

**SPEECH**

**OF**

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**CONFERENCE OF GOVERNORS**

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*Respected Rashtrapatiji, esteemed Vice President, Hon'ble Prime Minister, Distinguished Colleagues, Hon'ble Union Ministers, Senior Officers*

I deem it a great privilege and honour to address this august forum chaired by the Hon'ble President of India. At the outset I would like to compliment and thank Rashtrapatiji for initiating the mechanism of Video Conferencing with the Governors, and based on that, itemising the agenda points. This would ensure a more focused attention to some of the important Constitutional and other issues related to Governance.

**I. LAW & ORDER AND INTERNAL SECURITY:**

1. Ever since the elections to the State Assembly and the assumption of office by the Congress (I) led Government in March 2013; agitations in some form or the other have been fomented in the State and particularly in Shillong. Repeated calls for bandhs, road blockades and picketing during August- December, 2013 have led to an atmosphere of uncertainty and anxiety.
2. Even for the visit of the Hon'ble President of India to Shillong during October 21-22, 2013, a call for Bandh was given but despite that, the visit was a remarkable success. All National Days and religious festivals were celebrated peacefully in the State with huge public participation.
3. The situation in the State, during the last few months has been rather fluid due to the unrest caused by the demand for implementation of Inner Line Permit (ILP) by various NGOs. The State has witnessed a series of incidents of arson, damage to public and private properties and loss of human lives. Most of these incidents have taken place in around Shillong and were targeted against non-tribals. A recent development was the 'Public Rally' organized by the 13 NGOs agitating for ILP on the 30<sup>th</sup> November, 2013 at Jaiaw, Shillong. A crowd of about 20,000 persons including some political leaders from Khun Hynniewtrep National Awakening Movement (KHNAM), United

Democratic Party (UDP) and Hills State People Democratic Party (HSPDP) participated in the Rally. In a positive move, the State Government formally invited the pro-ILP NGOs for a dialogue on the 15<sup>th</sup> January, 2014 after which they agreed to suspend their four month long agitation. They also agreed to first study and examine the 52 existing laws to check influx into the State.

### **Internal Security**

4. Internal security situation in the State is, by and large, under control though the mushrooming of new militant groups and activities of established outfits in Garo Hills and Assam based militant groups in the border areas of the State with Assam have become a cause of serious concern and are a continuous source of anxiety. Indigenous militant organizations like Hynniewtrep National Liberation Council (HNLC) and Liberation of A'chik Elite Force (LAEF) have been largely neutralized. Continuous vigil coupled with regular operations to flush out militants and other anti-social elements indulging in extortion have helped in checking the activities of the new outfits. Some of the organisations which have been active are:

- (i) *Hynniewtrep National Liberation Council (HNLC)*, the Khasi Hills based outfit, is keeping its activities confined to the border areas of the Jaintia Hills and West Khasi Hills districts with Bangladesh, specially in Dawki, Pynursla, Mawsynram and Borsora areas. HNLC has lost its base in the hinterland and most of the cadres have been captured or have surrendered. Intelligence inputs, however, indicate that the HNLC is trying to consolidate itself again by talking advantage of the ILP issue and the unrest arising there from. However, efforts are on to nip it in the bud.
- (ii) *Garo National Liberation Army (GNLA)* was formed in 2010. With support from Assam based militant groups, it has become a potent force of about 200 cadres including over ground active workers with substantial fire power, organizing capability and command leadership. Despite relentless operations, the outfit has expanded itself very fast in cadres, fund raisers and sympathizers are giving it increased capacity to extort money, kidnap for ransom and create mayhem thereby disturbing normal life and developmental activities in the five districts of Garo Hills and in two districts of Khasi Hills. The ambush on the police party at Bangjakona (South Garo Hills) on 5<sup>th</sup> November, 2013 where 5 police personnel lost their lives and the

recent ambush on the police party on the 11<sup>th</sup> December, 2013 at Garigittim (South Garo Hills) where one SWAT personnel sustained bullet injuries show their capability to strike. Acquisitions of remote control devices, timer devices and explosives through ULFA (I) in the recent days by the outfit have added a new dimension to the threat from IEDs.

