UGC as well as the professional councils would ensure compliance with the guidelines of the Ministry (Notification No.F.2-1/2006-U3 (A) dated 5th April, 2006 in order to ensure that the standards of education are not diluted for the proposed intake.”

Further, even in the case of inspection of institutions seeking to be declared as deemed to be universities under Section 3 of the UGC Act, the directive of the Ministry of HRD under Section 20(1) of the AICTE Act, which was repeated to the UGC, has sufficient provision to cover any area of conflict that may have otherwise existed, as follows :

“AICTE will nominate a representative on the Inspection Committee of UGC. The person so nominated by the AICTE may; in addition, head a team of the AICTE on the same day and such other persons would not be part of the UGC’s team but merely to assist the nominee of the AICTE on the UGC Committee. The nominee of the AICTE on the UGC Committee could give his or her report to the Chairman, AICTE in the proforma prescribed by the AICTE and also on any additional point(s) required by the UGC; which should then be forwarded by the AICTE to the UGC without loss of time – i.e., maximum within a week. UGC’s Committee would incorporate the comments of the AICTE in its report before the Commission, so that the Commission could take appropriate decision in the matter before making any recommendation to the MHRD”.

(d) Recognition to B.Ed Colleges without receiving the No Objection Certificate from the State Government

In the matter of grant of recognition for teacher education courses, the NCTE Regulations provide for consultations with the State Governments. This process has been further strengthened in the NCTE Regulations of 2009 (clause 7 of the Regulations).

NCTE gives due weightage to the views of the State Governments in respect of opening of new institutions and the NCTE has also imposed a ban on consideration of further applications from any State in case the State Government is categorical in its view that they do not require any further teacher education institutions in their State. In this regard, the NCTE has issued public notice to the effect that it would not receive fresh applications from institutions in 13 states (which includes Tamil Nadu also).

The NCTE has also been conducting, in collaboration with the State Governments, a detailed demand-supply Estimates of teachers and teacher educators for all the States. They study would be an important consideration in deciding the requirement of opening more Teacher Education Institutions in the respective States.

In this context, it may also be mentioned that the Right of Children to Free and Compulsory Education Act, 2009 contains various provisions making it obligatory upon the Central Government to maintain and enforce uniform standards throughout the country, especially relating to teachers and teacher education. These include the following :

- (i) To develop and enforce standards for training of teachers (clause (b) of sub-section (6) of section 7.
- (ii) Prescribe minimum qualifications for a person to be eligible as a teacher in schools (section 23(1));
- (iii) Develop a national curriculum, framework (clause (a) of sub-section (6) of section 7.

In view of the above, it is clear that

- (a) the NCTE does take into consideration the views of the State in the matter of grant of recognition to various teacher education courses; and
- (b) the Central Government has a crucial role in maintaining and enforcing uniform standards in the field of teacher education.

(e) Mushrooming growth of Deemed Universities which do not follow the admission procedures and fee structures of the State Government

In the Conference of State Education Ministers held on 11.4.2007 at New Delhi, it was resolved that :

“The views and concerns of State Governments would be given due weightage by the Central Regulatory bodies like the UGC, AICTE and NCTE”.

Further, as a matter of established procedure, the UGC writes to all state governments seeking their comments on the proposals made by institutions from the respective states. However, it has been noticed that many states tend not to offer any comments in most cases. Established procedure also requires that the institutions affiliated to the Universities should necessarily obtain a ‘No Objection Certificate’ from the said universities before their application would be examined further. Thus, it would be incumbent upon the said universities to take the most efficient decision protecting the interests of students and the general public in the state. If the universities do not have any objection then there is no reason to deny processing of the application.

In view of growing public perception regarding dilution in academic standards in certain institutions deemed to be universities, the Government had ordered a review of functioning of such institutions. A Committee comprising eminent academic experts was constituted to review the functioning of such institutions to ascertain whether these institutions were indeed serving the purposes for which they were so declared and whether they complied with the conditions stipulated in the notification declaring them as institutions deemed to be universities.

The Review Committee found 44 institutions unfit to continue as institutions deemed to be universities. The said Report is available in the public domain, on the website www.education.nic.in. The issue regarding the aforementioned 44 institutions deemed to be universities has been linked to an ongoing matter (WP © 142/2006) before the Hon’ble Supreme Court of India. The Hon’ble Supreme Court has directed the Government to maintain status quo as regards the 44 institutions “deemed to be universities”. The matter is presently subjudice.

5. COMPULSORY REGISTRATION OF POWER OF ATTORNEY

(Suggested by the Government of Tamil Nadu)

Power of Attorney is an optionally registrable document under section 18 of the Registration Act, 1908. The Power of Attorney registered may be cancelled anywhere in the State. This results in chaos as the Registering Officer is unaware whether the Power of Attorney is in force or not. Moreover, transfer of Property is done by executing a Power of Attorney in favour of the Buyer, which results in stamp duty evasion.

Government of Tamil Nadu is considering to amend the Registration Act to make Power of Attorney as Compulsory registrable document under section 17 of the Registration Act. Similar amendment may also be made in the Registration Act by all the States to make Power of Attorney a compulsorily registrable document by all concerned and exempting Non-Resident Indians, who only can authorize any person to sell/lease/mortgage their property by executing Power of Attorney.

COMMENTS/ACTION TAKEN

Ministry of Rural Development (Department of Land Resources) has intimated that various provisions need to be amended in the Registration Act, 1908, including compulsory registration of Power of Attorney, as per the changed circumstances and requirements of various States/UTs. The proposed amendments to the Registration Act, 1908 have been prepared and these have been put on the website of this Department for comments/suggestions of the States/UTs. Further, the Model Land Titling Bill, 2011 is under consideration of the Government.

Government of Kerala has intimated that the need for execution of a Power of Attorney arises when the principal is not in the place where a document is to be registered on behalf of the Power of Attorney. Therefore, to decide whether a Power of Attorney is to be registered compulsorily, it is desirable to go through the circumstances which necessitates execution of a Power of Attorney and the possibilities of the principal to reach the place where it is to be registered etc. A principal may reside in any part of India or abroad relating to several purposes. Therefore, in all such cases it will not be possible to reach the place where a document is to be registered. As per section 28 of the Registration Act, except in certain cases a document relating to land shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situated.

In all other cases, as per section 29 of the said Act, every document may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed or in the office of any other Sub-Registrar under the State Government at which all the persons executing and claiming under the document desire the same to be registered. Section 32 of the Act provides that except in certain cases,

every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration office by some person executing or claiming under the same or by the representative or assign of such person etc., duly authorized by Power of Attorney.

In the above circumstances, if a Power of Attorney is to be registered compulsorily, the principal executing the Power of Attorney will have to attend before the concerned Registrar's office. Therefore, registration of Power of Attornies of all types cannot be made compulsory. But in certain cases and relating to execution of general Power of Attorney, other than for immediate purposes, may be made compulaory. In the case of specific Power of Attorney for the performance of a particular thing in urgency etc., it will not be practically possible to come into India and to register a Power of Attorney if registration of it is made compulsory. When looking through the practical aspects, the provisions in section 33 of the Act to recognize a Power of Attorney for the purpose of presentation of documents for registration is sent sufficient and feasible. However, in order to avoid impersonation, fraud and misrepresentation etc., sufficient provisions may be made in the Registration Act so as to identify the principal and stringent provisions may be made for the punishment of those who commit fraud or who assists to commit fraud in executing Power of Attorney and in recognizing Power of Attorney etc.

In the State of Kerala, the Government have already examined the matter based on certain relevant issues faced by the State and identified certain instruments and Power of Attorney for certain purposes as compulsorily registrable documents. It has been noticed that due to the high demand for land in Kerala, real estate has become an important area of speculative business and the tendency of making bogus documents to grab lands owned by Government, Non Resident Indian or poor illiterate people is increasing. There is a public perception that the absence of a provision in the Registration Act, 1908 making registration of agreement to sell immovable property mandatory is being misused by economic offenders to deal in real estate transaction and park their illgotten wealth with an eye on generating more wealth by making it part of speculative business. As there is no provision in the Act as it now exists to prevent the above said transactions and also to refuse registration of documents which involve transfer of ownership of land belonging to Government or other public sector undertakings, Government have examined the matter in detail and decided to make State amendments in the Registration Act, 1908. The instruments of contract for sale and Power of Attorney are not compulsorily registrable documents. Hence, it is decided to make provisions for the registration of Power of Attorney creating right other than those executed between family members as compulsory registrable documents. A bill for the above purposes, namely; the Registration (Kerala Amendment) Bill, 2009 was passed by the Legislative Assembly of the State of Kerala on 31.3.2010 and presented to His Excellency, the Governor of Kerala and the same was reserved for the consideration of the President under Article 200 of the Constitution. Such measures can be adopted and such provision be made applicable in the whole of India and the instruments, commercial transactions and the Power of Attorney for such purposes may be identified and suitable amendments may be made in the Registration Act, 1908.

6. TITLE VERIFICATION DURING REGISTRATION

(Suggested by the Government of Tamil Nadu)

Though the document pertaining to conveyance is registered, the registrants have to go for mutation in the revenue and local body records. Further, the registering officer ought to have registered the conveyance deeds even though the same is conveyed by a person who has no title over the property.

If the revenue, registration and local bodies are interconnected electronically, the revenue records will be updated so that the registrants need not go over to revenue department and local bodies for mutation. The Government of India sensing the importance of the issue has also proposed to introduce the 'National Land Records Modernisation Programme (NLRMP) to computerize the land records and to interlink the Registration and Revenue Officers. In Tamil Nadu the revenue records are electronically maintained.

Further, an amendment may be carried out in the Registration Act, 1908 based on the Title Certification to be issued by the Revenue Department. This will curtail the registration of documents by a person who has no title over the property.

COMMENTS/ACTION TAKEN

Ministry of Finance (Department of Revenue) supports the proposal.

Ministry of Rural Development (Department of Land Resources) has intimated that the National Land Records Modernization Programme (NLRMP) of the Department of Land Resources envisages real time and upto date land records. The programme focuses on the computerization of land records, registration and their integration which will result into automatic and automated mutations. Further, a model Land Titling Bill, 2011 has been prepared and circulated to the States and concerned Union Ministries for comments/suggestions in order to put into place a modern land record management system based on conclusive titles.

