

**REVIEW OF PROGRESS OF IMPLEMENTATION OF
RECOMMENDATIONS MADE IN THE 19TH AND 20TH MEETINGS
OF THE WESTERN ZONAL COUNCIL**

(Suggested by the Western Zonal Council Secretariat)

The progress reported by the concerned implementing agencies in respect of implementation of recommendations made at the 19th and 20th meetings of the Western Zonal Council held on 24th May, 2005 (Mumbai) and 20th September, 2006 (Panaji) has been reflected as under:

1.1 Trafficking in Women and Children

The Chairman requested the State Governments to evolve a comprehensive strategy for effectively dealing with the problem of trafficking in women and children. He advised that such a strategy should inter-alia entail rescue, immediate relief and permanent rehabilitation of the victims.

FURTHER PROGRESS/ACTION TAKEN

The Government of Gujarat has evolved a comprehensive action plan to tackle the problem of trafficking in women & children. The action plan envisages identification of centres/places of immoral traffic, creating awareness on such immoral activities, organizing committees at street, village, and district levels for the purpose of community policing, preventive detection of accused persons under Prevention of Anti Social Activities Act, 1985 etc. State Level Mahila Cell and city/district level mahila police stations have been set up to deal with problems/complaints of women and children exclusively. A large number of Observation Homes, Children Homes, After Care Homes, Shelter Homes, Preventive and Rescue Institutions have also been established for rescue and post rescue activities in conformity with the human rights for such women and children. A State Coordination Committee headed by the Chief Secretary, Gujarat reviews the trafficking problems quarterly.

The Government of Goa has intimated that Special Police Officers have been appointed to take cognizance of offences under ITPA, 1956. The Goa Children's Act, 2003 has been amended to make it more deterrent and effective.

The Government of Maharashtra provides facilities like free lodging, medical treatment, technical education, vocational training, counseling & rehabilitation to give relief to the victims of trafficking. Police personnel have been sensitized about the problems of women and children. Special Police

Officers have been appointed for taking cognizance of offences pertaining to trafficking in women and children under PITA.

The UT of Daman, Diu and Dadra & Nagar Haveli has intimated that special checking of Guest Houses and Hotels is being conducted regularly to prevent such activities.

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, inter-alia to delete those sections that revictimise the victims and to provide more stringent punishment for perpetrators; and
- Workshops/training programmes for NGOs are being organized on issues relating to trafficking in collaboration with NIPCCD.

1.2 Sharing of information on crime and criminals for crime prevention

The Chairman urged the State Governments to furnish the crime statistics to the National Crime Records Bureau (NCRB) in time to enable expeditious compilation of crime data and sharing of intelligence among the States and between the Centre and the States.

FURTHER PROGRESS/ACTION TAKEN

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

I. Crime Criminal Information System (CCIS):

The status of CCIS data for the quarter ending 31.12.2010 is nil in respect of the States of Western Zone.

II. Crime in India (CII):

Data for 'Crime in India' in respect of the quarter ending 31.12.2010 has been received from all the States and same has been finalized.

III. Organized Crime Intelligence System (OCIS):

OCIS Pilot Project has been taken up in Maharashtra only in Western Zone 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	-	81
No. of Criminal activities	-	260
No. of Member detail	-	1628

IV. Daily Crime Reporting System (DCRS):

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

V. POLNET

Status of data received in respect of CCIS for the quarter ending 31st December, 2010 may be treated as nil.

VI. Common Integrated Police Application (CIPA) :

Common Integrated Police Application (CIPA), a non-plan project of Government of India aims at automation of all functions carried out at the Police Stations. The software had been designed and developed by the NIC whereas the task of monitoring the implementation and co-ordination of CIPA Project has been entrusted to NCRB. The status of CIPA in the States of Western Zone is as below:

Sl. No.	States	CIPA operation in PS	Total no. of cases registered through all the modules of CIPA
1.	Goa	4	1557
2.	Gujarat	186	154617
3.	Maharashtra	150	1759844
4.	D & N Haveli	1	N/A

5.	Daman &Diu	N/A	N/A
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However, CIPA is going to be subsumed into CCTNS.

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

CCTNS a Mission Mode Project aims at creating a comprehensive and integrated system for enhancing the efficiency and effectiveness of policing through adopting the 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 Rs.2000 crores has been made for CCTNS Project. Cabinet Committee on Economic Affairs (CCEA) has approved the project on 19.06.2009.

The progress of CCTNS for the quarter ending is as given below:

- One day workshop was conducted on 1st October, 2010, for all the Nodal Officers and their SPMC representatives to discuss the observations on Project Implementation and Monitoring (PIM) reports.
- PIM report has been submitted by all 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 were 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 Software Development Agency (SDA) to NCRB.
- Central Technical Team Meetings were held for implementation and final acceptance of BSNL proposal.
- BSNL has been selected to provide the Networking solutions for CCTNS and the proposal was evaluated and reviewed by Deptt. of Information Technology, MHA.
- Empowered Committee Meeting was held for fund revision and reallocation for CCTNS.
- Model Template for Request for Proposal (RFP) for System Integrator (SI) was shared with States.
- Best Practices Report was submitted for NCRB and was evaluated by the 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 90000 personnel have been trained in Basic IT Training.

UT of Daman & Diu and Dadra & Nagar Haveli has furnished the point wise status on sharing of information in respect of Diu district as under:

Crime statistics are being sent regularly to the DIG(P), Daman & Diu under Crime Criminal Information System (CCIS); the required information has already been sent to DIG(P), Daman for 'Crime In India'. OCIS pilot project has not been implemented in Diu district till date. Polnet in Diu Police Station is installed and required information is given to concerned Police Stations all over India. Common Integrated Police Application (CIPA) is received by Diu Police Station and the same is installed but not yet under operation. The link and interaction has been maintained with neighbouring State of Gujarat under Crime and Criminal Tracking Network & Systems (CCTNS).

1.3 POLNET (Police Telecommunication) Project

The Chairman urged the State Governments to take necessary steps for enabling timely completion of POLNET project. He pointed out that once commissioned, POLNET would become useful in sending crime statistics to NCRB on day to day basis.

FURTHER PROGRESS/ACTION TAKEN

UT of Daman & Diu and Dadra & Nagar Haveli has intimated that POLNET were installed at Police Head Quarter Silvassa, Daman, Police Station Khanvel and Police Station, Diu. Only the equipment installed at Diu Police Station is operational.

Ministry of Home Affairs (PM-II Division) has intimated that installation of equipments under POLNET project has been completed at all the feasible locations in the States of Western Zone and network is operational.

Operation and Maintenance of POLNET equipment installed at State Police Organizations is the responsibility of concerned users. Daman Police have been already advised suitably for repair of VSATs equipments installed at PHQ Daman at their end.

1.4 Prison Reforms

The Chairman requested the State Governments to give special emphasis on prison reforms in view of the sub human conditions existing in the prisons.

FURTHER PROGRESS/ACTION TAKEN

The Government of Gujarat has taken measures like gainful employment of prisoners in Jail Industries, vocational training, medical facilities, educational facilities etc.

State Governments of Gujarat, Maharashtra and Goa have set up video conferencing facilities in certain courts and jails which has enhanced the speedy trial and reduced the manpower requirement of police for escort duties.

The UT of Daman, Diu and Dadra & Nagar Haveli has intimated that their jails are not overcrowded and all facilities have been provided by the Administration.

1.5 National Disaster Management

The Chairman called upon the States to set up State level authorities headed by the Chief Ministers as required under the National Disaster Management Act. He also urged the States to enact their own Disaster Management legislations. He stated that application of mind was required for tackling manmade disasters like chemical, biological and radiological disasters.

FURTHER PROGRESS/DEVELOPMENTS

At the meeting of the Standing Committee held at Panaji on 25th August, 2006 the following suggestions/points were made:

- i) Government of Maharashtra stressed the need to involve a large volunteer force on the lines of the volunteer force of Federal Emergency Management Agency of USA after giving some rudimentary training.
- ii) Governments of Maharashtra and Gujarat suggested that screening of baggage and checking of passengers in Railway Stations should be similar to that of Airports.
- iii) Government of Gujarat stated that sharing of information regarding rainfall with the States like Madhya Pradesh and Maharashtra is not sufficient thereby leading to problem of floods. Need to put a proper system in place to avoid human misery was stressed.

The Ministry of Home Affairs (National Disaster Management Division) has intimated that the State Governments of Goa, Maharashtra and

UT Administration of Daman & Diu and Dadra & Nagar Haveli have set up State Disaster Management Authorities (SDMA), State Executive Committees as well as District Disaster Management Authorities (DDMA) as per provision of Disaster Management Act, 2005. In Gujarat State Disaster Management Authority (GSDMA) has been set up under the 'Gujarat State Disaster Management Act, 2003'. Ministry of Home Affairs has also circulated National Policy on Disaster Management.

The National Disaster Response Force (NDRF) comprising of eight battalions of Central Para Military Forces i.e two each from CISF, BSF, CRPF and ITBP has been constituted. Four of these battalions of NDRF have been identified, earmarked and trained for responding to Radiological, Nuclear, Biological and 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 battalions of NDRF comprising one battalion each from BSF and CRPF have been constituted during the year 2010-11. As a result, the strength of the NDRF battalion have now increased from 8 to 10.

The Ministry has further intimated that a National Emergent Reserve (NER) has been created in July, 2009 for procurement of items of immediate nature for providing emergent relief to the victim of major natural or man-made disasters. These items include shelter material, inflammable lighting towers for restoration of light and standby power supply and BAUTS.

The Ministry of Railways has intimated that basic responsibility for prevention and detention of crime and maintenance of Law and Order in station premises and surrounding areas rest with the concerned State Governments which they discharge through the Government Railway Police (GRP), and 50% cost on the GRPs is borne by the railways. Through the Railway Protection Force (RPF), the Ministry is supplementing the efforts of State Governments in strengthening of the railway security.

For strengthening of surveillance mechanism over 49 stations of Maharashtra (under Central & Western Railway) and 4 stations of Gujarat (under Western Railway), an Integrated Security System comprising of Internet Protocol based CCTV surveillance system, Access control, Personal and baggage screening system & Bomb Detection and Disposal System, is under implementation.

Keeping in view the vulnerability of Mumbai railway system to terrorist threat, more than 1400 CCTV cameras have been installed over railway stations of Mumbai area through which round the clock surveillance is being done. Besides this, other security related equipments like Hand Held Metal Detectors (HHMDs), Door Frame Metal Detectors (DFMDs), X-Ray Baggage

Scanners and Dog Squads have also been provided to RPF to strengthen railway security in Mumbai.

Action has also been initiated by concerned zonal railways for closing of unauthorized entry/exit points in Mumbai suburban area stations. 24 such entry/exit points have already been closed, closing work in 31 entry/exit points is under process and closing of 81 such points has also been planned by the above zonal railways. X-ray baggage scanners have also been provided at railway stations. Other important measures like setting up of All India Security Help Line to provide round the clock security related assistance to passengers, networking of security control rooms and RPF posts, provision of modern security related equipment, modern arms & ammunition, creation commando companies and strengthening of manpower by creation of additional posts have been initiated for further strengthening of railway security in the States of Maharashtra and Gujarat in the Western Zone.

India Meteorological Department has intimated that 24 hour rainfall data of important stations are available on IMD's website on near real time. The Flood Meteorological Office (FMO) of IMD Ahmedabad provides daily precipitation data from select river catchments on daily basis to Flood Forecasting Division of Central Water Commission (CWC).

UTs of Daman & Diu and Dadra & Nagar Haveli is following all the guidelines as prescribed by the Government of India in regard to National Disaster Management. Regular meetings are also being conducted to ascertain the preparedness. The Indian Meteorological Department, Valsad has been contacted for setting up of IBM equipment for noting 24 hours rainfall data, flood information data and other information required from time to time at Daman. The UT Administration has already set up State Disaster Response Force (SDRF) under the overall control of Deputy Inspector General of Police. Standard Operating Procedure (SOP) is being prepared by the District Collectors. The mock drills are being conducted.

1.6 Right to information Act

The Chairman requested that prompt action may be initiated by the States for setting up State Information Commissions at the earliest.

FURTHER PROGRESS/ACTION TAKEN

All the member States in the zone have already established the State Information Commissions.

UTs of Daman & Diu and Dadra & Nagar Haveli has intimated that Central Information Commission, functioning at New Delhi caters to UT Administration.

1.7 National Rural Employment Guarantee Act

The Chairman requested that necessary steps for effective implementation of National Rural Employment Guarantee Scheme may be taken by the States.

FURTHER PROGRESS/ACTION TAKEN

The Ministry of Rural Development stated at the meeting of the Standing Committee held on 25th August, 2006 that the level of expenditure under the National Rural Employment Guarantee Scheme is low in Maharashtra and Gujarat (i.e. 20% to 30% of the allocated money). State Governments were requested to carry out advocacy and awareness campaigns vigorously.

The Government of Gujarat has subsequently intimated that suitable directions are being issued to all districts of Gujarat to carry out advocacy and awareness campaign.

The Government of Maharashtra has informed that the State Government has initiated awareness campaigns through NGO's. Further there is substantial expansion and increase of activities under MGNREGA in problems areas.

The UT of Daman & Diu and Dadra & Nagar Haveli has informed that the total allocation under central share is ₹ 21.86 lakhs. The said amount has been allotted to the Block development Officer, Daman for implementation of the Scheme.

1.8 Providing facilities to the tourists

The Chairman pointed out that Western Zone had a lot of potential for tourism. He requested the Chief Ministers to initiate official level discussions regarding facilities that can be provided to the tourists coming from other parts of the country and the world.

