MEMORANDUM OF SETTLEMENT (BODO ACCORD)

1. Preamble:
i) Both the Government of India and the Government of Assam have been making earnest efforts to bring about an amicable solution to the problem of the Bodos and other Plains Tribals living in the north bank of river Brahmaputra within Assam.

ii) Towards this end, the Government of India held a series of meetings with the State Government as well as with leaders of All Bodo Students' Union (ABSU) and Bodo People's Action Committee (BPAC). The State Government has also separately held discussions with the Bodo leaders. As a result, it has been considered necessary to set up an administrative authority within the State of Assam under a scheme, the details of which are outlined in the succeeding paragraphs:

2. Objectives:
The objective of this scheme is to provide maximum autonomy within the framework of the Constitution to the Bodos for social, economic, educational, ethnic and cultural advancement.

3. a) Name: Bodoland Autonomous Council (BAC)

There shall be formed, by an Act of the Assam Legislative Assembly, a Bodoland Autonomous Council (BAC) within the State of Assam comprising contiguous geographical areas between river Sankosh and Mazbat/river Pachnoi. The land records authority of the state will scrutinise the list of villages furnished by ABSU/BPAC having 50% or more of tribal population which shall be included in the BAC. For the purpose of providing a contiguous area, even the villages having less than 50% tribal population shall be included. BAC will include reserved forests, as per the guidelines laid by Ministry of Defence and Ministry of Environment and Forests, Govt. of India, not otherwise required by the Government for manning the international border and the tea gardens located completely with the BAC contiguous area.

b) Powers:
The BAC shall comprise a Genera Council comprising 40 members, 35 elected on the basis of adult suffrage and having a life of five years. The Governor will have powers to nominate 5 members to the council, particularly from groups which could not have otherwise be represented. The council will have powers to make bye-laws, rules and orders for application within the BAC area on the subjects enumerated in schedule ‘A’.

c) The Executive Authority of the BAC would be exercised in its Executive Body to be known as Boidoland Executive Council (BEC). The BEC shall be responsible for implementation within the BAC area the laws on subjects enumerated in schedule ‘A’.
d) The General Council and the BEC will hold office during the pleasure of the Governor of Assam. Consultation with the state law department of Government of Assam would be necessary if the Governor proposes to dissolve either the General Council or the BEC before the expiry of its term in accordance with the provisions of law. The executive authority of the BEC will be exercised by the party enjoying a simple majority in the General Council. On completion of elections, the Governor would invite the leader of the majority party to constitute the BEC.

4. Finances:
1) a) The finances for the BAC will be earmarked under a separate sub-head within the state budget, in keeping with the guidelines laid down by the Government of India time to time. The Government of Assam would have no powers to divert the earmarked allocations to other heads/areas except in exigencies when there is unavoidable overall budget and

b) The provisions made in 4 (i) (a) regarding allocation of funds should be in line with the spirit of the constitution (seventy second) and (seventy third) amendment.

ii) The BAC would receive grant-in aid from time to time within the principles and policies enunciated by the Government of India.

iii) The General Council will have the powers to raise finances from levies/fees/taxes etc. on subjects mentioned in schedule 'A' subject to constitutional amendment mentioned above.

iv) The finances of the BAC will be managed exclusively by its General Council and the statement of its annual audited account will be laid on the table of the State assembly.

5. Powers of Appointments:
The Bodoland Executive Council would have the powers to appoint Class-III and Class-IV staff within its jurisdiction for implementation of schemes connected with the subjects enumerated in schedule 'A'.

6. Reservation of seats:
The Election Commission of India will be requested to consider seat reservation and delimitation of constituency, both Lok Sabha and State Assembly, within the BAC area to the extent permitted by the Constitution and the law.

7. Special provision for the BAC Area:
The General Council shall be consulted and its views will be given due regard before any law made on the following subjects, is implemented in the BAC area.
i) The religious or social practices of the Bodos.
ii) The customary laws and procedures; and
iii) The ownership and transfer of land within the BAC area.