Government of Kerala has intimated that Part XII of the Registration Act, 1908 deals with the circumstances for refusal to register a document by a Sub Registrar. As per the existing provisions a Sub Registrar is bound to register every document except in certain cases stated in section 71. Therefore, in the absence of any provisions to verify the title, any documents may be registered even without a title and based on such bogus and forged documents subsequent registration of documents also is possible. For example even trespassers of Government land may, after registering a series of bogus documents create title to such property or it can be used for several other purposes. It has

come to the notice of the Government of Kerala that immovable property belonging to or vested in the Government or other public sector undertakings in the State are also fraudulently being transferred. As there is no provision in the said Act as it now exists, to refuse registration of documents which involve transfer of ownership of land belonging to Government or other public sector undertakings, the State Government have decided to prohibit registering officers from accepting for registration documents involving transfer of Government property unless they are accompanied by a no objection certificate issued by an officer authorized by the State Government. Therefore, there shall be necessary provisions compelling the authorities concerned to verify the title of every executant and their legal capacity for the same. The practical aspects for the same also need to be examined.

7. STRENGTHENING THE DRUGS CONTROL ORGANISATION

(Suggested by the Government of Tamil Nadu)

An expert Committee under the Chairmanship of Dr. R.A. Mashelkar was constituted by the Union Ministry of Health & Family Welfare to review the Drug Regulatory System in the country including problems of spurious drugs and substandard drugs and measures to deal with the problem. The salient features of the Mashelkar Committee Report are as follows:

- Strengthening of the Central Drugs Standard Control Organisation (CDSCO) to National Drugs Authority as per Hathi Committee Report and Drug Policy 1986 and 1994.
- The State Government should strengthen and support their Drugs Control Organisation by providing additional personnel appropriate infrastructure and adequate resources.
- Evolving a scientifically and statistically valid methodology to quantify the extended spurious drugs.
- Death penalty for spurious drugs related offences.

The Council may recommend strengthening of the Drugs Control organizations by providing additional personnel, appropriate infrastructure and adequate resources as per the recommendations of Dr. R.A. Mashelkar's Committee.

COMMENTS/ACTION TAKEN

The Ministry of Health and Family Welfare has informed that the Ministry has been stressing from time to time to the State Governments for strengthening of the Drug Control Organisations in the States for effective regulatory control over quality of drugs marketed in the country. Under capacity building project, assistance was also provided to the State Governments through World Bank for strengthening of drug testing facilities available in the States. It is, therefore, considered necessary to strengthen the State Drug Control Organisations for an effective regularly control over the quality of drugs marketed in the country.

The Government of Andhra Pradesh has intimated that the Drugs Control Administration in the State implements the legislations on the subject enacted by the Government of India.

The Department regulates the manufacture, distribution and sale of Drugs and Cosmetics in the State and ensures the availability of standard quality drugs to the public at the prices as fixed by the National Pharmaceuticals Pricing Authority. It also regulates the functioning of Blood Banks to ensure the availability of safe Blood to the needy by jointly working with Central Drugs Standard Control Organization. The Department also issues certain licences under NDPS Act and Transport permits under the same Act.

The Indian Pharmaceutical Industry today is in the front rank of India's science based industries with wide ranging capabilities in the complex field of drug manufacture and technology. At present the Indian Pharma Industry has a domestic turnover of more than 10,000 crore. The State Government is getting about 2,000 crore by way of taxes, duties, licence fees etc., from the bulk drug industry. In addition, the State Government is also realizing the huge revenue through sales by 51333 medical shops engaged in the sale of drugs in the form of VAT which runs in crore in Andhra Pradesh.

A small portion of Revenue realized from the drug industry and trade by way of duties/taxes may be allocated to this department to strengthen the Drugs Control Laboratory and Administrative staff of this Department. Since it concerns health of the people and the harm that the spurious drugs can cause is far more serious than that caused by any other consumable goods. Drugs Control Administration in the State enforces the Drugs and Cosmetics Act, 1940 to regulate the import, manufacture and sale of drugs and cosmetics in the country.

Keeping in view the requirements of the department, proposals for strengthening of the Drugs Control Administration during XI Five year plan with an estimated expenditure of 1853.23 lakhs (recurring and non-recurring) were submitted and the proposals were forwarded to the Government of India for favourable consideration and inclusion in the consolidated plan of the Andhra Pradesh in this regard. However, the Government have allocated only 15.00 lakhs under the plan which is hardly sufficient to incur expenditure for ongoing schemes.

The State Government have also felt the necessity to strengthen the Drugs Control Administration and sanctioned the following new posts only during the years 2007-08 and 2008-09 :

<u>2007-08</u>		<u>2008-09</u>			
Assistant Directors	:	06	Joint Directors	:	02
Drugs Inspectors	:	50	Deputy Directors	:	06
			Assistant Directors	:	15
			Drugs Inspectors	:	25

In addition to the sanction of above said new posts, it is proposed to create 02 more posts of Deputy Directors.

There is also need to strengthen the present Drugs Control Laboratories of Drugs Control Administration at Hyderabad and Vijayawada and creation of 03 more new Regional Drugs Control Laboratories at Warangal, Visakhapatnam and Kurnool to cope with the workload with more number of Junior Analysts, supervisory officers like Junior Scientific Officers, Senior Scientific Officers and supporting staff like Lab Technicians and Lab Attendants to achieve the target of analyzing 25000 drug samples per annum, picked up by 130 Drugs Inspectors from all over the State.

It is also proposed to create one full-fledged coding section in existing 02 Drugs Control Laboratories and 03 newly proposed Drugs Control Laboratories with some staff exclusively for the coding section, as created in the Department of Food Control Laboratory of Indian Preventive Medicine and Public Health Laboratories and Food (Health) Authority, Andhra Pradesh.

At present, the Drugs Control Department is utilizing the services of legal advisor through outsourcing and his period of contract has ended on 02.9.2009. Anyone who is engaged on contract basis is hardly sparing time to protect the interests of this department. The Drugs Inspectors are filing number of cases on various sections of Drugs and Cosmetics Act and other Acts. The accused are adopting a practice of avoiding the consequences of the trial and they are misusing Judicial process by filing the quash petitions in the Hon'ble High Court. Also due to lack of interaction between Public Prosecutor due to his busy schedule with so many police cases and investigating officers regarding the details of cases listed for and details of final hearing in the Hon'ble High Court, about 99% of quash petitions are being allowed without the knowledge of the department, as there is no Legal Officer to represent the department on regular basis in the Hon'ble High Court. As such, there is an immediate need/urgency for sanction of Public Prosecutor on fulltime basis keeping in view the importance of the department dealing with the issue of public health. Hence, it is proposed to create 01 post of fulltime Public Prosecutor as in the Police Department and Department of Prosecutions with a pay scale of 14600-29250 to look after all such cases in the Hon'ble High Court. The ancillary staff i.e., 01 post of L.D. Stenographer and 01 post of Office Subordinate is proposed to assist the Public Prosecutor.

8. PREVENTION OF AIDS

(Suggested by Government of Tamil Nadu)

The spread of HIV infection is influenced by various factors, such as, (a) Trafficking of women and sex trade; (b) Inter-State migration of workers; (c) Long distance drivers; (d) Care and support issues.

- **Trafficking of women and sex trade:**

Children and women are trafficked from one state to the other for work, as bondage or they are sold for prostitution. As this group is highly vulnerable to sexual abuse and exploitation there is a risk of getting and transmitting HIV and STI (Sexually Transmitted Infections). Hetero sexual mode is another main modes of transmission of HIV. The risk of infection is high through commercial sex workers as they have multiple sex partners and adopt unsafe sex practices. Mobility of sex workers across the States is posing risk to the client population in the area where they are visiting.

- **Inter-State Migration of Workers:**

Poverty and unemployment drives the people to migrate from one place to other place. This migration could be seasonal i.e. restricted to some periods in a year or throughout the year. After coming back from their work places they may bring the infection to their original place of stay. It can also happen the other way round (Carrying infection from the region of stay to the region of work). If one State has a higher prevalence, there is always a potential risk of rapid spread in other State. This group is difficult to intervene due to the migratory nature of the job, language issues, commitment of one state to the population of the other state, etc.

- **Long distance Truck Drivers:**

Long distance truck drivers are among the high-risk population for HIV. They form an important conduit for carrying infection from one place to other. Risk factors such as unsafe sex practices, presence of STD, staying away from the family for a longer period of time are prevailing more among the truckers.

- **Care and Support of people living with HIV/AIDS:**

It is a well-known fact that a very large population of the patients coming to Chennai is from Andhra Pradesh. The broader understanding of the strategy planning is to establish necessary logistic arrangements for availability of required information, education and communication, referral facilities for testing and continuance of care specifically for Opportunistic Infections (OI) and Antiretroviral therapy (ART). ART

and OI drugs for clients from neighbouring states may result in sometimes shortage of these drugs for Tamil Nadu clients.

The State Government has initiated certain measures to curb these problems, like prevention of trafficking with the involvement of Government and non-Government agencies; Inter-State consultation among the Project Directors of AIDS Control Societies of neighbouring States; Specific targeted interventions aimed to change the behaviour of truckers, providing treatment services to the people approaching its institutions particularly from the border districts. The Government of Tamil Nadu has, however, sought recommendations from Southern Zonal Council on the following:

- Since this is a large issue, a constant, coordinated and systematic effort needs to be taken to control the HIV infection across the state.
- A high powered inter-State coordination committee involving core ministries of the States has to be formed to discuss and take Policy decisions on the issue.
- Thematic sub committees may be formed to look into the specific issues. These sub committees will assess the situation, design the appropriate intervention for the issues.
- Effective Information Education and Communication (IEC) campaign using multi lingual IEC materials needs to be conducted.
- For migrant workers, coordinated interventions at source and destination has to be undertaken.
- A communication system has to be established for exchange of information/data about the inter-State issues on HIV.
- Rehabilitation package to be established to prevent the infection among those who are rescued.
- Ministries of Road Transport may also be involved to address issues related to truckers.
- Referral of patients who take up treatment in a neighbouring State to their home State for their further treatment, for which the health care system in the States need to be strengthened and co-ordinated.
- A common fund could be established for addressing these issues.

COMMENTS/ACTION TAKEN

The Government of Andhra Pradesh has intimated that one of reasons for high prevalence of HIV/AIDS in Andhra Pradesh is because of the strong network of sex trade within the State and its links with sex trade across the country. Because of poverty and unemployment, people migrate in search of better living conditions. When the migrants return they also bring alongwith them infection like STD and HIV. The presence of hot spots and sex networks along the lengthy National Highways and State Highways make the long distanced truck drivers vulnerable. The intervention taken within the State need to be coordinated with the programmes taken up in the neighbouring States. Andhra

Pradesh has scaled up the care and support services for the people living with the HIV/AIDS. The State Government has also initiated “Be Bold” campaign to encourage more people with risk behaviour to get voluntarily tested for their HIV status.

