

THE NORTH EASTERN COUNCIL ACT, 1971

(Act No.84 of 1971)

An Act

to provide for the setting up of a Council for the North-eastern areas of India to be called the North Eastern Council and for matters connected therewith.

Be it enacted by Parliament in the Twenty-second year of the Republic of India as follows:

1. Short title and commencement –

- i. This Act may be called the North Eastern Council Act, 1971.
- ii. It shall come into force on such date, being a date not earlier than the day appointed under clause (b) of section 2 of the North-Eastern Areas (Re-organization) Act, 1971, as the Central Government may, by notification in the official Gazette, appoint.

2. Definitions – In this Act unless the context other-wise requires,

- a. "**Council**" means the North Eastern Council set up under Section 3;
- b. "**North Eastern Areas**" means the area comprising the States of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram; and
- c. "**State**" include the Union Territories of Arunachal Pradesh and Mizoram.

3. Setting up and composition of the North Eastern Council.

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

- a. The person or persons for the time being holding the office of the Governor of States or the office of Administrator of the Union Territories in the North-eastern areas;
- b. The Chief Ministers of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura and of the Union Territory of Mizoram; and
- c. One of the Counsellors to the Administrators of the Union Territory of Arunachal Pradesh appointed under Section 18 of the North-East Frontier Agency (Administration) Supplementary Regulation, 1971, to be nominated by the Administration:

Provided that if there is no Council of Ministers in any State referred to in clause (b) or in the Union Territory referred to in that clause; the President may nominate not more than one person to represent such State or Union Territory in the Council for so long as there is no Council of Ministers in such State or Union Territory.

(2) Notwithstanding anything contained in sub-section (1), the President may, if he deems it necessary so to do, nominate a Union Minister to be a member of the Council.

(3) One of the members of the Council to be nominated by the President shall be the Chairman of the Council.

(4) The President may, if he deems it necessary so to do, nominate another member of the Council to act as Vice-Chairman of the Council.

4. Functions of the Council:

(1) The Council shall be an advisory body and may discuss any matter in which some or all of the States represented in that Council, or the Union and one or more of the States represented in that Council, have a common interest and advise the Central Government and the Government of each State concerned as to the action to be taken on any such matter, and in particular, may discuss and make recommendations with regard to:

- a. any matter of common interest in the field of economic and social planning;
- b. any matter concerning inter-State transport and communications;
- c. any matter relating to power or flood control projects of common interest.

(2) For securing the balanced development of the North-Eastern Areas, the Council shall forward proposals;

- i. formulating for the State represented in the Council a unified and co-ordinated regional plan (which will be in addition to the State Plan) in regard to matters of common importance to that area;
- ii. regarding the priorities of the projects and schemes included in the regional plan and the stages in which the regional plan may be implemented; and
- iii. regarding the location of the projects and schemes included in the regional plan, to the Central Government for its consideration.

(3) The Council shall –

- a. review, from time to time, the implementation of the projects and schemes included in the regional plan and recommend measures for effecting co-ordination among the Governments of the States concerned in the matter of implementation of such projects and schemes;
- b. where a project or scheme is intended to benefit two or more States, recommend the matter in which;
 - i. such project or scheme may be executed or implemented and managed or maintained; or
 - ii. the benefits there from may be shared, or
 - iii. the expenditure thereon may be incurred;
- c. on a review of progress of the expenditure, recommend to the Central Government the quantum of financial assistance to be given, from time to time, to the State or States entrusted with the execution or implementation of any project or scheme included in the regional plan;
- d. recommend to the Government of the State concerned or to the Central Government the undertaking of necessary surveys and investigation of projects in any State represented in the Council to facilitate consideration of the feasibility of including new projects in the regional plan.

(4) The Council shall review from time to time the measures taken by the States represented in the Council for the maintenance of Security and public order therein and recommend to the Governments of the States concerned further measures necessary in this regard.

5. Meetings of the Council –

1. The Council shall meet at such time as the Chairman of the Council may appoint in this behalf and shall, subject to the other provisions of this section, observe such rules of procedure in regard to transaction of business at its meetings as it may lay down from time to time.
2. The Chairman or in his absence the Vice-Chairman, if any, or in the absence of both the Chairman and the Vice-Chairman, any other member chosen by the members present from amongst themselves, shall preside at a meeting of the Council.
3. The proceedings of every meeting of the Council shall be forwarded to the Central Government and also to the Government of each State represented on the Council.

