

PRESS RELEASE

Text of the D.O. letter dt.24.5.2017 by **Thiru Edappadi K Palaniswami**, Hon'ble Chief Minister of Tamil Nadu to **Shri Narendra Modi**, Hon'ble Prime Minister of India, New Delhi.

I would like to raise with you the following important issues relating to Tamil Nadu which require the immediate attention of the Government of India:-

1. Approval of Tamil Nadu's Bills seeking exemption from National Eligibility cum Entrance Test (NEET) for the State Government Quota seats.
2. Setting up of All India Institute of Medical Sciences (AIIMS) in Tamil Nadu.
3. Release of pending claims under National Agriculture Insurance Scheme and Pradhan Mantri Fasal Bima Yojana (PMFBY).
4. National Project for Improvement and Rehabilitation of Irrigation systems in Cauvery Basin.
5. Construction of dams / check dams across Bhavani River by Kerala.
6. Inter linking of Peninsular Rivers (Pamba-Achankoil-Vaippar link).
7. Central Government support for Kudimaramath, an age old practice of people's participation in management of water resources.
8. Release of pending grants to Tamil Nadu.
9. Release of boats belonging to Indian Fishermen by Sri Lanka.

I enclose a brief note on each of these issues. I request you to kindly instruct the Ministries concerned to resolve these issues relating to Tamil Nadu at the earliest, given their urgency.

1) APPROVAL OF TAMIL NADU'S BILLS SEEKING EXEMPTION FROM NATIONAL ELIGIBILITY CUM ENTRANCE TEST (NEET) FOR THE STATE GOVERNMENT QUOTA SEATS

The concept of NEET was introduced with the basic objective of having a fair admission system for private medical colleges and to protect children from a multiplicity of examinations. This objective continues to be met as NEET is followed in Tamil Nadu for the private colleges, and Deemed Universities for their management quota seats and All India Quota Seats in State Government Colleges. **Tamil Nadu's system of admission applies only to State Government colleges and to seats surrendered by Private Colleges to the State Government quota and to students domiciled in Tamil Nadu. Tamil Nadu's existing system meets the test of fairness and transparency. Further, the State also has a policy of starting one Government Medical College every year, by investing around Rs.250 crores every year, with a view to not only provide opportunity for students to study MBBS, but also to strengthen the Public Health System.**

Introduction of NEET would nullify the policy initiatives taken to achieve specific socio-economic objectives, as it would favour urban, well off students. NEET places students from the State Board at a total disadvantage vis a vis CBSE students, as the syllabus, methodology and the content of the State Board and the examination pattern are quite different. The proportion of rural students joining Medical courses has increased from 50 % to 63% in the past decade. The access that Tamil Nadu has provided to rural students

from poor socio-economic backgrounds to medical education would be completely jeopardized by NEET. Now the students in the State are used to a system that relies on the marks in the final examination marks and have a bona fide expectation that the system would continue. **Replacing the present system with NEET is a very emotive issue and there is unanimity amongst all political parties in the State on this issue as it is not in tune with the existing policy of admissions to the Medical and Dental colleges.**

The current policy of admissions was introduced by the Government of Tamil Nadu after following a number of steps, starting from 2005, towards systematizing the admission process to medical colleges. Only after careful consideration, the State Government later abolished the entrance examinations for professional undergraduate courses in the State, by enacting the Tamil Nadu Admission in Professional Educational Institutions Act, 2006. This Act was finally given effect to after receiving the assent of the President under Article 254(2) of the Constitution. **This Act has been upheld by a decision of the Division Bench of the Madras High Court which was affirmed by the Apex Court.**

This measure was taken keeping in view the interests of students, particularly from the weaker sections and rural areas, to ensure that a level playing field is created. The Government of Tamil Nadu has taken the consistent stand that rural students and students from poorer socio-economic backgrounds will be unable to compete with urban elite students in

such Common Entrance Examinations, which are designed to favour the urban elite. The rural students will be put to great disadvantage because they lack the resources to enroll in training institutions and access materials available to urban students. A large number of socially and economically backward meritorious rural students have benefited by the Government of Tamil Nadu's decision to abolish the Common Entrance Examination.