The Government of Karnataka is in agreement with the suggestions made by the Government of Tamil Nadu. The Inter-State Coordination Committee should meet regularly to assess the needs in controlling HIV infection and Project Directors, programme officers of SACS should be nominated in the Committee. It is also intimated that a migration route mapping is required to identify seasonal calamity driven and opportunity driven migration patterns across the state. Migration Resource Centres manned by volunteers should be established. The volunteer team may address awareness and risk perception related needs. Halt points and destination points risk reduction strategies required to ensure awareness, understanding as well as treatment, care and support.

Rehabilitation package issue can be looked into by mainstreaming sub committee which can have a representatives from national network of HIV+ve women, CHARCA, UNIFEM, UNDP, selected NGO partners & Women’s Commission, Human Rights Commission, Minorities Commission, etc. Patients can be given options of getting tested anywhere in India, referrals and transfer of treatment across the state needs to be strengthened and co-ordinated. To assess the situation, design the appropriate intervention for the issues a co-ordination and partnerships with donors, stake holders and interest groups could be established for addressing these issues

The Government of Kerala has intimated that Kerala State AIDS Control Society (KSACS) has been very sensitive to perceiving the relevance of migration as Kerala is characterized by an HIV prevalence closely associated with mobility and migration. Hence the need to design a strategy for cross border initiatives on ‘migration linked HIV transmission’. A workshop was conducted with the officials from the States of Tamil Nadu, Maharashtra and Kerala. Some of the salient points generated in the workshop that can help in tackling the issue are:

- SACS to SACS collaboration to address this growing national concern. This is possible as there is commonality of agenda for all the concerned SACSs Possibility of a common PIP can also be thought of.
- Special ‘Action points for implementation’ in the neighbouring States should be listed out and submitted to NACO for approval.
- Mumbai has the problem of huge in-migration from all the Southern States. To address this there should be a common intervention strategy.
- Research is needed on the issue of migration for profiling migrants, to define the problem and to arrive at specific strategies.

- IEC materials prepared by different SACSs/NGOs should be made available to all the South Indian States and Maharashtra.
- The initiative could look into probable strategies similar to the MOU between Gujarat and Orissa SACSs and the “corridor of hope” project. A frame of agreement need to be made between the SACSs involving the Health Ministers to ensure smooth and viable functioning of this strategy.
- Targeted intervention (TI) for migration in a State by another SACS is not a viable solution. In such a situation, specific positioning of the migrants need to be done. Programmes with linguistic and cultural sensitivity could be organized in a very community friendly manner.
- For Migrant population, specific TI could be designed in projects along the border with linkages between the projects/programmes across the border. Initiatives of networking can be taken up by NGOs as they can adopt flexibility in their operations.
- Mobile VCTC/outreach VCTC, accessing the ongoing outflow of services/condoms etc. could be thought of.
- Broad strategic frames and operational mechanisms are to be developed between/among the respective States and between the States there should be inter-sectoral collaboration.
- States should have MOU covering the operational areas, IEC strategies, Administration, service coverage and management.

The National Aids Control Organisation (Ministry of Health & Family Welfare’s comments are as under:-

Trafficking of women and sex trade

Under National AIDS Control Programme (NACP) one of the key strategies is Targeted Intervention (TI) projects which aim to interrupt HIV transmission among highly vulnerable populations. Commercial sex workers, injecting drug users, truckers, migrant workers etc. are at a greater risk of acquiring and transmitting HIV infection due to more frequent exposure to HIV. Experiences have shown that focusing on prevention efforts directed towards such groups can greatly reduce the spread of HIV into the general population.

It has been reported that all sex work is not forced or trafficked, but poverty is certainly a strong factor influencing induction into this trade. This also explains the alarming increase in the number of sex workers coming to urban areas from villages and also from one state to another. National AIDS Control Programme promotes health and occupational safety among high risk populations by promoting use of condoms, providing

access to the treatment for Sexually Transmitted Infections and other general ailment and encouraging voluntary HIV counselling and testing. NGOs implementing targeted interventions for sex workers are proactively assisting persons for opting out of sex work through collaborative arrangements with women's groups. Targeted Interventions works on 'rights based approach' and promotes active involvement of sex workers for the formation of Self Help Groups and empowering them to take decisions about different aspects of their and their peers' life.

Inter-State Migration of Workers

There are over 200 million migrants in India and about 3 million Indian migrants live in Gulf countries, most of them from Tamil Nadu, Kerala, Andhra Pradesh and Punjab. The temporary, short duration migrants are of special significance to the HIV epidemic because of their frequent movement between source and destination areas. Based on careful mapping of source and destination states and to upscale the coverage of migrants through Targeted Interventions with partnerships of NGOs and other organizations has been formed to reach out to migrants and their families for providing them information and education services.

Long distance Truck Drivers

Long distance truckers have been a critical group because of their 'mobility with HIV' having multiple interactions with local populations as they travel. In many locales, truckers are part of commercial sexual networks as clients of sex workers who are co-located with large concentrations of truckers at trucking halt points and other locations. Because long-distance truckers move throughout the country, those who are a higher risk of HIV can form transmission "bridges" from areas of higher prevalence to those of lower prevalence.

Care and Support of people living with HIV/AIDS

There are 16 Antiretroviral Therapy (ART) centers in Andhra Pradesh and another 07 centres have been sanctioned to be functional by August, 2007. As such, there has been a considerable reduction in patients going from Andhra Pradesh to Tambaram Hospital in Tamil Nadu. However, many a times patients do not want to go to centers near their residing places due to stigma and discrimination in the society. Patients also want to go to a particular doctor or maintaining their confidentiality.

HIV is impacted by activities and policies of many sectors. For instance, the structural rigidities in the road transport system that enforces timing restrictions on truckers force them to idle their time at makeshift resting places, thereby exposing them to the risk of HIV. In turn, the morbidity and mortality of transport employees caused by high prevalence of HIV could lead to loss of morale and lower profitability in the transport sector. Therefore, mainstreaming HIV into core activities of concerned sector is a necessary condition for achieving the objectives of National AIDS Control Programme (NACP) phase-III. It will also help the sector achieve revenue and efficiency targets. It is

important to have coordinated and systematic efforts more at state and regional level to control the HIV infection across state and regional level.

In order to reiterate the government's commitment to prevent spread of HIV and to facilitate a strong multi-sectoral response to combat it effectively, National Council on AIDS (NCA) headed by the Hon'ble Prime Minister of India has been constituted. It comprises of 31 key Ministries and the Chief Ministers of three high prevalence states, one moderate prevalence state and three highly vulnerable states. The Council also consists of representatives from the civil society including NGOs, Positive people's networks and the private sector. The functions of NCA are:

- To mainstream HIV/AIDS issues in all Ministries and Departments by considering it as a development challenge and not merely a public health problem.
- To lead the multi-sectoral response to HIV/AIDS in the country with special reference to youth and the work force.
- To review the inter-sectoral commitments.

Under ongoing inter-sectoral partnership on mainstreaming, NACO has been collaborating with Ministries of Education, Labour, Youth Affairs & Sports, Panchayati Raj, Women & Child Development, Road Transport & Highways, Social Justice & Empowerment, Rural Development and Defence etc.

9. UNAUTHORISED CAPTURING OF RICE LOADS BY TAMIL NADU GOVERNMENT

(Suggested by the Government of Kerala)

The rice loads of Kerala are unauthorisedly captured by the Tamil Nadu Government misinterpreting that the loads are rationed articles having no proper documents. Though requestes have been made to the Secretary, Food and Civil Supplies Department of Tamil Nadu Government for giving necessary directions to the officers concerned for the smooth transportation of rice from Andhra Pradesh and Puducherry to Kerala for which levy has already been remitted, the seizure still continues. Hence a d.o. letter from the Chief Secretary, Kerala has been issued to the Chief Secretary, Tamil Nadu requesting to give necessary directions to the officials concerned for the smooth transportation of rice to Kerala.

COMMENTS/ACTION TAKEN

Government of Tamil Nadu has intimated that the State Government supplies essential commodities to the family card-holders at the subsidised rate. The State Government sells the Public Distribution System Rice @ ₹1/- per kilo to the card holders and the price is the cheapest in India. Taking advantage of the cheaper price, the essential commodities like Rice and other commodities supplied under Public Distribution System are illicitly obtained and hoarded by some anti-social elements with the intention to crookedly gain more money by selling those commodities at exorbitant price in the balck market. The Civil Supplies and Civil Supplies Criminal Investigation Department are conducting joint raids, surprise checks, and check of movement of vehicles carrying such commodities meant for Public Distribution System.

The Civil Supplies, CID is looking after the prevention of smuggling of Public Distribution System rice to the neighbouring States. Whenever the transportation of unauthorized rice from Tamil Nadu State to Kerala State is noticed, the samples of rice are taken for quality control test and only after ascertaining that the transported rice is of the category of Public distribuytion Rice, seizure is made by the Civil Supplies, CID of Tamil Nadu and prosecution is taken as per law in force. If the rice transported is not that of Public Distribution System and having proper documents for the transportation, the vehicles carrying the rice are let free to the destination and unauthorized seizure is not made.

10. DIRECTIONS TO TRANSPORT THE ANIMALS THROUGH THE ANIMAL HUSBANDRY CHECK POSTS OF KERALA.

(Suggested by the Government of Kerala)

Kerala is not having much disease outbreaks as in the neighbouring States. To prevent disease outbreaks occurring from the incoming animals the State Government is planning to implement various disease control activities to make the State a Disease Free Zone/controlled area. To make disease control strategies worthwhile, several control measures need to be implemented in neighbouring States also. In this connection following suggestions are for consideration of other neighbouring States :

- Animals and bird transported must be vaccinated against all major disease and must carry valid health certificate showing vaccination details in the approved proforma issued by a registered Veterinary Doctor. Vaccination must be conducted atleast 20 days prior to the transport of animals.
- During the inspection of chek posts, if any animal is certified as infected or suspected for any infectious diseases, such animals must be returned. Animal traders must be intimated to comply with the directions of the officials.
- Since the Kerala Government is implementing disease control programme, unvaccinated animals and infected or suspected animals will not be given entry in the State and they will be returned and fined as per Kerala PCA Act 1967.
- Disease outbreak details may be exchanged immediately on confirmation of disease so as to take appropriate control measures at the earliest and to avoid stringent steps like ban an transport of animal/bird and consequent economic loss due to disease. All details about the animals transported and their exact destination must be accompanied with all consignments for verification. Discussion with animal traders and truck owners would be necessary to ensure transport of healthy animals and to avoid violation of PCA Act. Neighbouring States should open a 24 hours functioning State Animal disease emergency control room on the inter-State bordersfor the exchange of information on disease outbreak and measures for disease control.

