elementary education is to be borne by the State. This would not only include tuition fee but also all other expenditures like books, uniforms, sports equipments, etc. Therefore, one option could be to define the elements of free entitlement more narrowly and therefore, reduce the financial burden on the State.

(d) Section 5 (1) of the Draft Bill requires that the State Government will ensure the availability of a neighbourhood school for every child within a period of three years from the commencement of the Act. One option could be to extend this period to five or more years in order to stagger the expenditure.

7. The recommendations of this High-level Committee are awaited.

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10.11.2005

## LATEST STATUS REPORT

| Sl. No | NAC RECOMMENDATIONS | ACTION TAKEN (As reported by the Ministries/Departments) |
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| 1. | **Sarva Shiksha Abhiyan (SSA) (including Education Cess) and Mid-Day Meal Scheme.**<br><br>It was recommended that Revenues from the Education Cess be earmarked exclusively for the Sarva Shiksha Abhiyan (SSA) and the cooked Mid-Day Meal Programme; the Cess revenues should be paid into the dedicated non-lapsable Sarva Shiksha Abhiyan Kosh and the SSA Should be organized and implemented in Mission Mode. | **1. Education Cess (Prarambhic Shiksha Kosh-PSK).** This Department had proposed creation of a dedicated, non-lapsable fund called PSK, to receive the proceeds of the Education Cess imposed through the Finance (No2) Act, 2004 on all Central taxes, to finance elementary education. After consultation with concerned Ministries/Departments, viz., Finance, Planning Commission and DoNER, a Note for Cabinet was forwarded to Cabinet Secretariat on 16.6.2005, which was considered by Cabinet in its meeting on 30.6.05. Cabinet has directed that in the first instance, the matter may be considered by a Group of Ministers consisting of Minister of Human Resource Development, Finance Minister and Deputy Chairman, Planning Commission. The meeting of the GoM was held on 28th July and minutes issued on 3.8.2005.<br><br>Now the Approval of the Government is granted for the following:<br><br>(i) That the Elementary Education sector should as a matter of Constitutional obligation, be assured Annual Plan allocations in a need based manner.<br>(ii) A Prarambhik Shiksha Kosh (PSK) be created in the Public Account, and all proceeds of the Education Cess credited into it, with minimum possible time lag.<br>(iii) PSK shall be maintained by the Ministry of Human Resource Development, Department of Elementary Education and Literacy, and amount available therein shall be non-lapsable.<br>(iv) Amount in PSK will be spent on (i) Sarva Shikshal Abhiyan, (ii) Mid-Day meal Scheme and, in any financial year, expenditure on these schemes will first be debited against the Other Budgetary Resources (OBR) component of the Plan allocation, and only after it is exhausted, to the Cess/PSK component.<br>(v) Savings in Major Head 2552 (pertaining to North Eastern Region) at the end of a financial year, relatable to Elementary Education, shall henceforth be credited into NLCPR, with the proviso that such savings will be utilized only for SSA and MDM. |

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| | | **2.1 Sarva Shiksha Abhiyan (SSA):**<br><br>Outlays to the extent of Rs.13411.55 crores have been approved for all the 35 States/UTs for the year 2005-06. An amount of Rs.39,003.76 crores has already been released to States/UTs by 12.9.2005, which is 55% of the budget for SSA, i.e. Rs.7156 crores.<br><br>The State of Goa has also joined the SSA Programme from the financial year 2005-06 and an amount of Rs.12.06 crores has been approved for implementation of SSA programme in the State. With this all States and UTs in the country are participating in SSA programme.<br><br>Teacher recruitment has picked up in 3 States in last six months where it was extremely slow or stalled viz., Chattisgarh (28499), Rajasthan (28640) and Bihar (50000).<br><br>**2.2 Mid-Day Meal Programme:**<br><br>During 2005-06, 11.91 Crores children are being covered under the scheme as against 11.20 crore during 2004-05. First installment of Central assistance to meet cooking cost has already been released to all States except Bihar, J&K, Kerala, Manipur, Punjab, A&N Islands and Delhi. Four States have not yet universalized the cooked Meal Programme. These four States are Bihar, J&K, Punjab and West Bengal. Minister HRD has written to the Chief Ministers/Governors of these States. Action on issues of provisioning of infrastructure, setting up of State, District and Block level Steering/Monitoring Committees, formulating State specific Guidelines and expenditure norms is being taken up with the State Governments. |
| 2. | **Right to Information**<br><br>In order to make the Freedom of Information Act, which is proposed to be entitled, as Right to information Act, more progressive, participatory and meaningful, the detailed proposals in this regard have been forwarded to the Government of India. | 'The Right to Information Bill 2005, as passed by the Houses of Parliament, received the assent of the President on 15th June, 2005 following which 'The Right to Information Act, 2005' has been notified in the Gazette of India on 21st June, 2005.<br><br>In order to carry out the provisions of the Act, the Central Government has notified 'The Right to Information (Regulation of Fee and Cost) Rules, 2005' on 16th September 2005. As for the rules to be made in regard to section 27 (2) (e) of the Act, draft of the 'Central Information Commission (Appeal Procedure) Rules, 2005' has been referred to the National Advisory Council for obtaining comments thereon. |

