

(ESTABLISHMENT BRANCH-IV)

7 MAR 2019

Endst. No.: GMCH/EIV/EA3/2019/

9438-39

Dated, Chandigarh the,

A copy of letter No. 9/2/7/IH(I)/2019/2823 dated 15.02.2019 received from the Principal Secretary Home, Chandigarh Administration is forwarded to the Office Superintendents (Estt. I, II, III, HA-I & HA-II), GMCH, Chandigarh for information and with the request to suggest some issues for discussion in future meetings of the Inter State Council, **within 02 days**, positively, so that complied information may be supplied to the quarter concerned accordingly, please:-

1. The Office Superintendents (Estt. I, II, III, HA-I, HA-II), GMCH, Chandigarh.
2. The System Analyst, IT Centre, GMCH with a request to e-circulate/email the same to all the HODs/Branch Incharges of GMCH Chandigarh.


Superintendent (Estt.-IV)

(3)

382 612
25/2/2019

No.9/2/7/1H(I)/2019/2823
Chandigarh Administration
Home Department

4564
21 FEB 2019

Chandigarh, dated 15/2/2019

To

DP/GMCH-32

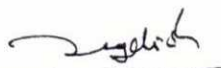
All the Administrative Secretaries,
Head of Departments, Boards,
Corporations and Institutions,
Chandigarh Administration.

Jasbir Singh 24/02/19
JDA Urgent
25/2/19
25/2/19

Subject : Inter State Council (ISC)- Issues for Discussion.

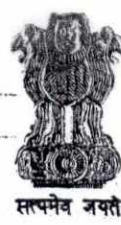
Enclosed please find herewith a copy of D.O. letter No.1/3/2018-ISC, dated 22.01.2019 alongwith its enclosures received from Sh. Sanjeev Gupta, Special Secretary, Inter State Council Secretariat, Ministry of Home Affairs, Government of India, which is self explanatory.

You are requested to identify/suggest issues for discussion in the future meetings of the Inter State Council and send the same alongwith detailed note, supporting documents keeping in view constitutional and legal implications of the issue to this Administration for consolidation and onward submission to Government of India please.


Superintendent Misc & RTI,
for Principal Secretary Home,
Chandigarh Administration.

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संजीव गुप्ता आई.ए.एस.
विशेष सचिव
SANJEEV GUPTA I.A.S.
Special Secretary



अन्तर्राज्य परिषद सचिवालय
गृह मंत्रालय, भारत सरकार
Inter-State Council Secretariat
Ministry of Home Affairs
Government of India

D.O. No. 1/3/2018-ISC

22 January, 2019

Adviser to the Administrator

No. 374 FSCIAA

Dated 30-01-2019

PA/PSH/374
Dated: 21-1-19

Dear Mr. Panda,

The Inter State Council (ISC) headed by the Hon'ble Prime Minister was set up on 25 May, 1990 vide a Presidential Order (Annexure-I) under Article 263 of the Constitution of India, for investigating and discussing subjects, in which some or all of the States and the Union have a common interest and for making recommendations for better coordination of policy and action on the subject. The Council was reconstituted on 27 October, 2017 and its last meeting was held on 16 July, 2016. Since Standing Committee of the ISC has completed its deliberations on Panchhi Commission Report, next meeting of the Inter State Council is likely to be held in near future.)

I am writing to you to seek new agenda items and issues which the State Government may like to include in the future meetings of the Inter State Council. (As per the procedure for the Conduct of Business in the Inter State Council (Annexure-II), a formal reference to the Council can be made with a self-contained note addressed to the Secretary of the Council, setting out the issues involved and the reasons for making the reference. Supporting documents, if any, along with Constitutional and legal implications of the issue also need to be sent. Any matter in the Union/Concurrent/State List in respect of which adoption of any uniform policy in regard to legislation or executive action is desirable in the national interest may be brought before the Council. Issues concerning cooperation and assistance by the States in implementation of laws made by Parliament and in the exercise of executive power of the Union in the State can also be discussed by the Council. Guidelines for identifying and selecting issues to be brought up before the Inter State Council are enclosed as Annexure-III.)

