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**PARLIAMENT OF INDIA  
RAJYA SABHA**

**DEPARTMENT-RELATED PARLIAMENTARY STANDING  
COMMITTEE ON HOME AFFAIRS**

**ONE HUNDRED AND FIFTY EIGHTH REPORT**

**ON**

**THE NORTH-EASTERN AREAS (RE-ORGANISATION)  
AMENDMENT BILL, 2011**

---

**(PRESENTED TO RAJYA SABHA ON 28 MARCH, 2012)  
(LAID ON THE TABLE OF LOK SABHA ON 28 MARCH, 2012)**

**RAJYA SABHA SECRETARIAT  
NEW DELHI  
MARCH 2012/ CHAITRA, 1933 (SAKA)**

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**Department-related Parliamentary Standing  
Committee on Home Affairs  
(re-constituted w.e.f. 31<sup>st</sup> August, 2011)**

**Rajya Sabha**

1. Shri M. Venkaiah Naidu - Chairman
2. Shri Rishang Keishing
3. Dr. N. Janardhana Reddy
4. Shri S.S. Ahluwalia
5. Shri Naresh Chandra Agrawal
6. Shri Prasanta Chatterjee
7. Shri Tariq Anwar
8. Dr. V. Maitreyan
9. Shri D. Raja
10. Shri Javed Akhtar

**Lok Sabha**

11. Shri L.K. Advani
12. Shri Sansuma Khunggur Bwiswmuthiary
13. Shri Khagen Das
14. Dr. Kakali Ghosh Dastidar
15. Shri Ramen Deka
16. Shri Lagadapati Raja Gopal
17. Shri Mohammad Asrarul Haque
18. Shri Naveen Jindal
19. Shri Jitender Singh Malik
20. Shri Babulal Marandi
21. Shri Baijayant Panda
22. Shri Lalubhai B. Patel
23. Shri Natubhai Gomanbhai Patel
24. Dr. Nilesh N. Rane
25. Shri Navjot Singh Siddhu<sup>#</sup>
26. Shri Adhi Sankar
27. Shri Hamdullah Sayeed
28. Shri Neeraj Shekhar
29. Shri Ravneet Singh
30. Shri Harsh Vardhan
31. Shri Dinesh Chandra Yadav

**SECRETARIAT**

Shri P.P.K. Ramacharyulu, Joint Secretary  
Shri D.K. Mishra, Joint Director  
Shri Bhupendra Bhaskar, Assistant Director  
Shri Sanjeev Khokhar, Committee Officer  
Shri Anurag Ranjan, Committee Officer

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<sup>#</sup> Shri Navjot Singh Siddhu nominated w.e.f. 3<sup>rd</sup> January 2012 *vice* Shri Bishnu Pada Ray who was nominated to the Committee on Rural Development.

## PREFACE

I, the Chairman of the Department-related Parliamentary Standing Committee on Home Affairs, having been authorized by the Committee to submit the Report on its behalf, do hereby present this One Hundred and Fifty-eighth Report on the North-Eastern Areas (Re-organisation) Amendment Bill, 2011.

2. In pursuance of the rules relating to the Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha, in consultation with Speaker, Lok Sabha, referred\* the North-Eastern Areas (Re-organisation) Amendment Bill, 2011 (**Annexure-1**) as introduced and pending in Lok Sabha, to the Committee on 13<sup>th</sup> January, 2012, for examination and report by 31<sup>st</sup> March, 2012.

3. This Bill seeks to amend the North-Eastern Areas (Re-organisation) Act, 1971. The proposed amendments are administrative in nature.

4. The Committee considered the North-Eastern Areas (Re-organisation) Amendment Bill, 2011 in its sitting held on 6<sup>th</sup> February, 2012, wherein it heard the presentation of the representatives of the Ministry of Home Affairs. As per practice, the officers of the Legislative Department and Department of Legal Affairs were also present in the sitting to respond to the queries of the Members. The Committee in that sitting also took up the clause-by-clause consideration of the Bill.