8. Special Status for the Bodoland Autonomous Council:
The BAC shall, within the laws of the land, take steps to protect demographic complexion of the areas falling within its jurisdictions.

9. Special Courts:
Action will be taken in consultation of the Guwahati High Court to set up within the BAC area Special Courts as specified below to try suits and cases between parties all of whom belong to scheduled tribe or tribes in accordance with the tribal customary law and procedure, if any:

a) Village Courts
b) Subordinate District Customary Law courts within a civil sub-divisional territory, and
c) District Customary Law Court.

10. Appointment in the Central Bodies:
The claims of the Bodos shall be considered for appointments to the North-Eastern Council.

11. Official language:
The General Council can lay down the policy with regard to the use of Bodo language as medium of official correspondence within the BAC area. However, while corresponding with the offices outside the BAC area, correspondence shall have to be bilingual form and in accordance with the Article 345 of the constitution and the provision of law in this behalf.

12. Change in geographical boundary:
The geographical boundary of the Bodoland Autonomous Council as agreed upon can be changed with the mutual consent of the BEC and the Government of Assam.

13. Revision of list of scheduled caste and scheduled tribe:
The scheduling and descheduling of scheduled caste and scheduled tribe residing within the Bodo areas will be done as per the commission appointed by the Government of India under the Constitution.

14. Trade and Commerce:
The General Council will have powers to regulate trade and commerce within its jurisdiction in accordance with the existing law. For this purpose, it can issue permits and licences to individuals within the BAC area. The Government of Assam
and the Union Government while considering allotment of permits to the people residing within the BAC area will give preference to the Bodos.

15. Employment opportunities:
The BAC will have powers to reserve jobs for scheduled tribes within its jurisdiction. However, exercise of such powers shall be in accordance with the constitutional and legal provisions.

16. Civil and Police Services:
i) The Government of Assam may, from time to time, post officers of the rank of Class-II and above posts within the BAC area in accordance with the exigencies. While making these postings due regard will be given to the views of BEC about officers being so posted.

ii) The officers posted to the BAC area will be accountable to the BEC for their performance and the assessment of their own recorded by the BEC authorities, will be incorporated in their ACRs by the State Government.

iii) The Central Government, while making recruitment from the State of Assam to army, para-military forces and police units, will hold special recruitment drives within the BAC area.

17. Appointment of Interim Bodoland Executive Council:
The Government of Assam will take steps for the formation of an Interim Bodoland Executive Council for the BAC from among the leaders of the present Bodoland Movement who are signatories to this settlement, during the transition period, i.e. prior to the holding of elections. Such interim council would be formed before a prescribed date mutually agreed between the Central and State Governments.

18. Relief and Rehabilitation:
i) ABSU - BPAC leaders will take immediate steps to bring overground and deposit with the district authorities all arms, ammunition and explosives in the possession of their own supporters and will co-operate with the administration in bringing overground all Bodo militants along with their arms and ammunition etc. within one month of the formation of the interim BEC. In order to ensure smooth return to civil life of the cadres and to assist in quick restoration of peace and normalcy, such surrenders made voluntarily will not attract prosecution.

ii) The Government of Assam will consider sympathetically the withdrawal of all cases against persons connected with the Bodoland Movement excluding to those relating to heinous crimes.

iii) The Government of India will initiate steps for review of actions against the
Bodo employees of Government of India and subordinate offices as well as in respect of central government undertakings. Similar action would be taken by the Government of Assam.

iv) The Government of Assam will initiate immediate steps for suitable rehabilitation of the Bodo militants coming overground as a result of this settlement. Similarly the Government will organise ex-gratia payments as per rules to next of the kins killed during the Bodo agitation.

19. Share of collections of excise duty on tea:
   The Government of Assam will deposit in the BAC fund revenue collected from the tea gardens falling within the BAC area.

20. Protection of rights of non-tribals:
   The Government of Assam and the BAC will jointly ensure that all rights and interests of the non-tribals as on date living in BAC area in matters pertaining to land as well as their language are protected.