Contd...2/-

3. Punchhi Commission has made a large number of recommendations which can be seen in the 'Commissions' tab of the website of the Inter State Council. These points shall be discussed in the forthcoming meeting of the Inter State Council. Therefore, the issues already covered in the Report of Punchhi Commission may not be repeated.

4. I shall be grateful, if you could suggest some issues for discussion in future meetings of the Inter State Council.

With best wishes,

Yours Sincerely



(SANJEEV GUPTA)

Shri Manoj Parida
Adviser to the Administrator
Union Territory of Chandigarh
4th Floor, UT Secretariat
Sector 9
Chandigarh – 160 009



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्रधिकार सं प्रकाशित
PUBLISHED BY AUTHORITY

सं. 200]
No. 200]

नई दिल्ली, सोमवार, मई 28, 1990/ज्येष्ठ 7, 1912
NEW DELHI, MONDAY, MAY 28, 1990/JYAISTHA 7, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

गृह मंत्रालय
आदेश

नई दिल्ली, 28 मई, 1990

सा. का. नि. 512 (अ).—राष्ट्रपति द्वारा जारी किया
गया निम्नलिखित आदेश सर्वसाधारण के सूचनार्थ प्रकाशित
किया जा रहा है :

यतः राष्ट्रपति को ऐसा प्रतीत होता है कि अंतर-राज्य
परिषद् के गठन से लोकहित की रक्षा होगी;

अतः, अब, संविधान के अनुच्छेद 263 द्वारा प्रदत्त
शक्तियों का प्रयोग करते हुए, राष्ट्रपति एनद्द्वारा निम्नलिखित
आदेश करते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ—(1) इस आदेश को
अंतर-राज्य परिषद् आदेश, 1990 कहा जायेगा। (2)
यह आदेश तत्काल लागू होगा

2. परिषद् की संरचना—एक अंतर-राज्य परिषद् (जिसे इसमें
इसके जब परिषद् कहा जाएगा) गठित की जायेगी
जिसमें निम्नलिखित शामिल होंगे ;

(क) प्रधान मंत्री;

(ख) सभी राज्यों के मुख्य मंत्री;

(ग) विधान सभा वाले संघ-राज्य क्षेत्रों के मुख्य मंत्री
तथा विधान सभा बगैर संघ-राज्य क्षेत्रों के
प्रशासक;

(घ) प्रधान मंत्री द्वारा नामजद किए जाने वाले केन्द्रीय
मंत्री परिषद् के कैबिनेट स्तर के छह मंत्रीगण।

(नोट: केन्द्र सरकार के अन्य मंत्रियों तथा स्वतंत्र प्रभार
वाले राज्य मंत्रियों को उस स्थिति में आमंत्रित किया जा
सकता है जब उनके द्वारा देखे जा रहे विषय से संबंधित किसी
मद पर विचार किया जाना हो)।

3. परिषद् के अध्यक्ष—प्रधान मंत्री इस परिषद् के अध्यक्ष होंगे तथा वह परिषद् की बैठकों की अध्यक्षता करेंगे :

बशर्ते कि अगर किसी बैठक की अध्यक्षता करने में प्रधान-मंत्री असमर्थ हों तो वह बैठक की अध्यक्षता करने के लिए कैबिनेट स्तर के किसी अन्य केन्द्रीय मंत्री को नामजद कर सकते हैं।

4. परिषद् कर्तव्य—परिषद् सिफारिश करने वाली निकाय होगी तथा, इस क्षमता में, यह निम्नलिखित कर्तव्यों का निष्पादन करेगी, अर्थात् :—

- (क) ऐसे विषयों का अन्वेषण तथा उन पर विचार करना जिनमें कुछ या सभी राज्यों या संघ और एक या एक से अधिक राज्यों का समान हित निहित हो; तथा जिसे इस परिषद् के सामने लाया जाये;
- (ख) ऐसे किसी विषय पर सिफारिश करना तथा विशेष-कर उस विषय के संदर्भ में नीति तथा कार्रवाई के बेहतर समन्वय हेतु सिफारिश करना; तथा
- (ग) राज्यों के हितों से संबंधित ऐसे मामलों पर विचार करना जिन्हें अध्यक्ष महोदय द्वारा परिषद् के सामने रखा जाय।