6. Nomination of Certain Officers to attend the meeting of the Council.

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

7. Officers and Staff of the Council.

1. The Council shall have a Secretariat staff consisting of a Secretary, a Planning Adviser, a Financial Adviser and a Security Adviser and such other officers and employees as the Central Government may, by order, determine.
2. The Secretarial staff of the Council shall function under the direction, supervision and control of the Chairman of the Council.
3. The office of the Council shall be located at such place as may be determined by the Council.
4. The Administrative expenses of the said office, including the salaries and allowances payable to, or in respect of members of the Secretariat Staff of the Council, shall be borne by the Central Government out of the moneys provided by Parliament for the purpose.

8. Repeal – The North Eastern Council Act, 1970 (26 of 1970) is hereby repealed.

THE GOVERNMENT OF UNION TERRITORIES (AMENDMENT) ACT, 1975
(Act 29 of 1975)

Amendment of Act 84 of 1971 14. In the North Eastern Council Act, 1971, in Section 3, in Sub-section (1)

- a. in clause (b), for the words " and of the Union Territory of Mizoram", the words "and of the Union Territories of Arunachal Pradesh and Mizoram" shall be substituted;
- b. clause (c) shall be omitted:
- c. in the proviso, for the words, brackets and letter " in any State referred to in clause (b) or in the Union Territory referred to in that clause", the words brackets and letter "in any State or Union Territory referred to in clause (b)" shall be substituted.

Repeal of Regulation 4 of 1971 15. As from the commencement of the principal Act, in the union territory *Regulation* of Arunachal Pradesh, the North-East Frontier Agency (Administration) Supplementary Regulation, 1971 shall stand repealed.

APPENDIX 'A'
RULES OF PROCEDURE
NORTH EASTERN COUNCIL

In exercise of the powers conferred by Sub-section (1) of Section 5 of the North Eastern Council Act, 1971 (Act 84 of 1971), the North Eastern Council hereby makes the following rules, namely:-

1. **Short Title** - These rules may be called the North Eastern Council Rules of procedure.
2. In these Rules, unless the context otherwise requires:
 1. **"Act"** means the North Eastern Council Act, 1971.
 2. **"Chairman"** means the Chairman of the Council.
 3. **"Committee"** means a Committee appointed by the Council.
 4. **"Council"** means the North Eastern Council established under Section 3 of the Act.
 5. **"Meeting"** means a meeting of the Council.
 6. **"Member"** means a member of the Council.
 7. **"Secretary"** means the Secretary of the Council.
 8. **"Vice-Chairman"** means the Vice-Chairman of the Council.
3. **Place of meeting** The Council shall, unless otherwise determined by the Chairman, ordinarily meet at Shillong.
4. **Date, Place and time of meetings of the Council.** The Council shall meet on such date, place and time as the Chairman may from time to time fix.
5. **Matters of Consideration**
 1. Matters shall be brought before a meeting only by direction of the Chairman whose decision on the question whether any matter falls within the Purview of the Council or not shall be final.
 2. A member who wishes to bring any matter for consideration at a meeting shall specify it in a memorandum indicating the salient facts and the points for consideration and send the memorandum to the Secretary who shall obtain the Chairman's direction thereon.
6. **Agenda** - The Agenda of the meeting shall be prepared with the approval of the Chairman.
7. **Notice of meeting** - At least 21 days' notice shall ordinarily be given for any meeting, but in cases of urgency a meeting may be called at such shorter notice as the Chairman may consider sufficient.
8. **Intimation of details to meeting** - The Secretary shall inform every member of the place, date and time fixed for the meeting and shall also send him a copy of the Agenda for the meeting as together with such explanatory notes as he may deem necessary indicating the salient facts of each case, the points for consideration and views, if any, of the members or the Governments or the Administrations concerned and any other papers that may be necessary for the consideration of each case included in the Agenda.
9. **Quorum** - The quorum to constitute a meeting of the Council shall be five of whom not less than four members shall be from among those specified in clauses (b) and (c) of Sub-section (1) of Section 3 of the Act.

9A. If a convened meeting of the Council cannot be held for want of quorum, as prescribed in Rule 9, the meeting shall be adjourned to a later date under the direction of the Chairman and such a meeting shall be known as an adjourned meeting. No quorum will be necessary for an adjourned meeting.

9B. In the case of some emergent items and / or in case of item/s to be decided by the Chairman, the Chairman may direct the Secretary to Circulate a proposal or proposals to the Members for ascertaining their views. The Secretary shall in such cases send to each Member a copy of the proposal/s under consideration along with such explanatory notes and other documents as he may deem necessary, indicating the salient facts of the proposal/s. Each Member shall in such case(s) convey to the Chairman his views on the proposal(s) within two weeks of the receipt of the proposal(s). The Chairman may, after consideration of the views of the Members so received, and after further correspondence with the Members, if necessary, take decision(s) in accordance with the consensus of the views received from the Members, but he shall place the matter before a meeting of the Council, if there is no consensus. Any decision(s) so taken by the Chairman on the basis of the consensus of views received by him from the Members on proposal(s) referred to them, as above, shall be deemed to be the formal view(s) and recommendation(s) of the Council, as if passed at a meeting of the Council and all concerned will be informed of the decision(s) by the Secretariat.