For admission to Postgraduate courses, the Government of Tamil Nadu gives preference to those who have served in rural areas, with special weightage for those working in hilly and tribal areas. The State Government has also successfully obtained and enforced bonds from those completing Postgraduate education in Government Medical Colleges to serve the State Government for a minimum period, which has helped us to meet the need for specialist medical manpower in Government Hospitals.

Tamil Nadu is in an unique position as the only State where admissions to Professional courses is based on marks in the School Leaving examination not a separate entrance examination. More than 98 % of students in the State study in the State board. In 2016-17, in the State Board, 4.20 lakh students studied in the science stream with Biology in 6877 Higher Secondary schools while only 4,675 students studied in the same stream in 268 Central Board of Secondary Education (CBSE) schools in Tamil Nadu. More importantly, the CBSE schools in Tamil Nadu are mostly found in large urban centres. **School leaving examinations in Tamil Nadu have been conducted in a transparent manner and with unimpeachable integrity.** Tamil Nadu's Health Education and Health Human Resources

are amongst the strongest in the country, making it a Health Tourism destination. The State has the largest number of Government Medical Colleges. There are more than 1 lakh doctors in the State who are sought after elsewhere in the country and the world.

Government of Tamil Nadu has obtained a legal opinion that a State legislation on continuing the present system of admission for State Government Colleges and seats surrendered to the State quota would not be *ultra vires* of the Constitution, provided Presidential Assent is obtained under Article 254 (2) as was done for the Bill in 2006. The Hon'ble Supreme Court has held the conduct of an entrance examination does not fall within the purview of Entry 66 in List I (Union List) of the Seventh Schedule which covers "Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions". The State Government's competence to enact legislation derives from Entry 25 of List III (Concurrent List) which covers "Education, including technical education, medical education and universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I; vocational and technical training of labour".

In ***Modern Dental College and Research Centre Vs. State of M.P. (2016) 7 SCC 353*** a Five Judge Bench headed by Justice Anil Dave has observed as follows:-

"To our mind , Entry 66 in List I is a specific Entry having a very specific and limited scope. It deals with co-ordination and determination of standards in institutions of higher education or research as well as scientific and

technical institutions. The words 'co-ordination and determination of standards' would mean laying down standards. Thus when it comes to prescribing the standards for such institutions of higher learning, exclusive domain is given to the Union. However, that would not include conducting of examination etc., and admission of institutions or prescribing the fee in these institutions of higher education etc."

Therefore issue of admission is covered by Entry 25 of List III. The Bench also stated that "*Once the notifications under the Central statutes for conducting the CET called 'NEET' become operative, it will be a matter between the States and the Union, which will have to be sorted out on the touchstone of [Article 254](#) of the Constitution. We need not dilate on this aspect any further.*" **Therefore, GOI can permit a State specific legislation on admission to under Article 254 (2).**

Based on legal advice received, the "Tamil Nadu Admission to MBBS and BDS Courses Bill, 2017" and the "Tamil Nadu Admission to Post Graduate Courses in Medical and Dentistry Bill, 2017" were introduced and unanimously passed in the Tamil Nadu Legislative Assembly on 01.02.2017. Hon'ble Governor of Tamil Nadu has reserved the Bills for the assent of President of India under Article 254(2) of the Constitution of India on 18.02.2017. I presented a Memorandum to the Hon'ble Prime Minister on 27.02.2017 seeking early approval of the Government of India and Presidential assent for the two Bills.

As feared, in respect of the Post Graduate Medical and Dental courses, despite the assurances from Government of India, the High Court has ruled that the time tested Tamil Nadu policy of reservation of Post Graduate

degree courses cannot be given and the State would have to follow the MCI regulations on incentive marks and not the State pattern followed till last year leading to agitation by the Government doctors which has since been called off.