FURTHER PROGRESS/ACTION TAKEN

The Government of Maharashtra is working on a detailed tourism policy. Tourism police has also been put in place to help tourists.

The Government of Goa has intimated that efforts are being made for promotion of monsoon tourism, adventure tourism etc. for the benefit of visiting

tourists. Training in water sports is given at NIWS, a training Institute run by the Government of India at Carabzalem, in order to encourage Water Sports activities. Camping facilities have been developed in the hinterlands like Selaulim, Anjunem, Tambdi Surla, etc. for those who are interested in adventure tourism. Eco Tourism projects are taken up with the help of Forest Department and with the financial assistance of Central Government.

The Union Territory of Daman & Diu and Dadra & Nagar Haveli has intimated that Daman & Diu has provided all facilities like hotels, transport, health and information kiosks for encouraging tourism. Police patrolling is maintained at tourist spots during the tourist season. A police post has also been started for quick police assistance required by tourists. Police Out Posts have also been started at Devka Beach, Nagoa Beach and Ghoghla for Quick Police Assistance required by the tourists.

At the meeting of the Standing Committee held at Panaji on 25th August, 2006 the Government of Goa expressed concern over the fact that middle income group/domestic tourists are not taken care of properly in terms of adequate hotel accommodation and other facilities.

Ministry of Tourism has intimated that development of tourism destinations and promotion is primarily undertaken by the State Governments/UT Administrations themselves. However the Ministry of Tourism provides Central Financial Assistance (CFA) for tourism projects, identified in consultation with them, subject to availability of funds and inter-se-priority under various schemes of the Ministry as per guidelines. Ministry of Tourism had prioritized various project proposals in consultation with the States/UTs falling in west zone for the current financial year.

1.9 Coastal Security

The Chairman urged the State Governments to expedite preparation of perspective plans under the Coastal Security Scheme and forward the same to MHA.

FURTHER PROGRESS/ACTION TAKEN

Ministry of Home Affairs (Security Division) had informed that the Coastal Security Scheme was approved for implementation in 5 years from the year 2005-06 with an outlay of ₹ 400 crores for non-recurring expenditure and ₹ 151 crores for recurring expenditure. Perspective plans proposed by the Coastal States and UTs were scrutinized by a Screening Committee. The High Level Empowered Committee (HLEC) under Union Home Secretary, in its meeting held on November 22, 2005 considered the plans in the light of the recommendations of the Screening Committee and subsequent discussions with the State Governments. 68 coastal police stations, 97 check posts, 58 out

posts and 30 operational barracks have been approved under the scheme. The police stations will be equipped with 184 vessels, 124 jeeps and 279 motor cycles, for mobility on the coast and in close coastal waters. The Coastal Police Stations will have a component of Marine police trained by Navy/Coast Guard in maritime functioning. The items approved under the scheme involve an outlay of 329.52 cr. under the scheme, the entire non-recurring expenditure and recurring expenditure for 5 years on fuel, repairs and maintenance of the vessels and training of Marine Police will be met by Ministry of Home Affairs. Manpower will be provided by the State Governments.

The State Governments in the zone have intimated that Coastal Security Scheme is being implemented by them.

1.10 Good Governance

The Chairman emphasized the importance of Good Governance in regard to improvement in administration, proper planning, taking appropriate decisions and effective implementation of laws and also to prevent misuse of authority and timely corrective action.

FURTHER PROGRESS/ACTION TAKEN

The Government of Gujarat has intimated that the State Government has already taken certain initiatives as solicited by Inter State Council. A sub-committee of Secretaries set up by the State Government is examining the recommendations of "Manpower Planning Committee" for improving the Governance of the State in general and for taking various initiatives for 'Good Governance in particular.

The Government of Goa has intimated that the action taken by Department of Tourism for good governance i.e. promotion of monsoon tourism, adventure tourism etc. for the benefit of visiting tourists. Training in water sports is given at NIWS, a training Institute run by the Government of India at Carabzalem, in order to encourage Water Sports activities. Camping facilities have been developed in the hinterlands like Selaulim, Anjunem, Tambdi Surla, etc. for those who are interested in adventure tourism. Eco Tourism projects are taken up with the help of Forest Department and with the financial assistance of Central Government.

The Government of Maharashtra has taken following specific steps to provide effective and dynamic administration:

- i) In order to provide a forum to Government servants, Non Government Organizations (NGOs) and the public for giving new,

constructive and useful ideas and to promote their implementation, the State Government has started the "Rajiv Gandhi Pragati Abhiyan". This campaign is inaugurated in the first week of August every year by the Chief Minister at which emphasis is laid on following eight objectives concerned with administrative reforms:

1. Improvement in the working atmosphere and cleanliness
 2. Simplification of systems and procedures
 3. E-Governance for providing better quality services to citizens, improving efficiency and bringing greater transparency in administration
 4. Reduction in unproductive expenditure
 5. Increase in revenue collection
 6. Consolidation of rules/regulations and repeal of unnecessary laws
 7. Making administration responsive
 8. Updating of the establishment matters of employees/officers
- ii) In order to provide quality services to citizens, improving efficiency in delivery of services, increasing revenue of State and bringing transparency in administration, concept of E-Governance is being introduced. Citizen Facility Centres have already been set up at 27 districts and 311 taluka places.
- iii) Vigorous efforts are being made to ensure implementation of recommendations made by Committee on Good Governance.
- iv) First Monday of each month is observed as "Lokshakti Din" at the district level when District Collector and other senior officials personally listen to the grievances of common people and issues orders for redressing the genuine grievances.
- v) Maharashtra Government Servants Regulations of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 has been enacted thereby prescribing time schedule for disposal of Government work and for taking action against defaulting Government servants.

The UT Administration of Daman & Diu has intimated that steps have been taken to bring transparency and to simplify systems and procedure by organizing "Prasashan Aap ke Dwar" and Rogar Mela. Citizens Charter containing the information like services available and procedure to be followed has been framed and implemented. Action is also being taken for

computerization and online information on the website for the people. The citizens' complaints are also properly attended to by Diu Police.

1.11 Releasing of Indian Fishermen

The Chief Minister of Gujarat stated that Pakistan releases Indian fishermen operating on high seas but retains Indian boats to be used by ISI for espionage activities. He requested the Central Government to initiate appropriate action.

FURTHER PROGRESS/ACTION TAKEN

Ministry of Home Affairs (Security Division) has intimated that issue of Indian fishermen and fishing boats in Pakistan custody has been taken up with the Government of Pakistan by the Ministry of External Affairs. There is already an understanding between the two countries for a 3 stage process for immediate notification of arrests, consular access within three months and release immediately after completion of sentence. The Government of India is also pursuing the issue of release of boats from the custody of Government of Pakistan.

The State Governments/UTs in the zone have informed that they have initiated action to issue Identity cards to the fishermen through marine police.

1.12 Infiltration from Bangladesh to economically well developed States like Gujarat and Maharashtra

The Chief Minister, Gujarat expressed concern over infiltration from Bangladesh to economically well developed States like Gujarat and Maharashtra.

FURTHER PROGRESS/ACTION TAKEN

Ministry of Home Affairs (Foreigners Division) has intimated that the powers available to Central Government for detection and deportation of illegally staying Bangladeshi Nationals have been delegated to State Governments/UT Administrations. Administrative instructions are also issued from time to time asking the State Government/UT Administrations to detect and deport illegally staying Bangladeshi nationals. It is also for the State Governments to ensure that Ration Cards and Election Identity Cards of illegally staying people are cancelled.

Ministry of Home Affairs (Border Management Division) has intimated that the following steps have been taken to check infiltration from across the border:

- (i) Round the clock surveillance of the border by patrolling;
- (ii) Conduct special operations;
- (iii) Up-gradation of intelligence network;
- (iv) Augmentation of strength for patrolling/naka duties; and
- (v) Erection of border fencing and construction of border roads.

The Government of Maharashtra has intimated that in Mumbai Commissionerate area, special drive to search Bangladeshi nationals and to deport them after the usual judicial process has been conducted.

1.13 Transfer of surplus river water from South Gujarat including Daman Ganga to water deficit region of Saurashtra

The Chief Minister, Gujarat suggested that Daman Ganga, Sabarmati-Mangrol linkage should be established to transfer surplus river water from South Gujarat including Daman Ganga to water deficit region of Saurashtra.

FURTHER PROGRESS/ACTION TAKEN

Ministry of Water Resources has intimated that on receipt of the concurrence from the Governments of Gujarat and Maharashtra and signing of the MoU on 3rd May, 2010, NWDA has taken up various activities for the preparation of DPRs of both Par-Tapi-Narmada (P-T-N) and Damanganga-Pinjal (D-P) link projects including consultancy works. A Committee to monitor and supervise the overall works was also constituted by the Ministry of Water Resources under Chairmanship of Chairman, Central Water Commission. During the 3rd meeting of the Committee, it was observed that most of the activities pertaining to the DPRs have progressed as planned. However, the field Survey & Investigation works have come to a halt due to local public hindrances. To resolve the issue, the concerned State Governments for the project were requested to set up Committees at local level so that conducive atmosphere can be created in carrying out the projects. In the meantime NWDA is carrying out all possible efforts to complete these DPRs with available data and using remote sensing/satellite data.

Water Balance Studies of Mindhola basin, Damanganga basin and Par basin at diversion points have been completed. The water balance studies of Ambica basin at Damanganga-Chorwad link crossing, Umra diversion point and Chapaldhara diversion point have been completed, scrutinized and under modification. The water balance study at Auranga basin as a whole, at Moti Dholdungri diversion point and at Pati diversion point is being modified in

accordance to the latest data. The water balance study of Purna basin is under preparation.

UT of Daman & Diu has intimated that the three rivers passing through Daman District i.e Kolak, Damanganga and Kalai rivers are affected by the ocean tide beyond boundary of Daman and water in the creek is always saline. River Kolak and Damanganga in the region of Daman is highly affected by the polluted water discharged from industrial area of Vapi in Gujarat. Hence the UT of Daman itself is in position of water deficit.

1.14 Gujarat Control of Organized Crime Bill, 2003

The Chief Minister, Gujarat stated that 'The Gujarat Control of Organized Crime Bill, 2003' as passed by the State Assembly was forwarded for the assent of the President of India in June, 2004. He requested the Government of India to convey assent to the Bill immediately.

FURTHER PROGRESS/ACTION TAKEN

The Ministry of Home Affairs (Judicial Division) has intimated that the Gujarat Control of Organized Crime Bill, 2003 (GUJCOC) was examined in consultation with the administrative Ministries/Departments concerned. However, keeping in view the policy of the Government which, inter alia, led to the repeal of Prevention of Terrorism Act, 2002 (POTA) and amendments made in the Unlawful Activities Prevention Act, 1967 through Unlawful Activities Prevention (Amendment) Act, 2008, the Gujarat Control of Organised Crime Bill, 2003 has been returned to Governor of Gujarat on 25.6.2009 together with President's message dated 24.6.2009 to the Legislature of Gujarat to reconsider it and amend it so as to bring its provisions in line with the Unlawful Activities Prevention Act,2008.

1.15 Setting up of Horticulture Mission

The Governor of Goa expressed concern at the decline in agricultural GDP and emphasized the importance of increased investment in this sector by the Government of India. He requested for an early and favourable examination of the proposal sent for a Horticultural Mission.

He also stressed the need for a joint Konkan horticulture or multi cropping Export Mission with Maharashtra.

FURTHER PROGRESS/ACTION TAKEN

The Ministry of Agriculture has intimated that a Centrally Sponsored Scheme of National Horticulture Mission (NHM) has been launched in the country to address the issues on ensuring end to end approach having

backward and forward linkages covering research, production, post harvest management, processing and marketing. To facilitate the implementation of the Mission, a Technical Support Group has been envisaged in every State to help them prepare an action plan and to give technical backup. The progress made by the Western States in respect of the Horticulture Mission (NHM) is as under:

Goa: During 2010-11, so far an area of 82 ha has been covered under various horticultural crops. An area of 500 ha has been brought under rejuvenation of old and senile orchard. Total number of 160 farmers have been trained under various horticulture activities.

During 2005-2006 to 2009-2010, an amount of ₹ 7.69 crore was released to the State. The State has reported an expenditure of ₹ 7.83 crore.

Annual Action Plan for 2010-11 has been approved with an outlay of ₹ 5.00 crore including Government of India's share of ₹4.25 crore. During the current year, funds to the tune of ₹1.62 crore have been released so far. Out of which, an expenditure of ₹1.01 crore has been reported so far.

Gujarat: During 2010-11, so far an area of 3304 ha has been covered under different horticulture crops apart from setting up of 1 small nursery. An area of 520 ha has been brought under rejuvenation of old and senile orchards. 2000 ha under organic farming and 1418 under IPM has been covered respectively. 6 IPM infrastructure component has been set up. So far, 50 water harvesting structures have been created. Under Post Harvest Management, 16 ripening chambers, 2 cold storage and 1 mobile processing unit have been established. So far, 6 functional infrastructure have been established. Total number of 209 farmers have been trained under various horticulture activities.

During 2005-2006 to 2009-2010, an amount of ₹138.24 crore was released to the State. The State has reported an expenditure of ₹143.47 crore.

Annual Action Plan for 2010-11 has been approved with an outlay of ₹ 74.00 crore including Government of India's share of ₹62.90 crore. During 2010-11 an amount of ₹ 37.90 crore has been released, out of which an expenditure of ₹ 31.41 crore has been reported.

