

REPORT NO.

**171**



**PARLIAMENT OF INDIA**  
**RAJYA SABHA**

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE  
ON HOME AFFAIRS

**ONE HUNDRED & SEVENTY FIRST REPORT**  
**The North-Eastern Council (Amendment) Bill, 2013**

(PRESENTED TO THE CHAIRMAN, RAJYA SABHA ON 30<sup>th</sup> MAY, 2013)

(FORWARDED TO THE SPEAKER, LOK SABHA ON 30<sup>th</sup> MAY, 2013)

(PRESENTED TO RAJYA SABHA ON.....2013)

(LAID ON THE TABLE OF LOK SABHA ON .....2013)



Rajya Sabha Secretariat, New Delhi  
May, 2013/Jyaishtha, 1935 (Saka)

**PARLIAMENT OF INDIA**  
**RAJYA SABHA**

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

**ONE HUNDRED & SEVENTY FIRST REPORT**  
**The North-Eastern Council (Amendment) Bill, 2013**

**(PRESENTED TO THE CHAIRMAN, RAJYA SABHA ON 30<sup>th</sup> MAY, 2013)**

**(FORWARDED TO THE SPEAKER, LOK SABHA ON 30<sup>th</sup> MAY, 2013)**

**(PRESENTED TO RAJYA SABHA ON.....2013)**

**(LAID ON THE TABLE OF LOK SABHA ON .....2013)**



**Rajya Sabha Secretariat, New Delhi**  
**May, 2013/Jyaishta, 1935 (Saka)**

## ACRONYMS

ARC	ADMINISTRATIVE REFORMS COMMISSION
CGAR	CORE GROUP ON ADMINISTRATIVE REFORMS
DoNER	DEVELOPMENT OF NORTH-EASTERN REGION
MHA	MINISTRY OF HOME AFFAIRS
NEC	NORTH EASTERN COUNCIL
NLCPR	NON LAPSABLE CENTRAL POOL OF RESOURCES
UTs	UNION TERRITORIES

## CONTENTS

	PAGES
1. COMPOSITION OF THE COMMITTEE	(i)
2. PREFACE	(ii) – (iii)
3. REPORT	1 - 12
*4. OBSERVATIONS/CONCLUSIONS/RECOMMENDATIONS-AT A GLANCE	
*5. RELEVANT MINUTES OF THE MEETINGS OF THE COMMITTEE	

---

\* To be appended at printing stage

**Department-related Parliamentary Standing  
Committee on Home Affairs  
(re-constituted w.e.f. 31<sup>st</sup> August, 2012)**

**Rajya Sabha**

1. Shri M. Venkaiah Naidu - Chairman
2. Shri D. Raja<sup>^</sup>
3. Vacant<sup>3R</sup>
4. Shri Janardan Dwivedi
5. Shri Rajiv Pratap Rudy
6. Shri Satish Chandra Misra
7. Shri Prasanta Chatterjee
8. Shrimati Kanimozhi
9. Vacant<sup>\*</sup>
10. Dr. V. Maitreyan

**Lok Sabha**

11. Shri Anandrao Adsul
12. Shri L.K. Advani
13. Dr. Shafiqur Rahman Barq
14. Shri E. T. Mohammed Basheer
15. Shri Avtar Singh Bhadana
16. Smt. Santosh Chowdhary
17. Dr. Kakoli Ghosh Dastidar
18. Shri Ramen Deka
19. Shri Sandeep Dikshit
20. Shri Naveen Jindal
21. Shri Aaron Rashid J.M.
22. Shri Datta Meghe
23. Shri Lalubhai Babubhai Patel
24. Shri Sanjay Dina Patil
25. Shri Lalu Prasad
26. Shri Rathod Ramesh
27. Shri Hamdulla Sayeed
28. Shri Neeraj Shekhar
29. Shri Navjot Singh Siddhu
30. Shri Ravneet Singh
31. Shri Dinesh Chandra Yadav

**SECRETARIAT**

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

(i)

---

<sup>^</sup>Shri D. Raja, Member, Rajya Sabha has been nominated w.e.f. 28<sup>th</sup> December, 2012 to the Committee on Home Affairs in the vacancy caused by the appointment of Shri K. Rahman Khan as Minister of Minority Affairs in Union Cabinet

<sup>3R</sup> Due to the resignation of Shri Rishang Keishing, Member, Rajya Sabha from the Membership of the Committee on Home Affairs w.e.f. 22.02.2013.

