

**Bill No. XVII of 2013**

**THE NORTH-EASTERN COUNCIL (AMENDMENT) BILL, 2013**

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**BILL**

*further to amend the North-Eastern Council Act, 1971.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the North-Eastern Council (Amendment) Act, 2013.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

84 of 1971. 5 **2.** In the North-Eastern Council Act, 1971 (hereinafter referred to as the principal Act), in section 3, in sub-section (1), for clause (iii), the following clauses shall be substituted, namely:—

Amendment of section 3.

“(iii) two non-official members to be nominated by the President;

(iv) one member of the Planning Commission of India being in charge of the north-eastern region, *ex officio*.”.

Insertion of new section 3A.

**3.** After section 3 of the principal Act, the following section shall be inserted, namely:—

Term of office and other conditions of service of non-official members.

“3A. (1) The term of office of members nominated under clause (iii) of sub-section (1) of section 3 shall be three years: 5

Provided that the term of office of such members may be extended for a further period not exceeding two years.

(2) The allowances or remuneration payable to the members nominated under clause (iii) of sub-section (1) of section 3 shall be such as may be determined by the Central Government.”. 10

Amendment of section 4.

**4.** In section 4 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The Council 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, and, in particular, may discuss and make recommendations with regard to,— 15

(i) any matter of common interest in the field of economic and social planning;

(ii) any matter concerning inter-State transport and communications; and 20

(iii) any matter relating to power or flood control projects of common interest.”.

Amendment of section 6.

**5.** In section 6 of the principal Act, for the words “the Department of Development of North-Eastern Region”, the words “Development of North-Eastern Region” shall be substituted. 25

## STATEMENT OF OBJECTS AND REASONS

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.

2. 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.

3. 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.

4. Second Administrative Reforms Commission, in its 7th 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.

5. 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.

6. The Bill seeks to achieve the above objects.

NEW DELHI;  
The 21st February, 2013.

PABAN SINGH GHATOWAR

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to insert new section 3A after section 3 of the Act; sub-section (2) of which empowers the Central Government to determine the allowances or remuneration payable to the members nominated under clause (iii) of sub-section (1) of section 3.

The matters in respect of which the Central Government may determine are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE NORTH-EASTERN COUNCIL ACT, 1971

(84 OF 1971)

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**3.** (1) There shall be a Council to be called the North-Eastern Council which shall consist of the following members, namely:—

Setting up and composition of the North-Eastern Council.

\* \* \* \* \*

(iii) three members to be nominated by the President.

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**6.** In order to assist the Council in the discharge of its functions, each of the Ministries of the Central Government dealing with matters relating to Defence, Finance, Home Affairs, Planning and the Department of Development of North-Eastern region shall nominate an officer to attend the meetings of the Council.

Nomination of certain officers to attend the meetings of the Council.

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RAJYA SABHA

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**BILL**

further to amend the North-Eastern Council Act, 1971.

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*(Shri Paban Singh Ghatowar, MoS {I/C} in the Ministry of Development of North-Eastern Region and MoS in the Ministry of Parliamentary Affairs)*