

## **PREFACE**

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**P. D. SARANGADHARAN,  
SECRETARY,  
KERALA LEGISLATURE.**

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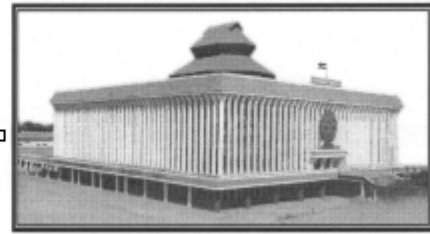
## **മോട്ടോർവാഹന മലിനീകരണ നിയന്ത്രണം ഭാരത് VIലേക്ക്**

**ഡോ. പി.എം. മുഹമ്മദ് നജീബ്**

കേന്ദ്ര ഉപരിതല ഗതാഗത മന്ത്രി നിതിൻ ഗഡ്കരി പുതുവർഷത്തിൽ ടിറ്റർ സന്ദേശത്തിലൂടെ മോട്ടോർ വാഹന രംഗത്ത് വിപ്ലവകരമായ മാറ്റം വരുത്തുവാനുതകുന്ന വാർത്ത പുറത്തുവിട്ടു. നമ്മുടെ രാജ്യത്ത് 01-04-2020 മുതൽ ഭാരത് VI നിലവാരമുള്ള വാഹനങ്ങളും അതിനനുസൃതമായ ഇന്ധനവും ആയിരിക്കും ഉണ്ടാകുക എന്നായിരുന്നു സന്ദേശം. വാഹനപുക മലിനീകരണ നിയന്ത്രണ നിലവാരം സൂചിപ്പിക്കുന്ന ഭാരത് സ്റ്റേജ് IVൽ നിന്നും Vമറികടന്ന് നേരിട്ട് നാം VIലേക്ക് കുതിക്കുകയാണ്. രാജ്യം തലസ്ഥാനമുൾപ്പെടെ നമ്മുടെ നഗരങ്ങൾ നേരിടുന്ന കടുത്ത അന്തരീക്ഷ മലിനീകരണത്തിന്റെ സാഹചര്യത്തിലാണ് ഈ നടപടി. ഈ സാഹചര്യത്തിൽ വാഹനപുക മലിനീകരണ നിയന്ത്രണ രീതികളും അവ നടപ്പാക്കുന്ന ഘട്ടങ്ങളും ഒന്നു പരിചയപ്പെടാം.

### **മോട്ടോർ വാഹനങ്ങളും അന്തരീക്ഷ മലിനീകരണവും**

മോട്ടോർ വാഹനങ്ങൾ സാധാരണയായി പെട്രോളിയം ഉത്പന്നങ്ങളായ പെട്രോൾ, ഡീസൽ എന്നീ ഇന്ധനങ്ങൾ എഞ്ചിനുകൾ കത്തിച്ച് തത്ഫലമായി ഉണ്ടാകുന്ന താപോർജ്ജം, യാന്ത്രികോർജ്ജമായും, പിന്നീട് ഗതികോർജ്ജവുമാക്കി മാറ്റുന്നു. ഇന്ധനം കത്തുമ്പോൾ ഉണ്ടാകുന്ന പുകയും മാലിന്യങ്ങളും പുകക്കുഴൽ വഴി അന്തരീക്ഷത്തിലേക്കു തള്ളുന്നു. ഇതിൽ കാർബൺ മോണോക്സൈഡ് (CO), നൈട്രജൻ ഓക്സൈഡ് (NO<sub>x</sub>), ഹൈഡ്രോ കാർബൺ (HC), പർട്ടിക്കുലേറ്റ് മാറ്റർ (PM) എന്നിവയും കാർബൺ കണികകളുമാണ് പ്രധാനമായും അടങ്ങിയിട്ടുള്ളത്. ഇവ മനുഷ്യനും മറ്റു ജീവികൾക്കും പ്രകൃതിക്കും ദോഷം വരുത്തുന്ന അളവിൽ നിന്നും എത്രയോ അധികമായിട്ടുണ്ട്. ലോകത്ത്



അന്തരീക്ഷ മലിനീകരണത്തിനും കാലാവസ്ഥാ മാറ്റത്തിനും, ആഗോളതാപനത്തിനും പ്രധാന കാരണമാകുന്ന മോട്ടോർ വാഹനങ്ങളുടെ എണ്ണം വികസിത, വികസ്വര രാജ്യങ്ങളിൽ വൻതോതിൽ വർദ്ധിക്കുന്നത് ആശങ്കയുളവാക്കുന്നു. ഈ സാഹചര്യത്തിൽ ഓരോ വാഹനവും പുറത്തുവിടുന്ന മാലിന്യം പരമാവധി കുറയ്ക്കാനായി ഇന്ധനത്തിന്റെ ഗുണമേന്മയും വാഹന എഞ്ചിന്റെ പ്രവർത്തനമികവും ഘട്ടം ഘട്ടമായി പരിഷ്കരിക്കുകയാണ് യൂറോ/ഭാരത് ഘട്ടങ്ങൾ വഴി ലക്ഷ്യമിടുന്നത്.

### ചരിത്ര പശ്ചാത്തലം

തുടക്കത്തിൽ വാഹനങ്ങൾ വിരളമായിരുന്ന സാഹചര്യത്തിൽ പുകമലിനീകരണ നിയന്ത്രണം ഉണ്ടായിരുന്നില്ല. 1991ൽ യൂറോപ്പ് നിയന്ത്രണം തുടങ്ങിയെങ്കിലും 1999 ഏപ്രിൽ 29 ന് സുപ്രീംകോടതി ഉത്തരവു പ്രകാരമാണ് ഇന്ത്യയിൽ വാഹന പുകമലിനീകരണ നിയന്ത്രണം തുടങ്ങിയത്. 1999 ജൂൺ 1 മുതൽ രാജ്യത്ത് യൂറോ I അല്ലെങ്കിൽ ഇന്ത്യാ 2000 നിലവാരം നടപ്പിലായി. 2000 ഏപ്രിൽ 1 മുതൽ ഡൽഹിയിൽ യൂറോ II നിലവാരവും നിർബന്ധിതമാക്കി. തുടർന്ന് ഭാരതസർക്കാർ, മലേഷ്യൻ കമ്മിറ്റി നിർദ്ദേശപ്രകാരം ഭാരത് II, III, IV എന്നിങ്ങനെ ഘട്ടം ഘട്ടമായി വാഹനങ്ങളും, ഇന്ധനവും പരിഷ്കരിച്ചു വരികയായിരുന്നു. 2017ൽ ബി.എസ്. V (Bharat Stage) നടപ്പാക്കേണ്ടിയിരുന്നതിനു പകരം 2020ൽ ബിഎസ് VI നേരിട്ട് നടപ്പിലാക്കാനാണ് ഭാരതസർക്കാർ ഇപ്പോൾ ഉദ്ദേശിക്കുന്നത്. ഡൽഹിയിലും 13 വൻ നഗരങ്ങളിലും ഭാരത് IV നടപ്പിലായിട്ടുള്ളത്. ആയതിനാൽ പലയിടങ്ങളിലും ഭാരത് IIIൽ നിന്നു വേണം ഭാരത് VIലേക്ക് മാറ്റം വരുത്താൻ. വാഹന നിർമ്മിതിയിൽ, പ്രധാനമായും എഞ്ചിനും പുകനിർഗമന സംവിധാനത്തിലും, ഇന്ധനത്തിന്റെ ഗുണമേന്മയിലുമാണ് മാറ്റം വരുത്തുക.

Petrol Emission Norms				
(All Figs in g/km)				
Emission Norms	CO	HC	NO <sub>2</sub>	PM
BS III	2.30	0.20	0.15	-
BS IV	1.00	0.10	0.08	-
Euro 6	1.00	0.10	0.06	0.005



<b>Diesel Emission Norms (g/km)</b>				
Emission Norms	CO	HC	NO <sub>2</sub>	PM
BS III	2.30	0.20	0.15	-
BS IV	1.00	0.10	0.08	-
Euro 6	1.00	0.10	0.06	0.005

**വാഹന നിർമ്മാതാക്കളും പെട്രോളിയം കമ്പനികളും**

വാഹനത്തിന്റെ എഞ്ചിന്റെ പ്രവർത്തനം കഴിയുന്നത്ര കുറ്റമറ്റതാക്കുകയും ഇന്ധനം കത്തുന്ന പ്രക്രിയ ഫലപ്രദമാക്കുകയും വഴി പുറംതള്ളുന്ന മാലിന്യങ്ങൾ കുറയ്ക്കാനാവും. വായുവും ഇന്ധനവും ശുദ്ധമായിരിക്കേണ്ടതും പ്രധാനമാണ്. ഇതിനായി വാഹന എഞ്ചിൻ കമ്പ്യൂട്ടർ നിയന്ത്രിത രീതിയിൽ ഇന്ധനം നിയന്ത്രിക്കുകയും കത്തൽ പ്രക്രിയ - പരിപൂർണ്ണമാണ് എന്നുറപ്പാക്കുകയും ചെയ്യാൻ കഴിയും. അരിച്ചെടുത്ത ശുദ്ധ ഇന്ധനവും വായുവും എഞ്ചിന്റെ പ്രവർത്തനത്തിന് കൃത്യമായി ആവശ്യമായ അളവിലും അനുപാതത്തിലും എത്തിച്ചു കത്തിക്കുകയും, കത്തിക്കഴിഞ്ഞ പുക ശുദ്ധീകരിക്കാനുള്ള സംവിധാനങ്ങൾ പുകനിർഗമന സംവിധാനത്തിൽ ഉൾപ്പെടുത്തുകയും ചെയ്യുന്നത് വിലകൂടിയ വാഹനങ്ങളിൽ സാധാരണമാണ്. വലിയ വാഹനങ്ങളിൽ ഉപയോഗിക്കുന്ന ഡീസൽ എഞ്ചിൻ മാതൃകയായ PM കൂടുതൽ പുറത്തുവിടുന്നത് കാരണം ഡീസൽ വാഹനങ്ങളെ കൂടുതലായി നിയന്ത്രിക്കേണ്ടിവരുന്നു.

വാഹന നിർമ്മാതാക്കൾ എഞ്ചിനും പുകനിർഗമന സംവിധാനവും പരിഷ്കരിക്കാൻ ഗവേഷണത്തിനും പരിഷ്കാരക പ്രവർത്തനങ്ങൾക്കും വൻ മുതൽമുടക്കു നടത്തേണ്ടി വരും. ഇന്ധന കമ്പനികളുടെ നിലവിലുള്ള പ്ലാന്റുകൾ പരിഷ്കരിക്കുകയും പുതിയ യന്ത്ര സാമഗ്രികൾ സംഘടിപ്പിക്കുകയും ഗവേഷണ പഠനങ്ങൾ നടത്തുകയും ഇന്ധന ഗുണനിലാവാരം ഉറപ്പിക്കുകയും ചെയ്യാൻ 50,000 മുതൽ 80,000 കോടി വരെ മുതൽമുടക്കു വേണ്ടിവരുമെന്ന് അറിയിച്ചുകഴിഞ്ഞു. സാഭാവികമായും വാഹന വിലയിലും ഇന്ധന നിർമ്മാണ ചെലവിലും വർദ്ധനവുണ്ടാകും. എന്നാൽ പ്രകൃതിക്കും, കാലാവസ്ഥക്കും മനുഷ്യനും മൃഗങ്ങൾക്കും ആരോഗ്യ സംരക്ഷണത്തിനു വേണ്ടിവരുന്ന ചെലവിനോടു താരതമ്യം ചെയ്താൽ വളരെ തൃപ്തമായിരിക്കും ഇത്. വാഹനങ്ങൾ, ഇന്ധനം എന്നിവ ഉയർന്ന നിലവാരം പുലർത്തിയാലും ഉപയോഗിക്കുന്നവർ അതേവിധം വാഹന പരിപാലനവും



ഇന്ധനത്തിന്റെ ഗുണമേന്മ ഉറപ്പുവരുത്തലും ചെയ്യേണ്ടിയിരിക്കുന്നു. നിയമ പരിപാലനം ഇക്കാര്യത്തിൽ ഉപകരണങ്ങളുടെ സഹായത്താൽ മാത്രമേ സാധ്യമാകുകയുള്ളൂ. എന്നതും പ്രധാന പ്രശ്നമാണ്.

അന്തരീക്ഷ മലിനീകരണം തടയുന്നതിനുള്ള ശക്തമായ നടപടിയുടെ ഭാഗമായി കേന്ദ്ര പെട്രോളിയം മന്ത്രാലയം 30,000 കോടി രൂപ ിഹൈനറികളുടെ നവീകരണത്തിനായി മാറ്റിവെച്ചു. BS VI ടെക്നോളജി പ്രായോഗിക തലത്തിൽ വരുത്തുവാൻ റിഹൈനറികളിലെ സൗകര്യങ്ങൾ നവീകരിക്കേണ്ടതുണ്ട്. പറഞ്ഞതിലും മുൻകൂറായി BS VI നടപ്പിൽവരുത്തുന്നതിനെതിരെ മോട്ടോർ വാഹന നിർമ്മാതാക്കളും രംഗത്ത് വന്നിട്ടുണ്ട്. പെട്ടെനുള്ള ഈ മാറ്റം നിർമ്മാതാക്കൾക്ക് കടുത്ത സാമ്പത്തിക ബുദ്ധിമുട്ടുകൾ സൃഷ്ടിക്കും എന്നാണ് അവരുടെ അവകാശവാദം. ലോകരാജ്യങ്ങൾ പിൻതുടരുന്ന Euro VI മാതൃകയ്ക്ക് സമതുല്യമായ ഇന്ത്യൻ മാതൃകയാണ് BS VI.

ഡൽഹിയിലെ വർദ്ധിച്ച അന്തരീക്ഷ മലിനീകരണം കണക്കിലെടുത്ത് BS VI പ്രാബല്യത്തിൽ വരുത്താൻ സുപ്രീംകോടതി ആവശ്യപ്പെട്ടതും ഈ ദിശയിലുള്ള നടപടി വേഗമാക്കുവാൻ ഗവണ്മെന്റിനെ പ്രേരിപ്പിക്കുന്നു. ഇതിൻപ്രകാരം BS VI മാതൃക പുതിയ വണ്ടികൾക്ക് 2020 ഏപ്രിലോടു കൂടിയും, ഇപ്പോൾ നിലവിലുള്ള വണ്ടികൾക്ക് 2021 ഓടു കൂടിയും ഈ സമ്പ്രദായം നടപ്പിൽ വരുത്തും. ഇത് സംബന്ധിച്ചുള്ള വിജ്ഞാപനം കേന്ദ്രസർക്കാർ താമസിയാതെ പുറത്തിറക്കും എന്നാണറിയുന്നത്.

ഇന്നത്തെ ലഭ്യത അനുസരിച്ച് രാജ്യത്തെ 30 നഗരങ്ങളിൽ BS VI മാതൃകയിലുള്ള ഇന്ധനം ലഭ്യമാണ്. ബാക്കി നഗരങ്ങളിൽ ഇന്നും BS III മാതൃകയിലുള്ള ഇന്ധനമാണ് ലഭ്യമായിട്ടുള്ളത്.