<sup>\*</sup> Due to the Appointment of Shri Tariq Anwar as Minister of State for [Agriculture](#) and [Food Processing](#) Industries.

## 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 Seventy First Report on the North-Eastern Council (Amendment) Bill, 2013.

2. In pursuance of the rules relating to the Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha, referred<sup>π</sup> the North-Eastern Council (Amendment) Bill, 2013 as introduced in the Rajya Sabha on 11<sup>th</sup> March 2013 and pending therein, to the Committee on 12<sup>th</sup> March 2013 for examination and report within three months.

3. The Bill seeks to amend the North-Eastern Council Act, 1971 for inclusion of (a) one Member of the Planning Commission of India, being in charge of the North-Eastern Region ex-officio; (b) two non-official Members nominated by the President for three years extendable for a further period not exceeding two years, and restoring function of the Council to discuss issues of mutual interest to two or more States in the Region and to advise State Government(s) and Central Government thereon. The Bill also seeks replacement of words “the Department of Development of North-Eastern Region” with “Development of North-Eastern Region” in Section 6 of the Act.

4. The Committee in its meeting held on 22<sup>nd</sup> April, 2013 heard the presentation of the Secretary, Ministry of DoNER on the Bill.

---

<sup>π</sup> See Rajya Sabha Parliamentary Bulletin Part II No. 50750 dated 12 March 2013.

5. The Committee in its meeting held on 8<sup>th</sup> May 2013 took up clause-by-clause consideration of the Bill.

6. The Committee considered the draft Report in its sitting held on 8<sup>th</sup> May 2013 and adopted the same.

(ii)

7. The Committee, while making its observations/recommendations, has relied mainly upon the following papers received from the Ministry of DoNER: -

- (i) The North-Eastern Council (Amendment) Bill, 2013
- (ii) The North-Eastern Council Act, 1971;
- (iii) The North-Eastern Council (Amendment) Act, 2002;
- (iv) Background note on the Bill as received from the Ministry of DoNER; and
- (v) Verbatim proceedings of the meeting of the Committee held on 22<sup>nd</sup> April, 2013.

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

NEW DELHI  
8<sup>th</sup> May, 2013

**M. Venkaiah Naidu**  
Chairman  
Department –related Parliamentary  
Standing Committee on Home Affairs

(iii)

## **Report**

### **1.0 Background and objective of the Bill**

1.1 The North –Eastern Council (Amendment) Bill, 2013 seeks to insert Section 3A after Section 3 and to amend Sections 4 and 6 of the North –Eastern Council Act, 1971 (herein after called ‘Principal Act’) which pertains to “Setting up and the composition of the North Eastern Council”, ‘Functions of the Council’ and “Nomination of certain officers to attend the meetings of the Council” respectively. The proposed Section 3A to be inserted after Section 3 in the Act stipulates that the term of office of two nominated members shall be three years which may be extended for a further period not exceeding two years, while the allowances or remuneration payable to the nominated members shall be such as may be determined by the Central Government. A new sub-Section (1A) is proposed to be inserted in Section 4 of the Act to enable the Council to restore the function of the Council to 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, and, in particular, may discuss and make recommendations with regard to (i) any matter of common interest in the field of economic and social planning; (ii) any matter concerning inter-State transport and communications; and (iii) any matter relating to power or flood control projects of common interest. Further the proposed amendment in Section 6 seeks to substitute the words ‘Development of North Eastern Region’ in place of words ‘the Department of Development of North Eastern Region’.