21. Ad-hoc Central grant for launching the BAC:
After the signing of this settlement, an ad-hoc budget on reasonable basis will be prepared by interim BEC and discuss with the State and Central Government for necessary financial support.

S/d
(S.K. BWISMUTHIARY)
President, ABSU

S/d
(RABIRAM BRAHMA)
21/2/93
General Secretary, ABSU

S/d
(K. S. RAO)
20/2/93
Addl. Chief Secretary to the Govt. of Assam.

S/d
(SUBHAS BASUMATARY)

Chairman, BPAC

S/d
(RAJESH PILOT)
20 Feb. 93
Minister of State (Internal Security), Ministry of Home Affairs, Govt. of India.

S/d
(HITESWAR SAIKIA)
20.2.93
Chief Minister of Assam

State Govt. of Assam.
MEMORANDUM OF SETTLEMENT

The Government of India and the Government of Assam have been making concerted efforts to fulfill the aspirations of the Bodo people relating to their cultural identity, language, education and economic development. Towards this end, a series of talks were held between Government of India, Government of Assam and the Bodo Liberation Tigers (BLT) since March, 2000. As a result, it is agreed to create a self-governing body for the Bodo areas in the State of Assam as follows:

2. Objectives

The objectives of the agreement are: to create an Autonomous self governing body to be known as Bodoland Territorial Council (BTC) within the State of Assam and to provide Constitutional protection under Sixth Schedule to the said Autonomous Body: to fulfill economic, educational and linguistic aspirations and the preservation of land-rights, socio-cultural and ethnic identity of the Bodos; and to speed up the infrastructure development in BTC area.

3. Area

3.1 The area of the proposed BTC shall comprise all the villages and areas as per Annexure I to be so notified by the State Government. The above mentioned villages and areas shall be divided in to 4 contiguous districts after reorganisation of the existing districts of Assam within a period of 6 months of the signing of the agreement on the lines of the proposal given by BLT subject to clearance of the Delimitation Commission.

3.2 A committee comprising one representative each from Governments of India & Assam and BLT will decide by consensus on the inclusion of additional villages and areas in the BTC from our villages and areas given in Annexure II on the basis of the criteria of tribal population being not less than 50%, contiguity or any other agreed relevant criteria within a period of months of signing of this MoS.

4. Status of Bodoland Territorial Council

The provision of the Sixth Schedule and other relevant Articles of the Constitution of India will apply to BTC, mutatis mutandis in terms of this agreement. The safeguards/modifications for the non-tribals in BTC area, inter-alia, will include the following:
4.1 Provisions of para 1(2) of Sixth Schedule regarding Autonomous Regions will not be applicable to BTC.

4.2 A provision will be made in Para 2(1) of the Sixth Schedule for increasing the number of members for BTC up to 46 out of which 30 will be reserved for Scheduled Tribes, 5 for non-tribal communities, 5 open for all communities and 6 to be nominated by Governor of Assam from the unrepresented communities from BTC area of which atleast two should be women. Nominated members will have the same rights and privileges as other members, including voting rights. Election from the 40 constituencies of BTC shall be on the basis of adult franchise. The term of the elected members of BTC shall be for 5 years.

4.3 Safeguards for the settlement rights, transfer and inheritance of property etc. of non-tribals will be suitably incorporated in para 3 of the Sixth Schedule. Any such law as may be made by the BTC in this regard will not, in particular:

a) Extinguish the rights and privileges enjoyed by the citizen of India in respect of his land at the commencement of BTC, and

b) bar and citizen from acquiring land either by way of inheritance, allotment, settlement or by way of transfer if such citizens were eligible for such bonafide acquisition of land within the BTC area.

4.4 Provision will be added in para 6 of Sixth Scheduled that in BTC area, language and medium of instruction in educational institutions will not be changed without approval of the state Government.

4.5 Provisions of para 8 of Sixth Schedule regarding power to assess and collect land revenue and impose taxes shall be applicable to BTC.