**ആരോഗ്യ പ്രശ്നങ്ങൾ**

വാഹനങ്ങളുടെ പുക മലിനീകരണവും ശബ്ദവും നഗരജീവിതം നരകതുല്യമാക്കിക്കൊണ്ടിരിക്കുന്നു. ശ്വാസകോശ രോഗങ്ങളും ആസ്തമ തുടങ്ങിയവയും വ്യപകമാണ്. വാഹന പുക മലിനീകരണത്തിൽ CO പ്രധാനമായും പെട്രോൾ വാഹനത്തിൽ നിന്നും പുറംതള്ളുന്നു. ഇവ നേരിട്ട് ശ്വസിച്ചാൽ രക്തത്തിലേക്ക് ഓക്സിജൻ എത്താതെ തലവേദനയും ബോധക്ഷയവും ഏറെനേരം തുടർന്നാൽ മരണംവരെയും സംഭവിക്കാം. CO പെട്ടെന്നു തന്നെ CO<sub>2</sub> ആയി മാറുന്നതിനാൽ തുറന്ന സ്ഥലത്ത് മാരകമാകാറില്ല. കത്താത്ത ഇന്ധന കണികകൾ വഴി HCയും പെട്രോൾ വാഹനങ്ങൾ കൂടുതലായി പുറംതള്ളുന്നു. ഇത് കുറഞ്ഞ സമയം

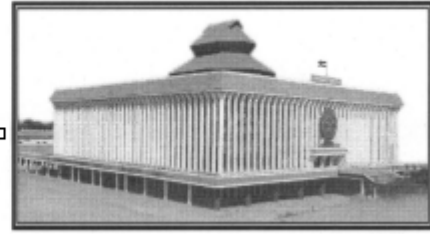


ശ്വസിച്ചാൽ പോലും തലവേദന, ഛർദ്ദി തുടങ്ങി സ്ഥലകാലബോധം നഷ്ടപ്പെടുന്ന അവസ്ഥ വരെ ഉണ്ടാകാം. NO<sub>x</sub> സാധാരണ കൂടുതലായി ഡീസൽ വാഹനങ്ങളിലാണ്. ദീർഘനേരം ശ്വസിച്ചാൽ കണ്ണിനും, മൂക്കിനും എരിച്ചിൽ അനുഭവപ്പെടും. തുടർച്ചയായി ശ്വസിച്ചാൽ ശ്വാസകോശ പേശിക്ക് നാശം സംഭവിക്കും. PM എന്ന കരി പോലെയുള്ള പുകപടലങ്ങൾ കൂടുതലായി കാണുക ഡീസൽ പുകയിലാണ്. ഇത് ശ്വാസകോശ നാളികളെ നശിപ്പിക്കുകയും ശ്വാസകോശത്തിന്റെ പ്രവർത്തനം കുറച്ചുകൊണ്ടു വരികയും ചെയ്യുമെന്നതിനാൽ മാരകമാണ്. വാഹന പുകയിലെ മാലിന്യങ്ങൾ എത്ര കുറഞ്ഞാലും വാഹനം ദിനംപ്രതി വർദ്ധിക്കുന്നത് വീണ്ടും പ്രശ്നം ഗുരുതരമാക്കും.

**ഭാരത് VI പ്രശ്നങ്ങൾ പരിഹരിക്കുമോ?**

വാഹനങ്ങളുടെ പുക പരമാവധി നിലവിലുള്ള സാങ്കേതിക വിദ്യകളുപയോഗിച്ചു മാലിന്യം കുറച്ചു മാത്രം പുറംതള്ളുകയും അതിനനുയോജ്യമായ വിധം ഇന്ധനം പരിഷ്കരിച്ച് വിതരണം നടത്തുകയുമാണ് സർക്കാർ ചെയ്യുന്നത്. എന്നാൽ ഏതു സാഹചര്യത്തിലും ഇന്ധനം കത്തുകവഴി അന്തരീക്ഷ മലിനീകരണം ഉണ്ടാകും, പക്ഷെ കുറച്ചുകൊണ്ടു വരുന്നു എന്നുമാത്രം. എന്നാൽ വാഹനം കൂടുകയും വീണ്ടും കൂടുതൽ ഇന്ധനം കത്തുകയും ചെയ്യുമ്പോൾ പ്രശ്നം പഴയ അവസ്ഥ പ്രാപിക്കും. വാഹനങ്ങളുടെ എണ്ണം, പ്രധാനമായും സ്വകാര്യ കാറുകളുടെയും, മോട്ടോർ സൈക്കിൾ മുതലായവയുടെയും ഉപഭോഗം നിയന്ത്രിക്കുകയും വലിയ പൊതുവാഹനങ്ങൾ വർദ്ധിപ്പിച്ച് യാത്രാസൗകര്യം ഒരുക്കുകയും ചെയ്യുകവഴി അന്തരീക്ഷ മലിനീകരണം കുറയ്ക്കാനാകും. യൂറോപ്പ് സമാന്തരമായി സംയോജിത പൊതുവാഹന സമ്പ്രദായം നടപ്പിലാക്കി നഗരങ്ങളെ കാർ വിമുക്ത മേഖലയാക്കിക്കൊണ്ടിരിക്കുന്നു. കാൽനടക്കാർക്കും, സൈക്കിൾ യാത്രക്കാർക്കും സൗകര്യമൊരുക്കിയാൽ ചെറിയ ദൂരയാത്രക്ക് മോട്ടോർവാഹനം ഒഴിവാക്കാനാകും. നല്ല പൊതുഗതാഗത സൗകര്യം, അതിന്റെ കൃത്യത, മലിനീകരണത്തെ കുറിച്ചുള്ള പൊതു അവബോധം വളർത്തുക മുതലായവ വഴി സ്വകാര്യ വാഹനങ്ങൾ കുറയ്ക്കാനാകും. ഭാരത് VI കൊണ്ടു മാത്രം നമ്മുടെ അന്തരീക്ഷം ശ്വസിക്കാനാകുംവിധം മാറുമെന്നു പ്രതീക്ഷിക്കാനാവില്ല. നാമെല്ലാം ഒറ്റക്കെട്ടായി സഹകരിച്ചാൽ മാത്രമേ അത് സാധ്യമാകൂ.

**യോജന,  
ഏപ്രിൽ 2016.**



## **LEGAL QUEST**

**V. Venkatesan**

SHAKTI VAHINI, a non-governmental organisation with well-established credentials in the field of women's rights and child rights, filed a writ petition in the Supreme Court in 2010 highlighting the phenomenon of "honour killings" and other violations of human rights and dignity by extra constitutional bodies known as khap panchayats, or caste councils. The petition highlighted the inaction of the state in this regard and its failure to protect the fundamental rights of citizens particularly the right to life enshrined in Article 21 of the Constitution.

In a report submitted to the National Commission for Women and also referred to in its writ petition, Shakti Vahini stated that while panchayats had been agitating on the "gotra issue", their ire was directed primarily against inter-caste marriage. Marriages between couples belonging to the same gotra (family name) have led to violent reactions from members of the family or the community. Khap panchayats carry out moral vigilantism and enforce their diktats by assuming for themselves the role of social or community guardians.

The petition, which is still pending before the Supreme Court, has sought directions to the Central and State governments to take preventive steps to combat honour crimes, to submit national and State plans of action to combat such crimes, to constitute a special cell in each district police headquarters that couples can approach for their safety, and to publicise such cells so that all citizens are aware of them. The petition also sought directions to State governments to launch active prosecution in each case of "honour" killing and to investigate the role of law enforcement agencies. The Centre; the Ministries of Home Affairs and Women and Child Development; the States of Haryana, Punjab, Uttar Pradesh, Rajasthan, Jharkhand, Bihar, Himachal Pradesh and Madhya Pradesh; and the government of the National Capital Territory of Delhi were made respondents in the case.

During the hearing, the previous United Progressive Alliance (UPA) government at the Centre told the Supreme Court that it was actively considering a proposal to amend the Indian Penal Code (IPC) or to enact a separate law specifically focusing on the crime of honour killing. In





September 2009, the government made a reference to the Law Commission to examine the issue.

## **LAW COMMISSION REPORT**

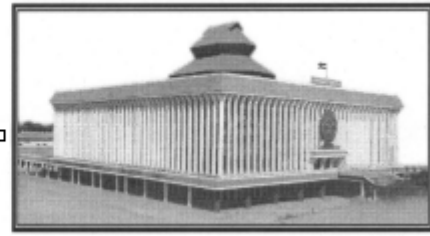
In August 2012, the Law Commission released Report No.242 titled “Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition)”. It suggested a legal frame-work to curb the social evil of the caste councils/panchayats interfering with and endangering the life and liberty of young persons marrying partners belonging to the same gotra or to a different caste/religion. The Commission felt that such honour crimes could be effectively checked by prohibiting the assembly or gathering of members of panchayats for the purpose of condemning a marriage and taking further action to harm or harass the couple.

It found that one of the causes of honour crimes was the change in the cultural and economic status of women and their taking a stand against the male-dominated culture. The Commission also found that it was a worldwide phenomenon. It found that the domineering position and strength caste combinations and assemblies wielded silenced or stifled investigating and prosecuting agencies. The report stated that a number of honour crimes went un-reported for fear of reprisals or cascading effects. It observed that khap panchayats taking the law into their own hands and pronouncing that sagotra and inter-caste marriages were invalid and handing over punishment to couples and pressuring family members to execute their verdict amounted to a flagrant violation of the rule of law and was an invasion of the personal liberty of the people affected. The Commission pointed out that the Hindu Marriage Disabilities Removal Act, 1946, expressly declared the validity of marriages between Hindus belonging to the same gotra or pravara or different subdivisions of the same caste and that the Hindu Marriage Act, 1955, did not prohibit sagotra or inter-caste marriages.

In *Arumugam Servai vs State of Tamil Nadu* (2011), the Supreme Court strongly deprecated the practice of khap/katta panchayats taking the law into their own hands and resorting to offensive activities that endangered the lives of people marrying according to their choice.

In *Lata Singh vs State of Uttar Pradesh* (2006), the Supreme Court observed: “We sometimes hear of ‘honour’ killings of such persons who undergo inter-caste or inter-religious marriage of their own free will. There is nothing honourable in such killings, and in fact that they are nothing but barbaric and shameful acts of murder committed by brutal, feudal-minded persons who deserve harsh punishment.” The court, in this case, directed the administration and police authorities throughout the country to ensure that such couples were not harassed by anyone or subjected to threats or acts of violence. It also directed the police to institute criminal proceedings against anyone who resorted to such actions either by himself or by instigating others, and to take further stern action against such persons as provided by the law.

The report said that couples marrying against the wishes of members of khap panchayats ought not to be driven to a state of insecurity and misery. The Commission, therefore, proposed

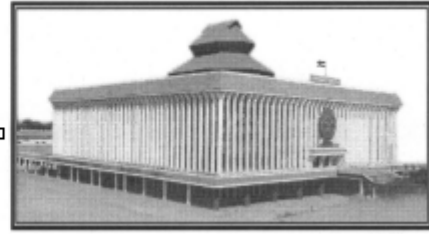


a Bill to provide for a threshold bar against congregation or assembly for the purpose of disapproving of an intended marriage or the conduct of a young couple and for this objectionable conduct of the panchayatdars to be brought within the purview of penal law. According to the draft Bill, those gathering for the purpose of condemning a marriage with a view to taking necessary consequential action are to be treated as members of an unlawful assembly for which a mandatory minimum punishment has been prescribed. The Bill treats the acts of endangerment of liberty, including social boycott, harassment, etc., of the couple or their family members as offences punishable with a mandatory minimum sentence. The acts of criminal intimidation by members of the unlawful assembly or others acting at their instance or otherwise are also made punishable with a mandatory minimum sentence. The proposed Bill has a specific provision to empower the District Magistrate to take preventive measures and to extend necessary protection to a couple or their family members whenever and wherever they faced threats from such caste panchayats.

Shakti Vahini, in its rejoinder affidavit in the case, submitted that khap panchayats were powerful vote banks and, therefore, the State police machinery and different State government agencies remained mute spectators to the extreme violence, the violation of fundamental rights and the loss of liberty and freedom experienced by innocent individuals/couples because of these community groups. Therefore, Shakti Vahini emphasised that there was a need to undertake steps for compulsory registration of marriages, as the Supreme Court mandated in its judgment in *Smt. Seema vs Ashwani Kumar* in 2006. The failure of the Centre and the States to enact legislation for the purpose means that runaway couples are exposed to vulnerable situations because they do not have a marriage certificate from a government agency. The couple is forcibly separated and, in connivance with the police, false cases are registered against the young man under Section 363/376 (dealing with the offences of kidnapping and rape respectively) of the IPC. Police torture and community torture then start, often leading to the young women being killed or forced to commit suicide. Shakti Vahini told the court that a quick procedure to register the marriage between two consenting adults would provide it with legal sanctity.

Sudha Sundararaman, general secretary of the All India Democratic Women's Association, who intervened in this case, urged the court to direct the police to follow a "standard operating procedure" in such cases. This, she said, was necessary to ensure protection to couples on the run from their families. She also suggested that State governments be asked to set up safe homes where these couples could take shelter for a temporary period.

The UPA government had taken the stand before the court that the subject matter of the Law Commission's draft Bill fell under the Concurrent List of the Constitution and, therefore, consultation with the governments of States and Union Territories was necessary before a policy decision could be taken. The Centre also claimed in January 2014 before the court that 15 States/Union Territory administrations, namely, Assam, Chhattisgarh, Goa, Haryana, Himachal Pradesh, Jharkhand, Meghalaya, Mizoram, Nagaland, Odisha, Rajasthan, Chandigarh, Dadra & Nagar Haveli, Daman and Diu and Lakshadweep had sent positive responses to the draft Bill.



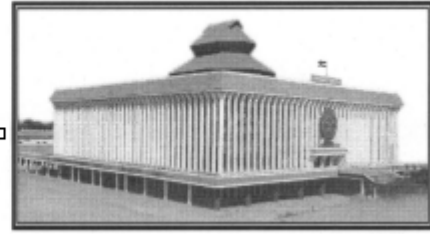
The number of States supporting Parliament's legislative measure to tackle honour crimes has been increasing since then. Punjab, Haryana, Uttar Pradesh, Andhra Pradesh, Kerala, West Bengal, and Puducherry also extended their support to the draft Bill. Haryana, Punjab and Uttar Pradesh have reportedly witnessed gruesome instances of honour killings in the recent past. For them to sign up to the campaign against honour killings is considered significant because of the political class' diffidence thus far in taking on powerful khaps. The three States were earlier opposed to Central legislation against honour killings. Observers recalled that the Group of Ministers on honour killings the UPA had set up was only able to meet a couple of times because of the lack of unanimity on the issue.

In November 2012, the *amici curiae* in the case, Raju Ramachandran and Gaurav Agrawal, suggested a series of preventive steps that should be taken once the officer in charge of a police station or the superintendent of police had information about any proposed gathering of a khap panchayat. The officer concerned must register a first information report against the members of the khap panchayat if they persisted with their plans, and where it appeared that such an assembly would result in the commission of a cognisable offence, the police invoke the power of arrest, the *amici curiae* suggested. Besides, they also suggested steps to ensure the safety of the couple facing threat: charge-sheeting the members of the khap panchayat for conspiracy or abetment and action against the officials if they failed to take preventive, remedial or punitive action against those who gathered or intended to gather under the aegis of a khap panchayat.

The *amici curiae* suggested that the court direct the Centre to take a view on the desirability of implementation of the Law Commission's report within a specified time frame.

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## **New Institutional Structure for Water Security in India**

Jayanta Bandyopadhyay

In the past two or three decades, especially following the publication in 1992 of the Dublin Statement on Water and Sustainable Development, the global community of water professionals has been extensively involved in generating new and interdisciplinary ways of handling the challenges of water security in a world facing growing water scarcity. As a result, water governance worldwide has started to change in fundamental ways. The European Union in general, and countries like South Africa and Australia, have put in place new institutional structures for water systems management. In the case of India, the monsoon-dominated climate adds to the problems of scarcity by the temporal concentration of very large parts of the annual precipitation within the three months of July to September. In China, another country with monsoon-dominated climate, some important institutional innovations were under-taken in the 1950s to address periodic devastating floods and constant water scarcity in the Yellow River and Yangtze basins. In India, there has not been any basic transformation in both the knowledge base and institutional structure for managing water systems since the end of the British rule in 1947 (Bandyopadhyay 2009; Briscoe and Malik 2006). This makes the present efforts of the Ministry of Water Resources (MoWR) for restructuring of the Central Water Commission (CWC) and the Central Ground Water Board (CGWB) very potent.