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| 3. | **Health Sector**<br><br>A detailed Paper outlining the Agenda for Action for the Health Sector has been formulated and forwarded to the Government of India. | The point-wise status given as under: -<br><br>• State Health Mission, and Rogi Kalyan Samiti have been constituted in various states. ASHA selection completed in MP, 10 districts of Assam & Chhattisgarh. MOU for NRHM has been signed in Mizoram.<br>• JSY has been finalized and launched to improve institutional delivery.<br>• Funds were released for strengthening immunization – AD Syringes, mobility, maintenance of Cold Chain etc.<br>• Joint Secretaries of M/o H&FW have been appointed as State Nodal Officers<br>• Rs.35.77 Crore has been released to 8 North-East States from the RCH Flexi-pool Budget of 2005-06.<br>• A Task Group on Medical Education has been constituted.<br>• A Draft cabinet note on empowerment of NRHM has been prepared and circulated to concerned Ministries for comments<br>• The First Meeting of Mission Steering Group for NRHM was held on 30.8.05.<br>• States launching of NRHM have been completed in MP, Chhattisgarh, Rajasthan, Bihar, Orissa and UP.<br>• Training of trainers for ASHAs is to begin from 19th September 2005 at New Delhi. |
| 4. | **National Rural Employment Guarantee Bill.**<br><br>The National Employment Guarantee Act will provide a legal guarantee for at least 100 days of employment, to begin with, asset creating public works programmes every year at minimum wages for at least one able-bodied person in every poor rural/urban and lower middle class household. In the interim, a massive Food-for-Work-Programme will be started.<br><br>A draft Bill on the subject which specifically addresses the rural areas has been prepared and forwarded to | The National Rural Employment Guarantee Bill, 2004 was introduced in the Lok Sabha on 21.12.2004. The Bill was passed by Parliament and has also obtained the assent of the President of India on 5.9.2005. The Act has been notified on 7.9.2005. M/o Rural Development is now in the process of preparation of guidelines and rules to give effect to the legislation. Minister for Rural Development has written to the CMs and MPs calling for their suggestions in this regard.<br><br>Introductory discussions regarding preparation of guidelines etc were held with State Secretaries of Rural Development on 9.9.2005. Minister (RD) also held discussions with Rural Development Ministers of all the States on 27.9.2005 with a view to soliciting suggestions needed to design an effective system of delivery. |