1.2 The Statement of Object and Reason of the Bill spells out the details of the background and objective as under:-



*“The North-Eastern Council (NEC) was set up in 1972 by the North-Eastern Council Act, 1971 for securing balanced and coordinated development and effecting coordination among States of the north-eastern area viz. Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. The Governors and Chief Ministers of constituent States are members of the Council. The North-Eastern Council (Amendment) Act, 2002, inter alia, added Sikkim as the eighth member-State of the Council; envisaged functioning of the Council as a regional planning body for the north-eastern area and provisioned for three members and Chairman of the Council to be nominated by the President.*

*The nominated Union Minister, Governors and Chief Ministers of the constituent States are members of the Council as long as they hold the office. Since establishment of NEC, being a statutory body, is of permanent nature, therefore, tenure of nominated members of the Council should be specified in the Act. Therefore, the Bill, inter alia, seeks inclusion of (a) one member of the Planning Commission of India, being in charge of the north-eastern region; (b) two non-official members nominated by the President for three years period extendable for a further period not exceeding two years.*

*Second Administrative Reforms Commission, in its 7<sup>th</sup> Report on 'Capacity Building for Conflict Resolution,' inter alia, recommended for suitable amendment in the Act of 1971, to restore the original 'conflict resolution provision' requiring the Council to discuss issues of mutual interest of two or more States in the region and to advise the Central Government thereon. This recommendation was in-principle approved by the Group of Ministers headed by the then Finance Minister in the meeting held on 8th December, 2009, NEC should be used as forum for discussion on matters of common interest to the Region and make recommendations. The Bill seeks amendment in the Act that will enable the Council to perform this function.*

*Department of Development of North-Eastern Region was formed in 2001 within Ministry of Home Affairs and subsequently upgraded to full-fledged Ministry in 2004. The Bill also seeks amendment in the Act to that effect.”*

1.3 The Ministry of DoNER in its background note giving the background and justification for each amendment proposed, stated that as per Section 3(1) of NEC Act, 1971, North Eastern Council comprises of Governors and Chief Ministers of eight North Eastern States and three members to be nominated by the President of India. In response to decision taken by Union Cabinet in July, 2003 to revitalize NEC, Committee on Revitalization of NEC was constituted by the Ministry in October 2003. The Committee submitted its Report to the Government on 30<sup>th</sup>

July, 2004 and recommendations of the Committee were examined in the Ministry and accordingly decision of Cabinet was sought on the following:

- (i) Appointment of Minister DoNER, as Chairman NEC
- (ii) Equation of 3 nominated Members of NEC with Members of Planning Commission in terms of rank, status (status of Minister of State of the Union Government), tenure and emoluments and having them as full-time functionaries, headquartered at NEC Secretariat, Shillong.

1.4 The Committee was further informed that the Cabinet approved the proposal of the Ministry on 1<sup>st</sup> December, 2004 with the modification that out of three nominated Members of the NEC, one will be Member-in-charge of North East in Planning Commission. Through the proposed amendment in Section 3, it is sought to specify that the Council shall, *inter-alia*, have (i) two non-official members to be nominated by the President; (ii) one member of the Planning Commission of India being in charge of the North-Eastern Region - *ex officio*. The Section 3A proposed to be inserted after Section 3 in the principal Act stipulates that the term of office of two nominated members shall be three years which may be extended for a further period not exceeding two years, and the allowances or remuneration payable to the nominated members shall be such as may be determined by the Central Government.

1.5 The Ministry of DoNER stated that an anomaly exists since tenure of Members of a statutory body (NEC) was equated with tenure of a member of Planning Commission which is a non-statutory and extra constitutional body set up by an executive order. According to the Ministry, this anomaly has created a situation where, on expiry of the term of previous Government on the 18th May, 2009, all members of Planning Commission tendered their resignations, but non-official members of NEC were not required to do so as per condition of

their nomination. The current non-official members (barring Member- NE, Planning Commission, who is an *ex-officio* non-official member) have now put in around eight years. A statutory body must necessarily define tenure and conditions for their removal (other than resignation and/or death), prior to their appointment as members, since life of statutory body is independent of tenure of any Government formed by party/parties having majority in Parliament. Committee on Revitalisation of NEC had recommended tenure of nominated members as 3-5 years so as to have benefit of a cross section of experts drawn from different disciplines.