4.6 Para 10 of the Sixth Schedule will not be applicable to BTC area.

4.7 Provisions of Article 332(6) of the Constitution will be so modified that the existing status of representation of BTC area in the state Assembly is kept intact. After the creation of BTC, the Parliamentary & Assembly Constituencies shall be delimited by the Delimitation Commission in accordance with the provisions of the Constitution.

4.8 In the event, Panchayati Raj system ceases to be in force in the Council area, the powers
of the Panchayati Raj Institutions in such matters shall be vested with the Council.

The amendments to the Sixth Schedule shall include provisions in such a manner that non-tribals are not disadvantaged in relation to the rights enjoyed by them at the commencement of BTC and their rights and privileges including land rights are fully protected.

5. **Powers and Functions**

5.1 The council shall have legislative powers in respect to subjects transferred to it as enumerated at *Annexure III*. All laws made under this paragraph shall be submitted forthwith to the Governor and until assented to by him, shall have no effect. The BTC shall have executive, administrative and financial powers in respect of subjects transferred to it.

5.2 There shall be an Executive Council comprising of not more than 12 Executive Members, one whom shall be the Chief and another one the Deputy Chief of the said Executive Council. There shall be adequate representation for the non-tribal members in the Executive Council. The Chief and the Deputy Chief of the Council shall have the status equivalent to the Cabinet Minister and the other Executive Members equivalent to the Minister of the State of Assam for protocol purposes in the BTC area.

5.3 The BTC shall have the full control over the officers and staff connected with the delegated subjects working in the BTC area and shall be competent to transfer these officers and staff within the BTC area. ACRs of these officers shall also be written by the appropriate BTC authority.

5.4. BTC shall also be competent to make appointments for all posts under its control in accordance with the rules of appointment followed by the Government of Assam. However, the posts, where recruitment is made on the recommendation of APSC, shall not be covered under this provision. The Council may constitute a Selection Board for appointments to be made by it and may also make rules, with the approval of the Governor of Assam, to regulate appointments and to ensure adequate representation for all communities living in the Council area.

5.5 No posts shall be created by BTC without concurrence of the Government of Assam and it shall also abide by the decision of the Government of Assam in respect of abolition of /temporarily keeping vacant any post.
5.6 Development functions and bodies within the competence of BTC shall be transferred to BTC. In respect of DRDA, concurrence of Government of India will be obtained.

5.7 The offices of the Dy. Commissioners and Superintendent of Police will be outside the superintendence and control of BTC.

5.8 The State Government would provide an amount, to be decided every year on population ratio basis, as grants-in-aid in two equal installments to the BTC for executing development works. The proportionate share for the BTC shall be calculated on the basis of the plan funds available after setting aside funds required for earmarked sectors and the salary. This amount may be reduced proportionately if the state plan allocation is reduced or there is plan cut due to resource problem. In addition, the Council will be paid a suitable amount of plan-funds and non-plan funds to cover the office expenses and the salaries of the staff working under their control. The BTC shall disburse the salaries of the staff under their control and would ensure strict economy in the matter.

5.9 BTC authority shall prepare a plan with the amounts likely to be available for development works, both under State share and Central share, covering any or all the activities of the departments under their control. The Council shall have full discretion in selecting the activities and choosing the amount for the investment under the same in any year covering all groups of people in fair and equitable manner. This plan will be a sub set of the State plan and would be treated as its integral part. Once the plan of the State, including BTC plan, gets the approval of the Planning Commission, the BTC authority shall start execution of their plan in the BTC area. Modifications, if any, made by the Planning Commission in the BTC proposal, shall be binding on the BTC authority. The State Government shall not divert the funds allocated to the BTC to other heads and also ensure its timely release. BTC may have Planning Department to prepare the plans for BTC area to be submitted to Planning Commission through the Government of Assam.

