

CENTRE-STATE RELATIONS

CHAPTER

IV

4.1 In a federal polity, in view of large areas of common interest and shared action between the constituent units, coordination of policies and their implementation become extremely important. Article 263 of the Constitution envisages establishment of an institutional mechanism to facilitate coordination of policies and their implementation.

INTER-STATE COUNCIL (ISC)

4.2 In pursuance of the recommendation made by the Sarkaria Commission on Centre-State Relations, the Inter-State Council (ISC) was set up in 1990 through a Presidential Order on May 28, 1990.

4.3 The ISC is a recommendatory body and has been assigned the duties of investigating and discussing such subjects, in which some or all of the States or the Union and one or more of the States have a common interest, for better coordination of policy and action with respect to that subject. It also deliberates upon such other matters of general interest to the States as may be referred by the Chairman to the Council.

4.4 Prime Minister is the Chairman of the Council. Chief Ministers of all the States and Union Territories having Legislative Assemblies, Administrators of Union Territories not having Legislative Assemblies, Governors of States under President's rule and six Ministers of Cabinet rank in the Union Council of Ministers, nominated by the Chairman of the Council, are members of the Council. Four Ministers of Cabinet rank nominated by the Chairman of the Council are permanent invitees to the Council. The Inter-State Council was last reconstituted on December 7, 2006.

4.5 The meetings of the Council are held in camera, and all questions, which come up for consideration of the Council in a meeting, are decided by consensus, and the decision of the Chairman as to the consensus is final. The Council has not been assigned the duty envisaged in clause (a) of Article 263 of the Constitution namely, inquiring into and advising upon disputes, which may have arisen between States.

4.6 The Standing Committee of the Inter-State Council was constituted in the year 1996 for continuous consultation and processing of matters for the consideration of the Council. Union Home Minister is the Chairman of the Standing Committee which also has five Union Cabinet Ministers and nine Chief Ministers as members. The Standing Committee was last reconstituted on June 25, 2008.

4.7 The Inter-State Council has so far held 10 meetings. In its first 8 meetings, the Council had focused its attention on the 247 recommendations made by the Sarkaria Commission on Centre-State relations, and had taken a view on all the recommendations. Out of 247 recommendations, 179 have been implemented, 65 have not been accepted by the Inter-State Council/Administrative Ministries/ Departments concerned, and only 03 recommendations are still at different stages of implementation.

4.8 The Council has also considered other public policy and governance issues; these are:

- (a) Contract Labour and Contract Appointments;
- (b) Blue Print of an Action Plan on Good Governance;
- (c) Disaster Management – Preparedness of States to cope with disasters; and
- (d) Atrocities on Scheduled Castes and Scheduled Tribes and Status of Implementation of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4.9 The Council Secretariat closely monitors the implementation of the recommendations made by the Inter-State Council, and places the Action Taken Report before the Standing Committee/Council for consideration.

4.10 The Council Secretariat has commissioned a number of studies on public policy and governance issues:

- (i) Compensation to resource bearing States in respect of minerals including coal, hydropower and petroleum and natural gas;
- (ii) Sub-national Governance;
- (iii) Creation of a Common Indian Market on Agricultural goods and commodities;
- (iv) National Policy for Urban Street Vendors.

4.11 The Council Secretariat has also taken steps in consultation with the Union Ministries/Departments and the State Governments to generate new issues for consideration of the Council.

4.12 Inter-State Council Secretariat had entered into a Framework Agreement with the Forum of Federations, Canada for an international partnership with the Forum in improving governance and enhancing democracy by promoting dialogue on the practices, principles and possibilities of federalism. This agreement

has been renewed for the next three years – 2008 to 2011.

4.13 The proceedings of the Fourth International Conference on Federalism, which was co-hosted by the Inter-State Council Secretariat with the Forum of Federations, Canada, in Delhi in November, 2007 have been published in five volumes, namely ‘Building on and accommodating diversities’, ‘Emerging issues in fiscal federalism’, ‘Interaction in federal systems’, ‘Local government in federal systems’ and ‘Policy issues in federalism - international perspectives’.