Tamil Nadu issued its prospectus for the Post Graduate Medical and Dental courses, following NEET-PG as the entrance examination and continuing the existing policy of reserving 50 per cent of State quota of Government seats for the candidates in Government service with the preferential marking system followed in earlier years. This was done keeping in mind that the Hon'ble Union Health Minister in his D.O.letter addressed to the late Hon'ble Chief Minister of Tamil Nadu, dated 6.9.2016 had given an assurance that States may impose conditions, as they deem fit, on State quota seats at UG/PG level.

As per the Regulation 9 of Post Graduate Medical Education Regulations, 2000, there is no reservation for in-service candidates for PG degree courses and no incentive marks for the persons working in rural/hilly areas. A piquant issue has arisen as the High Court of Madras has directed the State Government to follow Regulation 9 (IV) of PG Medical Regulations, 2000, by adding upto 30% marks (at the rate of 10% for one year) secured by the petitioners in NEET exam while preparing merit list for admission to PG courses for the academic year 2017-18 holding that the Regulation 9 is only effective and permissible basis for granting admission to in-service candidates. As the Government Doctors who are in service aspiring for

continuing their PG medical courses with the existing system of awarding marks for experience were seriously affected by the High Court order and expressed their protest. However the counselling has since started based on the High Court orders by following the MCI guidelines. The lack of assent of the Bill was one of the main reasons that the State could not protect its existing policy of Post Graduate admissions.

I had written to the Hon'ble Prime Minister on 20.4.2017 and 25.4.2017 detailing various judgements of the Supreme Court and legal position and emphasized that the permanent solution to ensure continuance of the present system of admission to PG courses in Medicine and Dentistry with statutory backing is to obtain the Presidential assent for the two pending State Bills, namely the "Tamil Nadu Admission to MBBS and BDS Courses Bill, 2017" and the "Tamil Nadu Admission to Post Graduate Courses in Medical and Dentistry Bill, 2017" and requested to expedite the same.

I request the Government of India that the approval for the above two Bills may be accorded immediately and the Presidential assent accorded to enable the State to continue its existing fair and transparent system of admission to Government Medical Colleges and Dental Colleges in the State.

2) SETTING UP OF ALL INDIA INSTITUTE OF MEDICAL SCIENCES (AIIMS) IN TAMIL NADU

The proposal to establish an AIIMS in Tamil Nadu was announced in the Union Budget 2015-2016. Five sites proposed by the State Government at Sengipatti in Thanjavur District, Thoppur in Madurai District, Pudukkottai Town in Pudukkottai District, Perundurai in Erode District and Chengalpattu in Kancheepuram District and all the details required by the Government of India were furnished. Although a Central Team visited Tamil Nadu as early as 23rd - 25th April, 2015 and inspected all the sites and submitted its report to the Government of India, so far the final decision on the location has not been announced by the Government of India. It is learnt that Sengipatti in Thanjavur District has been identified as the best suited location for setting up of AIIMS. Until March, 2017, it was informed by Government of India that the report of the Central team is under consideration. However, thereafter, the Ministry has sent a communication that a report on the sites under 'challenge method' may be sent. The State Government has sent its reply on May 4th 2017, although the "Challenge Method" for site location has not yet been formally notified by the NITI Aayog.

The final decision on the location of AIIMS in Tamil Nadu has so far not been announced. I request that the decision to locate the proposed AIIMS at Sengipatti in Thanjavur District may be announced forthwith and the financial sanction accorded by the Government of India without further delay.

3) RELEASE OF PENDING CLAIMS UNDER NATIONAL AGRICULTURE INSURANCE SCHEME AND PRADHAN MANTRI FASAL BIMA YOJANA (PMFBY)

i) NATIONAL AGRICULTURAL INSURANCE SCHEME 2015-16

Government of Tamil Nadu has implemented the National Agricultural Insurance Scheme since 2000 as per the Guidelines of Government of India. During 2015-16, 10.14 lakh farmers were enrolled under this scheme. As per the Guidelines, Government of Tamil Nadu has already paid the State share of premium subsidy of Rs.51 crore and the share of compensation of Rs.168.66 crore to the Agricultural Insurance Company of India Limited. It is informed that Government of India has not released its equivalent share of Rs.168.66 crore till date. Due to this, affected insured farmers of Tamil Nadu are yet to fully receive the compensation for the crop loss of 2015-2016.