- (iii) *A'chik National Volunteer Council (B)* - ANVC (B) - is a breakaway group of ANVC. It was not a part of the Suspension of Operations Group of 2004 and remained dormant since then. Of late it has raised its head by indulging in a spurt of activities in Garo Hills including night road blockades and bandhs. During the General Assembly Elections 2013, ANVC (B) came out with statements which were against the political leaders and threatened to disturb the peaceful conduct of elections. However, due to strong police action, their plan could not materialize. They are now part of the proposed Peace Pact and participated in the deliberations held with Government of India recently on the subject.
- (iv) *United A'chik Liberation Army (UALA)* is a breakaway group of ANVC (B). It unleashed a reign of terror in the Garo Hills by gunning down five labourers on 20<sup>th</sup> May, 2013 at Darangdura coal mine in South Garo Hills. Their latest activity was the incident of 3<sup>rd</sup> November, 2013 where they shot dead 7 (seven) Rabhas at Gendamari village in Goalpara, Assam. However, recent Police operations at Williamnagar wherein 3 (three) of its cadres were killed and 1 (one) captured has led to exodus from the organization and 3 (three) hardcore cadres have surrendered so far and many are likely to come over-ground in the near future.
- (v) Assam based outfits (ULFA & NDFB): All the five districts of Garo Hills have seen sporadic movement and influx of *United Liberation Front of Assam [ULFA (I)]* and *National Democratic Front of Bodoland (NDFB)* cadres in the borderland with Bangladesh as well as hinterland. Intelligence inputs and interrogation of captured militants have confirmed movements across the International Border and presence of small hideouts in the remote and difficult areas of Garo Hills. During the busting of a GNLA camp on 7<sup>th</sup> June, 2013, demand letters of ULFA were also recovered. The State Police is putting concerted efforts to nab these groups and neutralize their activities in our territory completely.

(vi) ANVC-Peace Settlement: 'Suspension of Operations' agreement with ANVC in July 2004 had led to considerable improvement in the security environment of Garo Hills. Peace and order prevailed till the advent of GNLA in 2010 and mushrooming of many criminal gangs in the guise of militant outfits in 2012 and 2013. A tripartite meeting of Government of India, Government of Meghalaya and ANVC was held in Shillong on 5<sup>th</sup> January, 2013. In the meeting, the ANVC signed the Draft Agreed Text for settlement. The need of the hour is to take this agreement to a logical conclusion as undue delay in the settlement may further frustrate the leaders and the cadres of ANVC leading to desertions and strengthening of other Garo militant outfits.

### **Border Areas**

5. Assam-Meghalaya border is currently peaceful and the recent successful elections to the Rabha Hasong Autonomous Council (RHAC) in Assam with joint efforts of the two States have ensured that there is no major disruption to the amity amongst various ethnic groups in the border belts. Last year, the boundary dispute between Assam-Meghalaya had erupted into violence and the demand for a Boundary Commission was reiterated. This is being flagged again.
6. On Indo-Bangladesh Border the situation is peaceful and under close watch. Action against Bangladeshi infiltrations is continuing by the State Police. We have a 431 Km border with Bangladesh out of which only 226 km is fenced. The problem of enclaves and reserve forests is leading to delay in completion of works in 88 km.

### **Elections**

7. Elections to the Khasi Hills Autonomous District Council (KHADC) were announced and the polling is scheduled to be held on 24<sup>th</sup> February, 2014. Elections to the Gora Hills ADC have been postponed by six months on account of possibility of an agreement with ANVC in the near future and consequent amendment to the 6<sup>th</sup> Scheduled.

## II. ROLE OF GOVERNORS AS A BRIDGE BETWEEN STATES AND CENTRE:

1. The role of the Governor is laid down in the Constitution through several provisions. It has also, on certain occasions, come under judicial scrutiny. While the Governor acts within the parameters of the Constitution, the political impact of his action differs depending on the nature of ruling party at the Centre and the State.
2. The role of the Governor assumes critical importance in the States where special provisions of the Constitution viz. under Article 371 (A-G) etc. are applicable or have areas under 5<sup>th</sup> and 6<sup>th</sup> Scheduled. In these States particularly the Governor's role can be very effective as a bridge, since the scope and nature of functions of the Governor are somewhat enlarged.

In this context I would like to submit that the Governor should be actively involved by the Union Government in certain Constitutional matters where his advice could be important. A few instances are mentioned below:

- (i) The Commission on Centre State Relations in its comprehensive report of 2009, made several proposals to the MHA on the functioning of the 6<sup>th</sup> Schedule. These were incorporated into a draft proposal for amendment to the 6<sup>th</sup> Schedule, on which comments were sought from the State Govt. The proposal was never sent to the Governors of any one of the States where 6<sup>th</sup> Schedule is operative, for their comments. In fact the existence of such proposal came as a surprise to most of us when we were meeting at Guwahati, in pursuance of the Hon'ble President's Video Conference.
- (ii) Further, it has come to my notice unofficially that the MHA's draft had proposed certain enhanced powers to the Governors under the 6<sup>th</sup> Schedule, but the State Government, while responding, had opposed this proposal. Again the Governor was completely in the dark as no comments were sought by the MHA, on this response of the State Government.