4.14 An interaction on inter-governmental relations and role and activities of the Inter-State Council was held with a Nepalese delegation comprising of four members of the Constituent Assembly of Nepal in September, 2008.

4.15 Inter-State Council Secretariat has also organized, in collaboration with the Forum of Federations, a country round table on inter-governmental relations in Delhi on January 16, 2009.

ZONAL COUNCIL SECRETARIAT

4.16 The Zonal Councils, five in number, are statutory bodies which have been set up under the States Re-organisation Act, 1956. These are high level advisory bodies having Chief Ministers and other Ministers of the respective States as their members. The Union Home Minister is the Chairman of each of these Councils. The office of the Vice Chairman is held by the Chief Ministers of the member States of the respective Zonal Councils, by annual rotation.

4.17 These Councils have been set up with the aim to provide a common meeting ground to the States and UTs in each zone for resolution of inter-State, Centre-State and Zonal problems, fostering balanced socio-economic regional development and building harmonious Centre-State relations.

4.18 The Zonal Council Secretariat interacts with State Governments, Central Ministries and institutions like the Planning Commission to explore issues of relevance for deliberation of the Zonal Councils.

However, it is open to the enlightened citizens to identify such issues and bring them to the notice of the Zonal Council Secretariat.

4.19 The Zonal Councils have, so far, met 106 times since their inception and have contributed significantly in bringing about socio-economic advancement of the country. Apart from specific issues relating to States/UTs of the Zones, other important issues like Internal Security, Right to Information Act, National Rural Employment Guarantee Act, trafficking in women and children, coastal security etc. have also been discussed and useful recommendations made at their meetings. Recommendations of the Zonal Councils have facilitated significant changes at the ground level.

4.20 Efforts were made to convene meetings of all Zonal Councils and their Standing Committees was proposed to be convened during the year 2008-09. It was possible to convene the meeting of Standing Committee of Central Zonal Council at New Delhi on February 24, 2009 at which important issues like, sharing of revenues, water and power, Police Administration, Rail Projects and Road Connectivity etc. were discussed.

COMMISSION ON CENTRE-STATE RELATIONS (CCSR)

4.21 Inter-State Council Secretariat (ISCS) is providing Secretarial support to the Commission on Centre-State Relations. The Commission was constituted in pursuance of the commitment made by the Government of India under its Common Minimum Programme (CMP) considering the vast changes that have taken place in the society and economy of the country in the two decades intervening between the submission of the Report by the Sarkaria Commission till date. The Chairman and Members were appointed on April 27, 2007. Justice (retd.) Madan Mohan Punchhi, former Chief Justice of Supreme Court of India was appointed as Chairperson, and Shri Dhirendra Singh, former Secretary to the Govt. of India, Shri Vinod Kumar Duggal, former Secretary to the Govt. of India and Dr. N.R. Madhava Menon, former Director, National Judicial Academy, Bhopal and National Law School of India, Bangalore were appointed as Members. Shri Vijay Shanker, IPS

(retd.) has been appointed as a Member of the Commission on October 17, 2008. Earlier, Dr. Amaresh Bagchi had been appointed as Member of the Commission on July 3, 2007 but he unfortunately expired in February, 2008.

4.22 The Commission has decided to adopt a participatory and consultative approach for seeking responses from Central Ministries/Departments, State Governments, Political Parties, Constitutional Experts, Universities, Research Institutions and Academicians. It has categorized its mandate into 8 subject groupings, namely, Constitutional Scheme of Centre-State Relations; Economic and Financial Relations; Unified and Integrated Domestic Market; Local Governments and Decentralized Governance; Criminal Justice, National Security and Centre-State Cooperation; Natural Resources, Environment, Land and Agriculture; Infrastructure Development and Mega Projects; Socio-Political Developments, Public Policy and Governance and Social Economic & Human Development.