Hence, I request the Government of India to release its compensation share of Rs.168.66 crore to facilitate the Agricultural Insurance Company of India Limited to fully disburse the claims to the aggrieved farmers of Tamil Nadu at the earliest.

ii) PRADHAN MANTRI FASAL BIMA YOJANA 2016-17

Pradhan Mantri Fasal Bima Yojana is being implemented by Government of Tamil Nadu since Kharif 2016. The massive efforts taken by the State Government in creating awareness among the farmers has led to a massive enrolment of farmers under this scheme with 15.199 lakh farmers enrolled covering an area of 12.564 lakh hectare, which is more than 41% of

the Gross Cropped Area of Agriculture and Horticulture crops during Rabi 2016-2017.

Crop Cutting Experiments in all the insured units were conducted in time with prior intimation to the concerned insurance companies to co-witness the same. Tamil Nadu stands first in uploading the Crop Cutting Experiments details in the GOI portal through mobile phone technology as emphasized by Government of India in the Operational Guidelines of Pradhan Mantri Fasal Bima Yojana.

The State share of premium subsidy for Rabi 2016-17 amounting to Rs.425.788 crore has been released to insurance companies and equivalent amount of Government of India share has also been released to insurance companies.

With regard to claim compensation **for Rabi 2016-17, so far, only Rs.20.23 crore has been disbursed to the affected insured farmers.** A sum of Rs.14.55 crore has been disbursed by Agricultural Insurance Company of India Limited, Rs.5.37 crore by ICICI Lombard and Rs.0.31 crore by New India Assurance Company Limited. **Even though the Insurance Companies have to process, approve and make payment of final claims based on the yield data within 3 weeks from receipt of yield data as per Pradhan Mantri Fasal Bima Yojana Guidelines para IX.1.12, all the Insurance Companies are found to be slow in disbursement of claim compensation to the affected insured farmers.**

Farmers of Tamil Nadu are already under distress due to the crop loss that was caused by the severe drought that prevailed during 2016-17. The delay in disbursement of compensation by the insurance companies would further enhance the agony of the aggrieved farmers.

Under the circumstances, it is requested that all the empanelled Insurance Companies implementing Pradhan Mantri Fasal Bima Yojana in Tamil Nadu may be directed to disburse the claim compensation immediately without any further delay which would otherwise, jeopardize the livelihood of farmers of Tamil Nadu.

4) NATIONAL PROJECT FOR IMPROVEMENT AND REHABILITATION OF IRRIGATION SYSTEMS IN CAUVERY BASIN

Government of India is advocating improvements in the efficiency of water use in the irrigation sector. The National Water Mission has repeatedly requested States to take up such projects and to improve productivity per unit of water. In this direction the Government of Tamil Nadu has proposed to take up a massive project for 'Improving and Rehabilitating the Irrigation Systems in the Cauvery Basin' at a cost of Rs.14,500 crore. The project was accepted in principle by the Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India. Under this project about 6.5 lakh hectares would be benefited. This project will be of great benefit to the farmers of the Cauvery Delta who frequently face poor irrigation water supply, which affects not only their livelihood but also the food security of the State. This project satisfies all the criteria stipulated for a National Project. I, therefore, request the Hon'ble Prime Minister to declare the 'Improvements and Rehabilitation of Irrigation system in Cauvery Basin' a National Project and instruct the Ministry of Water Resources, River Development and Ganga Rejuvenation to accord the necessary techno-economic and investment clearances at the earliest.