1.6 Pertaining to amendment in Section 4 of the Principal Act which is regarding 'Functions of the Council', the Ministry of DoNER put forth before the Committee that the Second Administrative Reforms Commission (ARC) in their 7<sup>th</sup> Report titled 'Capacity Building for Conflict Resolution' has made following recommendation:

*"(12.6.4.3.a) The NEC Act, 1971 may be suitably amended to restore the original 'conflict resolution provision' requiring the Council to 'discuss issues of mutual interest to two or more states in the region and to advise the Central Government thereon."*

1.7 The Committee was further informed that while the Ministry of Home Affairs and Core Group on Administrative Reforms (CGAR) set up by Department of Administrative Reforms and Public Grievances did not accept above recommendation, the Group of Ministers constituted to consider Second ARC Report under chairmanship of the then Finance Minister accepted it *in-principle* in meeting held on 8<sup>th</sup> December, 2009. As per decision of the Group of Ministers, the principal Act is to be suitably amended to restore the function of the Council to discuss issues of mutual interest to two or more States in the region and to advise State Government and Central Government thereon. A new sub-Section (1A) in Section 4 of principal Act is proposed to be inserted to enable the Council to perform this function. This provision contained in Section 4 (1) in original NEC Act was replaced by NEC (Amendment) Act, 2002 to make the NEC the

regional planning body for North Eastern Region. Thus the NEC will also continue to be the regional planning body for NER as per existing sub-Section (1) of Section 4 of the NEC Act.

1.8 The Ministry further apprised the Committee with the relevant observations and recommendations of Administrative Reforms Commission's 7<sup>th</sup> Report titled "Capacity Building For Conflict Resolution" and Government's decision thereon which is reproduced as below:-

*"12.6.4.1.1 The most significant 'supra State' institution of the region is the North Eastern Council (NEC) set up in 1972, following the enactment of the North Eastern Council Act, 1971. Its creation was necessitated by the reorganisation of the region into five States and two Union Territories and in response to the twin needs of effecting better inter-State/UT coordination, for maintenance of internal security and for facilitating planned, integrated development of the North East. While the aspect of security coordination received adequate consideration by the NEC in its initial phases – the Inspector General of the Assam Rifles acted as ex-officio Security Adviser – this responsibility was subsequently resumed by the Ministry of Home Affairs and the NEC is now primarily an agency to prepare and finance development schemes of inter-State importance. It also runs a number of educational and training institutions catering to the requirements of the region.*

*12.6.4.1.2 NEC initially consisted of the 'common Governor' of the North Eastern States as its Chairman with the Lieutenant Governors of the UTs and all the Chief Ministers as members. After the appointment of separate Governors (1981), the practice of either the Governor of Assam or the senior-most Governor acting as its head was followed. Following an amendment in the NEC Act in 2002, Sikkim has been added as a member and, due to its non-contiguity with other member-States, 'stand alone' schemes can be sanctioned for this State. Through this amendment, provision was also made for nomination of the Chairperson of the NEC by the President and for positioning some full-time members. In pursuance of that provision and on the recommendations of an expert Committee (2003), it was decided that normally, the Union Minister for Development of the North Eastern Region shall preside over the NEC. Two full-time members have also been inducted to the Council.*

*12.6.4.1.3 In the absence of a systematic overall organisational appraisal of the NEC so far, it is difficult to be categorical about its successes and failures. It is, however, a fact that like many other high level bodies, transaction of purposive business by the NEC has been hampered, as its proceedings tend to be dominated by rhetoric with limited time devoted to deliberations. Similarly, increasing State plan outlays, coupled with ever increasing central subventions through statutory transfers, centrally sponsored schemes and ad hoc allocations have resulted in a 'shift of attention' of the member-States from this regional institution. It must however be acknowledged that NEC sponsored schemes have contributed significantly to improve inter-State road and air connectivity, substantially augment power distribution and harmonious regional cooperation. It is agreed by all that the inter-State institutions of medical, dental, technical and*

*paramedical education established and maintained by it in different parts of the region have not only added to the development of human resources but have also enhanced better understanding between different areas within the region.*