Over the past two decades independent professionals have been recommending changes in the institutional structure of water governance in the country. That hundreds of millions of people still do not have access to safe drinking water is a matter of shame and concern. Recent initiative at the MoWR in the formation of a committee chaired by Mihir Shah on the restructuring of the CWC and the CGWB has to be seen in that perspective. The older way of looking at surface water and groundwater separately has to give way to a holistic vision where the two are seen as ecologically connected. Thus, water governance has to be based on a broad interdisciplinary framework, within which the various activities of the existing CWC and CGWB could be distributed and internalised, as part of a larger process of deeper transformation. The need is for



fundamental changes and not minor alterations within the existing institutional structures. In that background, the institutional responsibilities of a restructured water governance strategy are listed below:

- (i) Institutions for water governance at various spatial levels, from the country level to the local administrative units based on ideas of integrated river basin management (IRBM).
- (ii) Institutions for generation, storage and dissemination of quantified and detailed data on the hydrological cycle as relevant for India.
- (iii) Institutions for interdisciplinary research on water systems and periodic updating of the knowledge base of governmental officials and water policymakers.
- (iv) Institutions for promoting innovations in water technologies, including technologies for de-pollution of water systems.
- (v) Institutions for the formulation of laws and policies based on interdisciplinary knowledge for utilisation and conservation of water systems giving highest priority to public interest and participation in decision-making processes.
- (vi) Institutions offering easy but informed mechanisms for resolution of water at conflicts at diverse spatial levels, especially the ones that are trans-boundary in nature.

### **Beyond Water Engineering**

With growing demands for water supply for irrigation, navigation, industries, urban areas, fisheries and sustaining aquatic ecosystems, water governance has become a complex subject, far beyond simple water engineering. A very informed attention and action at all spatial levels, from a village to the country as a whole, is needed. The priority and justifications for making IRBM the basis for such governance are now accepted worldwide.

The geopolitics of water engineering and interventions to alter its natural distribution in India has so far been guided by a project mode. A restructuring of water governance should make way for a holistic upgradation to the spatial level of river basins. It is strongly suggested that river basin organisations (RBOs) with due institutional authority for keeping the river basin and groundwater aquifers in good ecological status and productivity be established. These authorities will be responsible for allocations of river flows and groundwater to competing needs and demands in the basin.

The various states in the basin will have the authority of executing water use within such an allocation. In this way, there will be a gradual and ecologically continuous distribution of authority from the nation to the RBOS to the basin states, and further down below to the towns and



villages. This will also reduce incidences of interstate water disputes, which India has become well known for. There are several examples in many parts of the world of successful transition to functioning and effective RBOs. What is needed is a political will and courage to avoid water conflicts in the long run than to reap short-term political harvests from continuing conflicts.

Further, effective functioning of RBOs will depend on the availability of recent knowledge and quantitative scientific data on the movement of water along all the links within the hydrological cycle, as relevant for the respective basins. Hence, an institution with appropriate authority for generation, storage and dissemination of such data is needed at various levels, from the national to river basins to the village levels. Presently, data are collected and made available for some limited aspects of the hydrological cycle, like stream flow or the depth of the groundwater table. Confidentiality of hydrological data, especially on the rivers originating in the Himalayas, has been an obstacle for the growth of modern water science in India. Briscoe and Malik (2006) have argued strongly for open access data. A much wider data-base and conceptual framework is needed for shaping the interdisciplinary approach in the new institutions for IRBM. It is suggested that such a body for creating a high quality and transparent data-base be placed within the institutional structure of the RBOs.

### **Interdisciplinary Approach**

There is a serious gap in the present water governance process in India between the frontiers of knowledge and the knowledge base that runs the governmental process. The new institutional structures need to be in close touch with the interdisciplinary knowledge front in water science and policy. For this, institutions of water science and policy research, in particular on the much neglected social, political, economic and ecological dimensions and the schools of water engineering in general, have to be prompted to be leaders in knowledge through coordinated and sustained research programmes. In addition, these institutions should have wider professional linkages with various parts of the MoWR and the RBOs, for example through periodic updating programmes for continued capacity building in the governmental structure. This will ensure that professional stagnancy does not set in.

With a limited availability of water, water security will depend heavily on technological innovations aimed at better efficiency of water use and better de-pollution from waste water. Thus, water-based technologies need higher support and visibility in the new structure. Since this aspect of water use is also linked with the people in general, space for public information and participation in related research and dissemination needs to be ensured.

Addressing the challenge of maintaining water security requires the support of a comprehensive legal structure. The urgency of the situation with respect to water needs fundamental changes in the property rights and responsibilities of the citizens supported by an effective but participatory regulatory institution. Water policy and laws in India have not really changed much



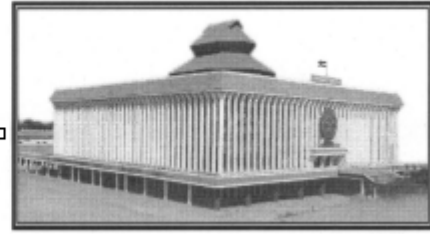
for over a century. In contrast, many new ideas on water science and policy have emerged during this period and creation of a new legislative framework will be more than timely.

The history of water conflicts in India implies that success of the new institutions, like the RBOs, will depend on the availability of efficient and simple conflict resolution mechanisms. Otherwise, water security of India in the future years will not be able to proceed forward without entanglements in extended court cases. The challenge of designing suitable legal framework at various spatial levels in various parts of India is a challenging task that cannot be avoided in the process of restructuring, if it has to succeed.

The initiative of the MoWR for restructuring the CWC and the CGWB needs to be, in due course of time, expanded to the restructuring in general of water governance in India. It offers an opportunity for taking professionally informed and courageous steps of fundamental changes for which the country will remain obliged forever to those who are able to restructure the system beyond cosmetic changes.

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# Are Trade Unions Relevant in the Indian Banking Sector?

Bino Paul G. D. & Pooja Gupta Mahurkar

## 1. Introduction

Trade unions are considered important according to group theories because they further group interests in the form of class struggle. Marx has reiterated the importance of expansion of trade unions (Olson 1971a). A general opinion is that individuals with common interests form groups and attempt to further those common interests. Groups further the common interests of their members much like a single individual would his personal interests. Dewey and Bentley (1949: 130) and Truman (1951: 235-42), whose works on group theory are widely accepted, suggest that individuals with common interests would voluntarily further group interests. However, Olson (1965) critiques their work in *The Logic of Collective Action*, in which he says that individuals find it difficult to pursue group interests as compared to self-interest.

The proponents of collective bargaining are however of the view that the role of such institutions cannot be neglected because the management would always try to maximise their share of gains.’ Trade unions are the major institutional representatives of the working class in modern states (Freeman and Medoff 1984), and workers benefit through unions (Rajan and Zingales 2014a). Advocates of unions believe that they have desirable economic and political impacts. There is evidence that collective action can result in higher efficiencies. Unions help in employee retention, encourage effective communication, build morale and most importantly initiate meaningful discussions with the management (as in equal-power theories). Union office-bearers believe that unions are pivotal in providing workers with not only higher wages but also employment security. This form of labour protection is good for workers, society and the economy as a whole (Kaufman 2010: 102). Some managements also agree with these claims (Freeman and Medoff 1984).

There are two broad paradigms about engaging people in corporate work: one deals with non-managerial jobs common-ly termed “industrial relations” and the other, which is more recent, deals with managerial jobs and is termed “human resource management.” These two paradigms mainly differ in their source of innovation and understanding of “conflict.” The old paradigm



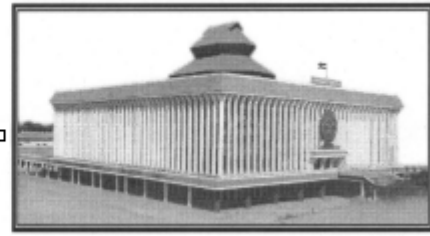


regarded unions and workers' organisations as a major source of innovations, whereas the new paradigm assigns a more cooperative role to unions, which has brought in its own criticism. Many view this model as a mechanism by which the unions are conveniently used by the management. Also, according to the new paradigm, workers and management work towards mutual gains and there is no scope for conflict, hence no requirement for collective action and collective bargaining.

Stakeholders will benefit if they influence organisations in decision-making (Buchholz and Rosenthal 2005; Blair 1998) and stakeholders' interests may be balanced by having representatives of all stakeholder groups on board (Guthrie and Turnbull 1995; Turnbull 1997; Guest and Bryson 2009). The representation of non-managerial and managerial employees in the board of directors therefore becomes imperative. Such co-determination of the corporation's strategy by the management and workers can also be encouraged by establishing work councils (a type of organisational parliament or senate), steering committees, etc. Employee participation at the work-place facilitates better communication between labour and the management. It can be an effective tool to resolve differences and is complementary to collective bargaining (Sen 2012).

From a legal perspective, unions representing the non-managerial class are protected by the Industrial Disputes Act (IDA) 1947, unlike the case for the unions representing the managerial class. The viewpoints of organisations and members on the advantages and disadvantages of unions are different and debatable. This study furthers the discussion by citing cases from the Indian banking industry, which has traditionally been highly organised. The Indian banking sector is the preferred research setting because it is the fastest growing sector in India. Nevertheless with respect to services, comprising mainly banking and telecom, the number of workers in the informal sector grew by 25% as compared to 9% in the formal sector during 2004-05 (Bhowmik 2009). Also, the growth of the banking sector is not marked by a proportionate growth in employment (Paul et al 2008). This is in spite of the fact that banking is an industry that has traditionally been highly regulated and known for its conservatism, which pertains to employment aspects as well. The sector is known for the highest unionisation rates for the non-managerial and managerial employees, and it now subscribes to higher levels of informality within regular employment and informal employment through various mechanisms such as outsourcing and new forms of employment contracts. This study gauges the relevance of unions in ensuring job security, organisational efficiencies and gender- and caste-based non-discrimination; it captures voices of organisational representatives, employee collectives and employees.

The following section provides a review of the related literature while the one after that elaborates on the research methodology followed by four themes, viz, unions and job security, unions and organisational efficiencies, unions and women, employee collectives and socially vulnerable groups. The final section presents the discussion and conclusions.



## **2. Labour in the Indian Banking Sector**

Since nationalisation of the banking sector in 1969, employment has expanded rapidly with the opening of many new bank branches. However, recruitment of employees was stopped after the Reserve Bank of India (RBI) saw signs of overstaffing and declining operational efficiency (Mankidy 1997) made it impose major restrictions in 1986. This forced banks to use existing staff and not recruit any fresh employees. The Indian Banks Association (IBA) was started in 1942 to liaise between the government, the RBI and banks, but it is now involved in wage negotiations as a representative of the banks. Banking employment has witnessed a high level of flexibility, subsequent to the Narasimham Committee Report (NCR) and liberalisation of the sector (Mankidy 1997). This has resulted in a chronic insecurity for workers. With implementation of superior technology, more and more work is being outsourced. This form of skill-biased technology reduces the relative demand for unskilled labour, and suppresses their wages. Moreover, technology has resulted in deskilling of work such that the economic cost of replacement is negligible as compared to the retention cost.

Formal employment in new private sector banks and foreign banks is subject to minimum regulation because none of the banks have clerical staff/workers as per their designations. Yet as per the National Classification of Occupations (NCO codes), a large chunk of people with lower designations in new generation private sector banks are workers by nature. In the public sector banks (PSBs), some old private sector banks and old foreign banks, due to the presence of unions, wage settlements are done through bipartite agreements (for workers, clerks and sub-staff) and joint notes (for officers), whereby workers' rights and interests are preserved. In line with the characteristics of the Indian labour market, caste, gender, occupation and inter-industry-based discrimination is dominant (Krishna and Bino Paul 2012) in the banking industry. Caste-based discrimination is prevalent despite the affirmative action taken in the form of the reservation policy (Thorat and Attewell 2007). India had to defend itself against accusations on caste-based discrimination at the universal periodic review at the UN Human Rights Council (UNHRC) in May 2012 (Times News Network 2012). Although there has not been a discernable increase in the labour market participation rates of women, the expansion in employment of women appears to be concentrated in the informal low-skilled job segments (Ghosh 2010; Paul et al 2008). This is further reiterated by the data compiled by the IBA as on 31 March 2012 for all nationalised banks.<sup>8</sup> Further, the employment practices of these new generation private sector banks and foreign banks are now being implemented by PSBs and old generation private sector banks as they have become the industry norm.

Restructuring is rendered relatively difficult in the face of very old and strong collective action in the industry. The State Bank of India Staff Association (SBISA) was established in 1920 and was registered under the Trade Union Act in 1926 (SBISA 2014). It was earlier known as the Imperial Bank of India, Indian Staff Association and was registered as a proprietary society under the Societies Act. Subsequently, it was registered as a trade union under the Trade

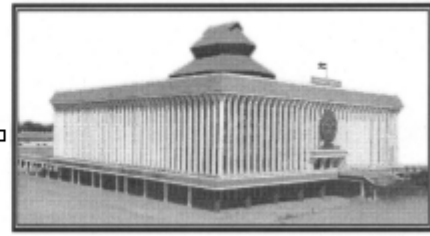


Union Act, 1926. Today, the United Forum of Bank Unions (UFBU) is the joint representative for banking workers and officers and it negotiates with the IBA to arrive at bipartite settlements and joint notes. The constituent unions hold further internal negotiations with the respective bank managements for the remaining aspects of service conditions. Workers negotiate as per Section 2(p) and Section 18(1) of the IDA, 1947 read with Rule 58 of the Industrial Disputes (Central) Rules, 1957. The job of unions as institutions is to represent the interests of their members, be it wages, job profile or mobility. Unions in the banking sector have also been known to oppose hiring by organisations outside their membership, and hence resist any outsourcing of work even if it is noncore.

The most important reason for this is the wide disparity in payments, which results in compromising the interests of their members in the long run; leading to the conflict of interests of unions and cost cutting intent of firms while achieving internal and external flexibility. The major cost cutting measures are technology (Paul et al 2008) and flexibilisation. The latter is rendered possible due to the lack of choices and reduced forms of security. Outsourcing serves as a mechanism to maximise flexibility. The income inequality between the regular and outsourced employees for work of a similar nature is as high as 4:1; moreover, regulation is nearly nil (Bhowmik 2009). In the process of rendering such rigidities, unions have been accused of fostering “a labour aristocracy” (Tzannatos and Aidt 2006). Yet the concern is that these negotiations impact fewer and fewer people who are engaged in banking work because many banks that can opt out of these negotiations do not send their mandate to the IBA. As such, there is evidence that bank unions are losing their grounds as managements have been overriding them in many instances (Khandelwal 2011: 364). In addition, outsourcing is on the rise in the banking sector; this outsourced workforce is seldom represented by a trade union.

Although the unions claim that there is no political party affiliation, some linkages are explicit (even today) such as the Bank Employees Federation of India (BEFI) with the Communist Party of India (Marxist)-CPI(M), the Indian National Bank Employees Congress (INBEC) with the Congress Party (Mankidy 1997). However, there is no clear indication whether these political linkages have resulted in sharpening the bargaining power of trade unions; instead, there are cases of splits within trade unions along political lines (Bhowmik 2009). Also, given that unions have not got representation in policy-making bodies (Bhowmik 2009), we can broadly say that the union movement has not been strong.

Firms have also been increasingly wary of workers’ rights, specially the right to collective action because it amounts to having a parallel power structure and restricts management decision-making. There is no compulsion for the employers to enter into collective bargaining. Only 46 of the 89 banks participated in the ninth bipartite settlement (IBA 2010).



### **3. Research Design**

We adopted a research strategy employing multiple units of analysis that is very common in social studies and in the study M organisations. The units of analysis here are- bank, trade union, other worker collectives and individual employee subject entails complex social phenomena that are best articulated by using; multiple cases, as cases are best suited for exploratory studies wherein the phenomena being studied are contemporary and with no control exercised (Yin 2003) as in that of the present research situation in which there are many more variables of interest than prefixed data points.

The multiple phenomena being studied are as follows: Trade unions and their impact on aspects, namely, employment security, wages, gender and caste-based discrimination, and organisational efficiencies. For data collection, a triangulation framework was used, as discussed by Creswell (2007) and reiterated by Tracy (2010) and Denzin (2012). Here, triangulation seeks an in-depth understanding of the facts though whilst bearing in mind that objective reality is never evident. Accordingly, multiple people in contrasting positions were interviewed, and documentary evidence was gathered with respect to the same aspect/story so as to garner an unbiased and factual picture of the truth.

Collection and analysis of data were performed in line with the recommendations of Yin (2003). Data were organised and categorised based on themes. The validity of the content analysis was ensured by using the six step process of Neuendorf (2002).