5.10 The executive functions of the BTC shall be exercised through its Principal Secretary who shall be an officer of the rank not below that of Commissioner/Secretary to Government of Assam. The sanctioning powers of the Government of Assam shall be vested with the principal Secretary of BTC and sanctioning powers of head (s) of the Department (s) including for technical sanction shall be conferred on the senior most officer of that Department preferably not below the rank of Additional Director, who may be designated as Director of BTC for that department. The Principal Secretary and other officers shall exercise their powers under the overall guidance and supervision of BTC.
6. **Law and Order**

To strengthen the Police Administration, Government of Assam shall appoint an IGP for the 4 districts of BTC and the jurisdiction of the DIG Kokrajhar shall also be modified to cover these 4 districts.

7. **Revision of list of ST**

Consequent to the inclusion of BTC area in to the Sixth Schedule, the list of ST for the state of Assam shall be modified so as to ensure that the tribal status of Bodos and other tribals living outside the BTC area does not get affected adversely.

8. **Grant of ST status to Bodo Kacharis of Karbi Anglong and NC Hills districts.**

The Government of India agrees to consider sympathetically the inclusion of the Bodo Kacharis living in Karbi Anglong and NC Hills Autonomous Council area in the ST (Hill) List of State of Assam.

9. **Development of Bodo Language**

9.1 The Government of India agrees to consider favourably the inclusion of Bodo Language in Devnagri script in the Eight Schedule of the Constitution.

9.2 Bodo language shall be the official language of BTC subject to the condition that Assamese and English shall also continue to be used for official purposes.

10. **Additional Development Package for BTC**

10.1 The State Government, within the limitation of financial and other constraints, may offer or allow the Council to offer, possible and sustainable additional incentives for attracting private investment in the Council area and would also support projects for external funding.

10.2 In order to accelerate the development of the region and to meet the aspirations of the people, the Government of India will provide financial assistance of Rs. 100 crores per annum for 5 years for projects to develop the socio-economic infrastructure in BTC areas over and above the normal plan assistance to the State of Assam. The size of the Corpus will be reviewed after a period of 5 years. Suitable mechanism will be
built in the system to ensure that the funds are transferred to BTC in time and at regular intervals. An illustrative list of projects which may be considered to be taken up in BTC area is at Appendix IV.

10.3 Government of India will provide necessary one-time financial assistance required for development of administrative infrastructure in the newly created district headquarters, sub-divisional headquarters and block headquarters besides the BTC Secretariat Complex at Kokrajhar.

11. Centrally funded University

11.1 A Centrally funded Central Institute of Technology (CIT) will be set up to impart education in various technological/vocational disciplines such as Information Technology, Bio-technology, Food Processing, Rural Industries, Business Management, etc.

11.2 The CIT will be subsequently upgraded to a Centrally funded State University with technical and non-technical disciplines to be run by the BTC.

12. Relief & Rehabilitation

12.1 The BLT would join the national mainstream and shun the path of violence in the interest of peace and development. After the formation of the interim council of BTC, BLT will dissolve itself as an organisation and surrender with arms within a week of swearing-in of the interim council. The State Government would provide full support to relief and rehabilitation of the members of BLT who would surrender with arms in this process in accordance with the existing policy of the state. Financial support in such cases, however, shall be limited to be provisions of the scheme prepared and funded by the Government of India. Withdrawal of cases against such persons and those related to overground Bodo movement since 1987 shall be considered according to the existing policy of the State of Assam.

12.2 The government of India will initiate steps for review of action against the Bodo employees of Government of India and subordinate offices as well as in respect of Central Government Undertakings. Similar action would be taken by the Government of Assam.
12.3 Bodo youth will be considered for recruitment in Police, Army and paramilitary forces to increase their representation in these forces.

13. Special Rehabilitation Programme for the people affected by ethnic disturbances:

The Special Rehabilitation Programme (SRP) for the people affected by ethnic disturbances in Assam, who are at present living at relief camps in Kokrajhar, Bongaigaon etc. shall be completed by the Government of Assam with active support of BTC. Necessary funds for their rehabilitation shall be provided by the Government of India and lands which are free from all encumbrances required for such rehabilitation shall be made available by the BTC.

