

## GOVERNMENT OF TRIPURA

### INTER-STATE COUNCIL MEETING IN VIGYAN BHAVAN (HALL NO.5) NEW DELHI ON 22 JANUARY, 1999

#### 5<sup>th</sup> Meeting

Honorable Chairman, Chief Ministers of other States and other distinguished participants.

We wish to compliment the Council for having taken the initiative to convene the fifth meeting. Since the common minimum programme requires a thorough review of the Centre-State relations, this meeting is very timely.

Due to shortage of time I will limit myself only to some observations which are of importance to Tripura.

1. As regards the recommendation for which no consensus has yet been arrived at by the Sub-Committee the Govt. of Tripura agrees that these could be referred to the High-level Committee. While doing so, we further emphasize that representation of these smaller North Eastern States like Tripura is essential whose problems are qualitatively different from the problems faced by the larger states of other regions.

2. We had earlier observed that out of 179 recommendations of which there was consensus in the Sub-Committee, the Govt. of Tripura broadly agrees with the opinion of the sub-committee in respect of the three categories of "recommendation accepted" "recommendation accepted with modifications" and "recommendations not accepted" with certain exceptions/conditions which have been officially communicated to the Advisor, Inter State Council Secretariat by the Govt. of Tripura on 7<sup>th</sup> Nov., 1996.

#### **(A) Agenda Item No.1 : (Emergency Provisions)**

##### **Article 355**

In the 3<sup>rd</sup> meeting of the Sub-Committee held on 15.01.1992 while deliberating on chapter-VII (Development of Armed Forces in State for public order duties) views were expressed on behalf of West Bengal, Rajasthan, Uttar Pradesh and Tamil Nadu criticizing the mis-use of Article 355 and suggesting its amendment to the effect that deployment and withdrawal of the Union Armed Forces should be done only at the request of the State Government. The Union should have no unilateral power in this regard and for this reason Article 355 of the Constitution should be amended suitably. Law & Order situation being State subject the Union Government. Simultaneously State Armed Forces are required to be strengthened to handle law and order situation. Co-ordinate in the matter of deployment of forces between the State Govt. and the Union Govt. is essentially required to avoid and critical situation. In the matter of deployment of Union Armed Forces to tackle the situation arising out of terrorism and secessionism no state Govt. would naturally oppose. The Govt. of Tripura agrees with this view.

The views expressed in the 6<sup>th</sup> meeting of the standing Committee held on 09.12.98 on Article 355 by some States that the Union Armed Forces should be deployed in the State for safeguarding the properties of the Central Government and for inprising the Central loss is agreed upon by the Government of Tripura. The Govt. of Tripura further agrees the

view that the deployment of Central Forces in State should be in aid of Civil authorities as and when required by a State Government, and that the Central Government should share the finance needed for the same.

### **Article 356**

According to Sarkaria Commission the makers of the Constitution regarded the provisions of Article 356 as a bulwark of the Constitution, an ultimate assurance of maintaining of restoring representative Government in States responsible to the people. The Government of Tripura agrees with the recommendations of the Sarkaria Commission regarding the safeguard against the misuse of Article 356. The Government of Tripura further agrees to the recommendations of the Sarkaria Commission in regard to the proposed 4(four) amendments of Article 356.

It has been made clear in the judgement of the Supreme Court in the Bommai Case that any misuse in invoking the Article 356 will have first to meet the test of scrutiny by the President, in so far as the issue of proclamation has been made justiciable. Further, such a proclamation will be subject to the consideration in both the Houses of Parliament. Ultimately, the matter in case of discrepancy even after approval of the both the house of Parliament may be scrutinized by the Supreme Court. The Government of Tripura agrees with this stand point. Finally, before making the proclamation under Article 356 operational there should be absolute scrutiny including judicial scrutiny. The safeguards provided should be stringent to prevent any misuse of this Article as dismissal of 9(nine) State Government in April, 1977 and equal number in February, 1980 could be possible only because of the misuse of the Article due to certain arbitrary reasons.

#### **(B) Agenda Item No.2 : (Amendment in Guidelines)**

The Government of Tripura agrees with the proposed guidelines as approved by the standing committee reflected in the statements showing the existing guidelines and the proposed amendments to the guidelines for identifying and selecting issues to be brought before the Inter State Council and this Committee (Annexure-V in the booklet).

#### **(C) Agenda Item No.3: (Economic and Social Planning)**

Attention is drawn to the recommendation relating to the centrally sponsored Schemes from para 11.9.09 to 11.9.14 of the recommendation of the Sarkaria Commission. We had earlier observed that we cannot agree to the recommendation of the Sub-Committee on these items as it is our view that imaginatively conceived as well-designed CSS can co-exist with schemes under State plan and can supplement the efforts under State plan, specially a smaller state like Tripura, whose own resource base is narrow. These views have been officially communicated to the Advisor, Inter State Council, Secretariat vide our letter dated 7<sup>th</sup> Nov., 1996. We have broadly agreed to the note circulated by the then Union Agriculture Minister separately in respect of centrally sponsored scheme. We endorse the views of the Union Agriculture Minister that if Centrally Sponsored schemes are to serve an effective role this should be funded 100% by the Government of India as smaller State like Tripura which have a very narrow resource base often find it difficult to provide matching State share in spite of recognized efforts at efficient financial management.