5) CONSTRUCTION OF DAMS / CHECK DAMS ACROSS BHAVANI RIVER BY KERALA

Government of Kerala has taken up the construction of dams and check dams across the river Bhavani and its tributaries without obtaining the concurrence of the lower riparian State, Tamil Nadu. Kerala has also not furnished the details of the projects taken up, either to Government of India or to Tamil Nadu. A mere statement that it is taking up the projects within its allocated share of Cauvery water, without furnishing the project details is not proper. It is understood that the construction of dams and check dams would obstruct the flow which would otherwise be utilized for drinking purposes by the people of Tamil Nadu and also affect the local ecology and environment. I, therefore, request the Hon'ble Prime Minister to advise the Government of Kerala to furnish all the details in respect of the projects that it has already constructed or are under construction or are proposed to be constructed. Further, Government of Kerala should be advised not to go ahead with any construction activities until the Cauvery Management Board is formed and becomes functional.

6) INTER-LINKING OF PENINSULAR RIVERS: PAMBA - ACHANKOVIL – VAIPPAR LINK

Under the Peninsular Rivers Development Component of the Inter Linking of Rivers, our revered leader, the late Hon'ble Chief Minister of Tamil Nadu, Puratchi Thalaivi Amma has repeatedly urged the Government of India to implement the interlinking of the Mahanadhi-Godavari-Krishna-Pennar-Palar-Cauvery-Vaigai-Gundar River and also to divert the surplus

waters of the west flowing Pamba and Achankovil Rivers to Vaippar in Tamil Nadu. I also reiterated this request in the memorandum presented to the Hon'ble Prime Minister on 27.02.2017. The National Water Development Agency (NWDA) formulated the Pamba – Achankoil – Vaippar Link Project in 1995, which envisages diversion of 22 TMC ft., that is only 20 percent of the surplus run-off waters of the Pamba and Achankoil rivers of Kerala, to irrigate an ayacut of 91,400 hectares of dry land in Tamil Nadu. The project will also help to generate 500 MW of hydel power for Kerala. The State of Kerala, which cooperated with the preparation of the Feasibility Report for the scheme by National Water Development Agency (NWDA), is now reluctant to give its concurrence to prepare the Detailed Project Report (DPR), although the project is mutually beneficial to both the States. I, therefore, request the Hon'ble Prime Minister to advise the Government of Kerala to accord its concurrence in the National interest.

7) CENTRAL GOVERNMENT SUPPORT FOR KUDIMARAMATH

Due to the severe drought situation in Tamil Nadu, all water bodies and tanks are dry and are having very limited water storage. To handle the drought situation and safeguard the agricultural activities in future in the State, the Government is reviving the Kudimaramath Scheme, an age old practice of people's participation in management of water resources, so as to increase the capacity of traditional water bodies by desilting, strengthening of bund, repairs of sluices and other masonry structures, etc. This will go a long way in drought proofing the State, therefore, the Government of India may extend an assistance of Rs.500 crore to supplement State Government funding of Rs.300 crore in 2017-2018, which would help restore more traditional water bodies in Tamil Nadu.

8) RELEASE OF PENDING GRANTS TO TAMIL NADU

The Government of India has reduced its share significantly in the Centrally Sponsored Schemes after the implementation of the Fourteenth Finance Commission's recommendations which has resulted in additional financial burden to the States, especially Tamil Nadu. Most of the States that have got the additional fiscal space, due to the Fourteenth Finance Commission's recommendations are in a comfortable position to bear this extra burden. But Tamil Nadu, not being a beneficiary of any additional resource devolution, is now forced to meet this additional expenditure from its own limited resources.

In this situation, I urge you to kindly consider to provide an annual special grant of Rs.2,000 crores for the remaining four years of the 14th Finance Commission award period to overcome this resources shortage to some extent, which is caused by disturbed resource sharing formulae of the 14th Finance Commission.