14. Interim Council

Immediately after signing of the agreement, Interim Executive Council for BTC shall be formed by Governor of Assam from amongst the leaders of the present Bodo movement, including the signatories to this settlement, and shall include adequate representation to the non-tribal communities in BTC area. The interim Council shall not continue for a period beyond 6 months during which period election to the Council shall be held. Government of Assam shall dissolve the Bodoland Autonomous Council (BAC) and repeal the BAC Act.

15. Government of Assam will consider inclusion of all tribals including Bodos in RHAC/MAC/LAC in consultation with leaders of these Councils.

16. The implementation of the provision of the Memorandum of Settlement shall be periodically reviewed by a Committee comprising representatives of Government of India, Government of Assam and BTC.

Signed on 10th February 2003 at New Delhi in the presence of Shri L.K. Advani, Hon'ble Deputy Prime Minister of India and Shri Tarun Gogoi, Chief Minister of Assam.
MEMORANDUM OF SETTLEMENT

Sitnang Broimayy-Chandam
Vice Chairman, BLT

Kampa Borgayari @ Mainao
Publicity Secretary, BLT

Tikendra Basumaty @ Derhacht
Secretary General, BLT

Hitesh Kumar Basumaty
Military Secretary, BLT

Dokendra Nath Brahmya 10/02/03
Secretary Intelligence, BL.T

Sahla Ram Basumaty @ Song Raja
Secretary Finance, BL.T

Minha Ram Basumaty
Home Secretary, BLT

Mithunswar Basumaty
Organizing Secretary, BLT

Rinot Narzary 10/2/03
Secretary, Arms & Ammunition, BL.T
Annexure

List of Subjects to be entrusted by the Govt. of Assam to the proposed BTC.

1. Small, Cottage and Rural Industry
2. Animal Husbandry & Veterinary
3. Forests
4. Agriculture
5. PWD
6. Sericulture
7. Education
   (a) Primary Education
   (b) Higher Secondary including vocational training
   (c) Adult Education
   (d) College Education (General)
8. Cultural Affairs
9. Soil Conservation
10. Co-operation
11. Fisheries
12. Panchayat and Rural Development
13. Handloom and Textile
14. Health & Family Welfare
15. Public Health Engineering
16. Irrigation
17. Social Welfare
18. Flood Control
19. Sports & Youth Welfare
20. Weights and Measures
21. Library Services
22. Museum & Archaeology
24. Tribal Research Institute
25. Land & Revenue
26. Publicity & Public relations
27. Printing & Stationery
28. Tourism
29. Transport

(9)
31. Municipal Corporation, Improvement Trust, District Boards and other local authorities
32. Welfare of Plain Tribes and Backward Classes
33. Markets and fairs
34. Lotteries, Theatres, Dramatic performance and Cinemas
35. Statistics
36. Food and Civil supply
37. Intoxicating liquors, opium and derivatives etc
38. Labour and employment
39. Relief and Rehabilitation
40. Registration of Births and Deaths
Illustrative list of Projects.

1. To establish a centre for development and research of Bodo language.
2. Upgradation of existing educational infrastructure by way of renovation/addition of buildings, providing modern facilities for teaching such as computers, science laboratories etc. from primary level to college level in BTC area.
3. A cultural complex to be established at Kokrajhar to promote and develop Bodo tradition and cultural heritage.
4. To establish a super-speciality hospital with all modern facilities at Kokrajhar. Government Hospitals shall be established in all district, sub-divisional and block headquarters.
5. To establish sports complexes in all the district headquarters.
6. Food processing plants and cold storage facilities at Kokrajhar, Kajolgaon, Udalguri and Tamulpur.
7. Construction of a bridge over river Aai to connect Koilamoila, Amguri etc. with the rest of the district.
8. To build a Bodoland Bhawan in Delhi.
9. To set up integrated agro-processing park and textile-cum-apparel park.
10. Revitalisation of Kokilabari Agricultural Farm.
11. To develop adequate infrastructure to promote Manas sanctuary as an international tourist spot.
12. To complete Champa, Suklai and Dhansiri irrigation projects.
13. To construct a highway on the Indo-Bhutan border from Jamduar to Bhairabkunda to connect remote places located adjacent to the border.
14. To set up model dairy, fishery, horticulture and poultry farms/training centres at different places in all the 4 districts to encourage youths for self-employment.
15. To enhance the existing facilities in veterinary hospitals in BTC area.
The following Act of Parliament received the assent of the President on the 7th September, 2003, and is hereby published for general information:

THE SIXTH SCHEDULE TO THE CONSTITUTION (AMENDMENT) ACT, 2003

No. 44 of 2003
[ 7th September, 2003.]