5. परिषद् की कार्य-विधि—परिषद् अपने कार्य के संचालन में निम्नलिखित प्रक्रिया का अनुपालन करेगी, अर्थात् :—

- (क) परिषद् अपने समक्ष लाए जाने वाले मुद्दों का पता लगाने तथा उनका चयन करने हेतु दिशा-निर्देश अपनाएगी।
- (ख) परिषद् प्रत्येक वर्ष ऐसे समय और स्थान पर कम-से-कम अपनी तीन बैठकें करेगी जैसाकि इस निमित्त अध्यक्ष द्वारा नियत किया जाएगा;
- (ग) परिषद् की बैठकें गुप्त रूप से होंगी;
- (घ) परिषद् की बैठक के लिए 10 सदस्यों (अध्यक्ष सहित) का कोरस होगा;
- (ङ) बैठक में परिषद् के विचारार्थ आने वाले सभी प्रश्नों पर सर्वसम्मति से निर्णय लिया जाएगा और सर्व-सम्मति के बारे में अध्यक्ष का निर्णय अंतिम होगा; और

(च) परिषद् अपने कार्य के संचालन के लिए ऐसी अन्य कार्य-विधि अपनाएगी जिसे यह केन्द्रीय सरकार के अनुमोदन से समय-समय पर निर्धारित करे।

6. परिषद् का सचिवालय—परिषद् का अपना सचिवालय होगा जिसमें ऐसे अधिकारी तथा स्टाफ होगा जिन्हें अध्यक्ष नियुक्त करना उचित समझे।

आर. वेंकटरामन, राष्ट्रपति

कैम्प शिमला,

दिनांक : 25 मई, 1990

[एफ सं. IV-11017/3/90-सी.एस.आर.]

MINISTRY OF HOME AFFAIRS

ORDER

New Delhi, the 28th May, 1990

G.S.R. 512(E).—The following Order by the President is published for general information.

Whereas it appears to the President that the public interest would be served by the establishment of an Inter-State Council;

Now, therefore, in exercise of the powers conferred by Article 263 of the Constitution, the President hereby makes the following order, namely :—

1. Short title and commencement.—(1) This order may be called the Inter-State Council Order, 1990.

(2) It shall come into force at once.

2. Composition of the Council.—There shall be an Inter-State Council (hereinafter referred to as the Council) consisting of the;

- (a) Prime Minister;
- (b) Chief Ministers of all States ;
- (c) Chief Ministers of Union territories having a Legislative Assembly and Administrators of Union territories not having a Legislative Assembly;
- (d) Six Ministers of Cabinet rank in the Union Council of Ministers to be nominated by the Prime Minister.

(Note : Other Ministers and Ministers of State having independent charge in the Union Government may be invited as and when any item relating to a subject under their charge is to be discussed).

3. Chairman of the Council.—The Prime Minister shall be the Chairman of the Council and shall preside over the meetings of the Council :

Provided that when the Prime Minister is unable to preside over any meeting, he may nominate by Union Minister of Cabinet rank to preside over the meeting.

4. Duties of the Council.—The Council shall be a recommendatory body and in that capacity, shall perform the following duties, namely:—

- (a) 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, as may be brought up before it ;
- (b) making recommendations upon any such subject and in particular recommendations for the better coordination of policy and action with respect to that subject; and
- (c) deliberating upon such other matters of general interest to the States as may be referred by the Chairman to the Council.

5. Procedure of the Council.—The Council shall, in the conduct of its business, observe the following procedure, namely :—

- (a) the Council shall adopt guidelines for identifying and selecting issues to be brought up before it;
- (b) the Council shall meet at least thrice in every year and at such time and place as the Chairman may appoint in this behalf;

- (c) the meetings of the Council shall be held in camera;
- (d) ten members (including the Chairman) shall form the quorum for a meeting of the Council;
- (e) all questions which may come up for consideration of the Council at a meeting shall be decided by consensus and the decision of the Chairman as to consensus shall be final; and
- (f) the Council shall, in the conduct of its business, observe such other procedure as it may, with the approval of the Central Government, lay down from time to time.