Ethical principles were employed in data collection. Requests were sent to respective people in advance, and their co-operation for the study was sought. The nature and purpose of study was clearly indicated in all communication. Meetings were held with prior appointments after assuring the respondents that all forms of data would be used purely for academic purposes. Also, the names of individuals and of organisations were masked to maintain confidentiality wherever the content is not in the public domain. Accordingly, the transcripts were shown to the respondents for reconfirmation before arriving at the final compilation.

### **4 Unions and Collectives in Indian Banking**

Taking cues from Oswald (1982), the likelihood of a strong union movement or employee collectives in the banking industry is bleak as the degree of risk aversion for workers and junior management is high, financial products are now very price sensitive, there is surplus labour supply and purely technology -driven processes. On the other hand, there has been a long period of union activism in the banking industry. Olson (1971) suggests that groups in non-market situations are inclusive groups whose supply of collective goods would increase with group expansion. If we consider labour unions as non-market groups, then it follows that the veteran bank unions, which still exist in the nationalised banks and some old foreign and Indian private banks, should



expand their membership to maximise collective benefits. This phenomenon was observed in the following theme.

#### **4.1 Unions and Job Security**

Collective actors of an economic concern at times can be more powerful than the political regime of the state. They confer security, conformity, liberty and exposure on their members (Commons 1931). Trade unions provide the platform for equality in bargaining power to individuals creating rules for fairness or unfairness (Commons 1931). Today, rising job insecurity is a major concern for the employed and others seeking employment. The banking trade unions view that their presence is marked with high job security besides other collective benefits. This theme provides evidence for the perspective shared by the trade unions as well as evidence of the aversion of management to trade unions.

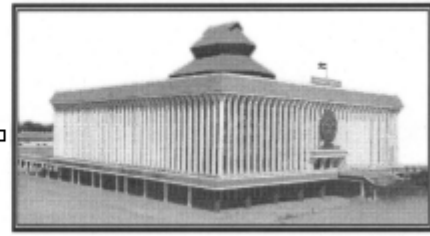
Xantos Diamond Bank (XDB) is a Belgian bank, with its headquarters in a major diamond trading city. It is owned by a Belgium-based DYZ Group with branches in Xantos, New York, Hong Kong, Singapore, Dubai and Mumbai. The Indian branch has been in operation since June 2002.

This bank specialises in the financing of the diamond trade. Belgium, especially the city of Xantos, is known for this and there are three Indian PSBS there, which also have branches: State Bank of India, Bank of Baroda and Union Bank of India. The DYZ has made an agreement with the European Commission under which it has to close the XDB in a gradual and orderly manner. It is to be absorbed by the DYZ whereby its loan portfolio would be transferred to DYZ and gradually terminated.

The New York branch was closed in 2012, because the Yunan Group, the then prospective buyers of XDB, did not want to do business in America. Even in Mumbai, credit conditions were made stringent since 2012. In 2013, large credit accounts comprising 25% of advances were closed. Yet new projects like “Global Operations” were introduced and a Mumbai branch officer was assigned for this. New recruitments were also made.

The Mumbai branch has employed 33 officers who hail from India. The Chief Executive Officer, Slay Burger, a Belgian, was on a service contract that expired on 31 December 2014. The closure announcement, which coincided with the expiry of Slay Burger’s service contract, came as a surprise to all the Mumbai branch employees. Also, the last recruitment was made ten days before the announcement. The closure announcement declared that all employees of the XDB in Xantos would be absorbed in the DYZ while all employees at the foreign branches would be dismissed.

Even the three officers who work directly for the Xantos branch and are paid directly by the head office of the XDB are to be dismissed. It was in this state of distress that all employees of



the Mumbai branch approached the unions for help and. have organised themselves by affiliating to an apex bank officers' union.

The unions suspect that the sudden closure and “commitment to the European Union” is associated with the fact that the diamond business is being linked to terror financing. Else, there would have been no reason to close down an 80-year-old financially healthy bank, which flourished even in times of distress. The Xantos Diamond Bank Officers Union (XDBOU) has been agitating for an amicable solution. They approached the RBI to whom the XDB was to surrender its licence to operate in India. Due to this organised agitation, a dialogue has been initiated between the XDB and the unions and a possible takeover by another bank, including Indian PSBS, is being worked out. Here, the union is playing a crucial role in ensuring job security. Moreover, this is the first union in the history of the Indian banking industry that represents officers of a foreign bank. There was an officers' union in another old foreign bank that was made defunct systematically in 2009. In 2005, there was an attempt made to organise officers in an old foreign national bank, but the management came to know of this in the early phases and penalised and dismissed all the persons involved. The example thus set, has been successful in instilling fear against organising agitations thereafter.

The management's aversion to trade unions appears to result in the concentration of resources and power with a single unit which may trigger complex forms of risks that endanger sustainability of banking organisations. The strength of polycentric systems' 4 needs to be understood as institutions complement each other at multiple levels (Ostrom 2012). It follows that trade unions and workers' collectives are of utmost importance in attaining higher order sustainability

#### **4.2 Unions and Organisational Efficiencies**

The principles of scarcity, efficiency, futurity and working rules are common to forms and definitions of collective action (Commons 1931). The conflict of interests is managed by the code of conduct enforced by collective economic sanctions. These sanctions can be very efficient and have their relative merits (Commons 1931). Indian banks are struggling with the provision of advanced financial products on one hand and bringing about inclusive banking on the other. In the current global financial scenario, they have to be very dynamic to cater to the economy. Yet, one cannot be ignorant of the pit-falls which are inherent in any innovative process. A more stable institutional change should involve a dialectical process in which there is a continuous dialogue between people with conflicting views (Commons 1931; Hargrave and Ven 2006). The following thematic discussion gives evidence of the same.

Cross-selling implies selling more financial products to existing customers, by using the existing bank branch net-work; this results in the reduction of selling costs per product. Cross-selling is the main source of fees-based income in banks. Most of the Indian banks now have alliances with companies who provide various other financial products such as insurance and

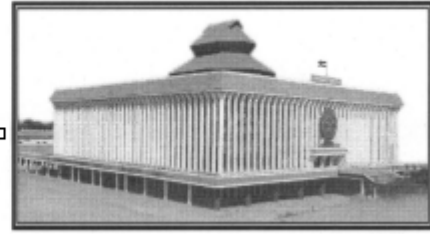


mutual funds. New private sector banks have been cross-selling since 2002 and offering a wide range of products, including credit cards, mutual funds and multiple insurance products. Other banks have followed suit. The PSBs sell financial products of other group companies. The CNB CanLife India Insurance Company (CNB CanLife) is a joint venture where CanLife Inc and Cantor National Bank (CNB) are the majority shareholders. They offer a range of protection and retirement products. The CNB, Janki and Kanha Bank and Karma Bank leverage their network to sell products of CNB CanLife. Most of the other banks also have made a foray into cross-selling.

Conceptually, this is accepted worldwide, but there are some operational difficulties in India. Initially, these products did not sell easily and had to be marketed indirectly. People seeking loans from the bank obliged. Priority sector products such as agriculture, vehicle and housing loans are compulsorily loaded with insurance premiums that are not a part of the project cost. The banks also have a tendency to sell insurance policies by offering higher incentives. There have been instances when loan accounts have been debited for premiums without the knowledge of the borrower and sometimes even accounts that have been declared to be non-performing assets (NPAs) have been debited!

The network heads pressurise their subordinates to sell and allocate targets to the region-in-charge. The latter pressurises the branch heads who in turn informally set a target for all branch employees. Ideally, the selling is to be done only by certified agents (for example, for a PSB: certified insurance facilitator-CIF, for life insurance products; specified persons – SP, for general insurance products). Because all agents face unreasonable pressure to meet targets, the entire branch joins in the efforts. Banks justify such efforts of non-certified people as “passing of leads,” but they do much more than that and violate the RBI guidelines. This is a serious issue from a training and development perspective, especially when the quality of the agent training programmes is doubted. Thus, an officer from a PSB states, “...these trainings are held at destination spots like Tadoba for a couple of days. The actual training lasts only half an hour”

Without a complete understanding of the subject, the agents sell these products in haste in the anxiety to meet their targets. This results in numerous complaints and shoddy after-sales service. In the new private banks (NPBS), it is observed that all branch employees are engaged in the selling activity, although only one/two employees are actually qualified to do so. As a cover-up, all paperwork is blindly signed by the qualified person. This causes problems frequently. Banks cannot deny that they are unaware of the situation because it is they who assign branch targets. However, ironically for customer complaints, the banks blame the qualified person. There are no instances, though, when an employee grievance of this nature has reached the litigation stage as everything gets settled out of court. This is logical in the light of the quantum of incentives that are received. But banks cannot provide after-sales service, and the customers have to be redirected to the product originator. However, people do expect services from the point of sale.



Also, people involved in the branch that sells these products are not benefited, as it entails CASA 15 deposits and recovery of NPAs.

One way to look at this is that the premiums are a share of the CASA deposits. Unionists believe that the commission earned by the banks (with special reference to the SBI and its subsidiaries and PSBS) does not match the resources spent on it, especially in the face of staff shortage and the extra work on account of new government schemes, like the Pradhan Mantri Jan Dhan Yojana, which is mainly being implemented by the PSBS. One of the prime reasons for the disproportionality of in-come and expense is that a large chunk of the commissions is pocketed by the top brass in both monetary and non-monetary forms, namely, valuables and foreign trips. The unions in one bank demanded that unless 70% of the CASA targets are reached no incentives be paid. The management had agreed to this. Yet incentives were paid although these targets were not achieved.

Moreover, the pattern of incentives is such that the top bosses make more money and the incentives of the field agents are only miniscule. The region-in-charge makes annual incentives of approximately Rs 40 to so lakh. The higher one's rank, the greater this incentive is. It was in this regard that a public interest litigation was filed against the ex CNB Chairman N K Ranath and others for improperly assisting the CNB CanLife India Insurance Company before the Lucknow bench of the Allahabad High Court (INVC 2014). Ranath was asked to leave before attaining superannuation (retirement) age and lost his candidature for the post of deputy governor of the RBI.

Such discrepancies in the PSBs have been brought to public notice by unions. This shows the role of unions in bringing out organisational inefficiencies, particularly in this case of a flawed business model and the training model. Despite their collective strength, corrective measures are taken after a long time and a complete implementation remains questionable. In entities where unions are absent, such phenomena would not even come to light.

The merits of collective action are undermined as group co-operation is relegated to self-interested behaviour of individuals (Olson 1965). Cooperation is more when there are well-defined rules, punishment for deviators, forum for discussions and a robust conflict resolution mechanism. Yet, heterogeneity in a group may hamper the collective action problem-solving process (Bandiera and Rasul 2005) unless there are safe-guards in the system to regulate hazards that emanate from narrow group interests.

### **4.3 Unions and Women**

Traditionally, women and men in India have had distinct roles in the labour market. Hitherto, circumventing gender issues may have resulted in under utilisation of workers' potential and alienation (Bronfenbrenner and Warren 2007); thus com-promising group interests. The following theme elucidates how union activism has been compromised over gender issues. Indu Matkar





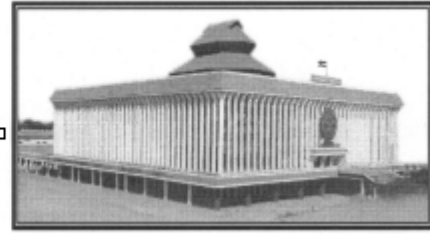
was the president of the All India ABCD Employees Union since 1980 in the ABCD International Corporation Bank, a very old foreign bank operating in India. Not much is known about the inhumane working conditions of their directly out-sourced staff working at a unit in Goregaon, Mumbai. The mutual fund business was suddenly closed down and the jobs of almost 300 officers were terminated, with just one month's salary. Political intervention and the unions helped these officers receive more compensation.

Matkar was a highly qualified person and the management sought her help in many employee matters, but her strong stand against many of their proposals set her at loggerheads with them. She had signed a settlement with the bank whereby clerical work could be undertaken by officers only in an emergency, for which prior approval was required from the union. Under this settlement, clerical IDs were different, so the use of these IDs would amount to committing a fraud. Hence, "officerisation" of work became difficult. Matkar won four cases against bank employees and emerged as a strong power centre. The plan to transfer the office at Church gate, Mumbai, to Kharghar, Navi Mumbai, in 2004 was resisted and cancelled. It would have only raised the commutation cost and involved a longer travelling time, with no compromises on the percentage of Provident Fund. She also objected to the outsourcing of printing jobs and hiring of cabs that the bank had given to companies owned by bank employees, against their own policy. The management was upset with her for opposing them on several issues and tried to get rid of her. She was offered the voluntary retirement scheme, but in vain. They then wanted to promote her to an officer's post to stop her active participation in union activities. Matkar was still a clerk at the time. Her union was registered with the registrar of trade unions and was protected under the IDA. If she had accepted the promotion, she would have to relinquish her active role in the union and refused the promotion offer as well.

These failures goaded the bank into adopting unfair means to oust her. They first attempted "character assault" by linking her name to a colleague's and distributed pamphlets to defame her. When she resisted, they accused her of "misappropriation of funds" based on an allegation. Rumours based on this were spread worldwide in all ABCD branches. Matkar managed to get a cyber crime report with the name of the bank employee who had spread the rumors and even managed to explain the doubtful entries in her account. The bank had to reluctantly and covertly drop all charges on the pretext that the complainant had failed to appear for the proceedings, which was not even mentioned in the cyber crime report. The bank finally managed to dismiss her in September 2013 on unfair grounds.

Matkar had accumulated leave of more than 200 days and forwarded her application to the HR department, which was conveniently "misplaced." On her return, she was arbitrarily denied leave on reapplication.

When Matkar had started work in 1980, the male-female ratio of the union members was around 10:90. All women had voted for her. To oust her the management resorted to gradually



creating a gender bias and promoted a campaign against female leadership! The men would not vote for her and the women were also encouraged not to vote for her. So, the male-female ratio which stood as 50:50 in 2012 became very important for Indu. The management immediately capitalised on this situation.

There were two camps within the ABCD Bank Union, one of which comprised the RLS members, with political support. Matkar did not belong to this camp, but her treasurer was an RLS member. Because he had not settled some accounts, he was charged with misappropriation of funds. Also, mails between this faction of union members and the HR manager proved that the union members were conniving with the management. Informally, their leader told her to resign. The management had cancelled the union's registration, which she managed to get back.

On one occasion, 22 women employees refused to attend the union meeting because Matkar was absent. Their male counterparts verbally abused these women and an officer who witnessed this asked these women to file a complaint. Later they were coerced to give in writing that nothing had happened and the officer who was the witness was transferred on promotion.

Matkar's supporters were threatened and had to withdraw. The management was obviously looking for a puppet union and was willing to encourage individuals who would help them achieve this. Some union members preferred to put their personal interests over the group interests and obtained numerous benefits in return for helping the management. The bank elected preferred union office-bearers who renounced many previous settlements that had favoured the workers. However, Matkar was obstinate and fought vehemently, supported by a male office-bearer at all times. She had to abruptly end her activism when this man refused to help her further. Apparently, he too had been threatened by the management and his services were terminated.

Almost all women who hold key positions in a union are subjected to various forms of sexual harassment and defamation threats to intimidate them. If they do not take the hints they have to face other false allegations. It is ironical that union members themselves connive with the management to harass and victimise women. Women who have survived this have always had some godfather favouring them. Lack of this support renders women helpless and in turn also renders the unions ineffective.

The work culture and policies are very male-oriented. For example, banks prefer their employees to work late hours. This is easier for men than for the women; in fact, some men actually prefer this. Also, it is believed that women do not need residential accommodation because they depend on their husbands, and are therefore not given any consideration.