4.1 The Committee in its sitting held on 13<sup>th</sup> March, 2012 considered and adopted this Report.

5. The Committee has made use of the following documents in preparing the Report:-

- (i) The North-Eastern Areas (Re-organisation) Amendment Bill, 2011;
- (ii) Detailed background Note on the Bill as received from the Ministry of Home Affairs;
- (iii) All-India Services Act, 1951;
- (iv) The North-Eastern Areas (Reorganisation) Act, 1971
- (v) Oral evidence tendered by the representatives of Ministry of Home Affairs, Law and Justice; and
- (vi) Replies received from the Ministry of Home Affairs on the queries raised by the Members.

6. For facility of reference and convenience, observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

**M. Venkaiah Naidu**

**Chairman**

13<sup>th</sup> March, 2012/New Delhi

Department-related Parliamentary  
Standing Committee on Home Affairs

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\* vide Rajya Sabha Parliamentary Bulletin Part II No. 49211 dated 16<sup>th</sup> January, 2012.

# **REPORT**

## **INTRODUCTION**

1.1 The States in the North Eastern Region were reconstituted by the North Eastern Areas (Re-organisation) Act 1971. This Act provides for the establishment of the States of Manipur and Tripura and the formation of the State of Meghalaya and of the Union territories of Mizoram and Arunachal Pradesh by re-organisation of the existing State of Assam and matters connected therewith.

1.2 The North-Eastern Areas (Re-organisation) Amendment Bill, 2011 seeks to amend Section 61 (3) of the North-Eastern Areas (Re-organisation) Act, 1971, to provide for separate Cadres of All India Services for the States of Manipur and Tripura.

1.3 The Ministry of Home Affairs in the background note stated that according to DoPT, constitution of a new cadre is an executive decision and in the past, bifurcation/creation of All India Services had been made by the enabling provisions of relevant Acts passed by the Parliament. According to Ministry of Law, it would be necessary to amend Section 61 of the North Eastern Areas (Re-organisation) Act, 1971 to provide for separate All India Service cadres for the States of Manipur and Tripura from the existing joint cadres.

## **BACKGROUND**

1.4 According to the Ministry of Home Affairs, the demand for bifurcation of Joint Manipur-Tripura cadre was initially raised by the Chief Minister of Tripura in 2004. In the meeting held on 16<sup>th</sup> February 2006, under the chairmanship of Cabinet Secretary to discuss various priority areas of the Government of Tripura, the issue of 'Splitting Manipur-Tripura Joint Cadre' was also discussed. A meeting of the Cadre Controlling Authorities of the All India Services namely, DoPT, Ministry of Home Affairs and Ministry of Environment and Forest was convened on 12<sup>th</sup> January 2009 by DoPT to discuss the issue of bifurcation of the Northeastern cadres into independent separate cadres. The Ministry informed that in that meeting, it was recommended to split the Joint

Manipur-Tripura All India Service Cadre into two independent State cadres. In the meeting held on 20<sup>th</sup> January 2010 in the Cabinet Secretariat, it was decided that DoPT would expedite taking a final decision in the matter of splitting Manipur-Tripura Joint Cadre into two independent cadres. It was further stated that the State Government of Tripura and Manipur have given their consent for cadre bifurcation.

1.5 The constitution of the All India Services Cadres is governed by the provisions of Rule 3 of the Indian Administrative Service (Cadre) Rules, 1954; the Indian Police Service(cadre) Rules,1954 and the Indian Forest Service(cadre) Rules,1966 which is reproduced below:-

- (i) There shall be constituted for each State or group of States an Indian Administrative Service Cadre; an Indian Police Service Cadre and an Indian Forest Service Cadre.
- (ii) The Cadre so constituted for a State or a group of States is hereinafter referred to as a 'State Cadre' or, as the case may be, a 'Joint Cadre'.