COMMENTS/ACTION TAKEN

Government of Andhra Pradesh supports the proposal.

Government of Karnataka has given the following suggestions for strengthening transportation and control of animal diseases :

- Twenty days before transportation the animals/birds should be vaccinated against important diseases and a health certificate should be presented in this regard by the concerned transporters.
- Transportation of Animals/Birds should be prohibited if they show any symptom at the Check Post.
- The animals which are not vaccinated should not be allowed to cross the border and fined according to the PCA Act.
- The Check Post should work 24 hours a day and a control room should be opened for exchange of views on outbreaks.

Government of Tamil Nadu has furnished point-wise information as under :

- The Animal Husbandry Department, Tamil Nadu has its own Vaccinations Programme based on the endemicity of livestock diseases. All susceptible livestock in the endemic areas are vaccinated by conducting special vaccination programme for the animals. Crossing the inter-state borders at the predetermined dates may not be possible as the origin of such livestock that are likely to cross the inter-state border will not be known in advance.
- Such of those animals that are suspected of harbouring livestock diseases can be returned and it is the prerogative of the Department of Animal Husbandry, Kerala. The Animal Husbandry Department, Tamil Nadu will keep education materials instructing the importance of Vaccination of livestock in the context of diseases transmission. However, reaching out to individual animal traders on the above will be very difficult.
- The Kerala Government can take any action that it deems fit in case of suspected/infected/unvaccinated animals.
- The Animal Husbandry Department, Tamil Nadu is providing disease outbreak details through the SRDDL, Bangalore to all neighbouring states and to Government of India every month. The Animal Husbandry Department, Tamil Nadu will sensitize truckers and transporters about the PCA 1960 Act.

Government of Puducherry has intimated that only Mahe region of the Union Territory has the access to the Kerala Check post. All the vaccinations for animals in

Puducherry are given free of cost and Mahe region is free from infectious diseases. Therefore, implementation of restriction of movement of unvaccinated/infected/suspected livestock through the Kerala check post will be beneficial to Mahe region and the suggestions may be taken up for implementation.

Opening 24 hours functioning State Animal Disease Emergency Control Room at Mahe is not feasible as, at present, there is only one post of Veterinary Assistant Surgeon and he/she cannot work for the inter-state check post border for 24 hours. Providing strict control of Kerala check post is sufficient and it will provide security to Mahe as well, since the entire Mahe region is encircled by Kerala.

Ministry of Agriculture (Department of Animal Husbandry, Dairying and Fisheries) has intimated that the suggestions made by the State Government is relevant in the face of the fact that the animals including birds should be vaccinated and have valid health certificate when transported from one state to the other. At the check posts if the animals are found infected or suspected to be infected, the same may not be allowed in the state. The Government of India has enacted an Act namely; 'Prevention and Control of Infectious and Contagious Diseases in Animals Act – 2009' which is applicable in the State of Kerala also. The Department has also notified 'Prevention and Control of Infectious and Contagious Diseases in Animals (Form of vaccination certificate, manner of post mortem examination and disposal of carcass) Rules, 2010', where there is a provision for the Director of the state to notify the institutions/agencies and persons competent under the law to vaccinate the animals and issuance of vaccination certificate.

Kerala PCA Act, 1967 is no longer applicable to the State of Kerala as 'Prevention and Control of Infectious and Contagious Diseases in Animals Act – 2009' has been extended/applicable in the State of Kerala since August, 2010.

11. MATTERS RELATED TO POLICE ADMINISTRATION IN THE STATES

(Suggested by the Ministry of Home Affairs)

a) Assessment of realistic manpower for Police Administration

At present there is no system to assess the actual manpower requirement of police organisation in any State which could take into account their work load in respect of Public Order, prevention and detection of crime, Traffic Management, threat to internal security, VIP Security, Specialised Cell, Training, Leave entitlement etc. In the absence of the same the sanctioned strength available for duty remains grossly inadequate and leads to serious neglect of core duties and such other vital functions of police where no pressure group exists to agitate about the deficiency. This has led to lack of regular training of the police personnel and denial of leave due to them under the rules, which is so essential for their rest and recuperation after long stretches of stressful duties and looking after the family affairs and for recouping their professional skills.

In the absence of proper assessment of police manpower required in the State, there is constant demand on Central Government to provide CPMFs to meet their law and order problems in general and those related to festival seasons and other special occasions in particular. Government of India is not in a position to meet this ever increasing demand on CPMFs from the States and has therefore been impressing upon the State Governments to mobilise their own resources to meet such situations. The availability of CPMFs from the Central Government is not a long term solution for the normal law and order related requirement of States. It is also not very efficient either, because the CPMFs provided to the State are heavily dependent on local police for inputs of actionable intelligence and other resources. The State Police shall certainly be in a better position to act in such situation, if it is available in adequate numbers because of their intimate knowledge of the local factors and topography having a direct bearing on the successes of operations. The CPMFs also face serious logistic problems when they are called upon to aid the State administration to tackle law and order problems because the State is very often not in a position to make satisfactory logistic arrangement at the place where these contingents of CPMFs are deployed in aid of local administration.

To overcome these problems the following recommendations were made in the 36th All India Police Science Congress, held at Gandhinagar from 3-5 February, 2005:

- (i) State Police organisation should constitute a committee comprises a member of the Government, to rework actual requirement of the forces in each district (Inspector downwards). This assessment should cover all functions of the police in that district. Projection should also be made on the basis of the anticipated requirement in the next five years. The rationalised force requirement should be acceptable in principle to the respective State Government and strive to implement it in a phased manner.

- (ii) Assessment of manpower on similar lines is also necessary when new laws are enacted and rules made which are required to be enforced by the police in addition to their existing duties. But for this exercise many a vital pieces of legislation shall remain confined to statute books and their enforcement will amount to no more than a ritual lip service.
- (iii) Each State police organisation should constitute a committee to make assessment on manpower requirement for each district and the same should be sanctioned timely with a view to providing an efficient and effective police service to the people.

b) Tenure of police officers at the district, sub-division and police station level

Policing has become a very complicated subject now-a-days owing to many factors which include social, economic, communal, political and terrain specific factors which have a direct bearing on the maintenance of public order and prevention and detection of crime. In order to be effective, it is necessary that the police officers posted in crucial offices have a sufficiently long tenure to enable them to understand these factors better. Thus a reasonable tenure say not less than two years is necessary for an officer posted as SHO, SDPO and district SP to enable them to comprehend the ground realities of his/her jurisdiction; to prepare suitable strategies to ensure public order and crime control and to translate these strategies into concrete action to achieve the aforesaid objectives. However, these crucial level police officers are getting shifted frequently which in turn is telling upon their capacity to provide an effective policing in their jurisdiction.

Keeping this in view BPR&D had done a study on the tenure of district SPs, which had covered a five years period from 2000 to 2004 which reveals that average tenure of SPs in districts at all India level is not upto the desired level and these findings clearly make out a case for urgent action by all concerned to ensure reasonable posting tenure to field level police officers. Similar studies regarding the period of stay of officers of the rank of SHOs, SDPOs also need to be done at the level of respective States.

COMMENTS/ACTION TAKEN

The Government of Karnataka has intimated that the Review Committee on Police Reforms has made 49 recommendations on police administration. Out of these certain recommendations have already been implemented and others are under consideration. As regards investigation of cases pertaining to international terrorism or organized crimes like drug trafficking, money laundering, smuggling of weapons from across the borders, counterfeiting of currency or the activities of mafia groups with transnaional links, the State Government is of the view that investigation of these crimes as Federal crimes could be entrusted to a Federal agency provided that both the Federal Agency and the State Police are given concurrent jurisdiction on matters pertaining to the investigation of Federal Crimes.

The Government of Kerala has intimated that manpower required should be decided depending on the workload of all types of policing like VIP Security, cyber crime, Abkari, naxal activities, etc. and should not be decided merely by the number of crimes or population. Every district may have to be provided with one Battalion of Armed Police to cater to the districts in emergency situations. The tenure of the Police officers at the District/Sub-Division/Police Station level will be as per the provisions in the new Police Act.

The Government of Tamil Nadu has intimated that the State Government has been taking measures to assess realistic manpower for Police Administration from time to time. As per the recommendations of the 3rd Police Commission constituted by the State Government the staffing pattern for the proposed 3 types of Police Stations viz; Heavy, Medium and Light and also norms for locating these 3 types of Police stations in Cities and Districts have been drawn. The staffing pattern now proposed for the Heavy, Medium and Light Police Stations is as under :-

Types of Police Station	Staffing Pattern Proposed			
	Inspector	Sub Inspector	Others	Total
Heavy	03	12	100	115
Medium	01	06	60	67
Light	01	04	30	35

As regards tenure of police officers at the District, Sub-Division and Police Station level, guidelines on transfer and posting of police officers were issued in 1992 in which tenure of three years in a station was prescribed for police officers from the rank of Inspector of Police and above. Officers of All India Services are, among few other categories exempted from the purview of these transfer guidelines.

Later, the Government exempted police personnel of TSP Battalions below the rank of Sub-Inspectors from the purview of the aforesaid guidelines and prescribed maximum period of two years as the tenure for police personnel of the Special Units of Civil Supplies, CID and Prohibition Enforcement Wing. Tenure of all police personnel below the rank of Superintendent of Police was also prescribed as two years. Transfer on adverse grounds and administrative reasons are, however, ordered during non-transfer period also. Further, transfers of Police Officers/Men on welfare grounds are also considered based on the request of the individuals during non transfer period.

Based on the orders of Supreme Court, the minimum tenure of the Director General of Police has also been fixed as two years. A clause ensuring minimum tenure of two years for officers posted at Police Station, Circle, Sub-Division, Police District, Range, Zone or Commissionerate, is also incorporated in the Tamil Nadu Police Bill, 2008.

The Government of Andhra Pradesh has intimated that the strength of police stations in the State was worked out on the basis of a study conducted by Administrative

Staff College of India (ASCI), Hyderabad taking into consideration related vital parameters such as crime rate, distribution of population, law and order situation in the area etc.

In addition to urban police stations, which are primarily for law & order, separate police stations exclusively for traffic control, crime and women have been established. Minimum strength provided in the urban police stations is 54 and maximum is 120. the rural police stations are listed into two categories with a minimum strength of 28 and maximum strength of 39. These are very close to the benchmark suggested by Government of India. It is also mentioned that districts have been divided into smaller segments called Mandals to meet the objective of the Government to provide citizen services because of which there are 1643 police stations of which nearly 1158 are in the rural areas.

A minimum tenure of two years to the police officers on operational duties in the field like the Inspector General of Police of a zone, DIG of a Range, SP of a District and SHOs (CI Level, SI Level) has been fixed.