4.23 The Commission has circulated a Questionnaire to all stakeholders. Their responses had been sought by January, 2009. So far responses from 42 Union Ministries, 4 States, 4 Union Territories, 2 Political Parties and 10 Universities/Institutions have been received. Parallel to the formulation and circulation of the Questionnaire, 8 Task Forces consisting of experts and corresponding with 8 subject groupings have been constituted. A plenary meeting of all Task Forces and several meetings of the individual Task Forces have been held during the year. The Commission has had 4 Regional Workshops, i.e. at Thiruvananthapuram on 'Local Governments and Decentralized Governance'; at Shillong on 'Criminal Justice, National Security and Centre-State Cooperation', 'Decentralized Planning and Governance with special reference to the functioning of Autonomous District / Regional Councils under the Sixth Schedule of the Constitution', and 'A Curtain-Raiser on Infra-Mega Projects'; at Chandigarh on December 10-11, 2008 on 'Constitutional Scheme of Centre-State Relations', 'Economic & Financial Relations', and 'Unified and Integrated Domestic Market'; and for the Eastern Region, a Workshop at Bhubaneswar on January 20-21, 2009 on 'Natural Resources, Environment, Land & Agriculture', and

‘Problem of Naxalism’. However, the Workshop scheduled for the Western Region at Ahmedabad on February 19-20, 2009 on ‘Economic and Financial Relations’, ‘Infrastructure Development and Mega Projects’ and ‘Good Governance’ was postponed.

Research Studies assigned by the Commission on Centre-State Relations and ISCS

4.24 The Commission has awarded eight Research Studies. On ‘Fiscal Federalism’ to National Institute of Public Finance and Policy, New Delhi; ‘Impact of Recommendations of 8th to 12th Finance Commission on Fiscal Relations between Centre and States’; ‘Need and Relevance of Goods and Services Tax subsequent to introduction of Value Added Tax Regime’, both to Madras School of Economics; ‘Functioning of Coalition Governments in various Democracies of the World’ to Jawaharlal Nehru University; ‘A Study on Impact of the Legal and Jurisprudential Developments in the last 25 years on Centre-State Relations’ to West Bengal National University of Juridical Sciences; ‘A Study on ‘Independent District Level Budgeting and Planning’ to Institute for Social and Economic Change, Bangalore; ‘A Study on ‘Functioning of Structures of Local Governance in the North-Eastern Region with special reference to Autonomous District Councils/ Autonomous Regional Council’ to North-Eastern Hill University (NEHU) and ‘Preparation of Digest of Judicial Pronouncements relating to Centre-State

Relations’ to Indian Law Institute (ILI), New Delhi.

4.25 Intensification of the consultative process is expected after the base work as enumerated in the preceding narration would have been completed.

4.26 The term of the Commission, which was till June 30, 2009, has been extended till March 31, 2010.

CRIME SCENARIO IN THE COUNTRY

4.27 Under the Seventh Schedule to the Constitution of India, ‘Police’ and ‘Public Order’ are State subjects and, therefore, the State Governments are primarily responsible for prevention, registration, detection and investigation of crime and prosecution of the perpetrators of crime within their jurisdiction. However, Ministry of Home Affairs supplements the efforts of the State Governments by providing them financial assistance for modernization of the State Police Forces in terms of weaponry, communication, equipment, mobility, training and other infrastructure under the Scheme of Modernization of State Police Forces.

4.28 All cognizable crimes reported and investigated by the police are broadly categorized as those falling under the Indian Penal Code (IPC) or the Special and Local Laws (SLL). A comparative statement of crimes registered during the last five years is given below :-

Year	Incidence, rate and population growth during 2003 – 2007							
	Incidence		Crime Rate			Population		% Variation in IPC crime rate as compared to previous year
	IPC	SLL	IPC	SLL	Total	Total (in lakhs)	% Growth	
2003	1716120	3778694	160.7	353.7	514.4	10682	1.68	-5.19
2004	1832015	4196766	168.8	386.6	555.4	10856	1.63	5.04
2005	1822602	3203735*	165.3	290.5	455.8	11028	1.58	-2.07
2006	1878293	3224167	167.7	287.9	455.7	11198	1.54	1.45
2007	1989673	3743734	175.1	329.4	504.5	11366	1.50	4.41

*Variation in SLL crimes due to exclusion of large number of non-cognizable crimes under SLL by Kolkata City which were wrongly reported by them before the year 2005.