1.6 As mentioned earlier, constitution of a new cadre is an executive decision. The Ministry of Home Affairs informed the Committee that in the past, bifurcation/new creation was made by the enabling provisions of relevant Acts passed by the Parliament. All India Services cadres of Madhya Pradesh, Bihar and Uttar Pradesh were bifurcated into independent cadres of MP, Chattisgarh, Bihar, Jharkhand and UP, Uttarakhand respectively under the enabling provisions of the relevant Re-organisation Acts of the concerned State. The Manipur-Tripura joint cadre for All India Services was constituted as per the provisions of Section 61 (Sub-Section 2&3) of the North Eastern Areas (Re-organisation) Act, 1971.

1.7 The Ministry of Home Affairs informed the Committee that the Ministry of Law advised that splitting of joint cadre would require necessary amendments in the North Eastern Areas (Re-organisation) Act, 1971 to provide for separate All India Service cadres for the States of Manipur and Tripura. After receiving the advice of the Law Ministry, the DoPT sought the comments of the State Government of Manipur. The State Government of Manipur endorsed the proposal stating that it would enable better cadre management and is also expected to provide better governance.

1.8 The Committee was further informed that in the meeting held on 12.1.2009 by Department of Personnel & Training (DoPT), the respective Cadre Controlling Authorities for All India Services i.e. Ministry of Home Affairs (IPS) and the Ministry of Environment & Forests (for IFS) agreed to split the Manipur-Tripura joint cadre for the All India Services into two independent cadres.

1.9 The Committee was further informed that in view of the above proposal to amend the North-Eastern Areas (Re-organization) Act, 1971 for the constitution of separate All-India Services Cadres in Manipur and Tripura by splitting of Joint Cadre of Manipur-Tripura was forwarded for consideration of the Cabinet on 16<sup>th</sup> August 2011 along-with the draft of North East Areas (Re-organization) Amendment Bill, 2011. The proposal was approved by the Cabinet in its meeting held on 5<sup>th</sup> September 2011.

1.10 After approval of the Cabinet, the North Eastern Areas (Re-organization) Amendment Bill, 2011 was introduced in the Lok Sabha on 07.12.2011.

## **PRESENTATION/ORAL EVIDENCE**

1.11 The Committee in its sitting held on 6<sup>th</sup> February, 2012, heard the Home Secretary on the North-Eastern Areas (Re-organization) Amendment Bill, 2011. The Joint Secretary, Ministry of Home Affairs made a presentation on the Bill. After presentation, Members of the Committee raised some issues pertaining to the provisions and the implications of the proposed amendments in the Bill.

1.12 Some Members sought to know as to why the Government dragged a small issue like creation of a separate cadre for the States of Tripura and Manipur for more than a decade. The Members also sought to know as to when Madhya Pradesh, Bihar and Uttar Pradesh were bifurcated, there was an inbuilt enabling provision in their re-organisation Act for creation of a separate State cadre for All India Services, why such a provision was not there in the North-Eastern Re-organisation Act. Responding to the query, the Home Secretary stated that they learnt from experience. He further stated that when they had a Re-organisation Act later, an enabling clause was provided.

1.13 Some Members drawing the attention of the joint cadre for Assam and Meghalaya and a demand for separate cadre, sought to know the problem in creating a separate cadre



for Meghalaya. They also asked as to why the Government is not creating a separate cadre for Arunachal Pradesh.

1.14 Responding to the query, the Home Secretary submitted that the strength of officers for Meghalaya is very small and therefore, it may not be sustainable to have a separate cadre. Regarding Arunachal Pradesh, he submitted that there was no demand from Arunachal Pradesh to have a separate cadre and like Meghalaya, it is very small and comes under Arunachal–Goa–Mizoram–Union Territories Cadre.