- (iii) Recently, in pursuance to the agreement with ANVC, a militant organisation, the number of seats in the Garo ADC and the Khasi-Jaintia ADCs has been proposed to be raised. This requires an amendment to the 6<sup>th</sup> Schedule of the Constitution. In terms of Clause 21 of the 6<sup>th</sup> Schedule, this is not to be treated as a Constitutional amendment and the procedure of Article 368 would not be attracted. The State Government has sent its response to the MHA's proposal. Since the MHA had addressed the State Government directly, they also responded directly, again keeping the Governor out of the loop, both ways.
- (iv) Under Article 217 of the Constitution, the Governor of the State is to be consulted for the appointment of the Chief Justice of the State High Court. In the recent case of Meghalaya, the letter of consultation from the Ministry of Law & Justice went directly to the Chief Minister, who also sent his comments directly. The confusion appears to be due to the wording of the Memorandum of Procedure for appointment of Judges followed by the Ministry of Law & Justice. In the Constitution, consultation with the Governor of the State has been mentioned, while in the Memorandum of Procedure, consultation with State Government has been mentioned. I think the Memorandum of Procedure should be brought in line with the Constitution.

### **III. AREAS UNDER SIXTH SCHEDULE OF THE CONSTITUTION, NORTH EASTERN COUNCIL AND RELATED ISSUES:**

#### **Sixth Schedule**

A detailed note containing the recommendation of the Group of Governors from North East on Sixth Schedule matters has been circulated separately.

1. The Sixth Schedule was appended at the end of the Constitution through Articles 244 (2) and 275 (1) for the administration of certain tribal areas of the State of Assam, as it existed in 1950. The districts of Khasi Hills, Jaintia Hills and Garo Hills of the state of Assam, besides others, were thus given the Autonomous District Councils. In 1972, at the time of creation of the State of



Meghalaya, the Autonomous District Councils were left as they were. This resulted in a peculiar situation. These Councils were created to specially cater to the needs of the tribal minorities in the State of Assam. But when a tribal State came into being with identical jurisdiction to that of Councils, the role of the latter could have been reviewed. Now after 42 years of co-existence, doing away with the ADCs may be politically difficult and impractical.

2. The current status of the Sixth Schedule entities i.e. the Autonomous District Councils (ADCs) should be seen not in isolation, but in the context of Article 243M and Article 243ZC, whereby the Panchayats and Municipalities are not to be constituted in these areas, unless a specific provision is made by the Parliament. This effectively means that the Autonomous District Council provides a single tier mechanism for local self government, whereas in the rest of the country we have the village level Panchayats, besides the Municipal Committees. It is therefore, important that instead of disbanding this only institution we should strengthen it.
3. Through the ADCs receive grants under the Finance Commission Awards, their finances are in a bad shape as the State Government is unable to fully support them. Despite my having taken up with the Chief Minister, the State Government is yet to constitute the State Finance Commission, though as per the statute passed by the State Legislature, it should have been in place by March 2013. Since there is a parallel jurisdiction of the State with the Councils, there are some competing interests. The administration of ADCs is also rather weak, leading to malpractices and possible leakage of revenue.
4. Currently, some discussions are underway where the number of seats in the ADCs may be raised, with transfer of additional subjects to them. This would require a substantial financial package to begin with, besides an enhanced recurring grant-in-aid. The Councils to be effective will also require technical and administrative staff. In this context, training and capacity building of Council members and staff is a vital requirement.



5. The ADCs, as such, need to continue in Meghalaya, but with modifications to meet the present day needs of local level administration. It should have reservation for women and Elections should be conducted through the State Election Commission. The Councils would also need to take care of village level bodies, Dorbars etc., which at present is not happening, resulting in a wide gap between the district level and the villages.