#### **(D) Agenda Item No.4 : (Implementation Report )**

- i) Administrative Relations (Chapter-III of the recommendation of Sarkaria Commission)

- ii) Deployment of Union Armed Forces (Chapter-VII of the recommendation of the Sarkaria Commission) Views of the Government of Tripura have already been reflected on this point in the relevant portion of agenda item NO.1.
- iii) All India Services (Chapter- VIII of the recommendation of the Sarkaria Commission). The Government of Tripura broadly agrees to the recommendation of the Sarkaria Commission on this issue.
- iv) Inter-Governmental Council (Chapter-IX of the recommendation of the Sarkaria Commission) Views of the government of Tripura have been discussed in the foregoing paragraphs relating to agenda item No.2.
- v) Financial relations (Chapter-X of the recommendation of Sarkaria Commission). On 29 items on which inter State Council reached consensus and concurrence of the State Government has been sought for the Govt. of Tripura broadly agrees with the revised consensus except in point No. 10.11.04 where our views are that we agree to the consensus as proposed earlier. On point No. 10.11.26 our views are that recommendation of the Sarkaria Commission may be accepted.

Regarding 15 items on which no consensus could be reached and views of the State Government has been requested by the Inter-State Council Secretariat, the Govt. of Tripura broadly agrees to the revised consensus except on point No.10.11.17 where we consider that recommendations of the Sarkaria Commission may be accepted. On Point No.10.11.20 the view of the Govt. of Tripura is that the revised consensus may be accepted in principle. The Govt. of Tripura is oppose to the imposition of the Consignment Tax. On point No.10.11.25 The Govt. of Tripura considers that the recommendation of the Sarkaria Commission may be accepted. On point No.10.11.38 and 10.11.41 similarly the Govt. of Tripura considers that recommendation of the Sarkaria Commission may be accepted. On point No.10.11.44 The Govt. of Tripura considers that the issue may be referred to the National Development Council in the light of the developments that occurred in course of time.

- vi) Mines & Minerals(Chapter-XIII of the recommendation of the Sarkaria Commission) This subject is not applicable to the State of Tripura.
- vii) Agriculture (Chapter-XIV of the recommendation of the Sarkaria Commission) The Govt. of Tripura considers that the schemes which have bearing on research findings and directly linked with the research activities may be includes as Centrally Sponsored Schemes. All the schemes for Agricultural extension training may similarly be included.  
The Govt. of Tripura broadly agrees with the recommendation of the Sarkaria Commission on the subject of Agriculture.
- viii) Forests (Chapter-XV of the recommendation of the Sarkaria Commission) When there is no much project involving submersion of reserved forests or their diversion to non forests uses, the Govt. of Tripura broadly agrees with the recommendation of the Sarkaria Commission subject to the condition that the entry relating to forests in the Constitution of India was shifted to the concurrent list by the 42<sup>nd</sup> amendment. Despite 44<sup>th</sup> amendment it continues to remain in the concurrent list. The subject should have entered in the State list.
- ix) Food & Civil Supplies (Chapter-XVI of the recommendation of the Sarkaria Commission)  
The Govt. of Tripura broadly agrees with the recommendation of the Sarkaria Commission on the subject.

- x) Inter-State River Water Disputes (Chapter-XVII of the recommendation of the Sarkaria Commission)

This subject is not applicable to the State of Tripura.

- xi) Trade Commerce & Intercourse within the territory of India (Chapter-XVIII of the recommendation of the Sarkaria Commission)

Sarkaria commission recommended that there should be a periodic dialogue between the Union and the State in respect of revision of royalty rights under MMRD Act. There was earlier no dialogue on the revision of royalty of minerals rights between the Union and State Government. This dialogue may be held at the earliest opportunity. The only restriction imposed on free flow of trade between Tripura and the rest of the country is the Sales Tax Checkpost at Churaibari under Dharmanagar Sub-Division of North Tripura District. There is no restriction on the flow of trade and commerce within the State. Sales Tax Checkpost as mentioned above imposes reasonable restriction on the trade of goods within the powers of the State Government.