Maharashtra: During 2010-11, so far an area of 5429 ha has been covered under different horticulture crops. An area of 960 ha has been brought under rejuvenation of old and senile orchards. An area of

150 ha has been brought under organic farming and 43 vermi compost units have been established. So far, 397 water harvesting structures have been created. Under Post Harvest Management, 126 pack house, 1 mobile pre cooling unit, 2 ripening chambers, 3 cold storage, 2 refrigerated vans and 91 mobile processing units and 9 pre cooling units attached to cold storages have been established. 1 rural market and 2 functional infrastructures have been established. Total number of 6549 farmers have been trained under various horticulture activities.

During 2005-2006 to 2009-2010, an amount of ₹ 581.73 crore was released to the State. The State has reported an expenditure of ₹ 560.59 crore.

Annual Action Plan for 2010-11 has been approved with an outlay of ₹ 150.00 crore including Government of India's share of ₹ 127.50 crore. An amount of ₹ 86.48 crore has been released, out of which an expenditure of ₹ 42.98 crore has been reported so far.

The Government of Gujarat has intimated that annual action plan for the year 2010-11 has been approved with an outlay of ₹ 7400.00 lakh including the Central Government's share of ₹ 6290.00 lakh for implementing the National Horticulture Mission Programme. Out of which Government of India has released ₹ 5497.00 lakh & Government of Gujarat has released ₹ 930.00 lakh till March, 2011. The expenditure of ₹ 7302.05 lakh has been incurred during the year 2010-2011.

The Government of Goa has intimated that during 2010-2011, an area of 119.45 ha has been covered under various horticultural crops. An area of 500 ha has been brought under rejuvenation of old and senile orchard. A total number of 420 farmers have been trained under various horticultural activities. During the year, the total outlay of ₹ 5 crores was earmarked under the National Horticulture Mission being the Central and State share and funds to the tune of ₹ 2.12 crores were released, out of which expenditure of ₹ 2.11 crores has been incurred.

During 2011-12, upto June, 2011, an area of 1.68 ha has been covered under horticultural crops.

UT of Daman & Diu has intimated that the UT has a very limited area under cultivation and the National Horticulture Mission is not implemented in the UT.

1.16 Export promotion of Agricultural Produce

The Chairman stressed the need for joint efforts by the States for export of agricultural produce. He stated that the market survey of the world would be done by the Union Government and the information would be made available to the State Governments.

FURTHER PROGRESS/ACTION TAKEN

The Government of Goa has intimated that Goa being a small State with limited area under cultivation, large scale export is not possible due to low volume except in case of cashew. However, agricultural commodities in international market could be assessed by the Commerce Ministry for export from Goa and identified commodities suitable for this Agro climatic condition shall be considered for cultivation to link them to the exports.

The Government of Gujarat has intimated that Airport Authority of India has allotted 3685 sq. mtrs of land at Ahmedabad International Airport for setting up of the Centre for Perishable Cargo (CPC). The project has since been commissioned and the State Government is awaiting NOC from the Airport Authority of India to get custom clearance and start commercial operations.

UT of Daman & Diu and Dadra & Nagar Haveli has intimated that the UT is very small in area and does not have surplus agriculture produce for export. APEDA is also not available in the UT due to its small area of (3,375 Hectares) agriculture land.

The Ministry of Commerce has intimated that APEDA has a Regional Office located at Vashi in Navi Mumbai which caters to the western region as a whole including the UT of Daman & Diu. Exporters and other government agencies can seek any information about APEDA and its activities from this office.

The Ministry has further intimated that “the Centre for Perishable Cargo (CPC) at Ahmedabad International Airport was set up by Gujarat Agro Industries Corporation (GAIC) with financial support under Rashtriya Krishi Vikas Yojana (RKVY). APEDA has discussed the matter with GAIC regarding issue of NOC from the Airport Authority of India and both APEDA and the State Government are pursuing the matter with Airport Authority of India so that the commercial operations could start from the CPC.

As regards implementation of Single Window System, it is mentioned that APEDA had issued a circular on its website in January, 2011 inviting expression of interest from agencies desiring to accredit themselves as multifunctional nodal agencies. Only one agency from Kolkata sent a letter expressing their interest but despite communication, they did not file proper application as per prescribed format. APEDA subsequently conducted a

meeting with stakeholders in Mumbai to clarify the concept in July, 2011 but there was not much of interest. APEDA has now received application from Vegetable and Fruit Promotion Council, Kerala which is being evaluated.

1.17 Drug Trafficking and need to have uniform policy to control smuggling of drugs.

The Chairman mentioned that the entire coast of Gujarat and Maharashtra was used not only for smuggling of narcotics and psychotropic substances but also for bringing weapons in return. He stressed the need for greater vigilance against this menace as well as speedy trial and conviction of offenders under the relevant Act by setting up special courts.

At the 6th meeting of the Standing Committee of the Western Zonal Council held at Panaji on 25th August, 2006 it was pointed out that Nigerians are bringing in large quantum of Foreign Exchange into the country, probably to buy drugs and to provide funding to narco-terrorists. It was suggested that there was a need for evolving a suitable mechanism to monitor the foreign exchange brought into the country by the foreigners and the things on which the same is spent.

FURTHER PROGRESS/ACTION TAKEN

The Narcotics Control Bureau has informed that NCB is maintaining a close liaison with the Coast Guard, DRI and other intelligence agencies in the State of Gujarat, Maharashtra and Goa to combat drug trafficking.

Central assistance amounting to ₹ 25,63,000/- and ₹12,45,000/- has been granted to Maharashtra and Gujarat, respectively for strengthening their enforcement capabilities in combating Narcotics drugs and psychotropic substances under the Scheme "Assistance to the States/UTs". Besides, NCB alongwith State Law Enforcement agencies of Maharashtra and Gujarat has made several seizures of heroin, hashish, opium, ganja, cocaine. NCB has also organized three training programmes during the quarter ended 31st March, 2012 on drug law enforcement for State Customs, CISF, Airline Police, DRI and other law enforcement agencies in Maharashtra, and 05 training programme for 180 officers of BSF, Coast Guard, State Customs, DLE agencies deployed at SVBP International Airport and State Police.

An Intelligence Cell has been opened in Goa to tackle the issue of drug trafficking in the State. A number of Anti Drug operations were also undertaken.

The Directorate of Revenue Intelligence has intimated that it is maintaining close coordination with agencies like, Police, Customs, Coast Guard, Narcotics Control Bureau etc. to tackle the issue of drug trafficking.

The Ministry of Finance, Department of Revenue has recommended that a system of counter-checks on currency declarations may be evolved whereby all currency declarations be attached to Passports of Passengers/Travelers at the time of arrival. The attached entries may be cross-checked and verified at the time of departures for value declared at and above US \$ 10,000. The Ministry has suggested that MHA may devise a suitable procedure based on information achieved on profile based checking from the Customs Department.

UT of Daman & Diu and Dadra & Nagar Haveli has intimated that no case has been registered during the last many years under NDPS Act. However, close vigil is being maintained by the Police to check such illegal activities.

1.18 Formulation of plans for countering terrorism

The Chairman urged the State Governments to formulate Plans for countering terrorism. He stated that the Union Government would also support the States in proportion to their efforts.

FURTHER PROGRESS/ACTION TAKEN

The Government of Gujarat has stated that the strategy for countering terrorism is to be designed and enforced both at the national and State levels. At State level such a strategy should include strengthening of intelligence system and technical surveillance capacity, taking proactive measures related to the security of VIPs and vital installations, preventive measures at local level and crisis management capacity building.

The Government of Gujarat has taken steps to provide incentives to encourage competent men to join the intelligence system. The State intelligence machinery is being equipped with the latest surveillance gadgets. Special Operations Groups (SOG) have been raised at the district level for collection of grass root intelligence.

The State Government has also taken measures for strengthening of State Special Branches to pre-empt terrorist activities, activation of anti-terrorist cells in police stations, deployment of anti-terrorist pickets at strategic points, strengthening of security arrangements of sensitive religious places, shrines, temples etc., in consultation with management committees/trusts of these places, etc.

The State Government has suggested that to prevent any catastrophic terror attacks emanating from various determined terrorist organisations the police units created for specialized task of counter terrorism should rapidly

adopt currently available science & technology tools. For this purpose setting up of a technical unit for collection of timely and precise technical intelligence, and a state of the art centre for electronic surveillance to strengthen the intelligence gathering and scientific investigations to unearth the misuse of modern communication technology by the terrorists may be considered.

The Government of Maharashtra has decided to appoint 50% of the staff of State Intelligence Department on a permanent basis and the recruitment process is underway. The State Government has also set up the Anti-Terrorist Squad to tackle such heinous crimes and inputs are being provided by the State Intelligence Department and other specialized branches. Further, there is a continuous process of sharing of intelligence with terrorism affected bordering States by ATS and other agencies.

The UT of Daman & Diu and Dadra & Nagar Haveli has intimated that General public are being sensitized about terrorist's activities and whenever any suspicious person & objectionable material come to notice, the same should be informed to Police Control Room or nearest police station/outpost. 24x7 Police Control Room is functioning in the Silvassa and Daman which will respond to any message immediately. Police Department of UT Administration has identified various vital installation and a security audit report of all vital installations have been carried out.

In view of increasing number of migrant labour population in the UT District Magistrates of Dadra & Nagar Haveli and Daman & Diu are issuing orders from time to time directing Landlord/Hotel/Guest House/Lodge/Chawl owners to verify the identity of tenants/visitors/tourists before providing accommodation.

Senior Police Officers are taking meetings with various stake holders like owners of Auto Rickshaw/Drivers, weekly bazaar hawkers, vegetable sellers, internet café owners, STD/PCO Booth owners; industries owners/representatives, landlord/ chawl owners and they are sensitized about terrorists activities.

Further, importance has been given in Police Modernization Scheme to acquire number of gadgets, which are helpful in fighting terrorism. Under the Police Modernization Scheme, Department has purchased modern sophisticated weapons like INSAS, AK-47 etc. which will be helpful in combating terrorism and other armed attacks. Under Coastal Security Scheme (CSS), one police station at Daman, one coastal detachment at Diu have been made functional and also 04 police patrolling boats, vehicles, staff etc. have been deployed for coastal security.

The Ministry of Home Affairs (PM-II) has indicated that during the financial year 2010-11, against an allocation of ₹166 crore earmarked for 83 naxal affected districts under the MPF Scheme, an amount of ₹ 154.54 crore was released to 9 States for 83 naxal affected districts for construction of new Police Stations.

1.19 Working out modalities for setting up of Joint Action Forces and 'hot pursuits' of criminals/terrorists.

The Chairman advised the State Governments in the zone to sit together and decide on modalities for setting up of Joint Action Force. The concerned States may also evolve consensus on 'hot pursuits' of criminals/terrorists.

FURTHER PROGRESS/ACTION TAKEN

The Government of Gujarat has intimated that the State Government has set up Anti Terrorist Squad (ATS), Special Operations Group (SOG) etc. to tackle heinous crimes. The Government of Gujarat feels that there is no need to set up a separate action force but IGP- ATS may be designated as a Chief of Joint Action Force in which agencies of State and Central Government like DRI, Customs, Special Operations Group etc. will be members.

The UT of Daman & Diu and Dadra & Nagar Haveli has intimated that Standard Operating Procedure for Crisis Management has been prepared for Daman & Diu where provision has been made for handling terrorist situations etc. UT level Joint Intelligence Committee is being held every three months and important intelligence inputs are being shared among the members. Accordingly, action is taken on the actionable intelligence received by the respective UT/States. Wide publicity in respect of action to be taken by the people in case of noticing any suspicious object/activity is carried out through Media, Local TV Channels. High level of alertness is being maintained by the Police Department on illegal activities. Co-ordination among the Coast Guard, Daman Police, Custom & Gujarat Police are being maintained. Regular meeting of SMAC are being attended by the police officer from the UT Administration at SIB Head Quarter, Ahmedabad

Ministry of Home Affairs (PM Division) has intimated that 'Police' being a State subject, law and order falls within the exclusive domain of State. The Central Government, however, has been assisting the States by provisioning CPMFs in their hour of need and in emergent situations. Under the MPF Scheme, MHA is already providing funds to States for modernization of State Police Force to equip them to meet emerging challenges of law and order and security threats etc. The funding is basically based on the requirements of States as reflected in their Annual Action Plans.

1.20 Review of policy of allocation of funds under various schemes of MHA

The Chief Minister, Gujarat pointed out that the Union Government was reducing the allocation under the Scheme for Modernization of Police Forces, even for States which had fully utilized the grants.

The Chairman mentioned that the policy of allocation of funds under various schemes of the Ministry of Home Affairs would be reviewed so that performing States are not penalized for underutilization of funds by other States.

FURTHER PROGRESS/ACTION TAKEN

The Government of Gujarat has intimated that the funds for MPF has been fully utilized by the State. Unfortunately because of less utilization of funds by other States, unspent funds at the centre resulted in a cut off in allocation of funds under MPF, which also affected allocation to Gujarat by more than half. The State Government has suggested that funds should be given fully to the State and cut off imposed only to those whose grant lapsed.

The Ministry of Home Affairs (PM Division) has intimated that the allocations approved by the Cabinet Committee on security in respect of each State under the Scheme is treated as benchmark and central allocations are decided proportionately on the basis of funds available at BE stage every year. The status of utilization of funds released during the previous year is also taken into consideration and it is ensured that no State Government gets lesser allocations than those made during the previous years. It is felt that giving enhanced allocations only to performing States at the expense of other States would only lead to further deficiencies and inequitable development of the police forces in the poor performing States. However, if any additional funds are made available in the RE stage, priority is given to the needy as well as better performing States while disbursing these additional funds

The Ministry of Home Affairs (CS Division) has intimated that funds to all the States are being released according to their entitlement for implementation of the scheme. Diversion of funds from one State to another State has not been agreed to by the Cabinet.