The key to survival for the women is therefore not to succumb to character assassination attempts and to some extent be "politically correct." Women have to adhere to norms, and require social support and godfathers. Thus, they cannot function as aggressive trade union leaders, which is what is generally required. This is illustrated by the case of Madhumati who was a



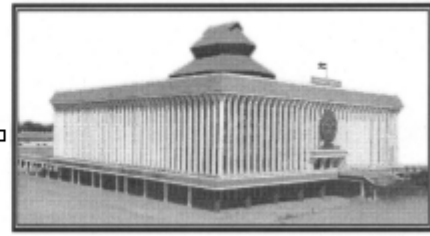
foreign bank employee for more than 25 years but not involved in union activity. Employees in her bank had to work extended work hours without any compensation. She was tipped off by Latika, a union office-bearer that the union president's eldest child had recently got employment in the bank and that he was seeking bank employment for his second child as well. This meant further compromises on behalf of the union without any explanations. Madhumati decided to stand up against the president's 38-year-old leadership, despite facing threats. She won the union elections in October 2009 to serve a five-year term. Madhumati had to re-register the union, because the registration was cancelled due to negligence. Despite her victory, she was not given any union documents, but for a union account of approximately ₹ 1 lakh. Thus, an account of the union history was lost forever. She fought for the betterment of the members and even broke the old tradition that disallowed the union office bearers to indulge in any bank work. All this was possible only because of her determination and righteous aggression.

The fact that a woman can hold a powerful position proved unsettling for many of the male members. The union office-bearers often hear scornful comments like *baaykaanchi union* (womens' union) or *haldi kumkum suru aahe* (ladies' function is going on). The management did not fail to see the gender divide and tried to suppress the aggressiveness of the union, which is relatively new. In this case despite the lack of support from the management, Madhumati won the 2014 elections and is at constant loggerheads with the management as she refuses to be manipulated. She has been able to run her office and manage the union-management interface without much turbulence as a senior board member takes cognisance of workers' opinions and issues. Unfortunately, he is about to retire; Madhumati suspects that the management will take a very tough stand against her to reinstate their puppet candidate after his retirement.

Off-work socialisation also has an effect on the gender divide at the workplace. Most women are teetotalers and are unable to mingle with men who generally tend to indulge in social drinking, etc. This has a considerable bearing at work as their absence from off-work socialisation events results in women building weaker interpersonal relationships as opposed to the men.

Ironically, a woman who takes an ethical and aggressive lead to favour union members is thwarted by the union members themselves. This is frustrating and discourages any prospects of her leadership.

Gender-based alienation has proven to be an impediment to union activism. Unfortunately, it is not limited to women. The Indian social fabric has caste-based heterogeneity which gives rise to inequalities between union members. Certain groups, members belonging to the upper castes, for example, due to historic and sociological reasons, seem to have more power than the others. In the process, they alienate the others and inequality follows despite of commonality of interests (Banerjee, Iyer, and Somanathan 2007; Bardhan, Mitra, Mookherjee, and Sarkar 2008).



#### 4.4 Employee Collectives and Socially Vulnerable Groups

Taking cues from Olson (1971), we may consider employee collectives as inclusive groups within which there exist exclusive groups who try to maximise their benefits by alienating others. But, this is the reverse of the strategies propounded for successful organising; on the lines of representation and participation of members (Bronfenbrenner and Warren 2007). In this theme, the caste based rift within and in between the Indian banking trade unions and other employee collectives; as well as how the divide serves as an impediment to collective good, is highlighted.

In 1995, Kanha Gedam joined the Collective Bank (an old PSB) as a clerk and participated actively in the trade union movement. He was also the joint secretary of the Maharashtra state level trade union apex body for four years. He sacrificed his promotions for two decades to continue to be an active trade unionist. He was a member of a Scheduled Caste (SC) and tried to vainly pursue the interests of socially vulnerable groups (SVGs) through the union. Because the trade unions had not been conducive to caste-based issues and their movement, he left the movement and joined the SC-ST Welfare Association of Collective Bank in 1995.

Caste-based reservation or affirmative action in PSBS is undertaken as per the “Brochure on Reservation for Scheduled Caste (SC), Scheduled Tribe (ST) and Other Backward Classes (OBC) in Services” by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training (DOPT), Government of India (GOI), with the objective of employing and empowering people from the SVGs. Public employment bestows status, power and means of livelihood. Formal reservation in recruitments was first introduced in August 1943, followed by reservation in promotions in 1957. Articles 16 and 335 of the Constitution have a direct bearing on reservation. Article 16(4A) came into force in 1995 vide Constitution (Seventy Seventh Amendment) Act, “1995, to enable the government to provide reservation in promotions for the sc and Scheduled Tribes (ST). This is however subject to the provision of compelling reasons: backwardness, inadequacy of representation and overall administrative efficiency. The National Commission for Scheduled Castes provides for other concessions such as age, place of transfer near the native place and travelling allowance. The percentage of reservation for recruitment and for promotions has been revised periodically (Table 1).

**Table 1: Reservation for Socially Vulnerable Groups in Public Sector Firms**

Method	% for SC	% for ST	% for SEBC* (w.e.f 1993)
Recruitment on all India basis			
(a) Open competition		15 71/2	27
(b) Other than open competition		162/3 71/2	265/6
Promotions		15 71/2	Nil

Recruitment to groups C & D in accordance with state population.

\*Socially and educationally backward classes (SEBC).

Source: “Brochure on Reservation for SC, ST and Other Backward Classes in Services” given by the Ministry of Personnel, DOPT, Gol.



Every PSB is supposed to have a chief liaison officer who prepares and submits the annual review of implementation of reservation policy. However, a senior manager claims that the data are different from what is actually reported.

Primary data suggest that the provisioning and monitoring of reservation entail a difficult administrative process. In addition, there are cultural issues. For example, people with the surname “Patil” in Maharashtra claim a dual status. For seeking family alliances, they claim to be “Shannav Kuli (96)” (for example, a very high status caste), whereas for employment, they claim to be “Kunbi” (that is, a backward caste).

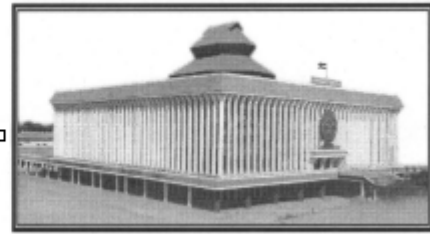
Although unions represent the collective interests of employees, they have sidelined the issues of the SVGs. It is seen that even unions do not consider SVGs as a part of their membership and act accordingly.

In the mid-1970s, the SCs who were first inducted in PSBS were the cream of their group with some academic attainment. Again, primary sources of data indicate that discrimination was prevalent even within reservation. To illustrate this, workers had various cadres and job codes, two of which are clerks and substaff. The latter includes peons and Cleaners (safai karmchhari). Within the clerical cadre, there were initially 16 job codes. Even today the jobs with the worst opportunities are assigned to the SVGs; these include scavenging jobs (cleaning and front desks) and vouching (clerical jobs).

In the class struggle, the unionists disregard the SVGs. In one PSB, the inspecting officers are mostly from the SVGs as the work entails continuous travelling and there are no other takers for the job. However, in the invigilation department, no worker is from the SVGs. The president of the SC/ST welfare association of the bank alleges that this is the department wherein all disciplinary action is initiated and punitive action is often initiated vengefully against members of the SVGs.

There is huge fragmentation and bias within the SVG movement: the Socially and Educationally Backward Classes (SEBCs) regard themselves to be higher up in the caste hierarchy than the SCs and STs. In 1995, when reservation in recruitment was implemented for the OBCs, the SC/ST associations made a vain attempt to include themselves. In banks, members of the SVGs have to eat separately and are not allowed to touch common drinking vessels. Unions have mostly opposed such practices, by admonishing such physical seclusion. An activist points out, “...they have never addressed our core issues...”. Despite many organisations representing the SVGs in banks and the measures taken by the Department of Financial Services, which also involve the IBA, the SVGs continue to suffer this kind of humiliation.

In all the PSBS, reservations in recruitment are mandatory, but promotions are based on seniority cum fitness. However, it cannot be disregarded that even in the PSBS although reservation was applicable since 1969, it was only implemented in 1975-76 when many SC-ST employee



welfare associations were formed and struggled to have it recognised. This was when the backlogs (with respect to reservation) were also cleared. With the recent changes in market situations, the PSBS are increasing their proportion of selection/merit/performance-based promotions. Thus, the quantum of assured promotions has reduced. Data clearly indicate glass ceilings for being responsible for the decline in the number of SVGs as we go up the corporate hierarchy. This highlights the need for reservations. In the PSBS, there are concessions and relaxations for the SCs and STs in selection-based promotions, but no reservations.

Social sanctions segregate the SVGs from the others in positions dominated by the upper castes. In 1975, Kanha Gedam was asked to eat at a separate table. The union supported him and reprimanded his tormentors. Much later, a woman colleague who got promoted from the clerical cadre to a Scale 1 officer was transferred to another branch. She often told Gedam that she faced difficulties at the workplace. Coincidentally, Gedam was also transferred to her branch. One day, she ordered a meat biryani despite being apprehensive about triggering the wrath of her upper-caste colleagues.<sup>21</sup> Later, they discovered that their colleagues also consumed non-vegetarian food!

These incidents may seem trivial but they make a big difference in an individual's day-to-day life. In the light of such discouraging social sanctions, the upward mobility of the SVGs becomes doubtful though it is imperative.

In the Collective Bank, a writ petition (No 847) was filed asking for reservation in selection/merit-based promotions. In 1990, the Supreme Court ruled that although the promotions were based on selection, the process gave 80% to 90% weight-age to seniority and hence, this implies reservation. The management made vain attempts to seek a clarification of the ruling. The Court rejected all their pleas and admonished them saying that it was ridiculous that a nationalised bank did not know how to accommodate reservations.

In line with the Court verdict, there were some large-scale promotions of members of the SVGS, thanks to the joint efforts of the SC-ST associations from five PSBS. As an aftermath, the management of the Collective Bank withheld promotions for four years. This irked the people from the non-reserved category and has generally affected all employees, in turn creating a serious employee relationship problem.

Such informal inhibitive constraints within a formal organisation limit progressive economic action (Nee 1998) instead of providing a framework for trust and collective action.

## **5. Discussion**

The case of the XDB bank is unique in that the management could have easily gone ahead and dismissed all employees and handed over their banking licence in India. All employees stand to gain from union action. This is in line with the claims of the unionists that unions also provide



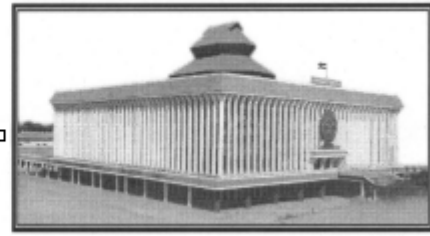
employment security (Freeman and Medoff 1984). It is to be noted here that the employees organised themselves at a point where they had nothing more to lose. In cases of other banks, the employees have much at stake. This includes punitive actions such as relocation to the most undesired locations, demotions or even joblessness. The biggest cost is in the form of social implications. Thus, any effort towards expansion of the existing unions is nipped in the bud. Another way of looking at this from a Marxian reference is that the friction between the management and the employees in ongoing concerns within the Indian banking industry has not reached the point where they would be driven to organise themselves. Yet the benefits of the trade union have been derived by the employees of the XDB bank.

Cross-selling in banks highlights the role played by unions in bringing out organisational inefficiencies in the layout and efficacy of the 'raining programmes, compliance failures, managerial indiscretion and issues in customer relationships. These are serious, governance issues in highly regulated and sensitive industries, like banking, which conforms to claims of Kaufman (2010, 2006) and others that it is less probable that governance of capitalist firms would be efficient, fair or democratic. The most important aspect highlighted by the unions is direct implication on the financial performance of the banks. This clearly indicates that unions contribute towards long-term financial performance of banks by ensuring improved governance and highlighting scandals before crises. This is also important for the unions as financial performance is linked ultimately to wages. This is in conformance with theories suggesting that unions can contribute positively to profits (Tzannatos and Aidt 2006).

The remaining two themes point out the inefficiencies within the Indian bank unions; the bureaucratic manner of functioning, their aversion to alternative forms of collective action and the gender-and caste-based discrimination meted out to their own members. This is in agreement with the findings of Olson (1971) that group interests are not pursued by the rational, self-interested individuals in large groups. Also, there is a thin line evidently between a union that cooperates with the management and a puppet union. Further, the management's union aversion and the way they take advantage of inefficiencies in the functioning of the union become evident. This shows that there is an urgent need for unions to look at measures like an immediate shift towards democratic functioning and support for alternative participative structures.

Today, Indian banks, especially the PSBS, are in need of major restructuring, which is underway in the form of consolidation and rapid changes in their business model. This eventually leads to creative destruction and a group of unsettled losers who would look for relief through the political route (Rajan and Zingales 2014a: 2). Also, there is historical evidence that the burden of adjustments is borne by the workers themselves (Eichengreen 2008a: 43, 2008b: 30). There have been cases wherein employees have resorted to extreme measures as a response to physical and psychological stress requiring counseling. Hence, restructuring can be brought about better with social dialogue and by involving workers and employees as it would contain the negative social consequence. Further, improved corporate governance benefits everyone (Rajan and

**FOCUS**



Zingales 2014b). Because of its complementary nature as far as trade unions are concerned (Hopner 2005) and the role of trade unions in extending the tenets of corporate governance to all stakeholders (Bridgen and Naczyk 2014), unions cannot be sidelined. In Indian banks, the participative process is in place, with employee representatives as members of the board of directors. But trade unions can be effective only when the unions put in substantial effort in overcoming their own faults and support alternate forms of employee participation and collectives. Also, these unions have to ensure that informal workers are also enrolled and that new banks that have been established post 1991 also participate.

**ECONOMIC & POLITICAL WEEKLY  
APRIL 16, 2016.**







## **ASPECTS OF VOLUNTARY ACTION**

### **I. Satya Sundaram**

Planned development in India for nearly 65 years has not been able to solve major problems like poverty, unemployment and inequalities. A fresh look at our development strategy is needed. We have been thinking that investment by itself can bring about development. People's participation in the development process, is crucial for achieving sustainable development.

The Non-governmental Organisations (NGOs) entered the development field in a big way in the early 1980s. This phenomenon can be attributed to the failure of development administration and the delivery system.

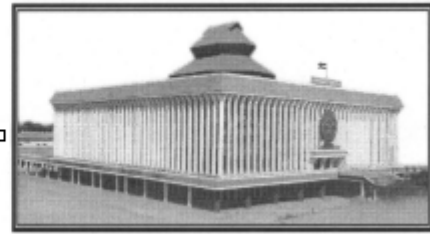
The volume under review contains 24 chapters. Most of them were presented at a national seminar on "Voluntary Action in India: Problems and Prospects" organized by the Dept. of Rural Development, Nagarjuna University, Nagarjuna Nagar-522 510 during December 2012.

Crores of rupees have been spent on rural schemes during the last 45 years. Yet, the transformation of rural India is not up to the mark. The reason: both wage-employment and self-employment schemes were ill-planned, and suffered from high incidence of leakages. Of course some improvements have been made in the implementation of schemes based on past experience.

The strength of NGOs lies in the fact that they stimulate voluntary section in the community the serve and progressively involve enlightened individuals in decision-making process.

The NGOs have to play an important role in the spheres like health, education, housing and rural infrastructure. The NGOs are close to local people, can understand local needs, problems and resources. They can also experiment with new programmes and technologies. Perhaps they are the best agencies to organize the rural poor.

The NGOs are also facing a number of problems, besides funds shortages. These include non-cooperation from the public and government departments, non- release of grants from funding



agencies In time, and corruption, Monitoring and evaluation continue to be the weakest link in social action. There is no adequate organizational support for understanding monitoring and evaluation in the form of resources, knowledge and information. Most NGOs do not have training, written guidelines and manuals, and monitoring and evaluation wings. The negative side of impact is often neglected.

The NGOs have to develop rapport, with government departments. This avoids duplication of efforts, leading to better utilization of limited funds. Also, NGOs should be encouraged to establish a network allies with other organizations working in the same field or using the same approaches. NGOs are best suited to empower women. The emergence of self-help groups encouraged women to take major decisions affecting their lives. They are also able to improve their asset position.

The NGOs have to identify the most appropriate programmers for each region, the local economy should be strengthened. The programmes implemented either by the government or the NGOs need to be mentioned and evaluated on scientific lines to initiate remedial measures in time.