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| | the Government of India. | |
| 5. | **Universalization of Integrated Child Development Services**<br><br>With reference to Education and Health, the national Common Minimum Programme commits that the Integrated Child Development Services (ICDS) Scheme would be universalized to provide a functional Anganwadi in every settlement and ensure full coverage for all children.<br><br>**<u>The requisite proposals have been forwarded to the Government of India.</u>** | Government's decision to expand the ICDS Scheme has been implemented. Orders sanctioning additional Projects/Centres have been issued for all States/UTs, except Arunachal Pradesh and Tripura from whom complete information is still awaited.<br><br>Government has approved the following: -<br><br>(i) Modification in the grant-in-aid pattern of the ICDS Scheme to provide grant-in-aid to States/UTs for supplementary nutrition to the extent of 50% of financial norms or 50% of expenditure actually incurred, whichever is less.<br>(ii) Release of funds to the States/UTs as per pattern indicated at (i) above with effect from 1.4.2005, as per budget/revised estimates of the current and the next financial year.<br>(iii) Supplementary nutrition under the Scheme would not be confined to children, pregnant and lactating women from low-income group (BPL) families only.<br>(iv) Carrying out such changes in operational modalities, by the Department of Women & Child Development, as may be warranted, from time to time, for regular supply of supplementary nutrition and effective implementation of the ICDS Scheme. |
| 6. | **Board for Reconstruction of Public Sector Enterprises**<br><br>In order to devolve managerial and commercial autonomy to successful, profit making companies operating in a competitive environment, it has been suggested that the proposed Board's Terms of Reference should be such as to enable it to look into ways and means for strengthening the Public Sector Enterprises and making them more autonomous and professional, in addition to restructuring/advising on the closure or sale of Public Sector Enterprises. | The Board for Reconstruction of Public Sector Enterprises (BRPSE), set up on 6.12.2004, has held 21 meetings so far and considered 27 proposals of sick PSEs and submitted its recommendations in respect of 21 of them. The remaining 6 proposals of sick PSEs have been remitted to the concerned Administrative Ministries for further information/details. Meanwhile, 9 more proposals for revival/restructuring of sick PSEs have been received in Department of Public Enterprises for consideration of BRPSE. |
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| 7. | **Watershed Development**<br><br>Programmes for the rehabilitation of degraded lands to be implemented in Mission Mode, to integrate Watershed Development Programmes with the on-going Food for Work Programme (FWP), urgent identification of the degraded areas and to evolve mechanisms to select competent NGOs for social mobilization and institution building at the watershed level, revisions in the Guidelines to ensure equity, integration of the interventions by various Ministries, evolve systems for Village Communities to develop a stake in the conservation of resources, (PRIs) to be empowered to charge and collect water and electricity rates from the farmers, training to be imparted at all levels as well as to political functionaries from the Panchayats level upwards, putting in place mechanism for evaluation and monitoring, with greater involvement of Watershed Associations, Self-Help Groups and User Groups in planning, execution and financial management. | A revised Wasteland Atlas for identification of degraded lands in the country is under preparation and is likely to come out by the end of this financial year. The Ministry appointed a Committee under Shri S Parthasarthy, IAS (Retd.) on 14.2.2005 (before the NAC recommendations were received) to reassess and modify the existing criteria for categorization of arid, semi-arid and dry sub-humid areas and re-identification of DPAP/DDP blocks.<br><br>Zila Parishad/DRDAs have been empowered to involve NGOs for community mobilization and training.<br><br>Under the Hariyali Guidelines, the Gram Panchayats have been empowered to impose user changes on user groups for common utilities. However, the subject of empowerment of PRIs to charge and collect electricity rates from the farmers relates to the Panchayati Raj Ministry.<br><br>There is need to strengthen the Guidelines on the above aspects as suggested by the NAC, and the process has been initiated. |
| 8. | **National Rural Roads Programme.**<br><br>The National Rural Roads Programme, being handled by the Ministry of Rural Development, requires higher quantum of funds either by increasing the budgetary allocation or by leveraging the Diesel Cess to raise funds. | The estimated funds requirement is Rs.48,000 crore from 2004-05 to 2009-10. There is a net gap of Rs.19065 crore up to 2009-10 after factoring in the likely available resources.<br><br>Based on a Meeting in the Planning Commission, it is proposed that the gap would be met by an additional cess of Rs.25 per litre on diesel, additional loan/credit of Rs.5,600 crore from the World Bank/ADB and Rs.7065 crore to be raised from domestic financial institutions. This matter is being processed for Cabinet approval. |
| 9. | **Tribal Affairs**<br><br>Effective monitoring by Ministry of Tribal Affairs including proper implementation of PESA , fixing of measurable targets, linking devolution with performance, | A meeting of the Cabinet Committee on Tribal Affairs was held on 25.8.05. The Committee discussed various issues pertaining to the settlement of rights of forest dwellers including tribals on forest lands, the need for higher compensation to the project affected ST families for the loss of their livelihood under the Resettlement and Rehabilitation |