### **North Eastern Council**

6. The NEC is mandated to function as a Regional Planning Body for the North Eastern Area and give priority to projects and schemes that benefit two or more States. The NEC therefore needs to be backed by adequate resources to enable it to fulfil its mandate. During the first two years of the 12<sup>th</sup> Plan (2012-17), the annual outlay of NEC has been kept at Rs. 770 crores only. All the NE States that participated in the 62<sup>nd</sup> Plenary of the NEC in July 2013 has expressed their concern and disappointment at such a meagre outlay. One suggestion made during the said Plenary that merits consideration is the placing of a portion of the Non Lapsable Pool of Central Resources (NLPCR) at the disposal of NEC in view of the fact that substantial funds are reported to have accumulated in the NLPCR.
7. It has been observed that there are considerable delays in the implementation of projects of the NEC as well as DONER due to delays in technical vetting of estimates and issues of sanctions. It is suggested that suitable technical personnel with adequate powers be placed in the NEC for technical approval of both the NEC as well as the DONER schemes.
8. The NEC supports a large number of road projects in the North East. The DPRs sanctioned during the 11<sup>th</sup> Plan and before were provided with 20mm thick Open Graded Premixed Carpeting (OGPC) only. It has been observed that provision of 20mm thick OGPC does not last more than 2-3 years. Being very porous, rain water easily percolates to the base and sub-base courses in spite of provision of 6mm seal coat which is again porous in nature. As such, Meghalaya, being a very high rainfall area, may be allowed to prepare DPRs with higher specification of bituminous courses like

Bituminous Macadam (B.M.) and Semi-Dense Bituminous Carpeting (SDBC).

9. The NEC can play a key role in Disaster Management. The entire North East region is a high seismic zone area and any disaster would have inter-state ramifications. Being a regional body it would be the most appropriate forum to address matters relating to preparedness of the region to meet such disasters.

#### **IV. ROLE OF GOVERNORS AS CHANCELLORS OF EDUCATIONAL INSTITUTION IN IMPROVING THE QUALITY OF HIGHER EDUCATION:**

1. Meghalaya has one State University and nine Private Universities. The Governor is the Visitor of all these Universities. The Visitor, when present, presides at the Convocation of the University for conferring Degrees, Diplomas, and Certificates etc. The Visitor also has the following powers, namely (i) to appoint the Chancellor; (ii) call for any paper or information relating to the affairs of the University; and (iii) on the basis of the information received by the Visitor, if he is satisfied that any order, proceeding or decision taken by any authority of the University is not in conformity with the Act, Regulation, or Rules, he may issue directions which shall be complied with by all concerned.
2. The only State University i.e. Captain Williamson Sangma Technical University is not yet functional. The State Government has been asked to convey its view on designating the Governor as the Chancellor of the State University as is the normal practice. The views are awaited.
3. Out of the nine Private Universities, only six are functional. In view of various malpractices and anomalies in the functioning of the CMJ University (Private), the Governor, in his capacity as the Visitor, passed an order on 12 June 2013 recommending dissolution of the University under Section 48 of the CMJ University Act, 2009. The Hon'ble Supreme Court, while uploading the order of the Governor, disposed off the case filed

by CMJ University vide order dated 13<sup>th</sup> September 2013, directing to the State Government to pass a speaking order within three months, after giving an opportunity to the petitioners to show cause against the action proposed to be taken. The State Government has obtained extension of time till March 2014.

4. Out of the remaining five Private Universities, only two have some semblance of a respectable campus and an academic atmosphere. His Holiness, Dalai Lama, was very recently conferred an honorary doctorate at the Convocation of one such University namely, the Martin Luther Christian University. The Vice Chancellors of all the Private Universities have been called and asked to have their accounts audited, to follow the guidelines of the University Grant Commission very strictly and to ensure a proper campus and an academic atmosphere.
5. The State Government have constituted a State Private Universities Regulatory Board as provided under the Statute. In a recent judgement of the Delhi High Court a Private University of Meghalaya has been prohibited from operating a Campus outside the State. This will have a salutary impact on all the Private Universities.
6. There is one Central University in the State, viz. North Eastern Hill University (NEHU). The Governor is the Chief Rector who does not have much role in the University as per the Statute. Suggestions for wider role have already been made but the Ministry of Human Resources Development (MHRD) seems to favour the status quo.

## **V. DISASTER MANAGEMENT:**

A detailed note containing recommendations of the Group of Governors has been circulated separately.

1. Meghalaya is prone to various natural and manmade disasters such as floods, fire, landslides and earthquakes. Disasters threaten sustainable development and destroy decades of human effort and investments, thereby placing new demands on society for reconstruction and rehabilitation. As the State falls in Zone V

of the seismic map of the country, it is highly vulnerable to seismic disturbances.