**SOUTHERN ECONOMIST,  
APRIL 1, 2016.**





## **Nagaland Legislative Assembly**

**RESUME OF WORK TRANSACTED FROM  
15<sup>TH</sup> MARCH, 2016 TO 19<sup>TH</sup> MARCH, 2016**

**BULLETIN PART-I (No. 1)  
(Brief Record of Proceedings)  
Tuesday, the 15<sup>th</sup> March 2016**

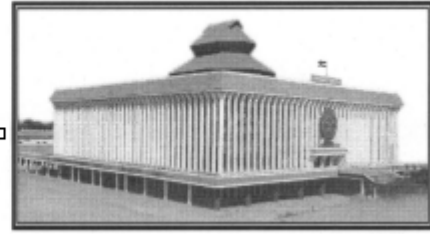
The House met at 9:30 A.M on the first day of the Eleventh Session of the Twelfth Assembly with the Speaker in the chair.

### **GOVERNOR'S ADDRESS**

Hon'ble Governor at 9:35 A.M. to 10: 15 A.M. delivered his Address to the House as provided under Clause (1) of Article 176 of the Constitution of India.

### **OBITUARY REFERENCES**

- (a) The Chief Minister made Obituary reference on the passing away of the following:
- i. Late General (Retd.) K.V. Krishna Rao, Former Governor of Nagaland.
  - ii. Late Shri Pumo Agitok Sangma, Former Lok Sabha Speaker and sitting M.P. from Meghalaya.
- (b) The Speaker made Obituary reference to the passing away of the following former Members:
- i. Late Shri L. Nokzenketba, Former Member of Nagaland Legislative Assembly.
  - ii. Late Shri Lalkholam Kuki, Former Member of Nagaland Legislative Assembly.
  - iii. Late Er. T. Sakusangba Aier, Former Member of Nagaland Legislative Assembly.



After the Obituary references were made, the Members of the House stood up and observed two minutes silence in honour of the departed leaders.

### **MOTION OF THANKS ON THE GOVERNOR'S ADDRESS**

Shri Vikho-o Yhoshu, MLA moved the following:

“That the Members of the Twelfth Nagaland Legislative Assembly assembled in the Eleventh Session are deeply grateful to the Hon’ble Governor for his Address which he has been pleased to deliver to this august House on the 15th March, 2016.”

Shri Namri Nchang, MLA Seconded the Motion.

At 10:35 A.M, the House stood adjourned till 9:30 A.M. the 17th March, 2016.

#### **BULLETIN PART-I (No.2)**

#### **(Brief Record of Proceedings)**

**Thursday, the 17<sup>th</sup> March 2016**

The House met at 9:30 AM on the second day of the Eleventh Session of the Twelfth Assembly with the Speaker in the Chair.

### **LAYING OF REPORTS/ PAPERS/ RULES**

(i) SHRI T.R. ZELIANG, Chief Minister laid on the Table a copy each of the following:

(i) Annual Report (2011-2012) of the Nagaland State Mineral Development Corporation Limited (NSMDC)

(ii) Annual Report (2012-2013) of the Nagaland State Mineral Development Corporation Limited (NSMDC)

(iii) Annual Report (2014-15) of the Nagaland Information Commission.

(ii) SHRI E.K PANGTEANG, Parliamentary Secretary for Home Guards & Civil Defence, Sericulture laid on the Table a copy each of the following:

(a) Service Rules of Home Guards (Gazetted)

(b) Service Rules of Home Guards (Non-Gazetted)

(iii) SHRI SHETOYI, Parliamentary Secretary for Fisheries, Printing & Stationary laid on the Table a copy of the Nagaland Govt. Printing Press (Technical) Service Rules, 2015.



(iv) SHRI MMHONLUMO KIKON, Parliamentary Secretary for Labour, Employment, Skill Development & Entrepreneurship and Border Affairs laid on the Table a copy of the Nagaland Shops and Establishment Rules, 2015.

### **PRESENTATION OF SELECT COMMITTEE REPORT**

SHRI KHRIEHU LIEZIETSU, Chairman of the Select Committee on the Nagaland Prohibition of Gambling and Promotion and Regulation of Online Games of Skill Bill, 2015 presented on the Table a copy of the Report of the Select Committee.

### **LAYING OF ANNUAL ADMINISTRATIVE REPORTS**

(a) SHRI T.R. ZELIANG, Chief Minister laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) Finance
- (ii) Personnel & Administrative Reforms
- (iii) Nagaland State Mineral Development Corporation Limited (NSMDC)
- (iv) Legal Metrology & Consumer Protection
- (v) Department of Under Developed Areas (DUDA)
- (vi) Food & Civil Supplies
- (vii) Urban Development
- (viii) Co-operation

(b) SHRI KIYANILIE PESEYIE, Minister for Social Security & Welfare, Parliamentary Affairs laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) Parliamentary Affairs
- (ii) Social Welfare

(c) SHRI YANTHUNGO PATTON, Minister for Home laid on the Table a copy of the Annual Administrative Report 2015-16 of the Home Department.

(d) SHRI TOKHEHO YEPTHOMI, Minister for Public Health Engineering (PHE) laid on the Table a copy of the Annual Administrative Report 2015-16 of the Public Health Engineering (PHE) Department.



(e) SHRI P. LONGON, Minister for Health & Family Welfare laid on the Table a copy of the Annual Administrative Report 2015-16 of the Health & Family Welfare Department.

(f) SHRI C. KIPILI SANG TAM, Minister for Power laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) Power
- (ii) Electrical Inspectorate

(g) SHRI NUKLUTOSHI, Minister for National Highways, Mechanical Engineering & Election laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) National Highways
- (ii) Mechanical Engineering
- (iii) Chief Electoral Officer

(h) SHRI KEJONG CHANG, Parliamentary Secretary for Horticulture, DBs & GBs Affairs laid on the Table a copy of the Annual Administrative Report 2015-16 of the Horticulture Department.

(i) SHRI C. APOK JAMIR, Parliamentary Secretary for Tourism laid on the Table a copy of the Annual Administrative Report 2015-16 of the Tourism Department.

(j) SHRI DEO NUKHU, Parliamentary Secretary for Higher & Technical Education laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) Higher Education
- (ii) Technical Education

(k) SHRI NEIBA KRONU, Parliamentary Secretary for Planning & Co-ordination, Evaluation & Monitoring Cell laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) Planning & Co-ordination
- (ii) Evaluation

(l) SHRI R. TOHANBA, Parliamentary Secretary for Municipal Affairs, Economics & Statistics laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) Economics & Statistics



(ii) Municipal Affairs

(m) SHRI KHRIEHU LIEZIETSU, Parliamentary Secretary for Youth Resources & Sports, Music Task Force, Lotteries laid on the Table a copy of the Annual Administrative Report 2015-16 of the Youth Resources & Sports Department.

(n) DR. BENJONLIBA, Parliamentary Secretary for Agriculture laid on the Table a copy of the Annual Administrative Report 2015-16 of the Agriculture Department.

(o) SHRI E.E. PANGTEANG, Parliamentary Secretary for Home Guards & Civil Defence, Sericulture laid on the Table a copy of the Annual Administrative Report 2015-16 of the Sericulture Department.

(p) SHRI B.S. NGANLANG, Parliamentary Secretary for Land Resources Development, Excise laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) Land Resources Development
- (ii) Excise & Prohibition

(q) SHRI SHETOYI, Parliamentary Secretary for Fisheries, Printing & Stationary laid on the Table a copy of the Annual Administrative Report 2015-16 of the Fisheries Department.

(r) SHRI L. KHUMO, Parliamentary Secretary for Land Revenue, Village Guards, Women Resource Development laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) Land Revenue
- (ii) Women Resource Development

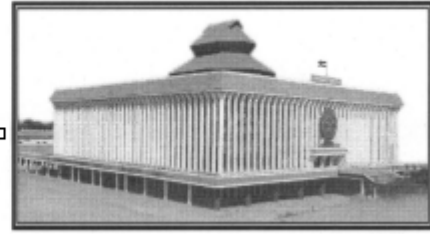
**DEBATE ON THE MOTION OF THANKS TO THE GOVERNOR'S ADDRESS**

Discussion on the Motion of Thanks to the Governor's Address was taken up. The following Members participated:

1. Er. Levi Rengma
2. Shri. Imkong L. Imchen.

The House rose and stood adjourned for break and reassembled at 10:50 AM

Discussion on the Motion of thanks to the Governor's Address resumed and the following Members participated:



1. Shri. Toyang Chang
2. Shri. Y. M. Y olow
3. Shri. Tokheho Yephthomi
4. Dr. Imtiwapang Aier
5. Shri. G Kaito Aye

The House rose and stood adjourned for a break at 12:35 PM and reassembled at 2:00 PM.

Discussion on the Motion of thanks to the Governor's Address resumed and the following Members participated:

1. Shri. B. S. Nganglang
2. Shri. Mmhonlumo Kikon
3. Dr. T. M. Lotha
4. Shri. Vikho - 0 Yhoshu

The House rose and stood adjourned for a break and reassembled at 3:05 PM Shri. T. R. Zeliang, Leader of the House made concluding remarks on the Motion of Thanks to the Governor's Address and the Motion was adopted by Voice vote.

## **INTRODUCTION OF GOVERNMENT BILL**

### **THE NAGALAND BACKWARD TRIBES COMMISSION BILL, 2016**

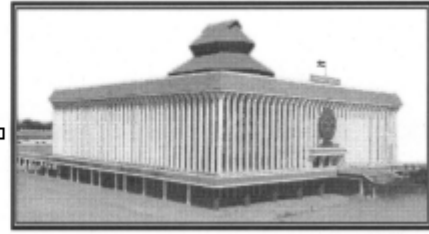
SHRI T.R. ZELIANG, Chief Minister & Minister in-charge of Personnel & Administrative Reforms with the leave of the House introduced The Nagaland Backward Tribes Commission Bill, 2016:

The Bill was put to vote and introduced.

## **PRESENTATION OF SUPPLEMENTARY DEMAND FOR GRANTS FOR THE YEAR 2015 - 2016**

SHRI T.R. ZELIANG, Chief Minister presented the Supplementary Demand for Grants for the year 2015 - 2016.





**LAYING OF REVIEW OF THE TRENDS IN RECEIPTS AND EXPENDITURE BY THE MINISTER-IN-CHARGE OF THE DEPARTMENT OF FINANCE FOR THE FIRST, SECOND AND THIRD QUARTER OF THE YEAR 2015-2016, AS REQUIRED UNDER SECTION 11 OF THE NAGALAND FISCAL RESPONSIBILITY AND BUDGET MANAGEMENT ACT, 2005.**

SHRI T.R. ZELIANG, Chief Minister laid on the Table a copy of the Review of the trends in receipts and expenditure for the First, Second and Third quarter of the year 2015-2016, as required under Section 11 of the Nagaland Fiscal Responsibility and Budget Management Act, 2005.

**PRESENTATION OF BUDGET FOR THE YEAR 2016-2017**

SHRI T.R. ZELIANG, Chief Minister presented the Budget for the year 2016-2017.

The House stood adjourned at 4.30 pm till 9.30 am the 18<sup>th</sup> March, 2016.

**BULLETIN PART-I (No.3)**  
**(Brief Record of Proceedings)**  
**Friday, the 18<sup>th</sup> March 2016**

The House met at 9:30 AM on the Third day of the Eleventh Session of the Twelfth Assembly with the Speaker in the Chair.

**LAYING OF ANNUAL ADMINISTRATIVE REPORTS**

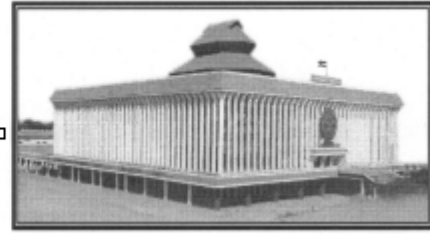
(a) DR. NEIKIESALIE NICKY KIRE, Minister for Environment, Forests & Climate Change laid on the Table a copy of the Annual Administrative Report 2015-16 of the Environment, Forests & Climate Change Department.

(b) SHRI C.L. JOHN, Minister for Rural Development, REPA laid on the Table a copy of the Annual Administrative Report 2015-16 of the Rural Development Department.

(c) SHRI P. PAIWANG KONYAK, Minister for Transport, Information Technology & Communication (IT & C) laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) Transport
- (ii) Information Technology & Communication

(d) SHRI YITACHU, Minister for School Education, State Council of Educational Research & Training laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:



- (i) School Education
- (ii) State Council of Educational Research & Training (SCERT)

(e) SHRI Y. VIKHEHO SWU, Minister for Roads & Bridges laid on the Table a copy of the Annual Administrative Report 2015-16 of the Roads & Bridges Department.

(f) ER. LEVI RENGMA, Parliamentary Secretary for Housing laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) Housing
- (ii) Planning & Design (PWD)

(g) ER. PICTO, Parliamentary Secretary for Justice & Law, SIRD laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) Justice & Law
- (ii) State Institute of Rural Development (SIRD)

(h) SHRI N. JACOB ZHIMOMI, Parliamentary Secretary for Irrigation & Flood Control laid on the Table a copy of the Annual Administrative Report 2015-16 of the Irrigation & Flood Control Department.

(i) SHRI PUKHA YI, Parliamentary Secretary for Soil & Water Conservation laid on the Table a copy of the Annual Administrative Report 2015-16 of the Soil & Water Conservation Department.

(j) SHRI AMENBA YADEN, Parliamentary Secretary for Industries & Commerce laid on the Table a copy of the Annual Administrative Report 2015-16 of the Industries & Commerce Department.

(k) SHRI TOYANG CHANG, Parliamentary Secretary for New & Renewable Energy, Fire & Emergency Services laid on the Table a copy of the Annual Administrative Report 2015-16 of the New & Renewable Energy Department.

(l) SHRI S. CHUBALONGKUMER, Parliamentary Secretary for Veterinary & Animal Husbandry laid on the Table a copy of the Annual Administrative Report 2015-16 of the Veterinary & Animal Husbandry Department.

(m) SHRI HUKAVI ZHIMOMI, Parliamentary Secretary for Jail, Science & Technology laid on the Table a copy of the Annual Administrative Report 2015-16 of the Science & Technology Department.



(n) DR. IMTIWAPANG AIER, Parliamentary Secretary for Geology & Mining laid on the Table a copy of the Annual Administrative Report 2015-16 of the Geology & Mining Department.

(o) SHRI ESHAK KONYAK, Parliamentary Secretary for Art & Culture laid on the Table a copy of the Annual Administrative Report 2015-16 of the Art & Culture Department.

(p) SHRI MMHONLUMO KIKON, Parliamentary Secretary for Labour, Employment, Skill Development & Entrepreneurship and Border Affairs laid on the Table a copy each of the Annual Administrative Report 2015-16 of the following Departments:

- (i) Labour
- (ii) Employment, Skill Development & Entrepreneurship
- (iii) Border Affairs

(q) SHRI KHEKAHO, Parliamentary Secretary for Information & Public Relations laid on the Table a copy of the Annual Administrative Report 2015-16 of the Information & Public Relations (I & PR) Department.

#### **LAYING OF REPORTS/ PAPERS/ RULES**

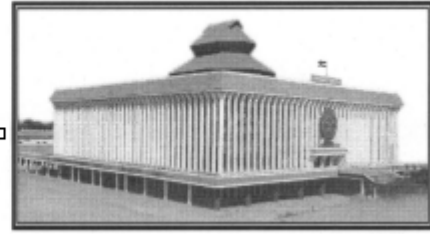
SHRIR. TOHANBA, Parliamentary Secretary for Municipal Affairs, Economics & Statistics laid on the Table a copy of the Nagaland Economic Survey 2015 - 2016.

#### **PRESENTATION OF ASSEMBLY COMMITTEE REPORTS**

(a) SHRI KUZHOLUZO NIENU, Chairman of Committee on Public Undertakings (2015-2016) presented on the Table a copy of the following Reports:

(i) Seventy-sixth Report on the Action Taken by the Government on the Observations and Recommendations contained in the 43<sup>rd</sup> Report of the Committee on Public Undertakings on the Examination of the Report of the Comptroller & Auditor General of India for the Year 2006-2007 pertaining to the Nagaland Handloom and Handicrafts Development Corporation Limited (NHHDC) under the Department of Industries & Commerce, Government of Nagaland.