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| | measures to stop land alienation, access to forests, addressing issues of displacement and improving the quality of governance in tribal blocks with an emphasis of land records. | of their livelihood under the Resettlement and Rehabilitation Policy, implementation of the TSP strategy in letter and spirit, and the monitoring mechanism for implementation of PESA Act. After discussion, the Cabinet Committee constituted four Sub-Committees to go into the various aspects of the Terms of Reference of the Cabinet Committee and give their respective reports within two months.<br><br>**<u>Access to Forest rights and Eviction</u>**<br><br>*After considering the comments/suggestions received on the earlier draft Bill, a revised draft of the Scheduled Tribes (Recognition of Forest Rights) Bill 2005 has been prepared. The Ministry of Law & Justice has vetted this.*<br><br>The MoEF has also prepared a Model Bill – State/UT Minor Forest Produce (Ownership rights of Forest Dependent Community) Act 2005. The provisions of this Bill overlap the Bill drafted by the M/o Tribal Affairs.<br><br>The Committee of Secretaries, in a meeting held on 12.8.2005 examined the need for enacting the two Bills. Further action to finalize the Bill formulated by this Ministry would be taken on receipt of the directions from the Cabinet Secretariat. |
| 10 | **Autonomy of Cooperatives.**<br><br>Constitutional Amendment for Autonomy to Cooperatives, suggesting that Section 19(1) of the Constitution might be modified by adding a new Section 19 (1) (h). | A draft Note for the Cabinet, alongwith the draft Bill was sent to Ministry of Law and Justice (Department of Legal Affairs). After considering the advice of Department of Legal Affairs, the revised Note for the Cabinet alongwith the draft Bill has been sent again to that Department for vetting the proposal.<br><br>The matter is being pursued with the Ministry of Law to expedite their advice. |
| 11 | **Decentralization.**<br><br>Financial Devolution, Accountability and Performance of Panchayats, Implementation of the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, Gender Empowerment, Extensive use of | The Minister of Panchayati Raj in the meeting of GoM held on 24th August, 2005 for strengthening Panchayati Raj Institutions drew attention to three important suggestions: -<br><br>(i) All concerned Ministries should coordinate with MoPR in a time bound framework(3 months) to rationalize the policy for CSSs to ensure the centrality of Panchayati Raj Institutions and their responsibility to the Gram Sabha. |

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| | simple ICT Interventions for Transparency and Easier Access to Information and Services, Empowering of the Gram Sabhas and institutional linkage with User Committees, Activity Mapping of Items in Schedules XI and XII of the Constitution, Capacity Building of Panchayat Members. | (ii) To endorse the 4 point Programme on financial devolution and 3 point programme on accountability and performance of Panchayats.<br>(iii) A Sub-Group may be set up and issue directions to all relevant Ministries to harmonize relevant Central laws with Panchayats (Extension to the Scheduled Areas) Act 1996 (PESA).<br><br>2. The Minister of Panchayati Raj suggested that MoPR & MoEF could work out harmonious institutional linkages between elected Panchayats and Van Pancyayats. . He suggested that harmonization could be through reconceiving Van Panchayats as Sub-Committees or Standing Committees of Gram Panchayats.<br><br>3. The Finance Minister stated that prioritized Ministries may undertake an Activity Mapping expeditiously. Minister of Panchayati Raj informed that MoPR is persuading all States to undertake Activity Mapping and this exercise would also taken into account so as to not have any disjunction between State policy and Activity Mapping proposed to be undertaken by Central Ministries.<br><br>4. The Minister, Chemicals and Fertilizers stated that while Panchayats have to undoubtedly be strengthened, care must be taken to ensure adequate protection to weaker section, particularly SCs and STs. The Chairperson, GoM stated that problems in equitable treatment of SCs and STs are not insurmountable. The GoM set up to deliberate on Dalit affairs can be requested to send recommendations in order to ensure that Panchayati Raj undertakes equitable targeting of beneficiaries.<br><br>5. Minister, Tribal Affairs stated that regarding tribal areas, there is need for ensuring that all such areas including Sixth Schedule areas are covered under a Panchayati Raj system, in which District Councils are constituted in a similar fashion as District Panchayats and Village Councils strengthened as equivalents of Gram Panchayats.<br><br>The Dy. Chairman, Planning Commission suggested that each scheme guideline could include a brief statement of safeguards and reservations for the weaker sections as also the participative processes that a Panchayat has to follow in order to ensure that the concerns of all are addressed in planning. |
| 12 | **Complete Legal Equality of Women.**<br><br>Complete legal equality for women in all spheres, especially by removing discriminatory legislation and by enacting new legislation that gives women, for instance, equal rights of ownership of assets like houses and land. | <br><br>The National Commission for Women (NCW), has identified 42 laws as women specific or as having provisions affecting women and initiated the review of those Acts with a view to remove gender discriminatory provisions from them. The Commission has reviewed 32 Acts so far. An Inter Ministerial Committee on Complete Legal Equality for Women for monitoring the implementation of the |