*12.6.4.1.4 To review the role of the NEC in conflict reduction, reference may first be made to the mandate given to it originally under Section 4 of its Act, and the present position. Initially, the Council had a three-fold mandate of (a) considering issues in which two or more States of the region had an interest and to advise the Central Government in the matter; (b) preparation of regional plans and (c) security coordination in the region.*

*Following the amendments, its present charter is:*

- (a) To function as a regional planning body;*
- (b) To finance and implement projects of benefit to two or more States (except Sikkim);*
- (c) To review the pace of development in the region particularly in the context of the regional development plans; and*
- (d) To review measures taken by the States to maintain security and public order in the region.*

*12.6.4.1.5 For the purposes of this Report, the role of the NEC in conflict resolution may be studied in three contexts – NEC as an inter-State coordinating body; NEC as a Regional Planning body and role in ensuring maintenance of Public order. These aspects are briefly considered in the succeeding paragraphs.*

*12.6.4.1.6 One of the primary functions of the Council is to act as a forum to review the pace of development in the region. The amendment in the mandate of the Council which withdrew the power to discuss 'issues of common interest to two or more States and to advise the Union Government thereon' has already been referred to. The 'withdrawn responsibility' was identical to the mandate given to the Zonal Councils under the States Reorganisation Act, 1956. While the Commission is not recommending the rejuvenation of the Zonal Councils in other regions for the reasons mentioned in Chapter 14, it is clear that in matters like movement of supplies, including food-grains and passengers, local taxation policies and border disputes etc, a coordinating and problem solving forum is still highly relevant for the North Eastern Region. It is, therefore, imperative that the original provisions for inter-State coordination with its direct nexus with conflict resolution is restored.*

*12.6.4.1.7 The amendments to the NEC Act of 2002, as noted earlier, while somewhat narrowing the scope of the advisory jurisdiction of the Council more explicitly states its responsibility to review maintenance of security and public order. Earlier, this responsibility devolved only indirectly as part of the coordinating and advisory role of the NEC, it nevertheless found adequate reflection in the agenda of the Council. Explicit introduction of this responsibility through the 2002 amendment, creates problems for the DONER, as the 'administrative Ministry' for the NEC. DONER has been assigned no role in the sphere of security in the region. NEC, therefore, has to directly deal with the Ministry of Home Affairs in discharging this responsibility. The larger issue is how to*

*work out the modalities of discharging this responsibility. It is clear that if the ambit of 'internal security reviews' has to extend even a little beyond holding meetings, the NEC secretariat will need to be more actively involved in security coordination issues. To facilitate meaningful reviews, the Council secretariat must involve itself with the emerging developments in the field. Ministry of Home Affairs (MHA) also needs to take a view whether 'security and public order reviews' under the aegis of the NEC offer benefits which cannot be had by the MHA's own reviews. MHA must further consider whether special empowerment of the NEC entailed by this responsibility will result in increased administrative burden on the agencies normally involved in monitoring the law and order scenario in the region. To effectively coordinate or even assist in deliberations on internal security related issues, the Council secretariat would need suitable augmentation. In short, adequate preparatory arrangements are necessary if the renewed mandate of the NEC for internal security reviews is to be meaningfully discharged."*

1.9 The Committee was further apprised of the recommendations contained in the 7<sup>th</sup> Report of Second ARC which are enumerated below:

*(a) The NEC Act, 1971 may be suitably amended to restore the original 'conflict resolution provision' requiring the Council to 'discuss issues of mutual interest to two or more states in the region and to advise the Central Government thereon'.*

*(b) To enable the Council to assist effectively in the discharge of its responsibilities for reviewing the measures taken by the member-States for maintenance of security in the region, Ministry of Home Affairs should keep the Council Secretariat regularly within its 'security coordination loop'. The Council Secretariat would also need to be suitably strengthened to effectively assist in security coordination.*

*(c) The Planning Commission needs to lay down a framework for preparation of integrated regional plans, with priorities and not as an assortment of schemes by the NEC. The regional plan should focus on areas with a bearing on intra-regional, inter-State priorities which have the potential of avoiding conflicts and promoting regional integration.*