1.15 One Member drew the attention to the demand for separate High Court for Tripura for more than two decades. The Member mentioned that people are facing a lot of problems because of the absence of a separate High Court. A High Court building has come up. The then Law Minister, inaugurated the building and appreciated it. The Home Minister has visited the building, but, nothing has come yet. The Member, therefore, sought to know the present status in the matter.

1.16 Responding to the query, the Home Secretary submitted that the Government has moved in the direction of a separate High Court for Tripura. He added that the Cabinet has approved the draft Bill which the Ministry proposes to move in the forthcoming Session.

1.17 Some Members felt that there are seven States in the north-east, and every State has problem and grievances not only on cadre issue but also on judiciary issues, including the Accountant General, Police and about IAS issues. The Members sought to know as to why the Ministry was not bringing a comprehensive Bill to amend the North-East Area Reorganisation Act, 1971?

1.18 The representative of MHA submitted that as far as Accountants General are concerned, now each and every State has got a separate Accountant General. He further stated that about IAS cadre, there are two joint cadres only. One is Assam-Meghalaya and the other is Manipur-Tripura and Arunachal Pradesh comes under the U.T.

## **CLAUSE-BY-CLAUSE CONSIDERATION OF THE BILL AND RECOMMENDATIONS OF THE COMMITTEE**

1.19 The Committee in its sitting held on 6<sup>th</sup> February, 2012 took up the clause-by-clause consideration of the Bill.

### ***Clause 2***

1.20 This **Clause** proposes amendment in Sub-section (3) of Section-61 of the North-Eastern Areas (Re-organisation) Act, 1971 which reads as below.

*“On and from the appointed date, there shall be constituted for the States of Manipur and Tripura a joint cadre of the Indian Administrative Service, a Joint cadre of the Indian Police Service and a Joint cadre of the Indian Forest Service”*

1.21 The proposed amendment seeks to replace the above Sub-section (3) as follows:-

- “(3) On and from the date of commencement of the North-Eastern Areas (Reorganisation) Act, 2011, there shall be constituted each for the State of Manipur and for the State of Tripura a separate cadre of the Indian Administrative Service, a separate cadre of the Indian Police Service and a separate cadre of the Indian Forest Service.”
- (3 A) The initial strength and composition of the State cadres referred to in sub section (1) shall be such as the Central Government may, by order determine before the date of commencement of the North-Eastern Areas Reorganisation (Amendment) Act, 2011.
- (3 B) The members of each of the said services borne on the joint cadre for the states of Manipur and Tripura in each category of the All-India Services immediately before the commencement of the North-Eastern Areas (Reorganisation) Amendment Act, 2011, shall be allocated to the State cadres of the same service constituted under sub-section (1 ) in such manner and with effect from such date or dates as the Central Government may, by order, specify.
- (3 C) Nothing in this section shall be deemed to affect the operation, on or after the commencement of the North-Eastern Areas, (Reorganisation) Amendment Act, 2011, of the All-India Services Act, 1951, or the rules and regulations made thereunder.”

**1.22 The Clause is adopted without any change.**

### **Clause 1, the Enacting Formula and the Title**

**1.23 Clause 1, the Enacting Formula and the Title are adopted with some changes which are of consequential/drafting nature, namely “2011” and ‘Sixty-Second’ to be substituted by ‘2012’ and “sixty-third” year, respectively.**

**1.24** Since, this Bill proposes changes which are administrative in nature, the Committee adopts the Bill without any change and commends for being passed.

**1.25** The Committee, while adopting the Bill, also suggests that the issue relating to separate cadres for all other States of North-Eastern region may be considered in consultation with the concerned States. The Committee desires that a comprehensive Bill amending the North-Eastern Areas (Re-organisation) Act, 1971 may be brought forward in the Parliament after completing all consultations at the earliest.

**1.26** The Committee also desires that the Bill for separate High Court for Tripura may be brought forward to the Parliament at the earliest.

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