- xii) Mass Media (Chapter-XIX of the recommendation of the Sarkaria commission)

The Govt. of Tripura is implementing the recommendation of the Sarkaria Commission. Up-linking facilities in respect of Doordarshan Kendra, Agartala though committed by the Union Government is yet to be materialized. The Govt. of Tripura considers that strategic importance of the State including its Geophysical isolation immediate steps are required to be taken for:-

- i) Augmentation of existing transmitting capacity
- ii) Extension of up-linking facilities
- iii) Setting up of relaying transmitter

- xiii) Miscellaneous (Chapter-XX of the recommendation of the Sarkaria Commission)

The State Govt. officially communicated the views on the recommendations of Sarkaria Commission regarding official language to the Ministry of Home Affairs, Govt. of India in letter dated 11<sup>th</sup> January, 1999. The recommendations are being implemented by the Govt. of Tripura in proper spirit and in right earnest.

On the matter of the High Court Judges the State Government has no role.

I do not wish to elaborate further on large number of other issues which are important to us. I hope that deliberation in this meeting will help us address the issues quickly and effectively.

Thanking you very much.

## **6<sup>th</sup> Meeting of the Inter-State Council**

Hon'ble Prime Minister and other Distinguished Members of the Inter-State Council,

I am happy to attend this meeting of the Inter-State Council but I am also constrained to observe that this meeting was long overdue.

2. To start with, I shall briefly mention views of the State Government in respect of the Agenda Items circulated for today's meeting.

### **Agenda Item-1**

2.1 The State Government does not have any objection to the matter being remitted to Sub-Committee.

### **Agenda Item-2**

2.2 The State Government agrees to the consensus proposed by the Standing Committee. But it is observed that Article-201 of the Constitution provides for reservation of a Bill by a governor for the consideration of the President. Thus the supremacy of the Union executive over the State Legislature has been secured. Experience indicates that this discretion to withhold a Bill has often been exercised arbitrarily. So it is felt necessary to have certain restrictions to insulate the present mechanism from arbitrariness.

2.3 Here it is relevant to indicate that the following Bills are pending for clearance:-

- The Tripura Criminal Investigation and Trial (Special Provision) Ordinance, 1999 is pending since 9<sup>th</sup> February 1999 with the Ministry of Home Affairs.
- The Indian Evidence (Tripura Amendment) Bill, 1999 is pending since 31<sup>st</sup> August 1999 with the Ministry of Home Affairs.
- The Tripura Protection of Interest of Depositors (In Financial Establishments) Ordinance, 1999 is pending with the Ministry of Home Affairs.

All these Bills need to be cleared urgently.

### **Agenda Item-3**

2.4 There can be no dispute with regard to the need for curbing expenditure on populist measures, but it must be recognized that it is incumbent upon the Government to provide basic minimum services to the weaker sections of the Society. Curbing of populist measures should not mean discontinuation or discouragement of Welfare Policies adopted by the Government. Steps in the directions of ameliorating the conditions of the poor and downtrodden should not be treated as populist measures.

2.5 The question of release of DA by the State Governments is a burning issue. The Finance Commissions or the Central Government has never adequately addressed it. The State Government is to release DA to its employees commensurate with the rising price levels. This casts additional burden on the State Exchequer. The State Government has no control over the prices. Therefore, a suitable mechanism is to be devised to provide appropriate relief to the States to meet additional financial liability for payment of DA to its employees.

2.6 The rationality of fiscal transfer from the Union to the States envisages greater revenue transfer to the less developed States with lower payment capacity and weak financial base. But experience shows that the desired objective has not been achieved. It is, therefore, necessary that an attempt is made not only to strike a balance between revenue and expenditure, but also to consider specific dispensation, which would enable the backward States to improve the level of services and other infrastructure.

2.7 On account of reduced collection of tax by the Central Government, flow of resources from the Centre to the States has shown a declining trend. Coupled with this, the increasing pressure on revenue expenditure of the State Governments, have enormously curtailed their capacity to invest in infrastructure development. The combined impact of the new liberalized scenario therefore, promotes a regionally more concentrated pattern of investment and growth and has thereby accentuated inter-State disparities.

2.8 Therefore, in the light of the above there is a need to introduce greater measure of progressivity in the devolution formula to ensure larger transfer of resources to the backward States.

#### **Agenda Item-4**

2.9 The State Government agrees to the decision of the Standing Committee in regard to the Central Advisory Council.

#### **Agenda Item-5**

2.10 In regard to Serial Number 197 (Point NO. 14.10.05), the State Government considers that the North-Eastern States should be treated as one region and therefore, the representation of States on the Board of Directors of NABARD may be further increased from 4 to 5, having one member from one of the NE States, by rotation.

2.11 In regard to Serial Number 199 (Point No.14.10.03), the State Government is of the opinion that for fixation of the minimum support price there should be linkage with the prevailing market price in locality/State.

#### **Agenda Item-6**

2.12 The State Government is of the view that the Public Distribution System should be enlarged by increasing the number of items for distribution among the poor people.