12. COMMUNAL HARMONY

(Suggested by the Ministry of Home Affairs)

Ministry of Home Affairs (HR Div.) has indicated that the State Governments are primarily responsible for maintaining law and order and preventing communal disturbances in their States/UTs as “Public Order” and “Police” are State subjects. To maintain communal harmony in the country, the Union Government assists the State Governments/UT Administrations in a variety of ways like sharing of intelligence, sending alert messages, sending Central para-military Forces, including the composite Rapid Action Force created specifically to deal with communal situations, to the State Governments concerned on their specific requests, and in the modernization of State Police Forces. The activities of all organizations having a bearing on communal harmony in the country are under constant watch of law enforcement agencies and requisite legal action is taken, wherever necessary. Notice has been given to the Rajya Sabha for consideration and passing of the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005 on 9.12.2009. In addition, the Union Government sends advisories and Guidelines to maintain communal harmony to the States from time to time. Ministry has issued revised Guidelines to the States in June 2008 and its implementation by the States is being monitored through quarterly progress reports. There is a need to implement these guidelines in true spirit.

COMMENTS/ACTION TAKEN

Ministry of Home Affairs (HR Div.) has pointed out that the State Governments are primarily responsible for maintaining law and order and preventing communal disturbances in their States/UTs as “Public Order” and “Police” are State subjects. The Union Government assists the State Governments/UT Administrations in a variety of ways like sharing of intelligence, sending alert messages, sending Central para-military Forces, including the composite Rapid Action Force created specifically to deal with communal situations, to the State Governments concerned on their specific requests, and in the modernization of State Police Forces. The activities of all organizations having a bearing on communal harmony in the country are under constant watch of the law enforcement agencies and requisite legal action is taken, wherever necessary. The Union Government also sends advisories and guidelines to maintain communal harmony to the States from time to time. Ministry had issued revised guidelines in June 2008 and its implementation by the States is being monitored through quarterly progress reports.

The Ministry has further intimated that Notice for consideration and passing of the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill was given to the Rajya Sabha on several occasions, the last being in February, 2010, but the Bill could not be taken up on those occasions. Thereafter, several suggestions/recommendations regarding the Bill from civil society groups were received and examined. The National Advisory Council (NAC) is currently examining the proposal and MHA expects to get their recommendations soon. Thereafter, after

examination, the revised Bill will be placed before the competent authority and then introduced in Parliament.

Government of Tamil Nadu has issued instructions to all Police/Revenue officials to take pro-active and preventive measures to curtail any likely communal disturbance and to maintain public tranquility. District Peace Committees have been constituted and their meetings are conducted as and when the situation warrants. Monthly meetings are also convened to review the overall law & order situation and intelligence gathered through Police and Revenue officials.

Government of Karnataka has intimated that utmost vigilance is exercised to prevent communal incidents and maintaining of communal harmony.

Government of Andhra Pradesh has intimated that Commissioners and Superintendents of Police in the State have been instructed to be more vigilant and collect advance intelligence on the plans of terrorists to foment trouble particularly during festivals/religious processions besides paying special attention to the communally sensitive and hypersensitive areas to avert any untoward incident. A Standard Operative Procedure (SOP) relating to measures to be taken to prevent entry of explosives into temple premises and other sensitive places, requisite action in the event of finding suspicious articles and in the event of explosions has been communicated to all the Unit Officers. Training on “Security of temples” has also been imparted to the district police personnel to facilitate them to give further training to the temple security staff/other staff of temples.

The revised guidelines issued by Government of India on the implementation of Revised Guidelines on Communal Harmony (RCH), 2008 are being followed in the State. Detailed SOPs have been prepared for sensitive areas. State Level Integration Committee has been set up and Peace Committees have also been constituted at identified communally sensitive areas. Cooperation of media channels, including electronic media is sought in promoting communal harmony.

Government of Kerala has intimated that District Collectors and other district and range level police officers are monitoring the communal situation and are convening periodical meetings to discuss the communal issues and decide about the corrective measures.

13. ISSUES RELATING TO RURAL ELECTRIFICATION

(Suggested by Ministry of Power)

Ministry of Power has brought out the following issues pertaining to rural electrification :-

- 1. Notification of Rural Electrification Plan :** In accordance with the terms & conditions of RGGVY, States were to notify their RE Plans by August 2009. States of Andhra Pradesh, Karnataka and Kerala have not yet done so.
- 2. Appointment of Franchisees in RGGVY villages:** It is mandatory to appoint franchisees in the villages electrified under RGGVY. All the states have agreed for the same under agreements signed with REC for availing RGGVY fund. Andhra Pradesh has appointed franchisees in 227 RGGVY villages and Karnataka in 19675 RGGCY villages. Kerala and Tamil Nadu are yet to appoint any franchisee. Kerala and Tamil Nadu should start the process on priority.
- 3. Inclusion of public representatives in the District Committees :** All the States have constituted District Committees for reviewing the progress of rural electrification. Members of Parliament have raised the issue of their inclusion in these Committees to make them more effective. Hon'ble Union Minister of Power has written to the Chief Ministers of all the States to include MPs and MLAs in the District Committees. However,, compliance has not been reported by any state.
- 4. Speeding up the implementation of RGGVY works :** The following are the targets and achievements of release of BPL connections under RGGVY for the year 2009-10 in southern states :

Sl. No.	State	Target (in lakh)	Achievement (in lakh)	Achievement (% of Target)
1	Andhra Pradesh	8.81	1.74	19.7
2.	Karnataka	1.95	0.71	36.4
3.	Kerala	0.06	0.03	50
4.	Tamil Nadu	2.86	0.49	17.1

States should expedite the implementation as to achieve the annual targets.

COMMENTS/ACTION TAKEN

- **Government of Tamil Nadu** has furnished the point-wise comments as under :

1. Notification of Rural Electrification Plan:

Rural Electrification plans already notified by Government of Tamil Nadu.

2. Appointment of Franchisees in RGGVY Villages :

The RGGVY villages are well connected with the O&M sections of the Bord. Hence, exemption for Franchisees in Tamil Nadu was sought. As the request was turned down by REC, a franchisee model called RGGVY service franchisee is formulated and implemented in one of the sub-division in each region on trial basis. The franchisee is termed as Meter Reader. The RGGVY service franchisee model has now been extended to all the sub divisions of 26 districts where RGGVY scheme is implemented.

3. Inclusion of Public representatives in the District Committees :

District level committees have been constituted in Tamil Nadu with due representation given to the local Member of Parliament and Member of Legislative Assembly.

4. Speeding up the implementation of RGGVY works :

The BPL service connections released so far under RGGVY is 2.59 lakhs in 26 districts as on 30.11.2010. Only 71 nos. BPLHHs are pending to be effected under RGGVY. The infrastructure works under RGGVY have been completed in 25 districts except Ramanathapuram district where it is proposed to be completed by 31.12.2010. For the 3 districts viz; Nilgiris, Tirunelveli and Dharampuri, DPRs have been sent to REC for sanction.

- **Government of Karnataka** has furnished the point-wise comments as under :

1. Notification of Rural Electrification Plan:

Preparation of draft Rural Electrification Plan is under process for notification of RE Plan under RGGVY Scheme.

2. Appointment of Franchisees in RGGVY Villages :

12379 Franchisees are appointed for 24313 RGGVY villages under RGGVY (X & XI Plan) covering five distribution companies.

3. Inclusion of Public representatives in the District Committees :

District level committee to review the progress of RGGVY has been formed.

4. Speeding up the implementation of RGGVY works :

The Utilities with slow progress are instructed to expedite the RGGVY works.

- **Government of Kerala** has furnished the point-wise comments as under :

1. Notification of Rural Electrification Plan:

It is under active preparation.

2. Appointment of Franchisees in RGGVY Villages :

It is considered to have Local Self Government Institutions (LSGIs) as the franchisees as per need. As the State is well networked, there is no need for additional agencies. In fact the existing distributors are earning profits whereas the state power utility is running in loss.

RGGVY in Kerala was implemented in Idukki district and was completed. In Kasargod, Kannur, Kozhikkode, Wayanad, Palakkad and Malappuram the works under RGGVY have started.

In order to comply with the direction from REC, KSE Board had accorded sanction to engage the 'Kudumbasree' units as a franchisee for the project, since 'Kudumbasree' is a reputed organization working under the control of Local Self Government Department with an objective of Women Empowerment. However, this decision could not be implemented in Idukki Scheme as the same was subsequently stayed by the Hon'ble High Court of Kerala on a writ petition filed by a Trade Union. Board has taken up the case with Hon'ble High Court for an early vacation of the stay order and the same was heard on 30.6.2011, in which the stay order granted earlier was held but modified to consider "qualified Kudumbasree workers".

3. Inclusion of Public representatives in the District Committees :

The RGGVY District level committees are constituted in Idukki, Kannur and Kasargod districts with District Panchayath President, District Collector, District Planning Officer, MP, MLA, Block Panchayath President, District SC/ST Development Officer, District Electrical Inspector and officials of KSEB. KSEB is in the process of setting up of District Level Monitoring Committee in Kozhikkode, Wayanad, Palakkad and Malappuram districts.

4. Speeding up the implementation of RGGVY works :

Implementation of RGGVY in Idukki district was completed, in which 17238 BPL service connections were effected which is more than the target.

Implementation of RGGVY in Kasargod, Kannur, Kozhikkode, Wayanad, Palakkad and Malappuram districts is going on in which KSEB have targeted to effect service connection to 38517 BPL households and is expected to be completed by March, 2012. Sanction for implementation of RGGVY in Thiruvananthapuram, Kollam,

Pathanamthitta, Alappuzha, Kottayam, Ernakulam and Thrissur is awaited from M/s Rural Electrification Corporation Limited.

- **Government of Andhra Pradesh** has intimated that the State Government has already issued “Rural Electrification Plan for the State of Andhra Pradesh” in compliance with the Government of India’s Rural Electrification Policy to achieve the national goal for providing electricity to all rural households.

Andhra Pradesh Distribution Companies viz; Andhra Pradesh Eastern Power Distribution Company Limited (APEDCL), Andhra Pradesh Southern Power Distribution Company Limited (APSPDCL), Andhra Pradesh Central Power Distribution Company Limited (APCPDCL), Andhra Pradesh Northern Power Distribution Company Limited (APNPDCL) and Rural Electric Co-operative Societies (RESCOs) will be the nodal agency for rural electrification in the State through conventional or non-conventional resources under Decentralised Distributed Generation (DDG) Projects under RGGVY. The State level Co-ordination Committee on Rajiv Gandhi Grameen Vidyutikaran Yojna and the District level monitoring committees shall monitor the progress on rural electrification in the state and achievement of the other objectives of the Plan.