1.21 Setting up of a committee to look into all aspects of security of Mumbai and prepare a security plan.

The Chairman mentioned that the security of Mumbai city would be reviewed. The State Government of Maharashtra was advised to appoint a

committee to look into all aspects of security of Mumbai and prepare a security plan.

FURTHER PROGRESS/ACTION TAKEN

The Government of Maharashtra has intimated that a study group consisting of retired defence & police officers has been constituted to look into the security aspects of Mumbai and for preparation of appropriate security plan.

2. MOUNTING BURDEN OF NSSF LOANS ON STATE GOVERNMENTS

(Suggested by Government of Gujarat)

The Government of Gujarat has pointed out that from the financial year 2005-06 the entire collection of Small Savings has been extended to State Government as NSSF loan in cash, and no part of it is to be utilized to write off the outstanding high-cost loans (it used to be 40% of the NSSF loan in 2004-05). It would impact the Gross Fiscal Deficit adversely. Planning Commission also, in its Mid-Term Appraisal (MTA) of the Tenth Five Year Plan, recognized the impact of maturity intermediation by NSSF.

The State Government has suggested that Government of India should consider to allow State Governments to pre-pay the high interest bearing NSSF loans contracted in 1999-2000 and 2000-01. For this purpose the following suggestions have been made:

- i) Government of India should restart the debt-swap scheme in a revised form wherein, a portion of fresh NSSF loans will be applied towards pre-payment of outstanding NSSF loans having high interest rate of 13.5% and 12.5%.
- ii) Alternatively, a mechanism can be set up to ascertain if some States would be willing to take additional Small Savings loans which could be diverted from those States which are willing to surrender it, totally or partially.

FURTHER PROGRESS/ACTION TAKEN

Ministry of Finance, Department of Economic Affairs has intimated that the National Development Council (NDC) in its meeting held under the Chairmanship of Prime Minister on 9th December, 2006 has inter-alia, endorsed the following recommendations of the NDC Sub Committee which was set up on 16.9.2005 under the chairmanship of Union Finance Minister on Debt Outstanding of the States against the National Small Savings Fund(NSSF):-

- (i) The small saving collections will be shared between the States and the Centre in the ratio of 80:20 with the option to the states to take upto 100 percent of their collections. The revised sharing pattern will be effective from 1st April, 2007.

- (ii) The interest rates on loans taken by State Governments from NSSF from 1999-2000 to 2002-03 will be reset at 10.5% with effect from 1st April, 2007.
- (ii) The interest rate on current NSSF loans will continue at 9.5 per cent.
- (iii) Requests of State Governments for additional open market borrowing to enable them to repay non-NSSF will be considered on a case to case basis.
- (iv) Requests of State Government for prepayment of NSSF loans contracted upto 2002-2003 will also be considered on a case to case basis within the approved market borrowing ceilings.

3. NEED FOR DEVELOPMENT OF INFRASTRUCTURE FOR GIVING A BOOST TO URBAN HOUSING SECTOR

(Suggested by the Government of Gujarat)

The Government of Gujarat has pointed out that urbanisation is taking place at a rapid pace in Gujarat. Population in urban areas which was about 38% of total population as per the 2001 census, is expected to touch 50% level by 2021. As such the housing sector has been identified as a 'thrust area' in the 10th Plan period. Fiscal concessions provided in recent years have helped in the growth of housing sector considerably. In order to give further boost to the urban housing sector, the State Government has made the following suggestions:

i) Urban infrastructure development

Loans with low interest rates may be extended for crucial urban infrastructure development to further augment housing activities. A policy for promoting private sector participation in urban infrastructure development may also be evolved on priority.

ii) National Slum Improvement Policy

A National Slum Improvement Policy with innovative incentives for investment in slum improvement may be brought out as approximately 27% of urban population lives in the slums. A housing scheme for Safai Kamdars of municipalities should be considered under Valmiki Ambedkar Awas Yojna (VAMBAY).

iii) Housing Scheme in small and medium municipalities

There are a large number of small and medium municipalities in Gujarat. The financial position of these local bodies is very precarious while expenditure on basic infrastructure and housing is on the increase. The relief housing schemes, particularly for the weaker sections should be considered as a component of the Integrated Development of Small and Medium Towns (IDSMT) schemes.

iv) Provision of night shelter and other facilities for migrant labourers

There is a considerable inter-State movement of migrant labourers mainly to the urban sectors. The Government of India has revised the guidelines for night shelter and pay & use toilets schemes on 21.10.2002. The Government of India may also consider providing 100% assistance to urban local bodies to enable them to provide

such facilities to migrants especially those belonging to the weaker sections, who move in search of employment to the urban centres.

COMMENTS/ACTION TAKEN

Government of Maharashtra has intimated that there is necessity of Urban Infrastructure Fund to support the Urban Infrastructure for increasing housing activities. The Institutes like HUDCO should extend long term loan for provision of infrastructure at low interest rates. The present rates of 10% to 12% is high. The loan may be extended to institutions like MHADA at rate of interest varying between 6% to 8% without provision of Government guarantee in order to increase the supply of weaker section/low income housing in the State. HUDCO may finance directly to EWS/LIG beneficiaries on the strength of mortgage of their house at the interest rate between 6% to 8%. This will boost supply of EWS/LIG housing and reduce proliferation of slums in the urban areas and improve hygienic conditions.

The Ministry of Urban Development & Poverty Alleviation's point wise comments are as under:

i) Urban infrastructure development

A proposal to set up Pooled Finance Development Scheme to provide credit enhancement to assist Urban Local Bodies to access market borrowings on a credit worthy basis is under consideration. One of the objectives is that the Urban Local Bodies will be able to borrow at reduced rates from the market. The scheme is likely to be appraised by Expenditure Finance Committee shortly.

ii) National Slum Improvement Policy

Since the object of VAMBAY is primarily to provide shelter or upgrade the existing shelter for people who live below the poverty line in Urban Slums, it would be difficult to consider inclusion of Safai Karamcharis of Municipalities under the programme.

iii) Housing Scheme in small and medium municipalities

There is no proposal under consideration for inclusion of housing schemes under Integrated Development of Small & Medium Town (IDSMT) scheme.

iv) Provision of night shelter and other facilities for migrant labourers

Scheme of Night Shelters for the urban shelterless is a demand driven scheme. At present there is no proposal to implement it as 100% subsidized scheme.

However, the guidelines are being considered for revision of the scheme and a higher level of Central subsidy from the present 50% subsidy is being contemplated.

4. NEED FOR RATIONALISATION OF RATE OF INTEREST PAYABLE ON ACCOUNT OF DELAY IN MAKING PAYMENTS OF COMPENSATION AMOUNT UNDER THE LAND ACQUISITION ACT, 1894 (AS AMENDED IN 1984)

(Suggested by the Government of Gujarat)

The Government of Gujarat has pointed out that as per the provisions contained in Sections 28 and 34 of the Land Acquisition Act, 1894 (as amended in 1984), all the State Governments are required to pay interest at the rate of 9% if payment of compensation is delayed by one year. For further delay in payment of compensation beyond one year interest at the rate of 15% is required to be paid.

The aforesaid Sections were amended in 1984, when rates of interest (bank rate as well as market – commercial lending rate) were high and the rates of interest prescribed in these sections were in tune with the prevalent rates in other sectors of economy. The situation has however, substantially changed since then as the rates of interest have been brought down by the nationalised banks keeping in view the present economic scenario in the country as well as in the world. Rate of interest to be paid by the Income Tax Department in refund cases has also been reduced. Similarly, rates of interest for savings schemes under the Postal Department/Employees Provident Fund, etc. have also been reduced.

The State Government has, therefore, suggested that in the interest of keeping parity with the prevalent market/commercial lending rates and also keeping pace with the changed economic scenario of the world, Sections 28 and 34 of the Land Acquisition Act should be suitably modified to reduce the prevailing rates of interest.

COMMENTS/ACTION TAKEN

The Governments of Maharashtra and Goa are in agreement with the suggestion of Government of Gujarat.

Ministry of Rural Development (Department of Land Resources) has informed that the Department of Land Resources, Ministry of Rural Development is in the process of amendment to the Land Acquisition (Amendment) Act, 1894. In the Land Acquisition (Amendment) Bill, 2007, it has been proposed that for section 11 A of principal Act, new section 11 A should be substituted i.e. to provide that the award shall be made within one year; for delay due to unavoidable circumstances and reasons to be recorded, the award to be made within an extended period of 6 months

and for such extended period additional compensation for the delay in making of the award, every month for the period so extended, at the rate of not less than 5%, of the value of the award, for each month of such delay.

It is further stated that bank interest rates varies from time to time. It would not be feasible to link the interest rates with bank lending rates of the financial institutions.

5. MAINTAINING DRY BELT UPTO 5 KMS ON THE BORDER OF THE NEIGHBOURING STATES

(Suggested by the Government of Gujarat)

The Government of Gujarat has indicated that Prohibition is enforced in that State since 1960. However, there is no prohibition in the neighbouring States and Union Territories. As such, the State of Gujarat is facing lot of problems in ensuring prohibition in the districts on the borders of the neighbouring States/UTs. This issue was discussed with the concerned States. It was initially decided that there should be 25 kms dry belt limit along the inter State borders. Since this decision was not put into practice, a dry belt of 5 kms was suggested by the Government of Gujarat. Neighbouring States had also agreed that they will not grant any liquor licence in the dry belt areas.

However, the Excise Department of Maharashtra Government granted liquor licences to a number of hotels within 5 Kms. dry belt on the Maharashtra – Gujarat border. Similar problem is being faced from the Union Territories of Diu, Daman and Dadra & Nagar Haveli. Further, certain persons based in neighbouring States/UTs are indulging in bootlegging activities and supplying illicit Indian Made Foreign Liquor to Gujarat. The Gujarat State Police as well as the Prohibition Department of Gujarat Government are taking action against such offences under various sections of the Bombay Prohibition Act. However, despite best efforts, the Gujarat Police has not been able to apprehend the inter-State accused and warrants issued by the concerned courts against such persons are not served on the individuals. Therefore, cooperation by the concerned police stations in the neighbouring States/UTs is solicited.

COMMENTS/ACTOIN TAKEN

The UT Administration of Daman & Diu has intimated that this UT is situated in the limited area i.e. Daman is in 72 sq. kms area and Diu in 40 sq. kms area. The length of Daman District is also not more than 10 kms. Therefore, the policy proposed by the Gujarat Government cannot be made applicable to Daman & Diu on account of its geographical area and culture. It has, however, been pointed out that the present Excise Act and Rules already provide for some restrictions for grant of liquor license in relation to places of worship, parks, factories, labour colonies etc.

6. NEED FOR DELEGATION OF POWERS TO STATES FOR STARTING NEW TECHNICAL INSTITUTIONS AND COURSES

(Suggested by the Government of Maharashtra)

The Government of Maharashtra has pointed out that at present only the All India Council for Technical Education is competent to grant approval for starting new technical institutions and courses. Even for a small change in the in-take capacity of an institution or for any change in the course, approval is required from AICTE. The State Government feels that AICTE should restrict its activities to laying down the minimum standards for institutions courses and should not insist on determining the number of institutions and the types of courses. It has been suggested that the relevant Act be amended so as to allow the State Governments to adjust the in-take capacity within the sanctioned in-take capacity and to drop or add the courses as per the local demand.

COMMENTS/ACTOIN TAKEN

The Government of Gujarat has expressed the view that there should not be any rigidity in regard to making changes/adjustments in the courses/programmes or in the in-take capacities of the technical institutions at the State level. It has been pointed out that in developed countries technical education is used as a means to improve their economy by upgrading technical skills of their human resources. Most of the countries and the universities adjust their education system along with the pace of the technological developments taking place in the industrial sector. With the invent of web-based communication technologies, the global market has shrunk to a single village. Hence, it has become essential that the technical education should also re-position itself to meet the human resource demand of the industries to meet the competitiveness. Understanding the need for keeping pace with the technological development, the State Government is proposing to incorporate necessary provisions for providing autonomy to academic institutes in the State. For this purpose Institute-industrial linkage workshops have been conducted and it has been decided in principle to find ways to develop human resource as per the demand of industry.

The Ministry of Human Resource Development has brought out that All India Council for Technical Education (AICTE) is a statutory body set up under the AICTE Act, 1987. This Act does not stipulate the details regarding approval of new Technical Institution/new courses or variations in the intake capacity (readjustment). Therefore, the amendment of the AICTE Act is neither warranted nor necessary.

The Ministry has further indicated that AICTE has representation of 8 States/Union Territories by rotation in the alphabetical order as per clause 3 (4) (k) of the Act. Clause 10(1) (k) of the Act empowers the AICTE to grant approval for starting new technical institutions and for introduction of new courses or programmes in consultation with the agencies concerned. In accordance with the Regulations issued by the AICTE in 1994 and amended in 1997, the procedure for grant of approval for starting new technical institutions, introduction of courses or programmes has been laid down which includes consultations with the State Governments concerned.

AICTE is assisted by an Executive Committee, besides various Boards of Studies and Regional Committees. Any decision of the Council is duly scrutinized from various angles through these Committees/Boards. Any State having suggestions for change in the procedure can appropriately place them in the meeting of the AICTE or its Executive Committee/Regional Committee.