An Act further to amend the Constitution of India in its application to the State of Assam.

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:

1. This Act may be called the Sixth Schedule to the Constitution (Amendment) Act, 2003.

2. The Sixth Schedule to the Constitution shall, in its application to the State of Assam, have effect subject to the following modifications, namely:

   (1) In paragraph 1, after sub-paragraph (2), the following proviso shall be inserted, namely:

   “Provided that nothing in this sub-paragraph shall apply to the Bodoland Territorial Areas District.”
(2) In paragraph 2, after sub-paragraph (1), the following proviso shall be inserted, namely:-

"Provided that the Bodoland Territorial Council shall consist of not more than forty-six members of whom forty shall be elected on the basis of adult suffrage, of whom thirty shall be reserved for the scheduled Tribes, five for non-tribal communities, five open for all communities and the remaining six shall be nominated by the Governor having same rights and privileges as other members, including voting rights, from amongst the un-represented communities of the Bodo Land Territorial Areas District, of which at least two shall be women".

(3) In paragraph 2, in Sub-Paragraph (3) after the proviso, the following proviso shall be inserted, namely:-

"Provided further that the District Council constituted for the Bodoland Territorial Areas District shall be called the Bodoland Territorial Council."

(4) In paragraph 3, for Sub-Paragraph (3) the following sub-paragraph shall be substituted namely:-

"(3) Same as otherwise provided in sub-paragraph (2) of paragraph 3A or sub-paragraph (2) of paragraph 3B. All laws made under this paragraph or sub-paragraph (1) of paragraph 3A or sub-paragraph (1) of paragraph 3B shall be submitted forthwith to the Governor and until assented to by him, shall have no effect."

(5) After paragraph 3A, the following paragraph shall be inserted, namely:-

"3B, Additional powers of the Bodoland Territorial Council to make laws -

(1) Without prejudice to the provisions of paragraph 3, within its areas shall have power to make laws with respect to:-

(i) Agriculture, including agricultural education and research, protection against pests and prevention of plants diseases

(ii) Animal husbandry and veterinary, that is to say preservation, protection and improvement of stock and prevention of animal diseases, veterinary training and practice, cattle pounds.

(iii) Co-operation"
(iv) Cultural affairs
(v) Education, that is to say, primary education, higher secondary including vocational training, adult education, college education (general)
(vi) Fisheries
(vii) Flood control for protection of village, paddy fields, markets and towns (not of technical nature)
(viii) Food and civil supply
(ix) Forests (other than reserved forests)
(x) Handloom and textile
(xi) Health and family welfare
(xii) Intoxicating liquors, opium and derivatives, subject to the provisions of entry 84 of List I of the Seventh Schedule
(xiii) Irrigation
(xiv) Labour and employment
(xv) Land and Revenue
(xvi) Library services (financed and controlled by the State Government)
(xvii) Lotteries (subject to the provisions of entry 40 of List I of the Seventh Schedule) theatres, dramatic performances and cinemas (subject to the provision of entry 60 of least I of the Seventh Schedule)
(xviii) Markets and fairs
(xix) Municipal corporation, improvement trust, district boards and other local authority
(xx) Museum and archeology institutions controlled or financed by the State, ancient and historical monuments and records other than those declared by or under any law made by Parliament to be of national importance.
(xxi) Panchayat and rural development
(xxii) Planning and development
(xxiii) Printing and stationery
(xxiv) Public health engineering
(xxv) Public works department
(xxvi) Publicity and public relations
(xxvii) Registration of births and deaths
(xxviii) Relief and rehabilitation
(xxix) Sericulture
(xxx) Small, cottage and rural industry subject to the provisions of entries 7 and 52 of List I of the Seventh Schedule
(xxxi) Social welfare
(xxxii) Soil conservation
(xxxiii) Sports and youth welfare,
(xxxiv) Statistics
(xxxv) Tourism