Crime under Indian Penal Code

4.29 A total of 19,89,673 IPC crime were reported during the year 2007 against 18,78,293 in 2006 recording an increase of 5.9 percent in 2007. Madhya Pradesh has accounted for 10.2 percent cases

of total crime reported in the country closely followed by Maharashtra (9.8 percent), Andhra Pradesh (8.8 percent) and Tamil Nadu (8.7 percent). These crime are further categorized as crimes against body, property, public order and vulnerable sections of society namely, women, children and SCs/STs.

Year	Cases Registered	Cases Charge-sheeted	Charge-sheeted Rate	Conviction Rate	Cases Pending Investigation at the end of year	Cases pending trial at the end of year
2003	1716120	1271504	80.1	40.1	471339	5451727
2004	1832015	1317632	79.8	42.5	543056	5636391
2005	1822602	1367268	80.7	42.4	568773	5822752
2006	1878293	1374282	80.6	42.9	637014	5999200
2007	1989673	1475711	80.1	42.3	659308	6294750

Note: Information on disposal by Police and Courts includes the information relating to cases pending from previous year(s) also.

Disposal of Cases – IPC Crimes

4.30 Cases charge-sheeted have shown an increasing trend during 2003 to 2007. Charge-sheeting rate has been around 80% during 2003 to 2007. Conviction rate has been approximately half of the

charge-sheeting rate during this period. Cases pending investigation at the end of the year have shown an increasing trend during 2003 – 2007. Similarly, cases pending trial at the end of the year have also shown an increasing trend during this period.

Persons Arrested and their disposal (IPC Cases)					
Year	Persons Arrested	Persons Charge-sheeted	Persons Convicted	Persons Pending Investigation at the end of Year	Persons Pending Trial at the end of Year
2003	2510892	2359302	625942	519726	11081689
2004	2660910	2486770	653816	556425	11420173
2005	2621547	2489071	675192	558881	11640286
2006	2653683	2490168	706080	606520	11885654
2007	2780559	2611470	691469	650082	12282938

Note: Information on disposal by Police and Courts includes the information relating to cases pending from previous year(s) also.

4.31 Persons arrested during 2003 – 2007 have shown a mixed trend. The number of persons arrested was around 26.4 lakh during 2004 to 2006 and increased to 27.8 lakh in 2007. The number of persons charge-sheeted has shown an increasing trend during 2003 to 2007. The number of persons pending investigation and trial at the end of the year have shown an increasing trend during 2003 to 2007.

Violent Crimes against Body

4.32 Violent crimes against body comprising murder, attempt to commit murder, culpable homicide not amounting to murder, kidnapping and abduction, hurt and death due to negligence in the year 2007 stood at 4,50,781 accounting for 22.7 percent of total IPC crimes during the year. Crimes against body showed an increase of 4.7 percent during 2007 over 2006.

Violent Crime against Property

4.33 A total of 4,03,181 violent crimes against property comprising dacoity, preparation and assemble for dacoity, robbery, burglary and theft were recorded during the year 2007 as compared to 3,92,352 crimes during 2006, showing an increase of 2.8 percent. The share of these crimes to total IPC crimes at the national level was 20.3 percent during the year.

Violent Crimes against Public Order

4.34 A total of 68,939 violent crimes against public order comprising riots and arson were reported during the year 2007 as compared to 65,121 crimes in 2006, showing an increase of 5.9 percent.

Crimes under Special and Local Laws (SLL)

4.35 A total of 37,43,734 crimes under various Special and Local Laws were reported during the year 2007 as against 32,24,167 crimes during 2006, showing an increase of 16.1 percent in 2007.