#### **Agenda Item-7**

2.13 The State Government generally endorses the view of the Standing Committee.

#### **Agenda Item-8**

2.14 It appears from the material supplied ISC Secretariat that in all the cases, action is to be taken by the Central Ministries/Departments and the Planning Commission of India. Therefore the State Government does not have any specific view to put forward. However, the following observations are made:

- a) The ONGCL needs to make payment of surface rent based on the entire area leased instead of the area of actual.
- b) Though Tripura has vast reserves of natural gas but the main constraint in effective utilization of gas reserves is the high price of gas. The pricing policy has to be made favourable to the State and it should remain in position for a period of at least 10 years, if potential investors are to be attracted.
- c) There needs to be a special dispensation for the NE States for channeling of Central assistance for Externally Aided Projects. A Cell may be set up in the Ministry of Finance to attend to all EAP proposals for NE States on priority.

#### **Agenda Item-9**

2.15 The State Government feels that the process of implementation of the recommendations should be expedited.

3. While elaborating our views on Agenda Item-9, I must say that the Sarkaria Commission report is being discussed since 1988. Today after a decade, this Council could take decision only in respect of 125 recommendations out of 247 recommendations made by the Commission. Only 47 recommendations have so far been implemented. Too little has been done in too long a period.

4. Since 1988, the country has gone through several changes at different planes. Consequent upon these changes that have taken place, many of the recommendations of the Sarkaria Commission has lost relevance today. The slow pace at which implementation of the recommendations is progressing, is contributing to the build up of frustration of the people of the country.

5. It is true that in the past, our country witnessed many a debates for certain changes in the Constitution. But the basic features of the Constitution, like, secularism, federalism, system of parliamentary democracy, etc. were never in the focus of any debate for change. Suddenly, we are confronted with a Commission set up by the Central Government to review the Constitution. It is a matter of concern, since such an important decision has been taken bypassing the Parliament, which is the only competent body for such a purpose. This is confusing the people. Corrective steps need to be taken immediately to clear all confusions.

6. There is provision for formation of Autonomous District Councils under the VI Scheduled of our Constitution. Such Councils are functioning in different States of the North East, including Tripura. Based on experience, it is observed that the scope of functioning of these Councils is very limited. Due to this limitation, the Councils have failed to meet the minimum requirements and aspirations of the people. Therefore, adequate powers need to be given to the bodies through required, functioning of such bodies may be reviewed in consultation with the concerned States and by setting up a high-powered Committee. The VI Schedule areas are barred from the scope of the 73<sup>rd</sup> Amendment through which the 3-tier Panchayat Raj System works. Village level bodies under the District Councils also need to be empowered like the Panchayat Raj Institutions by extending the scope of the 73<sup>rd</sup> Amendment in an appropriate manner.

7. Population explosion, mainly because of influx, has caused tremendous pressure on already scarce land. The problem is further aggravated by the forest policy followed by the Central Government. 60% of land in Tripura is categorized as forestland. No developmental activities on these lands can be taken up for re-settlement of tribals, especially those who are fully dependent on shifting cultivation. The present policy needs to be reviewed and change. Land without forest cover should be released for settlement of tribals who had been residing there for generations, including landless poor Scheduled Caste & OBC people and people living below the poverty line. It is suggested that a Land-cum-Forest based scheme may be devised for settlement of tribals.

8. Consequent upon liberalisation of our economy, the Central Government has started introducing measures to neutralize subsidy in many core areas. One of the casualties is the Public Distribution System in the country as a whole and the North East in particular. It has added to the sufferings of already deprived people of the State. The Central Government needs to reconsider its decision in this regard at least in respect of the backward States. In fact, the PDS should be strengthened by distributing more essential items instead of dismantling it.

9. The regional disparity now prevailing has to be corrected immediately. A step towards this direction is making the North Eastern Council meaningful and effective. It must have real powers and resources for making effective contribution to regional development. The Union Home Minister or the Union Finance Minister or the Deputy Chairman of the Planning Commission should head the Council. Restructuring needs to be done at the earliest.

10. Before I conclude, I would like to mention that the Inter-State Council has a more active role to play at the present juncture and that this august body shall live to the expectations of the countrymen.

**Thank you.**



## **Speech of Shri Manik Sarkar, Chief Minister, Tripura at the 7<sup>th</sup> meeting of the Inter-State Council on 16<sup>th</sup> November, 2001.**

Hon'ble Prime Minister and other distinguished members of the Inter State Council

2. It gives me great pleasure to be here today to attend this meeting notwithstanding the fact that the 7<sup>th</sup> meeting of the India-State Council has been convened after about one and half year of the last meeting.

3. The Sarkaria Commission took into account situation prevailing in the country in 1980s and made its recommendations. Subsequently, the country has gone through basic changes in different spheres. Special mention needs to be made of the economy, which has been liberalized and made market driven. This is a major shift from the economic policies followed since independence.