Further, I invite your kind attention to my previous letter wherein we had brought to your notice that a total amount of Rs.17,333.28 crores is pending with the Government of India for release to Tamil Nadu from various Union Ministries. Even after the issue has been brought to your notice, there had been little forward movement. As a result a total amount of Rs.16,959.04 crores is still pending to be released from various ministries to Government of Tamil Nadu.

As we have already stated, these pending releases are for expenditure incurred towards the implementation of various Centrally Sponsored Schemes and arrears of other dues. The Government of Tamil Nadu has gone ahead with the implementation of the Centrally Sponsored Schemes based on indicated outlays and approved action plans, to later find that adequate funds have not been made available in the Central Budget and the counterpart Central share has not been released. This has placed an immense additional stress on the State's finances resulting in a huge revenue deficit. I enclose a list of such pending items (Annexure) and request you to kindly issue suitable direction to the departments concerned for the early release of the amount due to the State.

I would like to highlight here that the largest amounts pending are in important and sensitive programmes. About Rs.1546.88 crore towards disbursement of Post-Matric Scholarship Schemes for Scheduled Caste students, Rs.1312.10 crore towards implementation of the Sarva Shiksha Abhiyan (SSA) intended for primary education and Rs.1588.11 crore towards Rashtriya Madhyamik Shiksha Abhiyan (RMSA) intended to promote secondary education. The long pending arrears have impacted the successful implementation of the schemes. Similarly the reimbursement of Rs.239.91 crore under the Right of Children to Free and Compulsory Education Act is being denied by the Government of India, though under the Act the Government of India is committed to reimburse the amount.

Tamil Nadu is facing a severe drought situation and the rural poor are completely dependent on MGNREGS for their livelihood. I am duty bound to bring to your notice that about Rs.1,285.49 crore is pending to be released towards the material component of the MGNREGS. I request you to kindly arrange to release this amount immediately for the benefit of the rural people of Tamil Nadu.

We were informed by the concerned Ministries that these amounts are pending release for want of adequate budget allocation. With the start of the new financial year, I request you to instruct your Ministries to give due priority to Tamil Nadu in releasing these pending arrear dues to the State. We were informed that, a 35% hike has been given in the Union Budget 2017-18 for Scheduled Caste Welfare Programmes. Therefore, I request you to instruct the Ministry of Social Justice and Empowerment to give due priority to Tamil Nadu in releasing pending arrear dues for Post Matric Scholarship Schemes. Early release of these funds will ease the fiscal stress the State is facing and enable the Government of Tamil Nadu to continue with the effective implementation of a range of programmes. I have enclosed a revised list of pending items amounting to Rs.16,959.04 crore (Annexure) and request you to kindly arrange for an early release of a major portion of the amount.

9) RELEASE OF BOATS BELONGING TO INDIAN FISHERMEN BY SRI LANKA

Since May, 2014, there have been 109 incidents in which 1257 Indian fishermen from Tamil Nadu were apprehended and 218 fishing boats were captured by the Sri Lankan Navy. Our revered leader Puratchi Thalaivi Amma had written to you repeatedly urging that such attacks on and abduction of innocent Indian fishermen by the Sri Lankan Navy have to be treated with utmost seriousness and cannot be tolerated.

Our fishermen, in an accommodative frame of mind have been coming forward to hold talks with the fishermen of Sri Lanka in the recent years. Four rounds of talks have so far been held and facilitated by the Government of Tamil Nadu on 27.1.2014 in Chennai, on 12.5.2014 in Colombo, on 24.3.2015 in Chennai and in New Delhi on 2.11.2016 again. The incidents of attacks on and arrests of our fishermen have, however, continued unabated.

As on date, there are 11 fishermen and 135 boats along with fishing gear in Sri Lankan custody. I request the Government of India to take urgent action through diplomatic channels to secure the release of the fishermen and all the boats at the earliest. Further, the Government of India must take **all efforts to protect the traditional fishing rights of the Indian fishermen from Tamil Nadu in the Palk Bay area and ensure their safety and security by restraining the Sri Lankan Navy from harassing them.**

Issued by : Director, Information and Public Relations, Chennai-9.