The Government of Andhra Pradesh has taken a consistent stand, not to go in for deployment of franchisees in APDISCOMs, in view of their best performance. However, the State will deploy franchisees for management of local distribution on selective remote and interior feeders in rural areas in villages electrified under RGGVY in order to ensure revenue sustainability. The franchisees will also be established in other villages, if necessary, to improve services to the consumers and reduction in commercial losses.

The Panchayati Raj Institutions will have an important role of overseeing, in advisory capacity, the delivery of service by the franchisees according to their identified responsibilities. The nodal agency will arrange suitable capacity building programmes for franchisees and prospective franchisees in consultation with REC.

District Committees with members from district administration, elected representatives, Panchayat, Zila Praja Parishads, NGOs consumer associations, distribution utilities etc., would coordinate and review the extension of electrification in the district, review the quality of power supply and consumer satisfaction and promote energy efficiency and conservation.

Based on the inputs and requirements, the State Government will review the progress and accordingly suitable amendments will be made in the Plan, as and when required.

14.**HARMONIZATION OF STAMP DUTIES ACROSS STATES****(Suggested by the Ministry of Finance, Department of Economic Affairs)**

Though technological modernisation has created a nationwide securities market thereby resulting in market efficiency and investor protection mechanism, unequal stamp duty structure across the States serves as disincentive for the market. The R.H. Patil Committee had also identified high level of stamp duties in the States as a discouraging factor in the development of one national market for securities in India.

The Budget 2006-07 had announced that a single unified market for corporate debt shall be created on the lines of recommendations of the Patil Committee. In line with these recommendations and Budget announcement the following Stamp Duty structure for corporate bonds was proposed:

Maturity	Stamp Duty	Maximum Stamp Duty (Cap)
Upto 1 year	@ 0.05% of face value	.10 lacs
1 to 3 years	@ 0.05% of face value per year	.15 lacs
3 to 5 years	@ 0.05% of face value per year	.20 lacs
Above 5 years	@ 0.05% of face value per year	.25 lacs

It was further proposed that Stamp duty on partly secured (including partly secured by registered mortgage) and unsecured debentures should be made uniform across all States and be linked to the tenor of the securities, with an overall cap. The cap should also take into account the re-issuance.

Hon'ble Finance Minister in Budget Speech 2008-09 had pointed out that our stock exchanges provided national electronic trading platforms for securities transactions. Yet we do not have a seamless national market for securities because of differences among States on the scope and applicability of rates of stamp duty. Hence, he requested the Empowered Committee of States Finance Ministers to work with the Central Government to create a truly Pan Indian Market for securities that will expand the market base and enhance the revenue of the State Governments. Subsequently, the Hon'ble Finance Minister wrote to the State Governments highlighting the following specific issues in this regard :

A. Exemption of Stamp Duties on Securities dealt in Depositories

One of the major initiatives taken by the Central Government for development of a seamless Securities market include introduction of Section 8A in Indian Stamp Act, 1899 through the Depositories Legislation of 1996 that provides for exemption of

securities dealt in depositories from stamp duties. Levy of stamp duty on electronic record relating to sale or purchase of securities by any State is not consistent with the provision of Central law. Therefore, the States are requested not levy Stamp duty on any agreement or record (Electronic or otherwise) relating to securities dealt with by a Depository in accordance with the provisions and spirit of Section 8A of Indian Stamp Act, 1899.

B. Uniform stamp duty on securitized debt instrument

With a view to develop the securitized debt market the provisions of Securities Contract (Regulation) Act, 1956 (SCRA) were amended by the Amendment Act 2007 so as to include securitized debt instruments (by whatever name called) in the definition of expression “securities” contained in Section 2 (h) of the SCRA 1956. Securitization involves assignment of debts or receivables alongwith the benefit of underlying securities in favour of a Special Purpose Distinct Entity (SPDE). Such an assignment is subject to Stamp duty on ad-valorem basis as per the State Stamp Duty Laws. Since the debt or receivable and the underlying securities may be located in various parts of the country, assignment of such debts and receivable in favour of Special Purpose Distinct Entities (SPDE) are discouraged due to high and differential rates of Stamp duties across the country. Hence, for the purpose of development of securitized debt market, the stamp duty on documents relating to the transfer of debts and receivables with the benefit of underlying securities should be made uniform in all the States. Such a step will encourage securitization transactions in respect of loans receivable by the Banks, Financial Institutions and Housing Finance Companies and give a boost to lending activities in the country on account of release of locked up loans by securitization. The State Governments may undertake, through suitable amendment to the State Acts towards having a uniform stamp duty across States on such documents or electronic records relating to following transactions :

- Any instrument executed or to be executed for the purpose of assignment or transfer of any debt or receivable including a mortgage debt with or without the benefit of underlying mortgage or any other security in favour or any Special Purpose Distinct Entity or any securitization company or reconstruction company or any trust or other entity established for issue of any securitised debt instrument or security receipt to investors.
- Any securitised debt instrument or security receipt or other instrument issued to investors by an Special Purpose Distinct Entity or securitisation company or asset reconstruction company or trust or any other entity and any transfer of such instrument by endorsement and delivery or trading on any stock exchange or any other company or association established as central counter party or settlement agency.

COMMENTS/ACTION TAKEN

Government of Kerala has intimated that harmonization of stamp duty though it will curb fiscal autonomy of State, can be considered only with full monetary compensation.

Government of Puducherry has intimated that as there are no corporate houses in Puducherry which may market Debentures/bonds, the impact on reduction or rationalization of rates as suggested by Ministry of Finance in Schedule I to the Indian Stamp Act may be nominal. However, the suggestion made regarding the stamp duty structure for corporate bonds is acceptable provided the required amendments are carried out by the Government of India in the Schedule to the Stamp Act.

Government of Tamil Nadu has intimated that the State Government on the advisory of Jawaharlal Nehru National Urban Renewal Mission (JNNURM) has reduced the rate of stamp duty on conveyance deeds from 8% to 6% on the market value of properties irrespective of the location of the property i.e. urban or rural. The rate of surcharge was also reduced from 5% to 2%. So the rate of stamp duty prevailing in the State of Tamil Nadu is 8% in respect of conveyance deeds.

In the Eleventh Meeting of the Standing Committee of State Secretaries on Stamps and Registration convened by the National Institute of Public finance and Policy, the Standing Committee had observed that the reduction in stamp duty would help to curb “black money” in the economy. It has also been observed that the reduction to 5% should be on overall reduction i.e. main stamp duty combined with surcharge. It will also lead to increased registration of documents and more revenue collection. Therefore, a uniform stamp duty and registration fee structure may be framed for the Southern States.

As regards the share certificate security receipts issued to investor by a securitization company/asset reconstruction company, .1/- can be charged under Article 53 of Indian Stamp Act.

As regards seamless market for securitization it is stated that States of Rajasthan, Gujarat and Maharashtra amended their State Stamp Act to levy stamp duty on any agreement or record (Electronic or otherwise) relating to securities, which is different to development of the electronic securities market, and this amendment was brought out under Section 8A of the Indian Stamp Act, 1899. In pursuance of Depositories Act 1996, the Government of India inserted a new provision viz; Section 8-A. Section 3 of the Indian Stamp Act 1899 provides for chargeability on instrument and no amendment can be made to Indian Stamp Act, 1899 unless Section 3 read with Section 2 (14) is amended for levy of stamp duty on electronically maintained records. As far as Tamil Nadu is concerned, no stamp duty is charged on electronically maintained records pertaining to issue of shares by Depositories. Further, it is necessary to bring amendment to sub-section (14) of Section 2 by incorporating the words “including electronically maintained record” after the word “Documents”.

As regards Tamil Nadu, Article 19 provides for levy of ₹.1/- as stamp duty for certificates or other document evidencing the right or title of the holder of shares, script or stock in physical form. Government of India may advise all the States to charge ₹.1/- for every ₹.1000/- or part thereof for clause (a) of Section 8-A.

Government of India may advise all states to delete the existing clause (ii) of Article 5 of the Indian Stamp Act, 1899 and to amend clause (i) so as to charge ₹1/- for every ₹ 100/- or part thereof of the value of security at the time of its purchase or sale whether through member/Depository of a Stock Exchange or otherwise. The same may also be adopted for clause (b) of Article 43.

As regards clause (a) and (b) of Article 62 of Schedule-I to the Indian Stamp Act 1899, the Government of India may advise states to adopt the above said rates.

Government of Andhra Pradesh has intimated that the proposal of harmonization of stamp duty across the states in the interest of creation of seamless national market for securities has been incorporated in the draft amending Stamp Act.

Government of Karnataka has intimated that stamp duty is being levied on corporate bonds as per Article-27 of Indian Stamp Act in the State. There is no corresponding provision to this effect in Karnataka Stamp Schedule and hence the provisions of Indian Stamp Act are being followed. The State Government has suggested that the proposal of Ministry of Finance on stamp duty structure for corporate bonds may be approved in the interest of growth of debt segment of capital market in the country.

15. Reactivating Southern Zonal Council

(Suggested by Inter State Council Secretariat)

Genesis

The idea of creation of the Zonal Councils was mooted by the first Prime Minister of India, Pandit Jawahar Lal Nehru in 1956 when during the course of debate on the report of the States Re-organisation Commission, he suggested that the States proposed to be reorganised may be grouped into four or five zones having an Advisory Council 'to develop the habit of cooperative working' among these States. The suggestion of the Prime Minister was accepted by the Parliament and Part-III of the States Reorganisation Act 1956 provided for the establishment, composition, functions, meetings and office of the Councils.

Composition

2. The Southern Zonal Council comprising of the States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and the Union Territory of Puducherry was established under the provisions of section 15 of the States Reorganization Act 1956.
3. Section 16 of the States Reorganisation Act 1956 provides that the Zonal Councils shall be composed of the following high level functionaries of the Union and State Governments and UT Administration:
 - i. **Chairman:** A Union Minister to be nominated by the President.
 - ii. **Vice Chairman:** Chief Ministers of the States included in each zone act as Vice-Chairman of the Zonal Council for that zone by rotation, each holding office for a period of one year at a time.
 - iii. **Members:** Chief Minister and two other Ministers as nominated by the Governor from each of the States and two members from Union Territories included in the zone as nominated by the President. If there is no Council of Ministers in any such State, three members from that State to be nominated by the President;
 - iv. **Advisers:** One person nominated by the Planning Commission for each of the Zonal Councils, Chief Secretaries and another officer/Development Commissioner nominated by each of the States included in the Zone.
4. The President has nominated Union Home Minister to be Chairman of all the Zonal Councils. The current composition of the Southern Zonal Council is provided in *annexure*. The Chief Minister of Kerala is the current Vice-Chairman of the Southern Zonal Council while Chief Secretary of Kerala is the current Chairman of the Standing Committee. Their tenure would expire on 10.07.2012 when the Chief Minister and Chief

Secretary of Karnataka shall take over the positions on 11.07.2012 (for one year) according to the rotational principle.