10. **Invitation** - The Chairman may invite a Minister or a Deputy Minister of the Union or a *to Ministers* Deputy Minister of the Union or of the State/UT or a member of the Planning *and others*. Commission to attend any meeting and to take part in the discussions. The invitation will be issued by the Secretary on behalf of the Chairman.

11. **Invitation to outsiders as observers** - The Chairman may invite any person to attend any meeting or to participate in the discussions. The invitation will be issued by the Secretary on behalf of . the Chairman.

12. **Officers to attend** - Besides the nominees of the Ministries of the Central Government indicated in Section 6 of the Act, any officer of a Government/Administration whose presence may be considered necessary by the Chairman for the consideration of any matter before the Council may be required to attend a meeting thereof.

13. **Record of discussions** - The Secretary shall keep a record of the discussions and circulate a draft copy of the proceedings of a meeting to the members and the nominees of the Central Government indicated in section 6 of the Act with the request that any changes therein may be suggested within one week of the receipt of the draft copy.

14. **Minutes of the Meeting -**

- i. The proceedings of the meeting shall be finalized after considering any changes suggested under Rule 13 and shall form part of the record of the Council.
- ii. A copy of the proceedings of every meeting shall be forwarded to:
 - A. The Chairman,
 - B. Every Member
 - C. the Central Government through the Union Ministry of Home Affairs; and
 - D. the Government/ Administration of each State/ Union Territory represented on the Council through the Chief Secretary of the State/ Union Territory;
 - E. the nominees of the Central Government indicated in Section 6 of the Act.

15. **Proceedings to be Secret** - The Proceedings of a meeting shall, unless otherwise directed by the Chairman, be SECRET.

16. **Supply of information to the Council.** - The Secretary, shall subject to such direction as the Chairman may give from time to time, be competent to call upon the Government/ Administrations of the member States/ Union Territories to supply such information and Documents as may be required to enable the Council to discharge its functions conveniently.

17. **Action taken on the Council's Recommendations to be Reported-**

1. the Secretary, shall subject to such directions as the Chairman may give from time to time, ascertain from the Governments and Administrations concerned the action taken on the Council's recommendations.
2. for purpose of Sub-rule (1) the Secretary may undertake all necessary correspondence and shall prepare a quarterly summary indicating the action taken by the Governments and Administrations and send a copy thereof to the Chairman, every member, the Central Government through the Union Ministry of Home Affairs, the Governments/ Administrations of the member States/ Union Territories and the nominees of the Central Government indicated in Section 6 of the Act.

18. **Directions of the Chairman** - The Chairman may give such general or special directions as he may consider necessary for the orderly and prompt disposal of the business of the Council.

19. **Appointment of Committee(s)** - The Council may direct the appointing of a Committee or Committees consisting of member or members of the Council and such other persons as the Council may determine to deal with specific questions, the terms of reference of which shall be laid down by the Council.

20. Resolution of the Council appointing a Committee -

(1) The Resolution by which a Committee is appointed shall specify –

- i. the names of the members of the Committee including the Convener;
- ii. the function or functions of the Committee and
- iii. the time limit, if any, within which the Committee shall make a report of perform any other functions.

(2) Where the Chairman or the Vice-Chairman is appointed as member of a Committee, he shall act as its Convener.

(3) If the Convener of a Committee is unable to attend any meeting thereof, any other member chosen by the members present from amongst themselves shall preside at the meeting of the Committee.

21. Quorum of Committee - The quorum to constitute a meeting of a Committee shall be, as near as *Committee* may be, one third of its membership, but shall not be less than two.

22. (1) A Committee shall meet as frequently as may be necessary at a place and time as directed by the Convener and shall make a report to the Council within the specified time limit; Provided that where no time limit has been specified, the Committee shall make a report within three months from the date of its appointment;

Providing further that the Chairman, may at any time, on a request being made, direct that the time for the presentation of a report by the Committee be extended to a date specified by him.

(2) The report of a Committee may be interim or final and the Committee may seek from the Council such clarification in regard to its functions as may be necessary.

(3) The report shall be signed by the Convener of the Committee or, in his absence, by any member thereof, so authorized by the Committee and shall be given to the Secretary of the Council.

23. Consideration of Committee's Report - As soon as may be after a Committee's report has been received, it shall, unless otherwise directed by the Chairman, be placed for consideration at the next meeting of the Council.

24. Power to give directions to a Committee - The Chairman may give such directions as he may consider necessary *directions to* for regulating the procedure of a Committee.

(As amended up-to-date)