4. In the context of the internal scenario, which is changing very fast, it is necessary that there is a strategy of implement the recommendations of the Sarkaria Commission in a time bound manner. This should ideally happen in the next 1 or 2 years, at best. Further delaying the process of accepting/implementing the recommendations of the Commission is likely to send a wrong signal, since the whole matter is losing relevance with every passing day.

5. Now I would like to briefly mention the views of the State Government in respect of the Agenda Item circulated by the Inter State Secretariat for today's meeting.

### **Agenda Item-1 (Legislative Relations)**

The State Government does not have any objection to the recommendations made by the Standing Committee. While generally agreeing with the proposals, I would like to make the following observations:

- As regards the recommendation on vesting of residuary powers in Taxation matters with the Union Government, it may be more appropriate, if the State Governments are also consulted before the Union Government initiates any legislative proposal on taxation matters.
- In respect of the recommendation on Union-State relation in the sphere of education, we are of the view that the state of determination of norms and standards of performance by the Union, the State Government should also be consulted along with the professional bodies like the UGC, AICTE, NCTE, etc. This will make the norms and standards mutually acceptable. The implementation should be left to the State.
- Maintenance of public order is a State Subject. Effective discharge of this Constitutional responsibility often requires bringing amendment(s) to the Criminal laws. But this part of the subject is in the Concurrent List. It means predominance of the Union Government. Therefore, we are of the opinion that this subject may be brought into the State List.

### **Agenda Item -2 (Role of Governor)**

The State Government broadly agrees with the recommendation of the Standing Committee. But in respect of the issue of effective consultation with the State Chief Ministers in selection of person to be appointed as a Governor, we are of the view that the State Governments should have the privilege of recommending names of 3(three) eligible persons for consideration for appointment as Governor of the State.

### **Agenda Item -3 (All India Services)**

While we agree with the recommendations made by the Standing and the proposed consensus, I would point out that deputation of All India Services Officers from State Cadres to the Centre should be made compulsory. This will help the officers in widening their outlook apart from gaining more confidence by working at the national level.

### **Agenda Item -4 (Inter-Governmental Council)**

The State Government does not have any object to the recommendations of the Standing Committee. But here it is necessary to suggest that the Zonal Council should be set up as a separate body to deal with the administrative problems of the constituent States. It should be distinctly apart from the existing North Eastern Council.

### **Agenda Item -5 (Mines & Minerals)**

The State Government does not have any object to the recommendations of the Standing Committee.

### **Agenda Item -6 (Mass Media)**

The State Government broadly endorses the recommendations of the Standing Committee.

6.1 But in this regard, the following aspects may also be considered in this meeting:

- The States should have the authority to create separate channels of broadcast in the All India Radio and Doordarshan at State Level taking into consideration the ground realities.
- The pace at which autonomy is being given to Prashar Bharati is not at all encouraging. The Organization needs to be made autonomous in the true sense of the term on priority basis, so that it can perform with more objective and transparency.
- In respect of the recommendation regarding Programme Advisory Committee for each broadcasting station, a non-political, non official person may be made the chairman of the Committee. Such a person may be chosen on the advice of the Chief Minister of the State.
- Dubbing facilities should be introduced at Doordarshan Kendra, Agartala and steps taken to improve frequency and quality of programmes for the region.

### **Agenda Item -7 ( Miscellaneous- Language etc.)**

Although we agree with the recommendations of the Standing Committee, it may be worthwhile to suggest that in the context of the recommendation of the Sarkaria Commission that language should not be used as a factor to create difficulties in recruitment, regional languages should be developed and a proper mechanism for this purpose worked out.

### **Agenda Item-8 (Implementation Report on the Recommendations approved by the Inter-State Council)**

8.1 The State Government is of the view that follow-up action for implementation of the recommendations of the Sarkaria Commission has to be taken by the Union Government in a time bound manner.

8.2 At the end, I hope that the Inter-State Council will play a more active role at the present juncture, when our country is caught in a whirlpool of national and international uncertainties.

Thank You.

## **Speech by Shri Manik Sarkar, Chief Minister, Tripura at the 8<sup>th</sup> Meeting of the Inter State Council Srinagar 27-28 August, 2003**

Hon'ble Prime Minister, Hon'ble Deputy Prime Minister and other distinguished members of the Inter State Council

2. It gives me great pleasure to be present here today to attend this 8<sup>th</sup> meeting of the India-State Council. I would like to compliment the Government of India, Ministry of Home Affairs and the J& K Government for organizing this meeting at Srinagar and for making excellent arrangements for the meeting. This would send a clear message to those who are trying to destabilize the country. I would also take this opportunity to pay my tribute to the security force and the brave people of J&K, for sacrifices being made by them, for preserving the security and integrity of the country.

