

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 10TH MARCH, 2017

**Bill No. LXIII of 2016**

THE CENTRAL HIMALAYAN STATES DEVELOPMENT COUNCIL  
BILL, 2016

A

BILL

*to provide for the setting up of a Council to be called the Central Himalayan States  
Development Council to formulate development plans and schemes and also  
to monitor their implementation for the balanced and all-round development  
of the hilly States comprising the Central Himalayan region and  
for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Himalayan States Development Council Act, 2016.

Short title and  
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that such date shall not be later than six months from the date of assent of this Act.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Council" means the Central Himalayan States Development Council set up under section 3;

(b) "Himalayan States" means the States of Himachal Pradesh, Jammu and Kashmir and Uttarakhand; and

(c) "prescribed" means prescribed by the rules made under this Act.

Setting up of  
the Central  
Himalayan  
States  
Development  
Council.

3. (1) **There shall be set up a Council to be called the Central Himalayan States Development Council which shall consist of the following members, namely:—**

(i) the Chief Minister of each of the Himalayan States:

Provided that if there is no Council of Ministers in any Himalayan State, the President of India may nominate one person to represent such State in the Council for such period as there is no Council of Ministers in such State;

(ii) members of the House of the People and Council of States representing the Himalayan States;

(iii) **five persons having special knowledge of and experience in social and economic planning preferably in the hilly areas to be nominated by the President; and**

(iv) the Union Minister holding charge of the Ministry of Planning.

(2) The Chairman of the Council shall be nominated by the President from amongst the Chief Ministers of the Himalayan States in such manner as may be prescribed;

(3) The Chairman of the Council shall be nominated for a period of two years:

Provided that if there is no Council of Ministers in any Himalayan State thereby causing vacancy in the Office of the Chairman, the President of India may nominate Chief Minister of any other Himalayan State as Chairman of the Council for such period as there is no Council of Ministers in such State.

Functions of  
the Council.

4. (1) The Council shall function as a Planning body for the balanced and all-round social and economic development of the Himalayan States.

(2) It shall be the responsibility of the Council to formulate development plans and schemes for each of the Himalayan States and also in which Himalayan States have common interest:

Provided that the Council may, if it considers necessary, having regard to the socio-economic backwardness of the State of Uttarakhand or any area in the State, formulate specific and time bound projects and schemes for the whole State or any area in that State and may review implementation of such projects and schemes.

(3) For securing the balanced development of the Himalayan States, the Council shall forward proposals for:—

(i) accelerating the industrial growth in one or more Himalayan States;

(ii) inter-linking various places by railways or roads including remote villages and hilly areas;

(iii) providing communication and telecommunication facilities;

(iv) providing electricity, drinking water and rural housing;

(v) health services including family welfare schemes;

(vi) providing educational facilities and gainful employment; and

(vii) taking preventive measures to minimize the effect of natural calamities particularly the landslides and cloudbursts.

to the Central Government and the Government of the Himalayan State concerned for their consideration.

(4) For the purposes of clause (i) of sub-section (3), the Council may recommend to the Central Government such concessions, including waiver of duty of excise, as it deems  
5 necessary, for a specific period for industrial units in any Himalayan State.

(5) The Council shall recommend to the Central Government and the Government of each of the Himalayan States as to the action to be taken on any matter referred to in sub-section (2) and (3).

10 **5.** It shall be the duty of the Central Government and the Government of each of the Himalayan States to give due consideration to the advice of the Council and apprise the Council of its views and decisions on such advice.

Central and State Government to consider the advice of the Council.

**6. (1) The Council shall meet at least thrice in each year.**

Meeting of the Council.

(2) The proceedings of every meeting of the Council shall be forwarded to the Central Government and also to Government of each of the Himalayan States.

15 **7. (1) The Council shall have a secretarial staff consisting of a Secretary, a Planning Adviser and a Financial Adviser and such other officers and employees as the Central Government may, by order, determine.**

Officers and staff of the Council.

(2) **The Secretarial staff of the Council shall function under the direction, supervision and control of the Chairman of the Council.**

20 (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 secretarial staff of the Council, shall be borne by the Central Government out of the moneys provided by Parliament for the purpose.**

25 **8. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds to the Council for the implementation of the development plans and schemes formulated by the Council.**

Provision of funds to the Council.

**9. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

30 (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the  
35 rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

The development process in the Central Himalayan States of Uttarakhand, Himachal Pradesh and Jammu and Kashmir has been very tardy due to their geographical location and social background. The people living in these States do not have adequate educational facilities and consequently, employment opportunities. The people also have to travel to other States for medical treatment as there are no well equipped hospitals and qualified doctors. There has also been negligible growth of industries. There is an urgent need for setting up of environment friendly industries in these States for the development of the States as a whole and to enable the local youth to get employment opportunities. For setting up of new industries, special concessions including waiver of excise duty for a specific period should be given to the industries in the States by the Central Government.

The problems of these Himalayan States are interlinked. All these States experience, almost every year, recurrent floods, landslides, cloudburst, etc. thereby causing huge loss of life and property. Basic infrastructure facilities like "*Pucca Roads*", electricity, communication, schools, drinking water, bridges connecting remote villages with Pucca Roads, etc. have still to be made available to all the people of these regions even after sixty years of independence. As these regions share common problems, the solutions to their problems are also common. Many of the development works in these States can be carried out only by involvement of all the three States. The State of Uttarakhand, being recently created, needs special attention for its overall development.

It is, therefore, proposed to established a Central Himalayan States Development Council to look into and accelerated the process of development in these States, particularly in Uttarakhand. A similar Council has been functioning very successfully for North-Eastern States. The establishment of such a Council for the States of Uttarakhand, Himachal Pradesh and Jammu and Kashmir would not only help in the speedier all-round development of the Himalayan States thereby taking the country high on the growth map but would also act as a coordinating agency amongst the people of the States of the Himalayan region.

Hence this Bill.

PRADEEP TAMTA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of the Central Himalayan States Development Council consisting of persons having special knowledge of and experience in social and economic planning in the hilly areas. Clause 6 provides that the Council shall meet at least thrice each year. Clause 7 provides that the Central Government shall bear the administrative expenditure including salaries and allowances of members, officers and staff of the council. Clause 8 provides that the Central Government shall provide adequate funds to the Council for implementing the development plans and schemes by way of grants, after due appropriation made by Parliament. The Bill, therefor, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees four hundred crore is likely to be involved as a recurring expenditure per annum.

A sum of rupees four hundred crore is also likely to be involved as non-recurring expenditure.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of details only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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*(Shri Pradeep Tamta, M.P.)*