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| | | recommendations of NCW met on 13.6.05 and identified about 15, of the 42 laws identified as concerning or impacting women.<br><br>The Hindu Succession (Amendment) Bill, 2004, which was introduced in the Rajya Sabha on 20.12.2004, has been passed by the Parliament in the Monsoon Session, 2005 and received the assent of the President and came into force w.e.f. 9.9.2005.<br><br>The Government introduced in Parliament the 'Protection of Women from Domestic Violence Bill, 2005 as a civil remedy to women subjected to violence and abuse within the family. Salient features of the Bill include appointment to of Protection Officers, involving NGOs as service providers, ensuring secured housing for the women etc. The Bill was passed by Lok Sabha on 24nd August 2005 and Rajya Sabha on 29th August, 2005. The Bill has received the assent of the President on 14.9.2005 as Act No. 43 of 2005. |
| 13 | **Judicial Reform**<br><br>To drastically reduce delays in the High Courts and lower levels of the Judiciary and to giving fresh momentum to Judicial Reforms, an early consideration of the proposal to constitute an All India Judicial Service recommended. | The lst, 8th and 11th Law Commissions had inter-alia recommended the formation of All India Judicial Service (AIJS). The Supreme Court of India also recommended vide its judgments delivered on 13.11.1991 in W.P. No. 1022 of 1989 and 24.8.1993 in Review Petition No.249/92 that an AIJS should be set up and the Union of India should take appropriate steps in this regard.<br><br>The recommendations of the Law Commission of India for setting up of an AIJS were discussed in a Conference of the Chief Justices held in October 1988. The Conference inter-alia passed a Resolution opposing the formation.<br><br>Since the creation of an AIJS would require co-operation of the State Governments and High Courts, views/comments of the State Governments/High Courts were sought. Most of the State Governments and High Courts had not favored formation of such service. For the creation of an AIJS, a resolution has to be passed by the Rajya Sabha under article 312 of the Constitution followed by an enactment of Parliament. In this regard, a Cabinet Note was under finalization for submission to Cabinet for its consideration and necessary approval. The Cabinet Note could not be finalized for want of consensus among the State Governments.<br><br>Meanwhile, the National Commission to review the working of the Constitution, submitted its report on this matter |

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| | | stating that after examining the responses received from the public and after detailed deliberations, the Commission decided that the formation of AIJS would not be a better alternative to the present system.<br><br>In the light of the above observations of the National Commission, the matter of formation of AIJS could not be proceeded with. The Parliamentary Standing Committee on Home Affairs, who had also recommended the formation in its various reports, had been informed of the National Commission's observations in this matter. |
| 14 | **Workers in Unorganized Sector**<br><br>To ensure the welfare and well-being of all workers, particularly those in the Unorganized Sector who constitute 93% of our workforce, Social Security, health insurance and other Schemes for such workers like weavers, handloom workers, fishermen and fisherwomen, toddy tapprs, leather workers, plantation labour, beedi workers, etc should be expanded. | The draft Bills prepared by M/o Labour & Employment, NAC and National Commission for Enterprises in the Unorganized Sector are still under examination. A reference dt. 13.8.05 was received from PMO stating that the PM has desired that the Ministry of Labour & Employment may expedite the examination of draft Bill on Unorganized Sector Workers given by NAC and Pension Bill could be considered together in Parliament. The LEM replied to the Hon'ble PM on 14.8.2005 that PM may immediately hold a meeting with CP, NAC; FM; Dy Chairman, Planning Commission; NCEUS and LEM to address the following issues before going to Parliament:<br><br>(a) Identification of beneficiaries<br>(b) Assessment of funds<br>(c) Provision of funds<br>(d) Machinery for implementation<br><br>A presentation has been made before the Dy. Chairman, Planning Commission on 14.9.2005 at 11 AM, where the members of NAC were also present. Further discussions are likely to be held very shortly. |
| 15 | **Modernization of Revenue Administration (leading to Clear Land Titles)**<br><br>Completely revamp the existing Centrally Sponsored Scheme into a new Centrally Sponsored Scheme that would address all the issues of recognizing clear Titles to land, updation of Land records, | The Minutes of the meeting of COS held on 9th August 2005 received. Consultation with States on the points mentioned in CMLR is scheduled for 16th September 2005. The Committee on Resurvey with Secretary, Rural Development as Chairman is meeting on 19th September 2005. |

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| | Computerization of these records and complete and free access to such records by all concerned. The new Centrally Sponsored Scheme could be called "A Scheme for Comprehensive Modernization of Land Records (CMLR). | |