3. Now I would like to briefly mention the views of the Government of Tripura in respect of the agenda items for today's meeting

### **Agenda Item-1 (Administrative Relations)**

4. We broadly agree with the recommendation of the Sarkaria Commission that issue of direction under Article 256 & 257 and the application sanction under Article 365 in the event of its non compliance, is a measure of last resort and that, before resorting to such action, utmost caution should be exercised and all possibilities should be explored for settling points of conflict by all other available means. However, in order to make sure that this recommendation is properly implemented in letter and spirit, we would like to suggest that prior consultation in the Inter –State Council should be made mandatory, before application of any sanction under Article 365.

### **Agenda Item -2 (Emergency provisions)**

5. The State Government broadly agrees with the recommendations of the Standing Committee, subject to following observations:

a) The show-cause notice to be issued to the State Government before taking action under Article 356 should contain the relevant facts and grounds for such action, along with their sources of information, to ensure transparency and reasonable time should be allowed to the State Government to reply to the notice.

b) The proclamation under Article 356 should be issued only after prior approval of the Parliament, if the Parliament is in session. However, if the Parliament is not in session, the proclamation may be issued and a special session convened for seeking approval, at the earliest. The approval should be with 2/3<sup>rd</sup> majority of the members present and voting.

c) The President's Rule in a State should be proclaimed on the basis of Governor's Report under Article 356(1), any information available with the Government of India should be made available to the Governor, so that the responsibility for recommending the President's Rule in the State is on the Governor. This would ensure transparency.

### **Agenda item -3 (Deployment of Armed Forces)**

6. The State Govt. broadly agrees with the recommendation of the Standing Committee subject to the observation that prior concurrence of the State Government should be taken before deployment of Armed Forces. Here I would like to mention about the difficulties being faced by the State Government due to prevailing militancy in the State and related factors.

7. Tripura has been facing terrorist onslaught for the last many years. The main terrorist groups operating in the State are NLFT (National Liberation Front of Tripura) and ATTF (All Tripura Tiger Force), which were declared unlawful in the year 1997. In the last five years (1998-2002), these terrorist groups have killed 1511 persons (including security personnel and kidnapped 1759 persons out of whom 1182 have been released from the captivity. In the current year (up to 15<sup>th</sup> August, 2003), they have killed 200 persons (including security personnel) and kidnapped 151 persons.

8. These militant outfits have been taking full advantage of the 856 KM. long border with Bangladesh which is completely open and poorly guarded due to shortage of BSF and absence of fencing along the border. It is now an established fact that these militant groups have set up more than 50 camps across the border in Bangladesh. The State Government has shared the details of location of these camps with the Government of India. The militant groups have nexus with other militant groups like ULFA and NSCN operating in the North East and are getting support from ISI and fundamentalist organizations.

9. In the last Assembly Elections held during February, 2005 one militant group actively took part in the election process favoring its political wing which was in alliance with a national level political party and intimidated voters to cast their votes in favour of that political party. Another militant group gave a call for boycott of the elections. However, the people of the State defied the threats of the militant groups and came out in large numbers to exercise their franchise, thereby thwarting the attempts of militants to sabotage the election process. Out of sheer desperation and frustration, the militant groups stepped up their activities shortly after the elections. The militants are now using rocket launchers and explosive devices for attacks on security forces and indulging in mass killings of innocent people. This has drastically changed the security situation in the State.

10. The State Government has been repeatedly drawing the attention of the Ministry of Home Affairs, Government of India to the need for augmenting the existing force level to help deal effectively with the increased level of militant activities in the State. Instead of providing more force, the Ministry of Home Affairs issued order for withdrawal of 2 CRPF Battalions from the State. Subsequently, one battalion was allowed to be retained in the State, but the State Government voiced its concern that this would not be adequate to face the increased threats from the militants and requested the Ministry to allow the State Government to utilize the services of one Battalion that had been withdrawn. But this has also not been agreed to by the Ministry. As a result, a number of security camps were closed/withdrawn, which ultimately led to two barbaric incidents of extremist attacks on 13-14 August, 2003, in which 33 persons (including women and children) were killed and 11 persons were injured.

11. I would like to mention here that Army was deployed in the State for counter-insurgency operations in the areas declared as disturbed areas. Their presence was found to be extremely helpful in containing militancy and maintaining ethnic harmony in the State. However, the army battalions were withdrawn from the State. The State Government has all along been urging the Central Government to re-deploy army battalions in the State, to effectively deal with the problem of militancy. But this has not been done.

12. The State Government has been requesting the Home Ministry to increase the strength of BSF and CRPF deployed in the State. As against assessed requirement of 22 BSF battalions, there are only 9 battalions of BSF currently deployed and 2 more battalions are expected to be deployed. However, this is extremely inadequate for proper guarding of the border with Bangladesh. Similarly, there are only 65 CRPF companies as against a requirement of 90 companies.