It has also been mentioned that AICTE has always encouraged introduction of unconventional courses in emerging areas and for doing so, the recommendations of the State Governments are given due weightage. The decision for readjustment of intake capacity of such institutions is taken at the Regional Committee meeting, in which representatives of the concerned State Governments and Universities participate.

Further while introducing courses or making readjustment of intake capacity various related issues are also kept in mind at the national level, including the interest of faculty and students. The AICTE also has the advantage of its experience in different States while taking decisions about the emerging areas. It is also necessary to maintain a prescribed batch size while making such readjustments. This can only be done, if uniformity is maintained throughout the country. Therefore, the readjustment of intake capacity from unpopular to popular courses in emerging areas should only be done as decided by the various All India Boards of Studies, which are chaired by persons of eminence.

At the 6th meeting of the Standing Committee held at Goa on 25th August, 2006 the above views of Ministry of Human Resource Department were taken note of. However, the Government of Maharashtra stated that it takes long time to take permission to start colleges from AICTE. There is also huge shortage of technical manpower in Maharashtra. Governments of Goa and Gujarat also agreed that the power to start new colleges be delegated to the State Governments.

7. NEED FOR TAKING CORRECTIVE STEPS TO CHECK POLLUTION IN DAMANGANGA AND KOLAK RIVER DUE TO DISCHARGE OF UNTREATED EFFLUENTS FROM THE INDUSTRIES LOCATED IN THE VAPI INDUSTRIAL AREA OF GUJARAT.

(Suggested by the Union Territory Administration of Daman & Diu)

The UT Administration of Daman & Diu has informed that industries located in Vapi Industrial Area in Gujarat, discharge their untreated effluents in the Kolak and Damanganga, rivers which cause a serious pollution problem in Daman by adversely affecting agriculture, marine life and drinking water quality.

COMMENTS/ FURTHER PROGRESS

The Government of Gujarat has informed that river Damanganga has been receiving effluents from the i) Selvas (domestic+industrial), ii) Vapi CETP (industrial), iii) Vapi town (domestic), iv) Gujarat Heavy Chemicals Ltd. (industrial), v) Royal Distillery (industrial), vi) Khemani Distillery (industrial) and vii) Daman (domestic).

As far as CETP Vapi is concerned there have been consistent improvements in the last two years and as per the recent GPCB reports the COD has gone down to the range of 400 mg./l to 500mg/1 and the State Government is further working out to bring it down to 250 mg./l, in the next quarter. The detailed action plan in this regard is also got prepared through the GPCB and at present it is already being implemented in letter and spirit. The pipeline for discharge of the treated effluent of Vapi CETP at a point, deep into the sea, as suggested by the NIO was also proposed and vetted by the CPCB. Necessary clearance/approval for the said pipeline is being obtained. It may be noted that once this pipeline is laid there can be no discharge of industrial effluents from Gujarat side into Damanganga river and similar pipelines of GHCL is also being proposed. At this point, it is a matter of concern that **the industrial effluents from Silvasa and also the distilleries in Daman are taken care of for their discharges to make the entire Damanganga estuary and river free from industrial effluents.** The State Government suggested that a mechanism may be constituted for joint monitoring of these discharges both from Gujarat as well as Daman side in presence of CPCB. A decision in this regard was already taken after consultation with Daman and Diu Administration. However, the same is yet to get fully materialized.

As far as pollution into Kolak is concerned, there are discharges from 7 industries from Gujarat side in addition to the effluent discharge from the Silver

Industrial Estate and industries like Micro Industries, Blossom industries etc. located upstream to Pataliya bridge in Silvassa region. The State Government has compelled all these industries in Gujarat area to lay a separate pipeline at a point deep into the sea as per recommendations of NIO. Out of these 7, the maximum quantity of effluent is generated by Welspun India Ltd. and strict action has been taken against this industry also and asked it to upgrade the treatment facilities which the company has come forward with a proposal to invest additional ₹ 55.0 crores for treatment of their textile effluent and discharge it into deep sea through a combined treated effluent disposal pipeline having capacity of @ 15 MLD along with other 6 industries in this area. Necessary clearances in this regard are being obtained.

Similar actions are expected from Daman & Diu Administration as otherwise it is not possible to get rid of pollution related problems of rivers Damanganga & Kolak.

Union Territory of Daman & Diu and Dadra & Nagar Haveli has indicated that the data of Central Pollution Control Board, Vadodara indicates that the quality of the river water at Damanganga weir point which is in downstream side of UT of Dadra and Nagar Haveli (Silvassa) is good and there is no pollution in the river at that point. The latest river water analysis data received from Zonal Officer, CPCB, Vadodara also indicates that at the Vapi weir point during the period from April, 2011 to February, 2012, the P^H of the river water was within the range from 7.28-8.39 and the Dissolved Oxygen level of the water was within the range of 7.73-9.0 mg/l which conforms to the standards for drinking water as per the norms stipulated by CPCB. Therefore, the apprehension of pollution in Damanganga River due to release of industrial effluents from Silvassa is unfounded and not based on actual facts. Further as per the policy adopted by the UT of Daman & Diu and Dadra & Nagar Haveli no industry situated in the UTs have been permitted to discharge their effluents outside their factory premises.

As regards, effluent discharge by the twin distilleries of Daman into the river Damanganga, it is mentioned that the twin distilleries have opted for marine out fall of their discharge and have already got the Environment Impact Assessment (EIA) study done to determine out fall point through the National Institute of Oceanography (NIO), Goa. The Pollution Control Committee has accordingly directed the twin distilleries to lay the pipeline up to the marine out fall point as determined by NIO after taking all required clearances.

8. **PROCUREMENT OF RAW WATER FROM SARDAR SAROVAR WATER SUPPLY PROJECT OF GUJARAT**

(Suggested by the UT of Daman & Diu and Dadra & Nagar Haveli)

In order to overcome the non availability of water in Diu District, a scheme to procure the raw water from Narmada water pipeline was planned in consultation with the Gujarat Water Supply Sewerage Board. Technical feasibility of this scheme was also certified and the project was submitted to the Gujarat Water Infrastructure Ltd. (GWIL), Gandhinagar. UT Administration of Daman & Diu had requested that a Memorandum of Understanding with GWIL should be finalized early so as to implement the said scheme under a firm time schedule.

FURTHER PROGRESS/ACTION TAKEN

The Government of Gujarat intimated that Diu city is being supplied about 3.0 MLD water from Una-Diu Regional Water Supply Scheme based on Rawal Dam since 1992. Due to addition of 21 more villages in the Una Diu Regional Water Supply Scheme and some leakages in gravity pipe line, it was necessary to lay/repair the pipeline. Tender for the above mentioned work was approved and work had been taken up after completion of which water supply will significantly improve.

Gujarat Water Infrastructure also prepared a project for supply of 12.0 MLD water from Sardar Sarovar Canal through trunk line from Kadlyali (Taluka Rajula Distt. Amreli) off take point to Veraval. The project is planned to be taken up on allotment of funds in the Government Budget.

The UT of Daman & Diu and Dadra & Nagar Haveli has intimated that the project is expected to be taken up in the XI Five Year Plan and UT Administration has to provide funds. Since the estimated cost is ₹17.56 crores the proposal was forwarded to the Ministry of Rural Development for obtaining administrative approval and expenditure sanction.

9. MEASURES FOR CURBING ILLICIT/ILLEGAL TRANSPORTATION OF TIMBER

(Suggested by the UT Administration of Dadra and Nagar Haveli)

The UT Administration of Dadra & Nagar Haveli has drawn attention towards the increasing incidents of illegal felling/smuggling of Khair /Teak wood in the Union Territory. It is suspected that inter-State gangs are involved in these operations.

The UT Administration has suggested that Forest Departments of States of Maharashtra, Gujarat and U.T. of Dadra and Nagar Haveli may form a joint patrolling force to check this illicit/illegal transportation of Khair/Teak wood.

The concerned neighbouring States i.e. Gujarat and Maharashtra are in total agreement with the suggestion of UT Administration of Dadra & Nagar Haveli.

The Government of Gujarat has stressed the need for working out module for inter State cooperation and evolving methodology for exchange of list of habitual culprits and information about such offences, offenders, vehicles involved in illegal transportation of forest produce etc. Provision of permanent communication linkages between the officers of concerned Departments has also been suggested.

The Government of Maharashtra has suggested the constitution of a joint forum for consultation, exchange of information and coordination between the Forests Departments of the neighbouring States/UTs. It has also been suggested that a Task Force consisting of the officials from Forest and Police Departments may be set up for joint operations in the affected areas.

Standing Committee meeting held on 10th May, 2005 recommended that a joint mechanism be setup to cover various aspects like smuggling of liquor, evasion of taxes, smuggling of timber etc. Joint patrolling can be carried out and joint border posts may be established to cover aforementioned aspects.

COMMENTS/ACTION TAKEN

The Government of Gujarat has intimated that the State Government has taken necessary steps in curbing illicit/illegal transportation of timber by holding meetings with the counterpart officers of the bordering States, exchanging information regarding illicit cutting, transport, offender's names and names of sensitive border villages, routes etc., carrying out joint inspection/operation of the area in the event of

detection of illicit activities and strengthening of people's participation in forest protection.

The Government of Goa has intimated that the NH 4A & 17 are the two National Highways connecting Goa with the Maharashtra and Karnataka respectively. Presently in the Border of Goa & Karnataka on NH-17 at Pollem, Canacona (Goa), check posts of various Government Department including Forest Department are set up. Government of Goa while supporting the decision of having a joint mechanism has pointed out that the presence of forest officials is anyhow required at all times at such check posts as it will be difficult for other Department officials to verify various aspects of forest related goods/products. The State Government further intimated that in case of any violation of the Indian Forest Act, 1927 or Wildlife (Protection) Act, 1972, Forest Officers are empowered to book the offence cases. The State Government is also of the view that the presence of various department check posts at a common point increases the safety and security of the check post staff.

10. ISSUES RELATING TO INTERNAL SECURITY

(Suggested by the Ministry of Home Affairs)

a) Problems relating to terrorism, militancy and left wing extremism

The Ministry of Home Affairs has pointed out that Maharashtra and Gujarat are vulnerable from security point of view. These States should carry out periodical appraisal of terrorist threats to vulnerable targets like vital installations, infrastructure, sea ports, heritage sites and VIPs. Special branches of State Police and local intelligence mechanism should be prepared to meet the challenges of terrorism. It should be ensured that the formation of criminal gangs is not allowed because their networks may be used by ISI and terrorists for logistic support etc. Pro-active approach should be taken to bust espionage and terror modules and also to choke terror funding through hawala, credit cards, donations, fake currency notes etc. Bordering and coastal States should exercise higher vigilance. Vehicles plying on inter-State roads and trains should be subjected to strict checking to curb the transport of explosives, arms and ammunition.

Points made in the Standing Committee meeting held on 10th May, 2005:

Government of Maharashtra

- (i) Naxalites are entering into democratic process wherein supporters of naxalites have been elected to Panchayats in Maharashtra. This dangerous trend needs to be curbed.
- (ii) Foreign funded NGOs are extending monetary assistance to naxalites which is dangerous.
- (iii) Large number of African Nationals are overstaying in Mumbai. If these people join with local gangs for drugs smuggling, that will create a difficult situation. All overstaying African Nationals should be deported forthwith.

Narcotics Control Bureau

- (i) Drug money is being used for naxalism/terrorism.
- (ii) Recent incidents of smuggling of pharmaceutical drugs should be taken note of and effective measures taken for tackling the same.

Ministry of Home Affairs

- (i) As per U.N. Resolution 1373, movable/immovable assets of a global terrorist can be frozen. Government of Maharashtra has to do this with respect to Dawood Ibrahim.
- (ii) If Maharashtra and Gujarat have details of NGOs supporting naxalism that may be communicated to MHA.

COMMENTS/ACTION TAKEN

The Government of Gujarat has indicated that a separate police unit headed by an IGP deals with the terrorist activities and militancy in the State of Gujarat. Another unit, viz. Chetak Commando Force has been set up to combat such terrorism and militant activities given the changed security scenario. Separate commando units/Quick Reaction Teams are also planned to be established at district levels for carrying out specialized commando operations and handling any such future contingencies, on its own. Sagar Rakshak Dal is also planned to be set up for plugging the loopholes along the Coastal areas and Coastal villages. These units are being provided with special training and sophisticated equipment to handle any emergency situation.

An effective system for sharing intelligence is already in place. A Nodal Committee for sharing intelligence headed by Additional D.G of Police, Intelligence, Gandhinagar and consisting of senior officers from various central agencies including Defence Forces has been functioning since 1996. Quarterly meetings of this Committee are held regularly, at which relevant intelligence is shared and exchanged to ensure smooth co-ordination and information flow on regular basis. Lead Intelligence Agency is another forum where sharing of the Intelligence takes place.

The Government of Gujarat has pointed out that:

- i) Inter-State border between Rajasthan and Gujarat has been used in the past for occasional transshipment of arms/explosives and narcotics and fake currency notes by subversive and anti-national elements. The existing network of the narcotics/smuggling mafias in the border areas of Rajasthan and Gujarat has the potential of being exploited by the ISI and other terrorist groups. Therefore, various enforcement agencies of these two States should provide all possible cooperation and support to each other in identifying and eradicating these mafia networks. Inclusion of Rajasthan in the West Zone may also be considered instead of North Zone as at present.
- ii) Progress in fencing the Indo-Pak border in Gujarat is very slow which needs to be speeded up and completed on schedule.

- iii) In view of spurt in seizures of arms/explosives/counterfeit currency etc. BSF deployment along the Gujarat/Pakistan Border needs to be appropriately augmented.
- iv) Indira Gandhi Canal, which presently flows along the international borders of Rajasthan, should be extended further along the international border of Gujarat too. This will not only provide much needed water to the parched areas of Kutch, but also act as a barrier in the event of a conventional war with Pakistan. The proposal already submitted to Government of India in this regard may be viewed positively.