(ii) Seventy-seventh Report on the Action Taken by the Government on the Observations and Recommendations contained in the 44<sup>th</sup> Report of the Committee on Public Undertakings on the Examination of the Report of the Comptroller & Auditor General of India for the Year 2007-2008 pertaining to the Nagaland Handloom and Handicrafts Development Corporation Limited (NHHDC) under the Department of Industries & Commerce, Government of Nagaland.



(iii) Seventy-eighth Report on the Action Taken by the Government on the Observations and Recommendations contained in the 45<sup>th</sup> Report of the Committee on Public Undertakings on the Examination of the Report of the Comptroller & Auditor General of India for the Year 2008-2009 pertaining to the Nagaland Handloom and Handicrafts Development Corporation Limited (NHHDC) under the Department of Industries & Commerce, Government of Nagaland.

(iv) Seventy-ninth Report on the Action Taken by the Government on the Observations and Recommendations contained in the 46<sup>th</sup> Report of the Committee on Public Undertakings on the Examination of the Report of the Comptroller & Auditor General of India for the Year 2009-2010 pertaining to the Nagaland Handloom and Handicrafts Development Corporation Limited (NHHDC) under the Department of Industries & Commerce, Government of Nagaland.

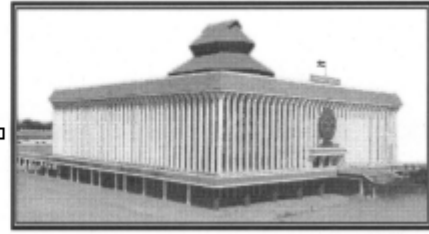
(v) Eightieth Report on the Action Taken by the Government on the Observations and Recommendations contained in the 61<sup>st</sup> Report of the Committee on Public Undertakings on the Examination of the Report of the Comptroller & Auditor General of India for the Year 2010-2011 pertaining to the Nagaland Handloom and Handicrafts Development Corporation Limited (NHHDC) under the Department of Industries & Commerce, Government of Nagaland.

(b) SHRI C.M. CHANG, Chairman of Committee on Public Accounts (2015-2016) presented on the Table a copy of the following Reports:

(i) 115<sup>th</sup> Report of the Committee on Public Accounts (2015 - 2016) on the Examination of the Report of the Comptroller & Auditor General of India for the year 2011 - 2012 and relevant Appropriation and Finance Accounts.

(ii) 116<sup>th</sup> Report of the Committee on Public Accounts (2015 - 2016) on the Action Taken by the Government on the Observations/ Recommendations contained in the 114<sup>th</sup> Report of the Committee on Excess expenditures incorporated in the Comptroller & Auditor General of India for the year 2000-2001, 2005-2006, 2008-2009 and 2009-2010.

(iii) 117<sup>th</sup> Report of the Committee on Public Accounts (2015 - 2016) on the Action Taken by the Government on the Observations! Recommendations contained in the 113<sup>th</sup> Report of the Public Accounts Committee on the C & AG Report of India 2010-2011 - Performance Audit on Public Distribution System (PDS) in Nagaland.



## **CONSIDERATION AND PASSING OF GOVERNMENT BILLS**

### **(a) THE NAGALAND PROHIBITION OF GAMBLING AND PROMOTION AND REGULATION OF ONLINE GAMES OF SKILL BILL, 2015**

SHRI T.R. ZELIANG, Chief Minister & Minister in-charge of Finance moved for consideration and passing of the Nagaland Prohibition of Gambling and Promotion and Regulation of Online Games of Skill Bill, 2015:

The Bill was moved and passed by Voice vote.

### **(b) THE NAGALAND BACKWARD TRIBES COMMISSION BILL, 2016**

SHRI T.R. ZELIANG, Chief Minister & Minister in-charge of Personnel & Administrative Reforms moved for consideration and passing of the Nagaland Backward Tribes Commission Bill, 2016.

Certain clarification was sought by the following Members:

- (i) Shri. C. M. Chang
- (ii) Shri. Deo Nukhu

SHRI T.R. ZELIANG, Leader of the House made concluding remarks on the Nagaland Backward Tribes Commission Bill, 2016.

The Bill was moved and passed by Voice vote.

## **DISCUSSION AND VOTING ON SUPPLEMENTARY DEMAND FOR GRANTS FOR THE YEAR 2015 - 2016**

Discussion and voting on Supplementary Demands for Grants for the year 2015-2016 was taken up. Demand Nos. 3,4, 5, 6, 8, 9, 11, 13, 14, 15, 16, 17, 18,20,21,22,25,28, 29,31,32,33,34,35,36,37,39,40,43,44,45,46,47,48, 49,51,52, 53, 54, 55, 56, 58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73,76, 77, 78, 79, 81 and 82 were without discussion put to vote and passed.

## **INTRODUCTION, CONSIDERATION AND PASSING OF THE NAGALAND APPROPRIATION (NO. 1) BILL, 2016**

SHRI T.R. ZELIANG, Chief Minister with the leave of the House moved for introduction, consideration and passing of Nagai and Appropriation (NO.1) Bill, 2016. The Bill was moved and passed by Voice vote.



## **GENERAL DISCUSSION ON THE BUDGET FOR THE YEAR 2016 - 2017**

Discussion on the Budget for the year 2016-2017 was initiated by Shri. Pohwang.

The House stood adjourned for a break and reassembled at 10:45 AM with the Deputy Speaker in the Chair.

Discussion for the Budget for the year 2016-2017 resumed and the following Members participated:

- (i) Shri. Pohwang
- (ii) Shri. Yitachu
- (iii) Shri. C. L. John
- (iv) Shri. C. Apok Jamir

At 12:35 PM the House stood adjourned for a break and reassembled at 2:00 PM with the Speaker in the Chair.

Discussion on the Budget for the year 2016-2017 resumed and Shri. Hukavi participated.

SHRI. T.R. ZELIANG, Chief Minister and Minister-in-charge of Finance made concluding remarks on the Budget for the year 2016-2017.

At 2:55 PM the House rose and stood adjourned till 9:30 AM Saturday, the 19<sup>th</sup> March, 2016.

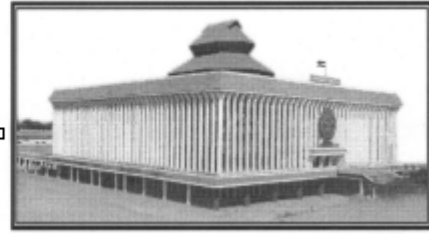
**BULLETIN PART-I (No.4)**  
**(Brief Record of Proceedings)**  
**Saturday, the 19<sup>th</sup> March 2016**

1. The House met at 9:30 AM on the Fourth day of the Eleventh Session of the Twelfth Assembly with the Speaker in the Chair.

### **2. PRESENTATION OF ASSEMBLY COMMITTEE REPORTS**

(a) SHRI G. KAITO AYE, Chairman of the Committee on Estimates (2015-2016) presented on the Table a copy each of the following reports:

- (i) 121<sup>st</sup> Report on the Estimates of the Department of Agriculture (Agri Link Road).
- (ii) 122<sup>nd</sup> Report on the Estimates of Power Department.
- (iii) 123<sup>rd</sup> Report on the Examination on the Estimates of Women Resource Development Department.



(b) DR. T.M. LOTHAN, Chairman of the Committee on Subordinate Legislation (2015-2016) presented on the Table a copy each of the following reports:

- (i) Forty-second Report on Nagaland Police Service Rules, 2006.
- (ii) Forty-third Report on Nagaland Secretariat Subordinate Service Rules, 1972.
- (iii) Forty-fifth Report on Nagaland Judicial Service Rules, 2009.
- (iv) Forty-sixth Report on Nagaland Secretariat (Civil) Stenographers Service Rules, 1973.
- (v) Forty-seventh Report on Nagaland Fisheries Service Rules, 2006.

### **3. PRESENTATION OF COMPTROLLER & AUDITOR GENERAL OF INDIA (C & AG) REPORT FOR THE YEAR 2014 - 2015**

SHRI T.R. ZELIANG, Chief Minister presented a copy each of the following:

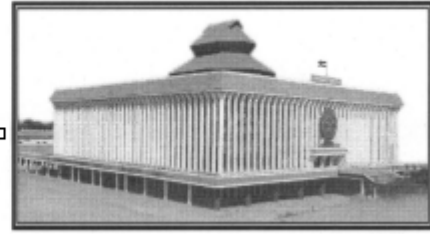
- (i) Report of the Comptroller and Auditor General of India on State Finances for the year ended 31<sup>st</sup> March, 2015.
- (ii) Report of the Comptroller and Auditor General of India on Social, Economic, Revenue and General Sectors for the year ended 31<sup>st</sup> March, 2015 (Report No.1 of 2016).
- (iii) Finance Accounts (Volume 1 & 2) 2014-15
- (iv) Appropriation Accounts (2014-15)

### **4. DISCUSSION AND VOTING ON THE DEMAND FOR GRANTS FOR THE YEAR 2016 - 2017.**

Discussion and voting on Demand for Grants for the year 2016 - 2017 was taken up. Demand Nos. 1,3,4,5,6,7,8,9,11,12,13,14,15,16,17,18,19,20,21,22,23, 24,25,26,27,28,29, 30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,56,57, 58,59,60,61,62,63,64,65,66,67,68,69,70,71,72,73,74,76,77,78, 79, 81 and 82 were without discussion put to vote and passed.

### **5. INTRODUCTION, CONSIDERATION AND PASSING OF THE NAGALAND APPROPRIATION (NO.2) BILL, 2016.**

SHRI T.R. ZELIANG, Chief Minister with the leave of the House moved for introduction, consideration and passing of Nagaland Appropriation (NO.2) Bill, 2016.



The Bill was moved and passed by Voice vote.

**6. ANNOUNCEMENT CONSTITUTION OF THE VARIOUS FIANANCIAL AND NON – FINANCIAL COMMITTEES AND PANEL OF CHAIRMAN FOR 2016-2017 BY THE SPEAKER**

Announcement of the Constitution of various Financial and Non Financial Committees and Panel of Chairmen for 2016-2017 by the Speaker

**7. Unfinished Business, if any**

8. Having completed all business listed for the Session, the Speaker adjourned the

House Sine-die at 9.45 am.







## **TRIPURA LEGISLATIVE ASSEMBLY**

### **RESUME OF WORK TRANSACTED FROM 8<sup>TH</sup> JANUARY, 2016 TO 14<sup>TH</sup> JANUARY, 2016**

The 9<sup>th</sup> Session of the 11<sup>th</sup> Tripura Legislative Assembly which commenced on and from 8th January, 2016 to 14<sup>th</sup> January, 2016 and thereafter the House was adjourned sine die on 14<sup>th</sup> January, 2016

His Excellency the Hon'ble Governor of Tripura prorogued the Session of the Assembly on 1/03/2016. The House held for 5 (five) sittings and transacted for 24 hours 25 minutes.

#### **GOVERNOR'S ADDRESS**

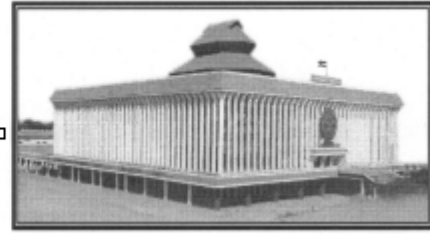
This being the first Session of this year, His Excellency the Governor of Tripura, Sri Tathagata Roy addressed the House at 11 A.M on 8th January, 2016 in pursuance of Article 174 of the Constitution of India. After his departure, the House reassembled and as per instruction of the Hon'ble Speaker, myself laid a copy of the Governor's Address on the Table of the House. The House discussed the Motion of Thanks for three days 11.01.2016, 12.01.2016 and 13.01.2016 on Governor's Address and adopted it by voice vote.

#### **OBITUARY REFERENCES**

On 8<sup>th</sup> January, 2016, the Hon'ble Speaker made References to the passing away of Sandhya Rani Deb Barma, former Hon'ble Member of Tripura Legislative Assembly, Hasim Abdul Halim, former Hon'ble Speaker of West Bengal Legislative Assembly, Balaram Reang, former Hon'ble Minister of Tripura, Sunil Choudhury, former Hon'ble Deputy Speaker of Tripura Legislative Assembly and Mufti Mohammed Syed, former Chief Minister of Jammu & Kashmir. The House paid tribute to the memory of those distinguished persons and stood in silence for two minutes as a mark of respect to the departed souls.

#### **CONDEMNATION MOTION**

On January 11, 2016, the House strongly condemned over the incident of terrorists attack at Pathankot, Punjab on 2nd January, 2016 perpetrated by United Jihad Council Extremists wherein one Army Security Officer, one Civilian and six army personnel lost their lives.



The House thus observed 2(two) minutes silence as a mark of respect to the departed souls of the ill fated persons who lost their lives in the brutal incident and sympathised the grief stricken bereaved family members.

### **LAYING OF PAPERS ON THE TABLE OF THE HOUSE**

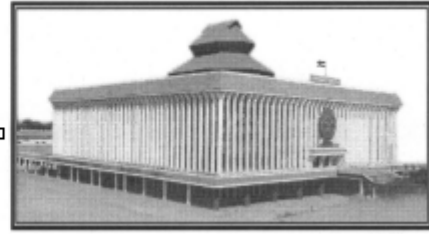
During the Session period, i.e. on 8.1.2016, 11.1.2016 & 12.1.2016 & 13.1.2016 the following Rules, Reports and Notifications etc. were laid on the Table of the House by the Ministers-in-Charge of the concerned Departments, namely:-

- I. i. “The Appropriation Accounts for the year 2014-2015”.
- ii. “The Finance Accounts (Volume I &, II) for the year 2014-2015.”
- II. “The Annual Report of the Tripura Jute Mills Ltd. for the year ended 31<sup>st</sup> March, 2014”.
- III. “The 34th Annual Report of the Tripura Tea Development Corporation for the Financial year 2013-14”.
- IV. “The Annual Report of the Tripura Electricity Regulatory Commission for the year 2014-15.
- V. “The Thirty-Seventh Annual Report and Accounts of the Tripura Forest Development and Plantation Corporation Limited for the year 2012- 2013.
- VI. “The Tripura State Rifle (Recruitment) (14th Amendment) Rules, 2015

### **LEGISLATIVE BUSINESS**

During the Session, only 5 (five) Bills, as stated below, were introduced, considered and passed by the House, namely:-

- i. “The Tripura Cooperative Societies (Third Amendment) Bill, 2015. (The Tripura Bill No.7 of 2015)”.
- ii. “The Tripura Appropriation (No.3) Bill, 2016 (Tripura Bill No.4 of 2016) (Excess Grants).”
- iii. “The Tripura Appropriation (No.4) Bill, 2016 (Tripura Bill No.5 of 2016) (Excess Grants).”
- iv. “The Tripura Appropriation Bill, 2016 (Tripura Bill No.2 of 2016) (Excess Grants).”
- v. “The Tripura Appropriation Bill, 2016 (Vote-on-Account) (Tripura Bill No.3 of 2016).”



## **COMMITTEE REPORT**

During the Session, apart from l(one) Report of the Business Advisory Committee, 1 (one) Report of the Select Committee were presented to the House.

## **QUESTIONS**

Notices of Questions 323 Nos. of Starred, 278 Nos. of Un-starred and 3 Nos. of Short Notices respectively had been received. Out of these, 104 Nos.& 244 Nos. Notices were admitted as Starred, Un-starred questions and 2 Nos. Short Notices respectively. However, 65 Nos. Starred, 202 Nos. Unstarred questions and 2 Nos. Short Notices were enlisted during the Session in the list of question for answering in the House by the Ministers concerned of which only 37(thirty seven) Starred Questions & 2 (two) Nos. Short Notices respectively were answered orally on the Floor of the House. Written replies to the remaining Starred and Un-starred questions were laid on the table of the House by the concerned Ministers.

## **REFERENCE PERIOD**

9 (Nine) Notices on matters of Urgent Public Importance had been received. All the 9 (Nine) Notices were admitted and enlisted in the list of Business. The Ministers concerned made statements in the House on all of them or laid Written Statements on the Table of the House on those matters.