Crime and Criminal Tracking and Networking System (CCTNS)

4.36 With the aims at creating a comprehensive

and integrated system for enhancing the efficiency and effectiveness of policing at the Police Station level through adoption of principles of e-Governance, and creation of a nationwide networked infrastructure for evolution of IT-enabled state-of-the-art tracking system around “investigation of crime and detection of criminals” in the real time, which is a critical requirement in the context of the present day internal security scenario, a Scheme by the name of “Crime and Criminal Tracking and Networking System (CCTNS)”, with an outlay of Rs.2000 crores has been included in the 11th Plan, and is being launched in the current year (2008-09). The details of this system are given in Chapter –XII (Paras 12.13 to 12.17).

Project on “Strengthening the Law Enforcement Response in India against Trafficking in Persons through training and capacity building”

4.37 The Ministry of Home Affairs, in association with the United Nations Office on Drugs and Crime (UNODC) has been working on a project for training of Law Enforcement Officials on human trafficking in five States, namely Andhra Pradesh, Goa, Maharashtra, West Bengal and Bihar. The project aims at raising the awareness of Law Enforcement Officials (police and prosecutors) on the problem of human trafficking and further build up their capacity to improve the quality of investigation and prosecute the offenders perpetrating such crime. A Project Steering Committee (PSC) was constituted for steering, guiding and monitoring of the project. The last meeting of PSC was held on May 8, 2008. The following progress has been made so far:

- The Project has facilitated networking of law enforcement agencies with civil society partners and other stake holders, undertaking of several innovative initiatives in rehabilitation and prevention of human trafficking and setting up of, Integrated Anti Human Trafficking Units (AHTUs) leveraging 44 synergy of government officials and NGOs in the States of Goa, West Bengal, Andhra Pradesh and Bihar.

- A total of 299 trainings for police and prosecutors have been organized and in these a total of 10,526 police officials and prosecutors have been trained in the five project States.
 - Grants were given to all the Project States for setting up Nodal Training Cells (NTC).
 - Two films have been developed under the project, one on Anti Human Trafficking and another on Anti Human Trafficking Units.
 - Two workshops have been organized for judicial officers for awareness generation on human trafficking.
- Procedures (SOP) for operationalising the Convention, including repatriation of victims. The draft SOP, prepared by the Government of India, has been sent to Ministry of External Affairs for circulation to SAARC Member States for inputs/comments. Comments from five SAARC Member States viz. Sri Lanka, Bhutan, Maldives, Pakistan and Nepal have been received.

Regional Task Force to Implement the SAARC Convention relating to Trafficking in Women and Children for Prostitution

4.38 The Regional Task Force of SAARC for Implementation of the SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution met for the first time on July 26, 2007 in New Delhi and second time in July 2008. The decisions taken in the SAARC Meeting included sharing best practices, setting up a toll free phone number for use of victims, capacity building and training programmes based on the best practices, wherever possible harmonizing national legislations to tackle trafficking and development of Standard Operating

4.39 A Comprehensive Scheme on strengthening the law enforcement response to trafficking through “Training for Trainers” (TOT) programmes and by establishing Anti-Human Trafficking Units (AHTU), has been proposed by this Ministry. This will ensure that sensitization on these issues percolates right down to the grass-root level among police personnel. There will be a coordinated approach to preventing and combating trafficking at the district level in all the States. 50% of the affected districts in all the States are proposed to be covered under the Scheme. The Scheme is proposed to be implemented in three years. The total estimated expenditure of the scheme shall be Rs.64.14 crore. The proposal has been sent to Planning Commission for their in-principle approval.

TOT Workshops

4.40 A National Level TOT Workshop was organized in June 2008 and five regional levels and one International Level (for the officers of SAARC member countries) are scheduled to be held in near future up to June, 2009. The total allocation for such workshops for the current financial year is Rs.50 lakh. The workshops are being organized through BPR&D in close association with UNODC.