The Government of Gujarat has further suggested as under:

- i) Law enforcement agencies in the border areas, including the agencies involved in Coastal Security need to be provided with state of the art equipments for detection and interception of infiltrators. Technological up-gradation of logistics would act as a force multiplier, thereby increasing the effectiveness of the various enforcement agencies.
- ii) Only 10% grant is allotted for security sector under BADP. It is necessary to allot at least 25% grant under the BADP for security which would go a long way in preventing smuggling, terrorism/militancy and anti national activities.
- iii) The Border States need to promulgate uniform enactments for regulating the construction of religious places and educational institutions in the border belts.
- iv) The religious/communal disharmony in the coastal/border states is being systematically exploited by the ISI and other subversive elements. It is desirable that the punitive provision of Section 153-A, 153-B and Section-295 to 298 etc. of the IPC be suitably amended so as to have a deterrent effect on prospective trouble mongers.
- v) The electoral laws need to be suitably amended to ensure that persons habitually committing serious offences relating to communal violence are debarred from contesting all elections. This will go a long way in easing the ominous stranglehold of fundamentalist politics and militant fundamentalism on the Internal Security of the nation.
- vi) In order to facilitate detection of infiltrators in the border areas the residents of border areas and coastal areas need to be given I-Cards/Social Security Cards in the first phase. Multi purpose identity card scheme should also be put into operation at the earliest.
- vii) The State Government intends to set up a Special Intelligence and counter Intelligence Training Centre for imparting training, to the Police

Officers of the States. Necessary financial/technical assistance may be provided by the Central Government for this purpose.

- viii) For the Coastal areas of Gujarat, it would be desirable to raise Water Wing or Marine Police Units at appropriate locations. Most of the medium craft and patrol boats being used for coastal Patrolling/security are very slow and in ramshackle condition. The Water Wing/Marine Police needs to be provided fast and sturdy boats that can be used for interception of suspect vessels. The available crafts need to be suitably upgraded. Modern navigational aids like GPS, Night Vision Devices etc. High Speed Boats and Vessels need to be provided for the ongoing Joint coastal Patrolling. A separate proposal has been submitted to Government of India for upgrading the coastal security scheme and setting up of a marine wing border police in the coastal areas in the form of perspective plan spread over a period of 5 years. This needs urgent attention keeping in mind the intrusion by anti national elements in the coastal areas and support of terrorist activities by Pakistan and some other countries.
- ix) At present there is one single engine helicopter available with BSF. It is unsuitable for reconnaissance and interception. A twin engine helicopter would be desirable as it can not only carry armed men but can also be used for dropping supplies and evacuating casualties.
- x) In view of logistic problems and absence of high grounds, the surveillance capability of BSF is restricted. Appropriately situated High watchtowers would be of great utility.
- xi) In accordance with the Coast Guards Act, the Coast Guard should be made solely responsible for Coastal Security. BSF and Police should be responsible for guarding the land border only.
- xii) The wireless system fitted on the boats used by Pakistani fishermen should be checked and should not be allowed for illegal communications. A checking mechanism should be created for the same.
- xiii) Security of the Ports in the sensitive coastal area should be given to Para Military Forces like CISF. Any foreigner visiting the Ports should be security cleared and should not be allowed to photograph any part of the port. No foreigner should be employed with the companies operating the ports for the security reasons and suitable guidelines should be issued in this matter.
- xiv) The investigation into the terrorists acts in Gujarat suggested the existence of illegal Hawala transactions from Islamic countries to India. This money is being illegally used for carrying out fundamentalist

activities and the likelihood of this being used for anti-national activities cannot be ruled out. The Directorate of Revenue Intelligence (DRI) should pay special attention to this problem.

- xv) A proposal for the upgradation of border security on the Indo Pak Border at cost of 45.80 crores, has been submitted to Government of India. This proposal will cover upgradation of 31 police stations in the border Districts of Kutch, Patan and Banaskantha. Similarly, 27 out posts and 25 check posts in these districts are proposed to be upgraded. This upgradation will have the support of advanced intelligence resources and techniques along with better manning of police stations in those areas and superior weaponry to deal with anti national activities. It is proposed to take up this proposal in the form of perspective plan spread over a period of 5 years. Immediate approval of the Government of India is requested for taking up this proposal in order to curb the anti national activities by ISI across the Border.

Government of Maharashtra has intimated that a Special Action Plan was started in 1989 in most of the Naxal-affected districts of Gadchiroli, Chandrapur, Gondia and Bhandara. However, the development of these affected areas has not taken place, as expected and the problem of Naxalism continues.

The State Government has agreed to avail itself of the assistance of para military forces for the joint action with the State Police. Frequent coordination meetings are held for exchange of intelligence and coordinated action in the form of sealing the borders, concerted action against the naxalites, their training centers, top leaders and sympathizers. The State Government is of the view that more stress is needed to be given on the developmental plan, which will reduce the influence of the Naxalites.

"Surrender Policy" is actively under consideration of the State Government, under which a number of measures have been offered to the Naxalites. Some of the salient features of the surrender policy are:

- a) The surrendered Naxalites will get cash awards upto ₹ 30,000/-.
- b) Common punishment to the surrendered Naxalites including undertrial prisoners.
- c) Under Section 321 of Cr. P.C. withdrawal of prosecution of surrendered Naxalite will be considered.
- d) Free education to the children of the surrendered Naxalites.
- e) Free land for house building will be provided to the surrendered Naxalites.
- f) For the self employment, necessary financial assistance will be provided through the district bank.

UT Administration of Daman & Diu has intimated that under the Police Modernization Scheme, various sophisticated equipments, modern arms & ammunitions, security gadgets and equipments for scientific investigation and training have been procured as per the requirement of this territory and have been put in use. The modern technology & gadgets such as Computers, Video Camera, Still Camera, Binoculars, Night vision device, Bomb disposal Kits, Explosive Detention Kits have been procured and staff has been trained for use of these gadgets. Proposal for the creation of 165 posts under police modernization has also been sent to the Ministry of Home Affairs for approval.

Daman and Diu have a long coastline of about 12 kms. & 21.7 kms. respectively. The two parts of the U.T. are two districts and both are Coastal Districts. Keeping in view the coastal security scenario particularly post 26/11, steps have been taken to strengthen the internal security of UT of Daman & Diu. Ministry of Home Affairs have accorded the approval of 02 Coastal Police Stations, four 12T Boats, 02 Jetties, 4 four-wheelers and 4 motorcycles for the UT of Daman & Diu under Coastal Security Scheme Phase-II. The land for construction of two Coastal Police Stations i.e. Kadaiya at Daman and Vanakbara at Diu has been identified. Letter has been sent to the respective collectors for acquiring the same. A detailed proposal for manpower required (Executive & Technical) for both Police Stations along with financial implication have been sent to the MHA.

As regards construction of two jetties at Daman and Diu tender process for soil inspection at Daman is over and final report is awaited from laboratory from Gandhinagar, Gujarat. While for the construction of jetty at Diu joint inspection with PWD staff has been carried out. A detailed Standard Operating Procedure has also been prepared for the UT of Daman & Diu with a view to handling the situation in case of Terrorists Attack and mock drills have been conducted from time to time with the help of Coast Guard.

b) Strengthening of micro-level intelligence

Ministry of Home Affairs has stated that Strategic and operational/actionable intelligence holds the key to the successful police action against extremist groups. Indeed, real time collection and sharing of intelligence is a force multiplier.

Activities of ISI/its agents, sleeping cells of Pak based terrorist outfits and activities of naxalite groups do not appear to be a priority of State Intelligence collection. This is particularly true of the local police stations and also at the district level. A close coverage at the ground level of the subversive groups and elements with particular reference to their external linkages is a must. A close watch has to be kept over repeaters and cases of overstayed by Pak nationals. The local police should be held accountable for generation of tactical and actionable intelligence.

As recommended by the Group of Ministers (GoM) on streamlining intelligence set up, the Intelligence Bureau has been designated as the Nodal Agency for Counter Terrorism and Counter Intelligence. The Joint Task Force on Intelligence (JTFI) has been created in the IB for coordinating and synergizing the efforts of the Intelligence Wings of the Central Police Organisations and the special branches of the State Police Forces. The JTFI is to be supported by Inter State Intelligence Support Teams (ISISTs), which are in the process of being set up for dealing with internal security threats concerning more than one State. This suggestion has been reiterated in various Conferences/meetings, but no concrete action has yet been taken by most of the States.

COMMENTS/ACTION TAKEN

The Government of Gujarat has intimated that State Special Branch deals with the collection, collation, analysis and dissemination of real time intelligence pertaining to internal security and matters of political significance and public importance. The rapidly changing international security environment and technological development, emergence of 'Jihad Islam', interlinking of terrorism with mafias dealing with narcotics, arms and explosives, smuggling syndicates, organised criminal gangs, hawala operations have placed a new challenge for our intelligence set up. The present situation calls for monitoring the developments on economic front and appraising the concerned authorities of the trend, to help in decision-making and preparing policy guidelines. Gujarat being a border State with 512 kms. of land border with Pakistan and 1640 kms of coastline is vulnerable to infiltration, smuggling of arms and explosives and sabotage. In view of such growing complexities of security scenario, the State Government had set up a Committee headed by Shri R.C. Mehta, former Special Director, Intelligence Bureau in the year 1992 to examine the staffing pattern, technology used, operational and reporting methods, training of the State CID Intelligence and to recommend short term and long term measures for its revamping. On the basis of recommendations of Mehta Committee, some steps have been taken to make the intelligence machinery effective, such as, upgradation of some regional posts; a fixed tenure and one step promotion on joining I.B. for the purpose of inducting efficient officers and raising their morale; raising the Secret Service Grants and budgetary allotment for acquisition of latest surveillance and security apparatus.

Efforts have been made to develop adequate database on relevant materials linked to raise sensitive and security related issues. An in-house training programme has been in operation to raise the knowledge and skill of intelligence operatives.

The State Government appreciates the need for developing and strengthening the micro level intelligence. The raising of sources upto village level is one of the steps taken in that direction. Besides, there is a component of Intelligence Wing at the district level known as L.I.B. and Special Branches in Police Commissionerate. Every Police Station has a sanctioned post of Intelligence Officer. These Officers collect the local intelligence for the district police chief. The District Police Chief forwards the relevant intelligence inputs to the State IB. This component of intelligence wing at the

district and police station level needs to be reoriented to meet the challenges of changed security scenario.

It is also realized that the officer in charge of police stations and beat Head Constables who move in their jurisdiction and meet cross section of people, also get access to certain information of intelligence value. During investigation of cases and interrogation of criminals and suspects lot of information come to the notice of police station officers. The State IB is taking steps to make them understand and appreciate such vital inputs and share those with State Headquarters.

Since terrorism today has transnational dimension, the State Intelligence agency is handicapped by its territorial limits. There is a need for sharing of intelligence between different intelligence wings of the Central Government agencies and the State Police. The system of Nodal Committee where the Addl. DGP(Intelligence), Govt. of Gujarat is a Chairperson meets at periodic intervals for sharing of information. Similarly, the Border Security Force and Coast Guards are organizing lead intelligence meetings at regular intervals for exchange of intelligence inputs and discuss several security related issues.

The Central Government Schemes of Inter State Intelligence Support Teams (ISIST) and Multi Agencies Centre (MAC) are not functioning in the State. The Government of India should take initiative to make this system operational at the earliest.

The State Government has trained people and equipped them with necessary firepower for protection of VIPs. The security of vital installations including important religious shrines is being reviewed and strengthened. Efforts are made to step up intelligence machinery and take other such measures to prevent any terrorist strike, infiltration of terrorists etc.

The Government of Goa has intimated that a team headed by Police Inspector with the assistance of Scientific Assistant, Finger Print Bureau, Dog Unit, and Photographer under the supervision of Dy.SP has been constituted in the Crime Branch of Goa Police to collect information of terrorism. The beat staff of Crime Branch is deployed, briefed and de-briefed to collect and develop intelligence in respect of suspicious characters/movements of persons entering/leaving the State at various strategic points like Railway stations, Inter-State Bus terminus and Airport. Surprise checking of lodges/Hotels is carried out to find out about any suspicious entry/stay. The informants are kept at Motor Cycle stand/Rickshaw stand to step up the collection of intelligence. The intelligence shared by IB and Special Branch of Goa Police Force is utilized in tracking suspicious elements if any from time to time. Total revamping of CID Special Branch involving, creation of 147 posts is envisaged in accordance with report of JFTI. In the first phase 39 posts were sanctioned in April 2007 and creation of 48 posts for the second phase is under process.

UT Administration of Daman & Diu has intimated that Special Branch (CID) is maintaining close vigil and collects timely information and intelligence to preempt terrorists/naxalite plan and activities.

(c) **Strengthening of Special Branches of Police forces and revision of Special Branch Manual**

The Ministry of Home Affairs has pointed out that Group of Ministers (GoM) which reviewed India's national security concerns in totality, laid considerable emphasis on reorganization of States' Special Branches to meet the new genre of internal security threats, most of them having an external dimension. These challenges to internal security include concerted efforts being made by hostile intelligence agencies to subvert certain vulnerable sections of the society, organized criminal gangs, terrorist outfits, gun runners, hawala racketeers etc. Therefore, the Intelligence Bureau formulated a Model Special Branch Manual which was recommended to the States by the Ministry of Home Affairs for adoption in September, 2003. The States were requested to accord a higher priority to strengthening of Special Branches of Police Forces and revise the Special Branch Manual without further delay. Presently the Special Branch in the State Police has a lower priority, and Officers and staff are not willing to be posted in Special Branches. The States would need to provide some incentives and specialized training to the police personnel to be posted in special branches with a stable tenure of at least three years.