Standing Committee

5. Each Zonal Council has set up a Standing Committee consisting of Chief Secretaries of the member States of their respective Zonal Councils. These Standing Committees meet from time to time to resolve the issues or to do necessary ground work for further meetings of the Zonal Councils. Senior Officers of the Planning Commission and other Central Ministries are also associated with the meetings depending upon necessity.

Secretariat

6. Section 19 of the States Reorganisation Act, 1956 provides that Zonal Council shall have a secretarial staff consisting of a Secretary, a Joint Secretary and such other officers as the Chairman may consider necessary to appoint. The Chief Secretaries of the States represented in such Council shall each be the Secretary of the Council by rotation and hold office for a period of one year at a time.

7. As per Section 20(1) of the Act, the office of Zonal Council for each zone shall be located at such place within the zone as may be determined by the Council. However, since 1963, a single secretariat is looking after the affairs of all Zonal Councils and is functioning from New Delhi.

Functions

8. Section 21 of the States Reorganisation Act provides that each Zonal Council shall be an advisory body and may discuss any matter in which some or all of the States represented in that Council, or the Union and one or more of the States represented in that Council, have a common interest and advise the Central Government and the Government of each State concerned as to the action to be taken on any such matter. In particular, a Zonal Council may discuss, and make recommendations with regard to:

- a) any matter of common interest in the field of economic and social planning;
- b) any matter concerning border disputes, linguistic minorities or inter-State transport; and
- c) any matter connected with, or arising out of, the reorganization of the States.

9. The Zonal Councils provided an excellent forum where many irritants between Centre and States and amongst States were resolved through free and frank discussions and consultations.

Meetings

10. The Southern Zonal Council has adopted its Rules of Procedure which lays down the procedure to be followed regarding the meetings of the Council, its agenda, proceedings etc. A copy of the Rules of Procedure of the Southern Zonal Council is at *annexure*– II. As per Section 17(1) of States Re-organisation Act, each Zonal Council shall meet at such time as the Chairman of the Council may appoint in this behalf. Since 1957 the Southern Zonal Council had 24 meetings. The last meeting of the Southern Zonal Council was held in Hyderabad on February 12.02.2007.

Reactivating the Zonal Councils

11. It appears that the Zonal Councils which were very active during the initial years have not been working according to their potential in the recent years. The Sarkaria Commission on Centre State Relations made the following recommendations to ‘reactivate’ the Zonal Councils:

- a) There should be a permanent secretariat of the Zonal Council
- b) The five Zonal Councils which were constituted under the States Reorganisation Act, 1956 should be constituted afresh under Article 263.
- c) A Chief Minister may be elected Vice Chairman annually by rotation.
- d) The Secretariat of each Zonal Council may be located in such State Capital of one of the States constituting the Zone as may be decided upon by the Inter State Council in consultation with those State Governments.
- e) The Secretary of the Zonal Council should be in close touch with the Secretary of the Inter State Council for purposes of coordination and consultation in respect of matters which should come up before the Inter State Council.
- f) The Zonal Councils should provide the first level of discussion of most, if not all, of the regional and Inter-State issues. Every endeavour should be made to sort out as many as possible of these issues in the Zonal Councils, thereby reducing the burden of the Inter-State Council. The Inter-State Council may also refer some of the issues directly raised before it to the Zonal Councils.
- g) The same procedure as in the case of Inter State Council meetings may, as far as possible, be adopted for Zonal Council meetings.
- h) The Zonal Council may meet at least twice a year, in the State of which the Chief Minister is the Chairman.

12. The above recommendations of the Sarkaria Commission were considered in the 7th meeting of the Inter State Council held on 16.11.2001 under the Chairmanship of Prime Minister. The Council accepted the recommendation at (a), (f), (g) and (h) of the Sarkaria Commission. The remaining recommendations were not found acceptable by the ISC.

13. The second Commission on Centre State Relations under the Chairmanship of Mr. M. M. Punchhi, former Chief Justice of India deliberated on the issues of reactivating the Zonal Councils and made the following recommendations.

Under the States Re-organization Act, 1956 five Zonal Councils were created ostensibly for curbing the rising regional and sectarian feelings and to promote co-operation in resolving regional disputes. In each of these Zonal Councils, Union Home Minister is the Chairman and the Chief Ministers of the States in the Zones concerned are members. The Commission is of the view that the Zonal Councils should meet at least twice a year with an agenda proposed by States concerned to maximize coordination and promote harmonization of policies and action having inter-state ramification. The Secretariat of a strengthened Inter-State Council can function as the Secretariat of the Zonal Councils as well.

14. In accordance to the above recommendation the work of the Zonal Council Secretariat was transferred to the Inter-State Council Secretariat with effect from 1st April 2011 vide MHA order No. 14011/01/2011-SR dated 21st March 2011.

15. In order the Southern Zonal Council and its Standing Committee can meet at least twice in a year the following proposals are submitted for consideration:

- a) The first meeting of the Southern Zonal Council shall be held during the first half of the financial year before the close of September 2012. The Government of Karnataka may indicate two or three suitable dates for the meeting for a decision by the Union Home Minister.
- b) The second meeting of the Southern Zonal Council and its Standing Committee shall also be held in Karnataka during the second half of the financial year i.e. during October 2012 to March 2013. The Government of Karnataka may indicate suitable dates for the next meeting of the Standing Committee and of the Zonal Council.
- c) The State Governments and UT administration may suggest agenda items for discussion in the next meeting before the beginning of the second half of the financial year so that the suggested agenda item could be further processed in consultation with the concerned State Governments/ UT administration.

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Annexure-I

COMPOSITION OF THE SOUTHERN ZONAL COUNCIL

CHAIRMAN : SHRI P. CHIDAMBARAM, HOME MINISTER
VICE-CHAIRMAN : SHRI OOMMEN CHANDY, CHIEF MINISTER,
KERALA
(11.7.2011 to 10.7.2012)

Name of the State	Members of the Council Nominated under Section	Advisers of the Council nominated under
Section	16(1) (b) of S.R. Act	16(4) of S.R. Act
ANDHRA PRADESH	1. Sh. N. Kiran Kumar Reddy, Chief Minister	1. Sh. Pankaj Dwivedi, Chief Secretary
	2. Dr. J. Geeta Reddy, Minister for Major Industries and Sugar	2. Shri V. Bhaskar, Principal Secretary, Finance
	3. Shri D. Prasada Rao, Minister for Roads and Buildings	
KARNATAKA	1. Sh. D.V. Sadananda Gowda, Chief Minister	1. Shri S.V. Ranganath, Chief Secretary
	2. Shri S. Sureshkumar, Minister for Law, Justice & Human Rights, Parliamentary Affairs and Legislature, Urban Development and BWSSB.	2. Shri K. Jairaj, Addl. Chief Secy.
	3. Dr. V.S. Acharya, Minister for Higher Education, Planning And Statistics, Muzrai, Information Technology and Bio-technology	
KERALA	1. Sh. Oommen Chandy, Chief Minister	1. Sh. K. Jayakumar Chief Secretary (Secretary: S.Z.C.)
	2. Sh. P.K. Kunhalikutty, Minister for Industries, Information Technology and Urban Affairs.	2. Sh.

3. Shri K.M. Mani,
Minister for Finance, Law and Housing

TAMIL NADU

1.	Ms. J. Jayalalithaa, Chief Minister,	1. Sh. Debendranath Sarangi, Chief Secretary
2.	Sh.	2. Sh.
3	Sh.	

PUDUCHERRY

1.	Sh. N. Rangasamy, Chief Minister	1. Ms. M. Sathiyavathy, Chief Secretary
2.	Shri Iqbal Singh, Lt. Governor	

PLANNING COMMISSION

Sh. B.D. Virdi
Sr. Adviser (MLP)

INTER STATE COUNCIL SECRETARIAT

Secretary
(Permanent Invitee)

*** **

SOUTHERN ZONAL COUNCIL RULES OF PROCEDURE

In exercise of the power conferred by sub-section (1) of section 17 and sub-section (3) of section 18 of the States Reorganisation Act, 1956 (37 of 1956), the Zonal Council for the Southern Zone hereby makes, with the approval of the Central Government, the following rules, namely :

Short Title

1. These rules may be called the Southern Zonal Council Rules of Procedure.

Definitions

2. In these rules, unless the context otherwise requires:

- (a) “Act” means the States Reorganisation Act, 1956;
- (b) “Adviser” means an Adviser referred to in sub-section (4) of section 16 of the Act;
- (c) “Chairman” means the Chairman of the Council;
- (d) “Committee” means a Committee appointed by the Council under sub-section (1) of Section 18 of the Act;
- (e) “Council” means the Zonal Council for the Southern Zone established under section 15 of the Act;
- (f) “Joint Secretary” means the Joint Secretary of the Council;
- (g) “Meeting’ means a meeting of the Council;
- (h) “Member” means the member of the Council;
- (i) “Secretary” means the Secretary of the Council;
- (j) “Vice-Chairman” means the Vice-Chairman of the Council;

(k) "Zone" means the Southern Zone.

**Functions of
Joint Secretary**

3. The Joint Secretary shall, subject to the control of the Secretary, be competent to perform all or any of the functions of the Secretary under these rules.

Place of meeting

4. The Council shall, unless otherwise determined by it, meet by rotation in the States included in the Zone, in the order approved by the Council, at such place as the Chairman may, direct.

**Date & Time of
meeting of the Council**

5. The Council shall meet on such date and time as the Chairman may, from time to time, fix.

**Matters for
Consideration**

6. (1) Matters shall be brought before a meeting only by direction of the Chairman whose decision on the Question whether any matter falls within the purview of the Council or not shall be final.

(2) A member who wishes to bring any matter for consideration at a meeting shall specify it in a memorandum indicating the salient facts and the points, for consideration and send the memorandum to the Secretary who shall obtain the Chairman's direction thereon.

Agenda

7. The agenda of a meeting shall be prepared with the approval of the Chairman.

Notice of meeting

8. At least 15 days' notice shall ordinarily be given for any meeting, but in cases of urgency a meeting may be called at such shorter notice as the Chairman may consider sufficient.