*(d) Planning Commission should ensure the association of the NEC in the State plan formulation exercise by suitably amending their guidelines.*

*(e) The responsibility of sanctioning funds from the 'Non Lapsable Central Pool of Resources' (NLCPR) should be entrusted to the North Eastern Council (NEC). NEC should work out mechanisms for scrutinising proposals for funding from the 'pool' and their funding in coordination with the Ministries concerned.*

*(f) It is desirable that a 10-year perspective plan is prepared for the entire region encompassing areas like development of human resources and infrastructure. A governance reform agenda should also form part of this plan. This comprehensive plan needs to be reviewed by the Prime Minister regularly with the Chief Ministers for speedy follow-up.*

*(g) The Ministry for Development of North Eastern Region (DONER) may be abolished and the responsibility for the development of the region, including the infrastructure sectors, and utilisation of the non-lapsable fund should be restored to the subject matter Ministries, with the MHA acting as the nodal Ministry.*

1.10 Explaining about the action taken on the recommendations of the 7<sup>th</sup> Report of ARC, it was stated that the Government accepted in principle empowering NEC with the conflict resolution provisions and it was decided that the Ministry of Home Affairs should take up this matter with NEC. The Government also accepted in principle that Ministry of Home Affairs should keep the Council Secretariat regularly within its 'security coordination loop' and MHA should examine the issue in consultation with NEC. The Government accepted the role of Planning Commission in laying guidelines for formulation of integrated regional plans and ensuring the association of the NEC in the State plan formulation. The responsibility of sanctioning funds from the 'Non Lapsable Central Pool of Resources by NEC was not accepted on the ground that NEC is a planning body. Recommendation regarding Ten-year perspective plan was accepted by the Government. The recommendation regarding the abolition of the Ministry of DoNER and restoration of responsibility for Development of region to the concerned line Department/Ministry has not been accepted on the plea that Ministry of DoNER provided undivided attention to development of North East. However, it was decided that a review of functioning of NEC and DoNER could be undertaken to make these bodies more effective.

1.11 The Committee was further informed that Ministry of Home Affairs vide its communication dated 13th July 2010, requested the Ministry of DoNER to take further action to amend NEC Act. Intention of ARC and GoM was that NEC as a body comprising Governors and Chief Ministers of North Eastern States should be used as forum for discussion on matters of common interest to the Region.

1.12 Regarding the proposed amendment in Section 6 of the Principle Act, the Ministry of DoNER informed the Committee that the Department of Development of North Eastern Region was upgraded to Ministry of Development of North Eastern Region, in May, 2004 and therefore,

proposed amendment in Section 6 intends to substitute the words 'the Department of Development of North Eastern Region' with the words 'Development of North Eastern Region'.

## **2.0 Mandate and Working of Ministry of DoNER**

2.1 The Committee took into cognizance the recommendations of Seventh Report of Second Administrative Reforms Commission regarding the abolition of the Ministry of DoNER and restoration of responsibility for development of the region to the concerned line Department/Ministry. The Committee noted that the Government has not accepted this recommendation on the plea that Ministry of DoNER provides undivided attention to development of North East and that a review of functioning of NEC and DoNER could be undertaken to make these bodies more effective.

2.2 It would be worthwhile to mention that the Committee, in its 170<sup>th</sup> Report on Demands for Grants (2013-14) pertaining to Ministry of DoNER, as presented to the Rajya Sabha on 25<sup>th</sup> April, 2013 commented on the dismal achievements of the Ministry. The Committee noted the Ministry's confession about its weakness in advocacy and coordination role, inadequate technical support, inadequate over all staff support, inadequate space and absence of field offices. The Committee was of the strong view that the purpose for which the Ministry was set up, has not been fulfilled and it seems that the implementing ministries do not pay heed to the requests or suggestions of the Ministry of DoNER. The Committee, therefore, strongly, recommended that Government should consider the handicaps of the Ministry of DoNER in a very serious manner and devise way out either by placing the Ministry of DoNER under PMO directly or evolve some other mechanism so that the Ministry of DoNER could get its decisions implemented by the line ministries/departments/agencies.