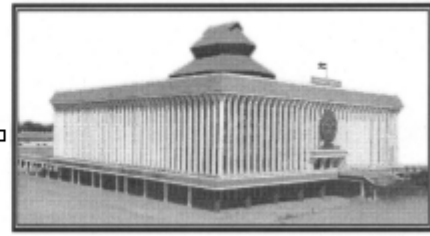
## **CALLING ATTENTION**

9 (Nine) Notices on matters of Urgent Public Importance had been received. All the 9 (Nine) Notices were admitted and enlisted in the list of Business. The Ministers concerned made statements in the House on all of them or laid Written Statements on the Table of the House on those matters

## **LAYING OF PETITIONS**

On 11<sup>th</sup> January, 2016 the undersigned laid on the Table of the House 2(two) Petitions which were countersigned by Smt. Tunu Bala Malakar, MLA, in regard to making arrangement to prevent erosion caused by the river Manu in East Ratacherra Gaon Panchayet, Chowmohani Para, Ward No-5 of Phatikroy Assembly Constituency under Kumarghat Sub-Division, Unokoti District and Shri Pranab Deb Barma, MLA, relating to construction of a bridge over Jambukcharra, West Taichlong Village Committee of Ompi Bloc, under Amarpur Subdivision.

On 14<sup>th</sup> January, 2016 the undersigned laid on the Table of the House another Petition which was countersigned by Shri Ramendra Narayan Deb Barma, MLA, in regard to seeking for upgradation of Herma Health Sub-Centre to Primary Health Centre located at Rangmala



A.D.C Village under Charilam R.D Bloc, Sepahijala District. The Hon'ble Speaker referred those 3(three) Petitions to the Committee on Petitions of the Assembly for examination and report to the House.

### **PRIVATE MEMBERS' RESOLUTIONS**

During the Session, on 8<sup>th</sup> January, 2016 (Friday), 1(one) day was allotted for taking up Private Members' Resolutions. Altogether 3(three) Resolutions were admitted and discussed and adopted by the House unanimously, namely:-

(i) "Certain selfish group wants to harm the unity, integrity and amity of the state by way of raising the demand of another new state dividing Tripura. The Tripura Legislative Assembly totally opposes this narrow delivered thought of demand and requests the State Govt. to take suitable step in order to foster unity, integrity and amity among the people of the state more firm".

(ii) "The Finance Ministry of the Central Govt. and the enforcement Directorate under it are to take immediate positive step to arrange returning the money to the investors who have been cheated and financially suffered loss by investing money with the non-government financial organisations (cheat fund) in Tripura".

(iii) "Tripura had received fund of rupees 2477.91 crore in enhanced rate during 2014-2015 like that of last few years under Normal Central Assistance (NCA), Special Central Assistance (SCA) and Special Plan Assistance (SPA) schemes. The State Govt. had been spending this money to meet the Revenue deficit and to build up infrastructure in the State. But the Central Govt. stopped funding against these schemes during 2015-16. As a result problem arose in promoting developmental work in Tripura. Therefore, the Tripura Legislative Assembly demands to the Prime Minister of the Country that the Central Govt. revokes the decision for discontinuation of sanction on the aforesaid schemes and make suitable arrangement immediately so that Tripura may get the fund like yester years during this financial year and this funding continues in future to help maintain the development process in Tripura

### **VALEDICTORY SPEECH**

On 14<sup>th</sup> January, 2016 at the conclusion of the Business of the Session, the Hon'ble Speaker made a valedictory Speech before adjourning the House sine-die. In his speech, he expressed his gratitude to the Members of both the Treasury and the Opposition Benches for their co-operation in conducting the Business of the House smoothly. He also thanked all concerned including Officers and Staff of the Assembly Secretariat, Officers of different Departments, Police personnel, News agencies & Electronic media, Doordarshan and AIR etc. for their co-operation during the Session.



## **West Bengal legislative Assembly**

### **RESUME OF WORK TRANSACTED FROM**

### **25<sup>TH</sup> FEBRUARY, 2016 TO 27<sup>TH</sup> FEBRUARY, 2016**

The Nineteenth Session of the 15<sup>th</sup> Legislative Assembly which commenced on the 25<sup>th</sup> February, 2016 and was adjourned sine- die on the 27<sup>th</sup> February ,2016 followed by Prorogation after conclusion of the sitting of the House on that day.

During this period, the House transacted legislative and other businesses in its 3 (three) sittings spanning over 13 hours and 5 minutes.

A synopsis of business transacted during this Session is placed below:

#### **OBITUARY REFERENCES**

The House expressed its warm and heartiest sympathy for the sad demise of:-

- i) Dr. Bal Ram Jakhar, Former Speaker of the Lok Sabha;
- ii) Shri Subrata Bose I Former Member of the West Bengal Legislative Assembly and former Member of Lok Sabha;
- iii) Shri Hiralal Singha, Former Member of the West Bengal Legislative Assembly;
- iv) Shri Ali Ansar, Former Member of the West Bengal Legislative Assembly;
- v) Shri Gourchandra Kundu, Former Member of the West Bengal Legislative Assembly;
- vi) Shri Habibur Rahaman, Former Member of the West Bengal Legislative Assembly;
- vii) Shri Ram Sankar Kar , former Member of the West Bengal Legislative Assembly;
- viii) Shri Renu Pada Das, former Member of Lok Sabha ;



ix) Shri Subir Sen , Eminent Singer and;

x) Shri Suprabhat Chakraborty, former Olympian Cyclist.

It may be mentioned here that there were no Question, Calling Attention and Mention Cases during the short Session.

### **Selection of the Panel of Chairman**

In pursuance of rule 9(1) of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the Speaker nominated a Panel of Chairmen consisting of:

1. Shri Gyan Singh Sohanpal;
2. Shri Parash Dutta;
3. Shri Jatu Lahiri;
4. Shri Prabodh Chanra Sinha;
5. Shri Anisur Rahaman;
6. Shri Nirmal Ghosh.

### **Address by the Governor**

The Governor, Shri Keshrinath Tripathi addressed the House on 25.02.2016, as is customary under Article 176 of the Constitution of India. Thereafter, a copy of the Speech was laid on the Table.

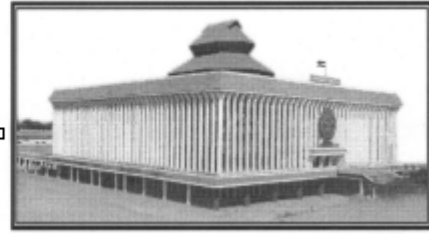
### **Motion of Thanks**

Motion of Thanks in reply to the Governor's Address was moved by Dr. Partha Chatterjee on 25.02.2016. Following a debate on the Motion held on the floor of the House on 26.02.2016 and a reply by the Chief Minister, on the same day as per proviso to rule 20 I the Motion of Thanks to the Governor's Address was adopted nem.con on the same day.

### **Financial Business**

Dr. Amit Mitra presented the Annual Financial Statement of the Government of West Bengal for the year 2016-2017 on 26.02.2017. The Medium Term Fiscal Policy and Fiscal Policy Strategy Statement and the Supplementary Estimates for the year 2015-16 were also presented before the House on the same day.

The Motion for Vote on Account was moved by Dr. Amit Mitra on 27.02.2015 and was adopted by the House. Discussion and voting on Demands for Supplementary Grants of the



Government of West Bengal for the year 2015-2016 took place on the same day and all the Demands were voted with Cut Motions (Token Cuts moved By Shri Asit Mitra) on Demand Nos. 8,9,13,27 and 49 being lost.

### **Government Bills:**

The following Bills were Introduced, Considered and Passed on 27.02.2015:

- (i) The West Bengal Appropriation (Vote on Account) Bill, 2016;
- (ii) The West Bengal Appropriation Bill, 2016;
- (iii) The West Bengal Valuation Board (Amendment Bill), 2016. It being an Ordinance Bill, a statement was placed after introduction of the same as is required under rule 72 (1) of the Rules of Procedure and Conduct of Business;
- (iv) The West Bengal Correctional Services (Amendment) Bill, 2016;
- (v) Dunlop India Limited (Acquisition and Transfer of Undertaking) Bill, 2016 ; and
- (vi) Jessop and Company Limited (Acquisition and Transfer of Undertaking) Bill, 2016.

### **Laying of Rules, Notifications, Ordinances**

During the aforementioned Session of the Assembly, two Rules were laid on the Table. In addition, other two Rules were re-laid on the Table.

Three Notifications and one Ordinance were also laid on the Table during the said Session.

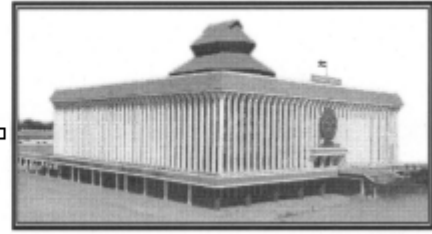
### **Laying of Reports and Accounts**

In totality, thirteen (13) Reports and Accounts of Government Companies and Undertakings etc were laid on the Table of the House.

It may be mentioned here that two Notices of Motion under Rule 185 were received by the office of the Hon'ble Speaker during the said Session, but were disallowed by the Speaker.

At the end of the Business transacted on 27.02.2016, as per convention, Members including Dr. Partha Chatterjee, Minister-in- Charge of the Parliamentary Affairs Department; Dr. Surjya Kanta Mishra, Hon'ble leader of the Opposition; Shri Md. Sohrab, leader of the legislature Party of the Indian National Congress; Shri Sobhandeb Chattopadhyay, Chief Government Whip, Government of West Bengal; Dr. Tarun Kanti Naskar, Member, SUCI and Shri Prabodh Chandra Sinha, Member, DSP made their valedictory addresses.

# FOCUS



It being the last session of the Fifteenth Legislative Assembly, the Speaker gave a synopsis of the consolidated Business transacted during the entire tenure of the present Assembly. He congratulated the Members of the Assembly for their cordial and constructive participation in the debates and discussions of the House. Members of the Press and Officers as well as Staff Members of the Legislature Secretariat found special mention in the Speech of the Hon'ble Speaker for their meaningful participation in ensuring smooth functioning of the House.

Thereafter, the House was adjourned sine-die.

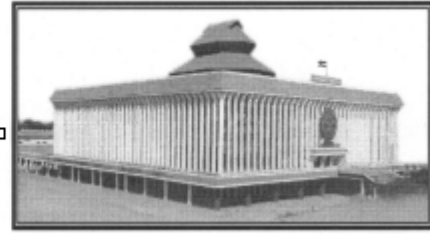






**THE LEGISLATIVE BODIES IN SESSION DURING THE MONTH OF APRIL 2016**

<b>Sl. No.</b>	<b>Name of Assembly/Council</b>	<b>Duration</b>
1.	Loksabha	23.02.2016 - 16.03.2016, 25.04.2016 - 13.05.2016
2.	Rajyasabha	23.02.2016 - 16.03.2016, 25.04.2016 - 13.05.2016
3.	Bihar Legislative Assembly	25.02.2016 - 04.04.2016
4.	Bihar Legislative Council	25.02.2016 - 04.04.2016
5.	Himachal Pradesh Legislative Assembly	25.02.2016 - 07.04.2016
6.	Madhya Pradesh Legislative Assembly	23.02.2016 - 18.03.2016, 28.03.2016 - 01.04.2016
7.	Odisha Legislative Assembly	15.03.2016 - 31.03.2016, 26.04.2016 - 20.05.2016
8.	Maharashtra Legislative Assembly	09.03.2016 - 13.04.2016
9.	Maharashtra Legislative Council	09.03.2016 - 13.04.2016
10.	Rajasthan Legislative Assembly	29.02.2016 - 05.04.2016



### **Site Address of Legislative Bodies in India**

<b>Sl.No</b>	<b>Name of Assembly/Council</b>	<b>Site Address</b>
1.	Loksabha	<a href="http://loksabha.nic.in">loksabha.nic.in</a>
2.	Rajyasabha	<a href="http://rajyasabha.nic.in">rajyasabha.nic.in</a>
3.	Andhra Pradesh Legislative Council	<a href="http://aplegislature.org">aplegislature.org</a>
4.	Andhra Pradesh Legislative Assembly	<a href="http://aplegislature.org">aplegislature.org</a>
5.	Arunachal Pradesh Legislative Assembly	<a href="http://arunachalassembly.gov.in">arunachalassembly.gov.in</a>
6.	Assam Legislative Assembly	<a href="http://assamassembly.nic.in">assamassembly.nic.in</a>
7.	Bihar Legislative Assembly	<a href="http://vidhansabha.bih.nic.in">vidhansabha.bih.nic.in</a>
8.	Bihar Legislative Council	<a href="http://biharvidhanparishad.gov.in">biharvidhanparishad.gov.in</a>
9.	Chhattisgarh Legislative Assembly	<a href="http://cgvidhansabha.gov.in">cgvidhansabha.gov.in</a>
10.	Delhi Legislative Assembly	<a href="http://delhiassembly.nic.in">delhiassembly.nic.in</a>
11.	Goa Legislative Assembly	<a href="http://goavidhansabha.gov.in">goavidhansabha.gov.in</a>
12.	Gujarat Legislative Assembly	<a href="http://gujaratassembly.gov.in">gujaratassembly.gov.in</a>
13.	Haryana Legislative Assembly	<a href="http://haryanaassembly.gov.in">haryanaassembly.gov.in</a>
14.	Himachal Pradesh Legislative Assembly	<a href="http://hpvidhansabha.nic.in">hpvidhansabha.nic.in</a>
15.	Jammu and Kashmir Legislative Assembly	<a href="http://jklegislativeassembly.nic.in">jklegislativeassembly.nic.in</a>
16.	Jammu and Kashmir Legislative Council	<a href="http://jklegislativecouncil.nic.in">jklegislativecouncil.nic.in</a>
17.	Jharkhand Legislative Assembly	<a href="http://jharkhandvidhansabha.nic.in">jharkhandvidhansabha.nic.in</a>
18.	Karnataka Legislative Assembly	<a href="http://kar.nic.in/kla/assembly">kar.nic.in/kla/assembly</a>
19.	Karnataka Legislative Council	<a href="http://kar.nic.in/kla/council/council">kar.nic.in/kla/council/council</a>



20.	Madhya Pradesh Legislative Assembly	<a href="http://mpvidhansabha.nic.in">mpvidhansabha.nic.in</a>
21.	Maharashtra Legislative Assembly	<a href="http://mls.org.in/Assembly">mls.org.in/Assembly</a>
22.	Maharashtra Legislative Council	<a href="http://mls.org.in/Council">mls.org.in/Council</a>
23.	Manipur Legislative Assembly	<a href="http://manipurassembly.nic.in/">manipurassembly.nic.in/</a>
24.	Meghalaya Legislative Assembly	<a href="http://megassembly.gov.in/">megassembly.gov.in/</a>
25.	Mizoram Legislative Assembly	<a href="http://mizoramassembly.in">mizoramassembly.in</a>
26.	Nagaland Legislative Assembly	<a href="http://nagaland.nic.in">http://nagaland.nic.in</a>
27.	Odisha Legislative Assembly	<a href="http://odishaassembly.nic.in">odishaassembly.nic.in</a>
28.	Puducherry Legislative Assembly	<a href="http://www.py.gov.in">www.py.gov.in</a>
29.	Punjab Legislative Assembly	<a href="http://punjabassembly.nic.in">punjabassembly.nic.in</a>
30.	Rajasthan Legislative Assembly	<a href="http://rajassembly.nic.in/">rajassembly.nic.in/</a>
31.	Sikkim Legislative Assembly	<a href="http://sikkimasembly.org">sikkimasembly.org</a>
32.	Tamil Nadu Legislative Assembly	<a href="http://assembly.tn.gov.in">assembly.tn.gov.in</a>
33.	Tripura Legislative Assembly	<a href="http://tripuraassembly.nic.in/">tripuraassembly.nic.in/</a>
34.	Uttar Pradesh Legislative Assembly	<a href="http://uplegassembly.nic.in">uplegassembly.nic.in</a>
35.	Uttar Pradesh Legislative Council	<a href="http://upvidhanparishad.nic.in">upvidhanparishad.nic.in</a>
36.	Uttarakhand Legislative Assembly	<a href="http://ukvidhansabha.uk.gov.in">ukvidhansabha.uk.gov.in</a>
37.	West Bengal Legislative Assembly	<a href="http://wbassembly.gov.in/">wbassembly.gov.in/</a>
38.	Telangana Legislative Assembly	<a href="http://telanganalegislature.org.in">telanganalegislature.org.in</a>