COMMENTS/ACTION TAKEN

The Government of Goa has intimated that Special Branch manual of Goa Police is being revised.

UT Administration of Daman & Diu has intimated that with a view to strengthen the State Special Branches a proposal was initiated to enhance the manpower of different branches of Daman & Diu Police which is pending with the Ministry of Home Affairs.

(d) **Proper deployment and optimum utilization of CPMFs for anti-naxalite and IS Duties**

The Ministry of Home Affairs has pointed out that Central Para Military Forces (CPMFs) have been deployed in the States affected with extremist activities. These Central Police forces are meant for specific CI/IS duties. Since these forces are on a long-term deployment, they need to be provided with proper camp and other logistic facilities by the States. Instances have also come to the notice of the Central Government that such forces have been used for static and VIP duty. Hence, the

States are requested to take specific steps to make full and effective use of CPMFs wherever they are deployed.

COMMENTS/ACTION TAKEN

The Government of Goa has intimated that CPMPs are not deployed in Goa on permanent basis.

e) Pro-active approach to counter ISI activities and busting of terrorist/espionage modules

The Ministry of Home Affairs has pointed out that terrorist outfits operating and indulging in acts of terror in India continue to be based in Pak/POK. Known anti-Indian elements and those declared as fugitives from the law in India are sheltered in Pakistan. The focus of the Pak based/Pak ISI sponsored terrorist outfits is also to promote disaffection and communal disharmony among the Indian people towards the state with a view to destabilizing the country.

The main features of the ISI strategy include focusing on plans of coordinated attacks by militant outfits on security forces mainly in J&K, espionage, subversion, indoctrination and training of vulnerable sections of society, targeting of economic infrastructure and destabilizing the economy of the country by circulating Indian fake currency notes and by promoting drug trafficking/narco terrorism, creating communal disturbance and disharmony in the country etc.

State/UT Governments need to take pro-active pre-emptive action in coordination with Central Intelligence agencies to bust ISI backed terrorist and espionage modules suspected to be existing in different parts of the country.

COMMENTS/ACTION TAKEN

The Government of Goa has intimated that the staff of CID Crime Branch are briefed to step up vigilance at financial institutions to detect fake currency notes which are likely to destabilize the economy of the country. The Goa State being a tourist destination, lot of domestic and international tourist travel along the beaches. As such there are possibilities of promoting drugs trafficking, thus leading to terrorism and causing of disturbance and disharmony among the people of the State. The beat staff have been asked to keep watch especially on the coastal belts in order to collect intelligence to prevent any such incidents and book the cases as per law.

11. PREVENTING OCCURRENCE OF COMMUNAL DISTURBANCES

(Suggested by the Ministry of Home Affairs)

The Ministry of Home Affairs has pointed out that 'Public Order' and 'Police' are State subjects as per Constitution of India. However, the Union Government on its part, has been taking a variety of measures in a sustained manner for the maintenance of peace and communal harmony in the country. The administrative measures include sending alert messages and advisories to the States and UTs, sharing intelligence, providing Central Para-Military forces on specific request and assistance in the modernization of State Police forces.

The Central Government has since revised the guidelines for promotion of communal harmony. The revised guidelines were sent to the Chief Ministers/Administrators of all States and UTs on 27.06.2008. There is a need to implement these guidelines in true spirit.

A Bill titled 'The Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005' was introduced in the Rajya Sabha on 05.12.2005 to address all aspects of the issue of communal violence in a uniform way through the country. The Bill was referred to the Department-related parliamentary Standing Committee on Home Affairs and the Committee submitted its Report to the Parliament on 13.12.2006. The Committee made certain observations/recommendations and after necessary inter-Ministerial consultations, and the Government decision thereon, Notices were given in March, 2007, December, 2008 and February, 2009 in Rajya Sabha for moving the official amendments and for consideration and passing of the Bill. However, the Bill could not be taken up.

COMMENTS/ACTION TAKEN

The Government of Goa has intimated that the revised guidelines with regard to promotion of communal harmony are complied with. Police Stations have been directed to maintain close vigil and collect intelligence in their jurisdiction in order to avoid any communal disturbances. Meetings are also organized to maintain communal harmony, particularly in the festive season.

The Government of Gujarat has intimated that the communal situation is constantly monitored by the intelligence units. As and when there are incidents which may disturb the communal peace in the State the concerned officers are alerted. Adequate force is deployed. Preventive measures are taken against the known anti social elements. The communally sensitive and hyper sensitive areas are being identified at police station level and police patrolling is done in these areas. Peace Committees are organized on the eve of religious festivals at city/district levels to maintain communal harmony amongst the different communities. Activities of organizations with avowed goals that could undermine communal harmony are continuously kept under careful watch. The organizations indulging in any unlawful activity as defined in the Unlawful Activities (Prevention) Act, 1967 are declared unlawful. Communal peace prevailed in Gujarat during 2007 to 2009.

UT Administration of Daman & Diu and Dadra & Nagar Haveli has intimated that no area has been identified as communally sensitive and there is communal harmony among all the communities. However, meetings are organized from time to time with various NGOs, political leaders as well as religious leaders for maintaining peace & harmony.

12. MATTERS RELATING TO POLICE ADMINISTRATION

(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.

Further, 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 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.

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) Each State Police organisation should constitute a committee to rework actual requirement of the forces in each district (Inspector downwards). This assessment should cover all functions of the police in that district. Projections should also be made on the basis of the anticipated requirement in the next five years.
- (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.
- (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

The Ministry of Home Affairs has pointed out that policing has become a very complicated subject now-a-days owing to many social, economic, communal, political and terrain specific factors which have a direct bearing on the maintenance of public order as well as prevention and detection of crime. To be effective in this front, a reasonable tenure not less than two years is necessary for an officer posted as SHO, SDPO and district SP to enable him to comprehend the ground realities of his/her jurisdiction; to prepare suitable strategies and to translate these strategies into concrete action to achieve the objectives of ensuring public order and controlling crime.

Keeping this objective in view, BPR&D had done a study on the tenure of district SPs, over a five years period from 2000 to 2004. It was revealed that average tenure of SPs in districts at all India level is not upto the desired level. These findings clearly make out a case for urgent action by all concerned. Similar studies regarding the period of stay of officers of the rank of SHOs, SDPOs also need to be done at the State level.

COMMENTS/ACTION TAKEN

GOVERNMENT OF MAHARASHTRA

a) Assessment of realistic manpower for Police Administration

A Consultant has been appointed in Maharashtra to study the man power requirement of Police Stations. A decision has been taken in principle to sanction about 55,000 posts in the State police over the next 5 years. It is felt that this will considerably improve the manpower strength in Police Stations.

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

The State Government has enacted the Maharashtra Government Servants (Regulation of Transfer and Prevention of Delay in Discharge of Official Duties) Act, 2003 to regulate the transfer and posting of Government servants with effect from 1st July, 2006. The provisions of the Act have been made applicable to employees working in police establishments as well. According to the provisions contained in the Act, the normal tenure in a post shall be three years.

GOVERNMENT OF GUJARAT

a) Assessment of realistic manpower for Police Administration

Norms of realistic manpower for police administration in the State were framed way back in 1960. State Government has given attention to make them realistic. Since assessment of manpower for police administration varies from place to place and very much related to number of factors the State Government will need some more time to update the norms.

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

The State Government has also amended the Bombay Police Act, 1951 on 30.07.2007, which has come into force from 23.4.2008 whereby the tenure of police officers working at field levels, has been prescribed to be two years.

UT ADMINISTRATION OF DAMAN & DIU

a) Assessment of realistic manpower for Police Administration

Proposal for increasing police man power is already under consideration of Ministry of Home Affairs.

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

The UT Administration feels that tenure of police officers should be at least 2 years. If any officer is required to be removed from his post before his tenure is completed appropriate reason should be recorded in writing for removing him/her.

13. STRENGTHENING OF VIGILANCE ESTABLISHMENTS WITH STATES TO DEAL WITH CORRUPTION IN THEIR STATE DEPARTMENTS

(Suggested by the Ministry of Personnel, Public Grievances and Pensions)

The Ministry of Personnel, Public Grievances and Pension has pointed out that corruption is being increasingly perceived as a global phenomena which causes poverty, obstacles to development, undermines democratic institutions and drives away investment. To this extent, corruption is not only law and order problem but closely inter linked to developmental issues and good governance. Therefore, there is a need to strengthen vigilance establishments in the States to deal with corruption in State Government. It has been indicated that many matters are forwarded by the Constitutional Courts to CBI which can perhaps be handled by the State law enforcement agencies if the vigilance establishments within the States are sufficiently strengthened.

It has also been stated that in case of corruption involving employees of Central Government, charge sheets are filed in special courts empowered in this behalf by the State Government/High Court. Since the number of courts established to deal with such cases is not adequate, number of cases under trial are mounting. This not only affects the prosecution case adversely but also erodes confidence of common man in criminal justice system of our country. As such, there is need to establish more special courts/fast track courts to expedite the cases under trial.

COMMENTS/ACTION TAKEN

The UT Administration of Daman & Diu has intimated that these Union Territories are administered by the Ministry of Home Affairs through Administrator appointed under Article 239 of the Constitution. Both UTs have sufficient infrastructure for trial of corruption case including special courts. So there is no such problem of backlog and pendency of court cases. Further, the UT Administration has constituted Anti Corruption Bureaux/Vigilance Bureaux consisting of Inspector General of Police, Daman and Diu and D&NH, Superintendent of Police, Daman, Chief of Police, D&NH and Joint Secretary (Vig.). Two Sub Inspectors/Assistant Sub Inspectors and four Constables assist the ACB/VB. The Bureaux function under the direct supervision and control of the Director (Vig.).

14. **IMPLEMENTATION OF THE SAFEGUARDS FOR LINGUISTIC MINORITIES.**

(Suggested by the Ministry of Minority Affairs)

In order to maintain the cultural identity and the language of the smaller linguistic groups State Governments are urged to take the following steps:

1. To develop minority languages for introduction in the primary stage of education
2. To ensure that properly trained teachers are available for the minority languages.
3. To ensure that the books are available to the students in minority languages at the right time and in the right number.
4. To set up Academies to develop the languages to enable the linguistic minorities to be able to contribute to the development of these languages.
5. To draw up schemes for the linguistic groups which are too small in number to enable regular schooling in such languages, to enable them to organize periodical social events and run informal language classes.
6. To set up a formal machinery to ensure the implementation of the safeguards and to receive and attend to the complaints on this account.

COMMENTS/ACTION TAKEN

The Government of Goa has initiated the following steps to safeguard the linguistic minorities in the State:

- i) At the primary stage education is imparted through mother tongue/minority languages like Marathi, Kannada, Urdu, Hindi, Telgu & Malayalam. Trained teachers are available for minority languages and adequate books are available to the students. Books are also available free of cost to the primary students.

- ii) At the Secondary stage of education also State Government encourages education through minority languages for minority community children. About 1469 students are studying in Urdu and Kannada medium High Schools.
- iii) Directorate of Education has made a provision for books for minority languages and teachers have been provided in minority languages.
- iv) Three-languages formula is the hall mark of education in the State which administers justice to the minority community.

UT Administration of Daman & Diu and Dadra & Nagar Haveli has intimated that as per data available with UT Admn. percentage of Hindi & Marathi speaking population is 3.59% and 1.23% respectively and does not qualify for classification as "Minority Language". Even then use of Hindi in all Government Notification, Orders, Press Notification is done.

15. CAPACITY BUILDING AND GOVERNANCE ISSUES TO BE ADDRESSED BY THE STATES FOR EXPORT PROMOTION

(Suggested by the Ministry of Commerce & Industry)

The Ministry of Commerce and Industry has indicated that objective of India's Foreign Trade Policy 2004-09 is to use exports as an effective instrument of economic growth through employment generation. It was contemplated to achieve a target of US \$ 150 billion worth of merchandise exports by 2008-09.

This objective can be achieved only with active participation of the States/UT Governments, for which following aspects merit focused attention for sustained action:-

(i) Capacity building: The States should interact with the Ministry of Commerce and Industry to understand various facets of WTO negotiations, as well as Multi-lateral, Regional/Bilateral Trade Agreements. The State Governments may strengthen their Industry and Trade Promotion agencies through capacity building programmes to understand the impact of such negotiations and Agreements in order to help the farmers, industry and trade. It has been decided that the Centre for WTO Studies, New Delhi would be a nodal point for information dissemination to State Governments on WTO issues.

Details of nodal points of different States may be provided to Department of Commerce, Trade Policy Division to enable the Centre for WTO Studies to organize capacity building programmes at zonal level.

(ii) Governance Issues: The State Governments should take undermentioned steps to unshackle controls and create an atmosphere of trust and transparency to promote Industry and Trade.

- (a) Procedures should be simplified to bring down transaction cost, Single Window clearance for land, electricity, pollution etc. should be provided expeditiously.
- (b) There is need to introduce tax harmonization/rationalization across different States, so that production and movement of goods exported across the border

and various States are not hindered. Besides, instances of levies and duties on imports used must also be neutralized.