2.3 In regard to the working and the mandate of the Ministry of DoNER, the Committee in the said report felt that it failed to understand that a Ministry, which was carved out to focus and expedite development in the North East Region, after more than a decade of its existence, has realized that it lacks sufficient power and necessary infrastructure to carry out its mandate, and is completely dependent on various Line Ministries/Departments for execution of projects. The



Committee took a serious view of the situation and felt that a holistic view at the functioning and powers of the Ministry should be taken. The Committee not being impressed with the functioning of the Ministry felt that the line ministries are not supporting or paying heed to the suggestions/ requests of the ministry.

**2.4 The Committee, while reiterating its recommendations as made in its 170<sup>th</sup> Report, feels that it is the high time the Government review the functioning of the Ministry and devise a mechanism to strengthen Ministry of DoNER for its effective functioning so that the projects and schemes meant for NER are completed in time and the line agencies/Ministries/Departments while implementing those projects co-ordinate with the Ministry of DoNER. The Committee also reiterates its decision as indicated in its 170<sup>th</sup> Report that it would hold discussions with the Cabinet Secretary, Planning Commission and other stakeholders in the matter.**

### **3.0 Presentation by the Secretary, Ministry of DoNER**

3.1 The Secretary, Ministry of DoNER during the course of presentation before the Committee in its sitting held on 22<sup>nd</sup> April, 2013 dwelt upon the background and provisions of the Bill as under:-

*“there are three nominated Members of the North-Eastern Council, but, unfortunately, their tenure has not been fixed. So, the present incumbents are there for around last eight years, since March, 2005. So, it is considered necessary to restrict their tenure to three years, which can be extended to a maximum of five years so that new blood is infused into the Council. This is one point. The second point is, most of the Member States of the North-Eastern Council have issues relating to each other, like boundary disputes. This Bill seeks to empower the Council to discuss those kinds of issues among themselves and try to sort them out without the interference of the Government of India. That is the main purpose. The third one is, if the emoluments are fixed in the Act itself, it will be difficult to change it and every time when the emoluments need to be changed, we will have to amend the Act. So, we are seeking to empower the Government through a subordinate legislation to fix the emoluments... earlier DoNER was a Department under*

*the Ministry of Home Affairs. Now it is a full-fledged Ministry. Now we just want to change the nomenclature.”*

#### **4.0 Clause –by –consideration of the Bill**

4.1 The Committee took up the clause-by -clause consideration of the Bill in its sitting held on 8<sup>th</sup> May, 2013. The clause-by-clause consideration is given in the following paragraphs.

##### **Clause 2**

4.2 Clause 2 proposes to amend Section 3 to provide for nomination of two non-official Members by the President; and one member of the Planning Commission of India being in charge of the north eastern region, *ex officio.*”

**4.2.1 The clause is adopted without any change.**

##### **Clause 3**

4.3 Clause 3 proposes insertion of a new Section 3A after Section 3 stipulating that the term of office of the two nominated non-official Members shall be three years which may be extended for a further period not exceeding two years and the allowance and remuneration payable to the nominated Members would be such as may be determined by the Central Government.

**4.3.1 The clause is adopted without any change.**

##### **Clause 4**

4.4 The clause 4 seeks amendment in Section 4 of the principle Act, by inserting sub-Section (1A) for empowering NEC to discuss matters 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, and, in particular, may discuss and make recommendations with regard to any matter of common interest in the field of economic

and social planning; matter concerning inter-State transport and communications; and any matter relating to power or flood control projects of common interest.

**4.4.1 The clause is adopted without any change.**

#### **Clause 5**

4.5 The Clause 5 seeks amendment in Section 6 of the Act to effect change in nomenclature i.e, from Department of DoNER to a full-fledged Ministry of DoNER.

**4.5.1 The clause is adopted without any change.**

#### ***CLAUSE 1, Short Title and Enacting formula***

4.6 *Clause 1, the Enacting Formula and the Title are adopted without any change.*

**5.0 The Committee adopts the Bill and commends for being passed at the earliest subject to the observations and recommendations made in Para No 2.4 of this Report.**

\*\*\*\*\*