13. One of the major recommendations of the Sarkaria Commission is that State Government should work out in consultation with the Union Government, short-term and long-term arrangement for strengthening its Armed Police with the objective of making itself reliant. While the State Government agrees with this recommendation, it cannot strengthen and modernize the State Police without help from the Union Government. The assistance being given by the Central Government to the State under the scheme for Modernization of State Police is not adequate for the purpose. As per guidelines of the Scheme, the State Government has to share 50% of the total expenditure on modernization, which is difficult for the State Government in view of the resource constraints. The Central Government should bear 100% expenditure on modernization, at least for the States in the North Eastern Region. Further, the Scheme for reimbursement of Security Related Expenditure incurred by the States in the North East is restricted to certain specified items only. The scope of the Scheme should be extended to cover all items of expenditure, whether recurring or non-recurring on security related matters.

14. In view of above, I would like to make the following suggestions, on behalf of the State Government, for consideration and urgent action by the Government of India:

Central Government should put pressure on Bangladesh Government for closure of the camps of various terrorist groups in Bangladesh. The Bangladesh Government should also be asked to seal the bank accounts operated by these terrorists and extradite those wanted in connection with criminal cases pending in courts in the country.

The strength of Border Security Force personnel should be suitably augmented. At least 5 battalions of Army should be immediately deployed in the State, to help the State Government in combating the situation.

Construction of border fencing should be expedited to ensure sealing of the border. Extra force should be placed with the State Government, to provide security for expeditious completion of border fencing.

The Government of India should provide 100% assistance for modernization of State Police. Further, the scope of the Scheme for reimbursement of Security Related Expenditure should be expanded to cover all items of expenditure, whether recurring or non-recurring, on security related matters.

Since the peace talks are going on with the NSCN, they should also be told not to maintain links with and help the militant groups in Tripura.

#### **Agenda Item -4 (Contract Labour /Contract Appointments and other related matters)**

15. The State Government broadly agrees with the view that there is a need to rationalize the work force. However, it is equally important that rights of workers, particularly contract labour, are duly protected. We are of the view that the proposed amendments to the Contract Labour(Regulation & Abolition) Act, 1970 should not be carried out in a hurried manner, with the Apex Labour Organisations in the country, with a view to evolve a consensus on the issue and thereafter, it should again be placed before the Standing Committee.

#### **Agenda Item-5 (Implementation Report on the recommendations approved by the Inter-State Council)**

16. The State Government is of the view that follow up action on the implementation of the recommendations of the Sarkaria Commission should be taken in a time-bound manner.

#### **Agenda Item-6 (Good Governance- An Action Plan)**

17. We have received the agenda papers only a few days back. We require more time for detailed examination of the proposed Action Plan. The State Government will send the response on this issue shortly.

18. Lastly, I would like to mention that the process of accepting/Implementing Sarkaria Commission recommendations has taken long time. There is need to complete this process without further delay. Not only that, considering the fact that Sarkaria Commission's recommendations were based on situation prevailing in the country in 1980s. It is high time to take stock of the situation afresh in the light of the changed scenario in the country. I hope that the Inter-State Council will play a more active role in addressing these issues in future.

Thank you.

## **9<sup>th</sup> Meeting**

### **Hon'ble Prime Minister and other distinguished members of the Inter-State council.**

It gives me great pleasure to be here today in the 9<sup>th</sup> meeting of the Inter-State Council. Federalism is a basic feature of our polity and the Inter State Council has a major role to play in the strengthening of Center-State relations. This council was formed after a lot of efforts. It is our belief that India can be truly vibrant only when the aspirations of all states are met. India encompasses various cultures & regions and therefore it is necessary to strengthen the federal character of our polity. We have come a long way since the beginning of the Council and it is time to consider fresh issues and new challenges. The agenda of this meeting is not only relevant but is crucial to the country. Good Governance, Disaster Management and Centre State relations are all issues that need to be debated seriously.

#### **1. Good Governance.**

1.1 I feel that the issue of Good Governance should be tackled in the spirit of service to our people. It is our belief that the government exists not for exercising power but for bringing economic upliftment and development to our people. The people are not our clients. Market driven vocabulary is not actually suited for our country. The State exists for the people. It is first and foremost, the duty of the government to speak for those who themselves are voiceless, to defend those who cannot fight for themselves, to help those who are unable to fend for themselves. It has become fashionable today to criticize the welfare state as being inefficient. I do not claim that there were no problems. There have been shortcomings but it was not due to the fact that there was too much welfare. It was a weakness of too little and too late.

1.2 Yes, there is a need to increase our efficiency and effectiveness. But to what end? Efficiency and effectiveness are not ends in themselves. This is not to undermine the attempts to improve governance but to focus on Good Governance as a means of not just delivery but delivery of service to our people. Seriously and sincerely attempted, these measures will help in the eradication of poverty, provision of services and welfare of our people. Who can question the need for accountability and transparency?