**Intimation of details
as to meeting**

9. The Secretary shall inform every member and Adviser of the place, date and time fixed for the meeting and shall also send him a copy of the agenda for the meeting together with memorandum indicating the salient facts of each case, the points for consideration and the views, if any, of the Governments concerned and any other papers that may be necessary for the consideration of each case included in the agenda.

Quorum

10. The quorum to constitute a meeting shall be two provided that at least one member from each State included in the Zone is present at the meeting.

Invitation to other Ministers

11. The Chairman may invite Minister or Deputy Minister of the Union or of a State or a member of the Planning Commission to attend any meeting and to take part in the discussions.

Officers to attend

12. Any officer of Government whose presence may be considered necessary by the Chairman for the consideration of any matter before the Council may be required to attend a meeting thereof.

Record of discussions

13. The Secretary shall keep a record of discussions and circulate a draft of the proceedings of a meeting to the Members and the Advisers with the request that any change therein may be suggested within one week of the receipt of the draft.

Minutes of the meeting

14. (1) The proceedings of the meeting shall be finalised after considering any changes suggested under rule 13 and shall form part of the record of the Council.

(2) A copy of the proceedings of every meeting shall be forwarded to:

(a) the Chairman, every member and Adviser; and

(b) the Union Ministry of Home Affairs.

Circulation of cases

14.A (1) The Chairman may direct that any case which does not require a decision of policy on an inter-State matter and in which, in his opinion, a discussion at a meeting of the Council is not necessary, may, instead of being brought up for discussion at the meeting of the Council, be circulated for opinion. If all the members are unanimous, the case may be decided by circulation without a discussion in the meeting. If the members are not unanimous, the case may be discussed at the next meeting of the Council.

(2) Where a case has been decided by circulation under sub-rule (1), the Secretary shall draw up a draft memorandum of the decision taken and shall take further

action for its finalisation in accordance with the provisions of rules 13 and 14.

Proceedings to be Secret

15. The proceedings of a meeting shall, unless otherwise directed by the Chairman, be Secret.

Action taken on Council's Recommendations to be Reported

16. (1) The Secretary shall, subject to such directions as the Chairman may give from time to time, ascertain from the Governments concerned the action taken on the Council's recommendations.

(2) For purposes of sub-rule (1) the Secretary may undertake all necessary correspondence and shall prepare a quarterly summary indicating the action taken by the Governments concerned on the Council's recommendations and send a copy thereof to the Chairman, every member, Adviser and the Union Ministry of Home Affairs.

Directions of the Chairman

17. The Chairman may give such general or special directions as he may consider necessary for the orderly and prompt disposal of the business of the Council.

Appointment of Committees

18. (1) The resolution by which a Committee is appointed shall specify:

- (a) the names of the members of the Committee including the convener;
- (b) the function or functions of the Committee; and
- (c) the time-limit, if any, within which the Committee shall make a report or perform any other functions.

(2) Where the Chairman or the Vice-Chairman is appointed as member of a Committee, he shall act as its convener.

(3) If the convener of a Committee is unable to attend any meeting thereof, any other member chosen by the members present from amongst themselves, shall preside at the meeting of the Committee.

(4) Except as otherwise directed by the Council, the Joint Secretary shall be the Member-Secretary of every Committee appointed under this rule.

Quorum of Committee

19. The quorum to constitute a meeting of a Committee shall, as near as may be, one-third of its membership but shall not be less than two.

Voting in a Committee

20. All questions at a meeting of a Committee shall be determined by a majority of votes of the members present and voting.

Report of Committee

21. (1) A Committee shall meet as frequently as may be necessary and shall make a report to the Council within the specified time limit;

Provided that where no time-limit has been specified, the Committee shall make a report within three months from the date of its appointment.

Provided further that the Chairman may, at any time, on a request being made, direct that the time for the presentation of a report by the Committee be extended to a date specified by him.

(2) The report of a Committee may be preliminary or final and the Committee may seek from the Council such clarification in regard to its functions as may be necessary.

(3) The report shall be signed by the convener of the Committee, or in his absence, by any member, thereof so authorised by the Committee.

Consideration of Committee's Report

22. As soon as may be after the Committee's report has been received, it shall, unless otherwise directed by the Chairman, be placed for consideration at the next meeting of the Council.

Power to give directions to a Committee

23. The Chairman may give such directions as he may consider necessary for regulating the procedure of the Committee.

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16. Inclusion of a senior officer of Inter State Council Secretariat in the Standing Committee of Southern Zonal Council

(Suggested by Inter State Council Secretariat)

The Zonal Councils which were very active during the initial years have not been working according to their potential in the recent years. In this context the Sarkaria Commission on Centre State Relations, inter-alia, recommended that the Secretariat of Inter-State Council and the Secretariats of the Zonal Councils should be in close touch with each other for the purpose of coordination and consultation in respect of matters which should come up before the Inter State Council. The Commission also recommended that the Zonal Council should provide the first level of discussion of most, if not all, of the regional and inter-state issues and that every endeavour should be made to sort out as many issues in the Zonal Councils as possible thereby reducing the burden of the Inter-State Council. The Inter State Council may also refer some of the issues directly raised before it to the Zonal Councils.

Both these recommendations were discussed in the 4th meeting of the Sub-committee of ISC held on the 15th September 1992 and were accepted. Accordingly, with the approval of Home Minister it was decided that Secretary, Inter State Council may be made a permanent invitee to the meetings of the Zonal Councils.

The second Commission on Centre State Relations under the Chairmanship of Mr. M. M. Punchhi, former Chief Justice of India, deliberated on the issues of reactivating the Zonal Councils and made the following recommendations.

Under the States Re-organization Act, 1956 five Zonal Councils were created ostensibly for curbing the rising regional and sectarian feelings and to promote co-operation in resolving regional disputes. In each of these Zonal Councils, Union Home Minister is the Chairman and the Chief Ministers of the States in the Zones concerned are members. The Commission is of the view that the Zonal Councils should meet at least twice a year with an agenda proposed by States concerned to maximize coordination and promote harmonization of policies and action having inter-state ramification. The Secretariat of a strengthened Inter-State Council can function as the Secretariat of the Zonal Councils as well.

In accordance to the above recommendation the work of the Zonal Council Secretariat was transferred to the Inter-State Council Secretariat with effect from 1st April 2011 vide MHA order No. 14011/01/2011-SR dated 21st March 2011.

The Standing Committee of the Southern Zonal Council, in terms of section 18 (1) of the States Reorganization Act, 1956 was constituted vide Resolution number 4/37/82-ZCS(S) dated 05.11.1982. As per this Resolution the Standing Committee of the Southern Zonal Council consists of the following:-

i)	Chief Secretary to the Government of Andhra Pradesh	Member
ii)	Chief Secretary to the Government of Karnataka	Member
iii)	Chief Secretary to the Government of Kerala	Member
iv)	Chief Secretary to the Government of Tamil Nadu	Member
v)	Chief Secretary to the Government of Puducherry	Special Invitee
vi)	Joint Secretary, Southern Zonal Council	Secretary to the Committee

Considering the fact that the work of Zonal Councils has been entrusted with the Inter State Council Secretariat, it would be desirable that an officer of the rank of Additional Secretary in the ISCS should also be formally made a member in the Standing Committee of the Southern Zonal Council. This would facilitate better coordination between the ISCS and the State Governments. Hence, the Standing Committee may consider and recommend to the Southern Zonal Council for passing a resolution in this regard.

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**17. Amendment to rule 10 of the Southern Zonal Council
Rules of Procedure**

(Suggested by Inter State Council Secretariat)

The Southern Zonal Council Rules of Procedure are framed in exercise of power conferred by sub section (1) of Section 17 and sub section (3) of section 18 of the State Reorganization Act 1956. (37 of 1956).

Rule 10 of the above mentioned Rules of Procedure relating to “Quorum” read as follows:

“The Quorum to constitute a meeting shall be two provided that at least one member of each State included in the Zone is present at the meeting”.

In this connection it may be noted that in terms of section 16(1) of the States Reorganization Act 1956 the total number of members in the Southern Zonal Council is 14. As the rule 10 appears a little ambiguous considering the number of members in the Southern Zonal Council, it is suggested that the said rule may be amended as follows so as to have more clarity:

“The Quorum to constitute meeting of the Southern Zonal Council shall be half of its membership provided that at least one member from each State and Union Territory included in the Zone is present in the meeting”.

The Standing Committee may consider and recommend to the Southern Zonal Council for the aforesaid amendment.

SEVENTH MEETING

STANDING COMMITTEE OF SOUTHERN ZONAL COUNCIL

AGENDA

THIRUVANANTHAPURAM

25TH MAY, 2012

**INTER STATE COUNCIL SECRETARIAT
MINISTRY OF HOME AFFAIRS
NEW DELHI**

C O N T E N T S

Sl.No.	Topic	Suggested by	Page No.
Part - I			
1.	Review of progress of implementation on the recommendations made by the Southern Zonal Council at its 23 rd & 24 th meetings held at Puducherry and Hyderabad on 31 st May, 2005 and 12 th February, 2007.	Inter State Council Secretariat	1-50
Part – II			
Items sponsored by the State Governments			
2.	<p>Developmental issues.</p> <p>(a) Need for evolving common strategy for overall economic development of the Southern Zone.</p> <p>(b) Need for maintaining status quo ante in respect of formula for Central Allocation of funds under Poverty Alleviation and Rural Development Programmes.</p>	Government of Tamil Nadu	51-54
3.	Issues relating to fisheries.	-do-	55-67
4.	Inclusion of the subject "Education" in the State List of Constitution of India.	-do-	68-74
5.	Compulsory registration of Power of Attorney.	-do-	75-76
6.	Title verification during registration.	-do-	77-78
7.	Strengthening the Drugs Control Organisation.	-do-	79-81

8.	Prevention of AIDS.	Government of Tamil Nadu	82-87
9.	Unauthorised capturing of rice loads by Tamil Nadu Government.	Government of Kerala	88
10.	Directions to transport the animals through the Animal Husbandry Check Posts of Kerala.	-do-	89-91
Part -III			
Items sponsored by the Central Ministries			
11.	Matters related to Police Administration in the States.	MHA	92-95
12.	Communal harmony.	MHA	96-97
13.	Issues relating to rural electrification.	Ministry of Power	98-101
14.	Harmonization of stamp duties across States.	Ministry of Finance, Deptt. of Economic Affairs	102-105
Part -IV			
Items sponsored by Inter State Council Secretariat			
15.	Reactivating Southern Zonal Council.		106-116
16.	Inclusion of a senior officer of Inter State Council Secretariat in the Standing Committee of Southern Zonal Council		117-118
17.	Amendment to rule-10 of the Southern Zonal Council Rules of Procedure		119