6. Secretariat of the Council.—The Council shall have a Secretariat comprising of such officers and staff as the Chairman may think fit to appoint.

R. VENKATARAMAN,
President

Camp Shimla,

Dated, the 25th May, 1990.

[F. No. IV/11017/3/90-CSR]
NARESH CHANDRA, Home Secy.

RESIDUARY PROCEDURE FOR CONDUCT OF BUSINESS OF THE COUNCIL

In pursuance of clause (f) of paragraph 5 of the Inter-State Council order, 1990, the Council hereby lays down, with the approval of the Central Government, the following other procedure to be observed by it in the conduct of its business; namely:-

1. Reference to the Council-If any matter is sought to be brought up before the Council by the Central Government or by the Government of any State or Union Territory, a formal reference shall be made to the Council, addressed to the Secretary of the Council, with a self-contained note setting out,-
 - (a) the issue or issues involved and the reasons for making the reference, together with supporting documents, if any; and
 - (b) the constitutional and legal implications of the said issue or issues.
2. Examination of reference-(a) On receipt of the reference, the Secretariat of the Council shall examine it in all its aspects, inter-alia, with reference to the guidelines adopted by the Council and other relevant material. (b) After reference has been examined, the Secretary of the Council shall submit the case to the Chairman with his recommendation for obtaining the orders of the Chairman as to whether the issue or issues raised therein should be included in the Agenda for the meeting of the Council.
3. Inclusion of matters of general interest in the Agenda-It shall be open to the Secretariat to take up any proposal relating to a matter of general interest as referred to in clause(c) of paragraph 4 of the aforesaid Order and submit the same to the Chairman, for his orders as to its inclusion in the Agenda. If the Chairman approves such inclusion, the procedure in relation to such matter will be the same as for references received under paragraph 1 above.
4. Brief for the Meeting-If, under the orders of the Chairman, a matter is included in the Agenda for a meeting of the Council, the Secretariat shall proceed to prepare a comprehensive Brief for the meeting which should include a note explaining the issues involved in the matter under reference, the historical or other background, the constitutional and legal implications, the views of various authorities, institutions and other consulted by the Secretary on the said matter.
5. Meetings-The meetings of the Council shall be held in Delhi or any other convenient place determined by the Chairman.
6. Notice of meetings-Notice of every meeting shall be given to the Members at least ten days before the date of such meeting and such notice shall be accompanied by a copy of the agenda and other papers required by the Chairman to be circulated.

7. Attendance at meetings-The meetings of the Council shall be attended by its members. Others, including officials, may attend the Council's meeting only with the prior approval of the Chairman.

8. Agenda- (a) The items of business to be transacted at any meeting of the Council shall be listed in an Agenda prepared with the approval of the Chairman.

(b) As far as possible the items of business shall be taken up for discussion in the order in which they are set out in the Agenda. No business, not included in the Agenda, shall be taken up at the meeting without the leave of the Chairman.

9. * Discussion-(a) When any item in the agenda is taken up for discussion, the Chairman may initiate the discussion explaining the points involved or may request any Member concerned to do so and the Chairman may fix time to the Members for presenting their views.

(b) The discussion on any matter before the Council should be confined to the specific issue involved and reading prepared speeches may be avoided.

10. Report of the proceedings-(a) The Secretary shall cause to be prepared a report of the proceedings of the Council at each of its meetings in such form and manner as the Chairman may, from time to time, direct.

(b) A copy of the report of the proceedings shall be forwarded as soon as possible to the Central Government, the Governments of the States and Union Territories together with a copy of the formal recommendations, if any, made by the Council.

11. Record-The record to be maintained by the Secretariat shall consist of:-

- (i) the reference and all papers received under paragraph 1 for consideration of the matter;
- (ii) all papers considered by the Council, including minutes of meetings held by the Secretary with officers and other authorities referred to in clause (a) of paragraph 15;
- (iii) the final decision of the Council;
- (iv) reports, if any, regarding action taken on the recommendations of the Council.