2. Meghalaya implemented the UNDP supported Disaster Risk Management (DRM) Programme during 2003-2009. The main objectives of this Programme were capacity building at all levels; multi-hazard preparedness and mitigation plans at all levels; networking knowledge on effective approach, methods and tools for disaster risk management; and developing and promoting a policy framework at the state and national levels. Some of the major steps taken in the State during DRM were (i) Preparation of the State Disaster Management Plan in 2006 (currently under revision); (ii) Setting up of Disaster Management Centre; (iii) Constituting the Hazard Safety Cell to detect unsafe buildings and enforce building codes; (iv) Setting up of State Emergency Operation Centre and District Emergency Operation Centres; (v) Procurement of Search and Rescue Equipment; and (vi) Capacity building at all levels.
3. Under the Disaster Management Act, 2005, the State Disaster Management Authority (SDMA) headed by the Chief Minister, the State Executive Committee headed by the Chief Secretary and the District Disaster Management Authorities headed by the Deputy Commissioners have been constituted with requisite secretarial support and are performing their functions as mandated under the Disaster Management Act, 2005.
4. The National School Safety Programme (NSSP) is currently under implementation in two districts of the State with the objective of improving the safety of the students in 400 Schools (200 schools per district). Through NSSP, Structural and Non Structural Retrofitting will be undertaken in the project schools, regular Mock Drills will be conducted and the teachers will be trained to prepare School safety Plans.

#### **M 8.7 Shillong 1897 Earthquake Scenario: NE Multi-State Exercise and Preparedness Campaign**

5. NDMA is currently supporting the project: '*M 8.7 Shillong 1897 Earthquake Scenario: NE Multi-State Exercise and Preparedness Campaign in Meghalaya*'. CSIR-NEIST in association with National

Disaster Management Authority (NDMA), Government of India is taking up a scenario exercise for the repeat of the M 8.7 Shillong 1897 earthquake, to assess the anticipated impact in the NE region. The exercise involves undertaking various capacity building and sensitization activities for earthquake preparedness and mitigation. The project shall also assess multi-state seismic hazard preparedness for disaster management and identify gaps. The exercise involves collation of data on built environment through collection of secondary data and capacity building of engineers to develop the scientific scenario and conduct series of capacity building programmes for government officials on scenario based Incident Response System and Table-top simulation exercises for effective response to the repeat of such an earthquake, followed by a multi-State Mega Mock Exercise on 10<sup>th</sup> March 2014. The objective of this programme are

- Data collection for developing Earthquake Scenario in coordination with the respective State Disaster Management Authorities (SDMAs).
- Awareness generation programme, conduct of training/workshops for engineers/architects on Rapid Visual Screening, school children on earthquake safety, Response Officials on IRS and Tabletop Simulation Exercise followed by mock drills (if any at local level).
- Preparations for multi-state Mega Mock Exercise.
- Integration of earthquake scenario in State Disaster Management Plans.
- Post-exercise impact assessment.
- Arrangements for NDRF positioning and its movement for Mega Mock Exercises.
- Utilization of funds and timely submission of audited statements/utilization certificates.
- Identifying gaps in developing the final Scenario of repeat of M 8.7 Shillong 1897 earthquake after conduct of inter-state earthquake Mega Mock Exercise.

- Developing scenario-based state-wise gross assessment of losses.
- Identify the scenario based mitigation interventions for the States after the Mega mock Exercise.
- Re-integrate the final scenario in the State Disaster Management Plans of the respective State.
- Documentation of the process and the nuance of the project, which shall be compiled as handbook/manual for replication of similar projects in other parts of the country.

Various capacity building programmes preparatory to the Mega Mock Drill are currently underway. The State needs to quickly put in place the State Disaster Response Force (SDRF).

6. In addition to the recommendations covered in the report of the Sub Group of Governors, I have the following suggestions:
  - i. IIT Roorkee is implementing an Early Earthquake Warning (EEW) system project which is funded by the Department of Earth Sciences, Government of India. It is learnt that the project has made good progress and could be replicated elsewhere. The project involves installing earthquake warning sensors in earthquake origin (epicentre) prone areas and interpretation of the data generated by a suitable Technical Institute. It is suggested that a similar project of Rs. 4 (four) crores could be assigned to NEC to cover the North Eastern Region under an EEW system.
  - ii. It is also suggested that a National Disaster Training Centre should be located in the North east in view of the fact that the entire North Eastern Region is under the highest seismic zone.

In the end, let me again express my gratitude for this opportunity to highlight some of my views and concerns of the State of Meghalaya.

**JAI HIND**