1.3 The draft action plan of Good governance is very exhaustive and it is a commendable effort. On our own part, we have been attempting to bring in good governance within our limited resources. Decentralization through the Panchayati Raj is one of our major strategies. This ensures that governance is actually for the people and by the people. Response has been tremendous. Planning now starts from the grass-root level involving the elected representatives and the people in rural and urban areas. We have ensured regular elections to the Panchayati Raj Institutions and urban local bodies. Responsiveness of the government is high. Field level officers have fixed a particular date for redressal of public grievances. Computerization of the treasuries is complete and computerization of registration is underway. Computerization of land records has also been undertaken. CICs have been set up to provide Internet based services to people in rural areas. Citizen Charters have been finalized by most of the Departments of the Government.

1.4 However, I think the time that has been given to the States to prepare their response to this plan of Good governance is too little as also the time given to these deliberations. I believe that these recommendations are very far-reaching and all encompassing in their scope. It is necessary to devote more time to the draft action plan and therefore I recommend that written responses may

be collected from all State Governments first. This will help in the sense that a debate will be generated and more in depth contributions can be made. Three months time should be given to the State Governments to offer their views and then the Government of India may examine these. A separate ISC meeting may be convened specially on the agenda item of Good Governance after three months.

## **2. Disaster Management.**

2.1 Tripura is situated in Seismic Zone V and as such disaster management has emerged as a high priority for the State Government. Governments of Tripura has made several efforts for disaster preparedness and post disaster rescue & relief measures. The Directorate of Relief and Rehabilitation has been converted to Directorate of Relief, Rehabilitation and Disaster Management. Disaster Management Authority has already been constituted with the Chief Minister as its Chairman. Government of India may consider enacting the Disaster Management Act and it may be circulated to the State Governments.

2.2 Tripura Engineering College has been designated as the nodal Institution for Capacity building of engineers and architects in the field of Earthquake risk Management. State Institute of Public Administration and Rural Development (SIPARD) at Agartala has been notified as State Nodal Institution for imparting training on disaster management. Hazard Specific standard Operating Procedures have been spelt out and responsibilities have been distributed among the various departments of the State Government.

2.3 Control Rooms have been opened at State and District level headquarters and are functioning. These were reviewed recently and it was found that these need to be further improved. Government of India can help by procuring and supplying the essential equipment. State and District Level Disaster Management Plans have been formulated and will be upgraded annually. The State Government has amended the existing building byelaws, which include provision for multi hazard safety. A subject has been introduced in the textbooks of Classes V and VI and it will be extended to Classes IX and X from this year.

2.4 Mock drills could not be conducted as the training slots for imparting training to the trainers have been allotted to the State Government only recently. On completion of the training, mock drills would be undertaken.

2.5 Still there are other issues that need to be addressed. For construction of disaster resistant houses in rural areas under IAY, the funding pattern needs to be changed. There is a need to undertake retrofitting of identified critical buildings. This work will require huge amounts of resources that Government of India will need to provide.

2.6 There is a proposal for setting up of Mobile Hospitals in all the four Districts of the State. There is a need for procurement of heavy equipments and accessories required for search and rescue operations. It is requested that required equipment and accessories may be supplied by the Government of India to the State Government.

2.7 Disaster Management has become an integral component of all departments plan and programme. The Tenth Five Year Plan document states that all development schemes in vulnerable zone, liberal flow of fund from Government of India is required.



2.8 There is need for intensive regular training for officials and non-officials for Search and Rescue Operations & for mitigation and relief purposes. Such trainings are to be arranged both within and outside the State. Substantial assistance for meeting the travelling expenditure for availing such training outside the State is required.

2.9 It was decided that the Geological Survey of India should undertake the study of microzonation of the seismic area for the State but till now no steps have been taken. Government of India may consider taking up the work on priority basis.

### **3. Implementation of report on decisions taken by the ISC on recommendations of Sarkaria Commission.**

3.1 One of the issues that I think needs to be followed up is the inclusion of residuary powers of taxation in the concurrent list. While Sarkaria Commission did not recommend this and the Ministry of Finance is also of the same view, I still think that the Council should pursue this. Unless this is done, states will not be able to raise finances.

3.2 Most of the issues raised by the Sarkaria commission have been debated. But the Commission had submitted its report in the year 1988. Since then we have come a long way. There have been significant developments in our society and polity. It is high time that a fresh look may be taken as to how Center State relations can be strengthened and made more harmonious. I think the council should take a decision to recommend to the Union Government the setting up of a new commission to study Center State relations and how to strengthen the federal character of our nation. This Commission may suggest measures to bridge the gap that could not be met even after implementation of the recommendations of the Sarkaria Commission.

3.3 I hope that this Inter State Council will meet again to deliberate on these issues, especially Good Governance, soon. This Council is very important to the federal structure of our nation and I believe that a lot of issues can be solved through it. I hope that the scope of this council will be enlarged in the future and we will be able contribute more effectively.