12. Press Briefing-At the conclusion of a meeting, if the Chairman so directs, an appropriate press note may be released to the press on the proceedings of the Council.

13. Follow-up action-The Secretary shall evolve a system of monitoring the action taken on the recommendations of the Council by the Central Government, the Government of any State or the Union Territory concerned. He shall, at appropriate stages, cause information in this regard to be made available to the Council.

14. Residuary-All matters not provided for in this procedure and all questions relating to the conduct of the proceedings in the Council shall be regulated in such manner as the Chairman may, from time to time, direct.

15. Powers of the Secretary-For facilitating the work of the Council, including the preparation of papers for it, the Secretary of the Council shall have the power to -

- (a) call for information or papers from, or hold discussions with, the officers of the Central Government or, as the case may be, of any State Government or Union Territory Administration or any other authorities or sources;
- (b) issue instructions from time to time as to the manner of preparing the references to or the brief for the consideration of the Council and for the proper functioning the Secretariat of the Council;
- (c) engage the services of institutions, experts or consultants on contract on such terms as may be approved by the Chairman.

GUIDELINES FOR IDENTIFYING AND SELECTING ISSUES TO BE BROUGHT UP BEFORE THE INTER-STATE COUNCIL

In pursuance of clause (a) of paragraph 5 of the Inter-State Council Order 1990, the Council hereby adopts the following guidelines for identifying and selecting issues to be brought up before it, namely -

1. (i) An issue to be brought up before the Council should fall within the purview of the duties enjoined on the Council under clauses (a) and (b) or, as the case may be, clause (c) of paragraph 4.
- (ii) If any question arises as to whether the issue does or does not fall within the purview of the duties of the Council, it shall be decided by the Chairman whose decision thereon shall be final.
2. Subject to the provisions of the said Order and the orders made thereunder, any issue relating to the following matters may be brought up before the Council, namely -
 - (a) National appraisal of the measures taken to implement the Directive Principles of State Policy incorporated in Part IV of the Constitution.
 - (b) Any matter in the Union List, Concurrent List or the State List of the Constitution of India -
 - (i) in respect of which, there exists a common interest as referred to in clause (a) of paragraph 4 of the said Order or a need for better coordination as referred to in clause (b) of the paragraph, or as the case may be, it is matter of general interest as referred to in clause (c) of that paragraph, or
 - (ii) in respect of which the adoption of an uniform policy in regard to legislation or executive action is desirable in the national interest.
 - (c) Proposal for legislation by the Union or a State on any matter in the Concurrent List, including amending legislation.
 - (d) Cooperation and assistance by the State in the implementation of laws made by Parliament and in the exercise of executive power of the Union in the State.
3. The following issues, as far as may be expedient, may not be brought up before the Council :-
 - (i) Any issue which can be resolved by discussion at the official level or at the level of Ministers between the Central Government and the State Governments concerned.
 - (ii) Any issue which has to be considered or dealt with by the National Development Council, the National Integration Council, the Finance Commission, the Planning Commission or such other body or authority of a like nature as may be set up from time to time to deal with specific subjects relating to Centre-State relations.
 - (iii) Any issue which is currently under consideration or discussion in either House of Parliament or which is sub-judice.

- (iv) Any issue relating to a matter which, under the Constitution, is left for the decision of a specified authority other than the Central Government such as the Election Commission or the Supreme Court etc.
- (v) Any other issue the discussion of which may, in the opinion of the Chairman, create discord between the States or otherwise be against the public interest or against the interests of the sovereignty or integrity of India, the security of the State, friendly relations with foreign State or Public Order.
- (vi) Any issue which relates to the discharge of any duty or special responsibility of the Union under the provisions of the Constitution or any law of Parliament.

Provided that if majority of the members of Inter-State Council propose the discussion of an issue or keeping in view the importance of a particular issue, it is considered desirable to do so, the Council may consider such an issue with the approval of the Chairman in terms of provisions of Clause 4(c) of the Presidential Order dated the 28th May, 1990.

"N.B. - The sub-clause (i-vi) mentioned under Para 3 above are only illustrative and not comprehensive."

Similar procedure will apply for the meetings of the Standing Committee.