- (c) Comprehensive infrastructure facilities not limited by geographical boundaries should be provided to give a boost to production in identified areas.
- (d) Reforms are needed to be introduced urgently in Labour Laws at the State level to get over problems arising out of divergence of Labour legislations from State to State.
- (e) Adequate facilities including land may be provided for development of warehousing and containerization facilities for exports and imports.
- (f) The funds released under ASIDE Scheme may be fully utilized and utilization Certificate to be sent promptly to enable timely release of Funds to the State/UT Governments.
- (g) Not less than 15% of the ASIDE funds from the State component may be utilized for development of export linked infrastructure in the Agri-Export Zones (AEZs).

COMMENTS/ACTION TAKEN

The Government of Gujarat has intimated as under:

i) Capacity Building

The State Government has established an institutional relationship with Ahmedabad Management Association (AMA), Vastrapur, Ahmedabad and is jointly running "GOG AMA Centre for International Trade".

The centre has carried out various programmes such as organizing seminars and workshops on International Trade, Business Leadership and Innovation, Conducting Diploma programme in Logistics and Shipping and a full time course of 18 months for Post Graduate Diploma in International Business Management, Global Competitiveness and Best Practices (Study & Seminar), International Trade Techniques of Sourcing to Win Global Markets and plasticizes in Global Market.

Government of India's assistance is also solicited for further steps for capacity building and efforts towards educating industries, trade associations and government officers.

ii) Governance issues:

The State Government has planned to adopt Single Window Clearance System. The Act is under preparation.

The State Government has implemented Critical Infrastructure Fund Scheme to support infrastructure development in industrial areas of the State as PPP mode.

For development of warehousing and containerization facility for import & exports, the State Government has started the activity of creation of land bank for industries, ports and facility towards logistics and service industries.

The suggestion for utilization of funds under ASIDE scheme has been noted and would be acted upon.

The Government of Maharashtra has nominated the Development Commissioner (Industries) as the Nodal Officer for the purpose of capacity-building programmes by the Centre for WTO issues.

The UT of Daman & Diu and Dadra & Nagar Haveli has initiated that Daman & Diu is a small UT without legislature and the policies of Government of India is followed in this UT.

16. MEASURES FOR IMPROVING THE FUNCTIONING OF CONSUMER FORA IN THE WESTERN ZONE

(Suggested by the Ministry of Consumer Affairs, Food & Public Distribution)

The Ministry of Consumer Affairs, Food & Public Distribution, Department of Consumer Affairs has indicated that the Consumer Protection Act, 1986 was enacted to provide for better protection of the interests of consumers. Under its provisions, a 3-tier quasi-judicial machinery consisting of (i) The National Commission (ii) 35 State Commissions and (iii) 600 District Fora has been set up in the country to provide speedy, simple & inexpensive justice to aggrieved consumers. The responsibility of setting up of the State Commissions/District Fora, providing them with adequate manpower and infrastructure and ensuring their effective functioning rests with the State Governments.

The following measures for improving the functioning of Consumer Fora and making them more effective are to be taken by the States:

1. Efforts may be made to improve rate of disposal of cases in Consumer Fora especially in Maharashtra State Commission. In Dadra & Nagar Haveli District Fora also percentage of disposal of cases is low especially in view of the low number of cases filed.
2. Adequate infrastructure, staff & funds should be provided for Consumer Fora, in all the States. Wherever necessary, the possibilities of engaging services of stenographers etc. in consumer Fora on contract basis may be explored.
3. The issue of allotment of proper building to the State Commission in Gujarat needs to be expedited by the Government of Gujarat.
4. All efforts may be made to fill up vacant posts of President/Members in the Consumer Fora expeditiously through advance action/maintenance of panel of candidates with good track record for consideration for

appointment as President/Members for reappointment for 2nd terms etc.

5. Government of Maharashtra may take early action to set up additional benches of the State Commission in Aurangabad & Nagpur as already requested by Department of Consumer Affairs as well as the National Commission.
6. Dadra & Nagar Haveli and Daman & Diu may take pro-active steps to improve the level of consumer awareness.
7. Information regarding progress of consumer related measures may be sent regularly & punctually both to the National Commission as well as the Department of Consumer Affairs.

COMMENTS/ACTION TAKEN

The Government of Gujarat has intimated that sufficient infrastructural facilities, funds and staff have been provided to these Fora. Appointments of Presidents/Members are made on the recommendations of Selection Committee with the approval of State Government. It has also indicated that complaints/appeals filed before the district fora and the State Commission are disposed regularly. Instructions are also issued from time to time for speedy disposal of complaints filed at various district fora and also the appeals filed at State Commission. In this connection, the State Commission has circulated the resolutions adopted in the Conference of Presidents of State Commissions and Secretaries in charge Consumer Affairs held on 14th and 15th March, 2008 for guidance of various District Fora.

As per the instructions received from Central Government and National Commission, fora have been instructed to hold "Lok Adalat" at the last working day for speedy disposal of the complaint.

The Government of Maharashtra has furnished the following views/action taken report:

1. Conference of all the Presiding Officers of Fora in the State is held every year for monitoring the pendencies/disposal of cases.
2. Sufficient staff and infrastructure has been provided to State Commission and District Fora. State Commission has been authorised to recruit Stenographers on contract basis so that non availability of Stenographers should not hamper quick disposal of cases. Sufficient budgetary provision has been made for proper functioning of the State Commission and Consumer Fora.

3. The State Government has provided adequate furniture, typewriters, Xerox machine, accommodation in Government or hired premises for the Fora and the Commission.
4. Steps have been taken to make appointments of presiding officers and members of the State Commission, as also of district forum expeditiously. Taking into consideration the dates of vacancies of the said posts in the ensuing year, process is initiated well in advance for filling up such vacancies. The notification laying down the eligibility criteria, etc. is issued well in advance. After short listing the eligible candidates and interview by Selection Committee, list of the selected candidates is forwarded to the Government for issuing appointment orders well in advance of the dates of vacancies. In the process of selection transparency is ensured with a view to have merited personnel selected for the posts.
5. Proposal of setting up of additional fora at Mumbai suburban, Thane and Nagpur is under consideration of the State Government.

The Government of Goa's action taken report is as under:

1. Attempts are made to dispose off the cases within the time limit. A proper data regarding disposal of cases is maintained and regularly sent to the National Commission and the Ministry of Consumer Affairs, Food and Public Distribution. It is proposed to inter link the fora and the commission through the web site with the cooperation of National Informatics Centre, Goa.
2. The infrastructure facilities are duly provided from the one time grant to the State Commission & District Fora Independent office premises for both the Fora and State Commission is provided. Adequate furniture, computer system, photocopier, typewriters, stationery etc. are provided from time to time.
3. Staff including stenographers are provided to State Commission and District Fora. However, Government is considering to give more staff adequately to deal with additional work due to amendment to the Consumer Protection Act, 1986. A separate Budgetary provision for State Commission/District Forum is made under the State Budget for Civil Supplies Department from which the expenses for State Commission and District Fora are made.
4. In order to avoid delay in appointment of President and Members standby panel is constituted wherein a provision is also made that the bench will always comprise of full members as even when a member is unable to attend and goes on leave, for the time the member joins back the Bench from standing panel. However, the main purpose of panel is to appoint the members in the place of vacancy immediately from the date of creation of such vacancy.

5. In order to ensure proper functioning of the Fora and for better interaction between the Department of Civil Supplies and Consumer Affairs and Commission and the Fora, meetings are arranged between the three bodies ones in two months.

The UT Administration of Daman & Diu has intimated that these UTs are very small and also the filing of cases is relatively less, so the pendency of the cases are also low. Therefore as of now there is no need to hold Lok Adalats.

At the meeting of the Standing Committee of Western Zonal Council held on 10th May, 2005, it was observed that co-relation between infrastructure and disposal of cases needs to be investigated. It was pointed that the delay in disposal of cases may be because of attitudinal baggage of officers and lawyers who have earlier worked in regular courts. It was advised that these consumer courts should become financially self sufficient by collecting a portion of the punitive damages awarded. These punitive damages awarded should be sufficiently high not only to act as a deterrent but also to generate adequate resources to the consumer courts.

17. HARMONISATION 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 securitized debt instrument or security receipt to investors.
- Any securitized debt instrument or security receipt or other instrument issued to investors by an Special Purpose Distinct Entity or securitization 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.

18. Reactivating Western Zonal Council

(Suggested by the 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 Western Zonal Council comprising of the States of Goa, Gujarat, Maharashtra and the Union Territories of Daman & Diu and Dadra & Nagar Haveli 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:

- 1) **Chairman:** A Union Minister to be nominated by the President
- 2) **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.
- 3) **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;

- 4) **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 Western Zonal Council is provided in **annexure – I**. The Chief Minister of Goa is the current Vice-Chairman of the Western Zonal Council while Chief Secretary of Goa is the current Chairman of the Standing Committee. Their tenure would expire on 07.10.2012 when the Chief Minister and Chief Secretary of Maharashtra shall take over the positions in October 2012 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 reorganisation 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 Western 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 Western Zonal Council is **annexed – 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 Western Zonal had twenty meetings. The last meeting of the Western Zonal Council was held in Panaji on 20 September 2006.

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 recommendations of the Sarkaria Commission were considered in the meeting of the Inter State Council 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. In order the Western 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 Western Zonal Council shall be held during the first half of the financial year before the close of September 2012. The Government of Goa may indicate two or three suitable dates for the meeting for a decision by the Union Home Minister.
- b) The second meeting of the Western Zonal Council and its Standing Committee shall be held in Maharashtra during the second half of the financial year i.e. during October 2012 to March 2013. The Government of Maharashtra 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.

Annexure-I

COMPOSITION OF THE WESTERN ZONAL COUNCIL

CHAIRMAN : SHRI P. CHIDAMBARAM, UNION HOME MINISTER
VICE-CHAIRMAN : SHRI MANOHAR PARRIKAR, CHIEF MINISTER, GOA (8.10.2011 to 7.10.2012)

Name of State/UT	Members of the Council Nominated under Section 16(1)(b) of S.R. Act	Advisers of the Council nominated under Section 16(4) of S.R. Act
<u>MAHARASHTRA</u>	<ol style="list-style-type: none">1. Sh. Prithviraj Chavan, Chief Minister.2. Shri Jayant Rajaram Patil, Rural Development Minister3. Shri Radhakrishna Eknathrao Vikhe Patil, Agricultural and Marketing Minister	<ol style="list-style-type: none">1. Sh. Ratnakar Gaikwad, Chief Secretary.2. Shri K.P. Bakshi, Principal Secretary(GAD)
<u>GUJARAT</u>	<ol style="list-style-type: none">1. Sh. NarendraModi, Chief Minister.2. Shri Vajubhai Rudabhai Vala, Minister for Finance, Labour and Employment3. Shri Nitinbhai Ratibhai Patel, Ministry for Water Supply, Water Resources. Urban Development and Urban Housing	<ol style="list-style-type: none">1. Shri Achal Kumar Jyoti, Chief Secretary.2. Shri M.M. Srivastava, Additional Chief Secretary (Finance Department)

GOA

- | | | | |
|----|--|----|--|
| 1. | Shri Manohar Parrikar
Chief Minister
(Vice Chairman, Western Zonal Council) | 1. | Shri S.K. Srivastava,
Chief Secretary.
(Secretary, Western Zonal Council) |
| 2. | Shri Francis D'Souza,
Minister for Urban Development | 2. | Shri Prasad Lolayekar,
Director of Art and
Culture |
| 3. | Shri Laxmikant Parsekar,
Minister for Health | | |

**DADRA & NAGAR
HAVELI AND DAMAN & DIU**

1. Sh. Narendra Kumar,
Administrator
2. Sh. P.K. Gupta,
Finance Secretary

PLANNING COMMISSION

Shri B.D.Virdi,
Sr. Adviser (MLP)

INTER-STATE COUNCIL SECRETARIAT

Shri
Secretary
(Permanent invitee)

Annexure-II

WESTERN 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 Reorganization Act, 1956 (37 of 1956), the Zonal Council for the Western Zone hereby makes, with the approval of the Central Government, the following rules, namely :

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|--------------------|---|
| Short Title | 1. These rules may be called the Western Zonal Council Rules of Procedure. |
| Definitions | 2. In these rules, unless the context otherwise requires: <ul style="list-style-type: none">(a) "Act" means the States Reorganization 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 Eastern 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 Western 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 the meeting of the Council

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

Matters for only Consideration

- 6. (1) Matters shall be brought before a meeting 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.

19. Inclusion of a senior officer of Inter State Council Secretariat in the Standing Committee of Western Zonal Council

(Suggested by the 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.

2. 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.

3. 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.

4. 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.

5. As may be seen from the foregoing, the Inter State Council Secretariat is represented in the Zonal Councils by Secretary, ISCS as the permanent invitee. On the similar line there should be a representation of ISCS, as a member, in the Standing Committees of the Zonal Councils. This would provide better coordination between the ISCS that has been entrusted with the task of activating the Zonal Councils, and the State Governments. Hence an officer of the rank of Additional Secretary in the ISCS should also be formally made a member in the Standing Committee of the Western Zonal Council. The Standing Committee may consider and recommend to the Western Zonal Council for passing a resolution in this regard.

20. Amendment to rule 10 of the Western Zonal Council Rules of Procedure

(Suggested by the Inter State Council Secretariat)

The Western 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 States 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 Western Zonal Council is 11. As the rule 10 appears ambiguous considering the number of members in the Western 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 Western 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 Western Zonal Council for the aforesaid amendment.

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SEVENTH MEETING
STANDING COMMITTEE OF WESTERN ZONAL COUNCIL

AGENDA

PANAJI

2ND JULY, 2012

INTER STATE COUNCIL SECRETARIAT
MINISTRY OF HOME AFFAIRS
NEW DELHI