1  (xxxvi) Transport (roads, bridges, ferries and other means of communications not specified in List of the Seventh Schedule, municipal tramways, ropeways, inland waterways and traffic thereon Subject to the provision of the List I and List III of the Seventh Schedule with regard to such waterways, vehicles other than mechanically propelled vehicles)

(xxxvii) Tribal research institute controlled and financed by the State Government
(xxxviii) Urban Development – town and country planning

(xxxix) Weights and measures subject to the provisions of entry 50 of List I of the Seventh Schedule and

(xl) Welfare of plain tribes and backward classes

Provided that nothing in such laws shall –

(a) extinguish or modify the existing rights and privileges of any citizen in respect of his land at the date of commencement of this Act; and

(b) disallow and citizen from acquiring land either by way of inheritance, allotment, settlement or by any other way of transfer if such citizen is otherwise eligible for such acquisition of land within the Bodoland Territorial Areas District.

(2) All laws made under paragraph 3 or under this paragraph shall in so far as they relate to matters specified in List III of the Seventh Schedule, be submitted forthwith to the Governor who shall reserve the same for the consideration of the President.

(3) When a law is reserved for the consideration of the President, the president shall declare either that he assents to the said law or that he withholds assent therefrom:

Provided that the President may direct the Governor to return the law to the Bodoland Territorial Council, together with the message requesting that the said Council will reconsider the law or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when the law is so returned, the said Council shall consider the law accordingly within a period of six months from the date of receipt of such message and, if the law is again passed by the said Council
with or without amendments it shall be presented again to the President for his consideration.

(6) In paragraph 4, after sub-paragraph (5) the following sub-paragraph shall be inserted, namely:

"(6) Nothing in this paragraph shall apply to the Bodoland Territorial Council constituted under the proviso to sub-paragraph (3) of paragraph 2 of this schedule."

(7) In paragraph 10, after sub-paragraph (3), the following sub-paragraph shall be inserted, namely:

"(4) Nothing in this paragraph shall apply to the Bodoland Territorial Council constituted under the proviso to sub-paragraph (3) of paragraph 2 of this Schedule."

(8) In paragraph 12, in sub-paragraph (1), in clause (a), for the words, figures and letter "matters specified in paragraph 3 or paragraph 3A of this Schedule", the words, figures and letters "matters specified in paragraph 3 or paragraph 3A or paragraph 3B of this Schedule" shall be substituted.

(9) In paragraph 17, the following provisio shall be inserted, namely:

"Provided that nothing in this paragraph shall apply to the Bodoland Territorial Areas District."

(10) In paragraph 19, after sub-paragraph (3), the following sub-paragraph shall be inserted, namely:

"(4) As soon as possible after the commencement of this Act, an Interim Executive Council of Bodoland Territorial Areas District in Assam shall be formed by the Governor from amongst leaders of the Bodo movement, including the signatories to the Memorandum of Settlement, and shall provide adequate representation to the non-tribal communities in that area:

Provided that the Interim Council shall be for a period of six months during which endeavour to hold the election to the Council shall be made.

(60)
Explanation:- For the purposes of this sub-paragraph, the expression “Memorandum of Settlement” means the Memorandum signed on the 10th day of February, 2003 between Government of India, Government of Assam and Bodo Liberation Tigers.”

(II) In paragraph 20, in part I of the Table, after entry 2, the following entry shall be inserted, namely:-

“3. The Bodoland Territorial Areas District.”

SUBIHASH C. JAIN,
Secy. to the Govt. of India.
GOVERNMENT OF ASSAM
DEPARTMENT OF WELFARE OF PLAIN TRIBES & BACKWARD CLASSES
DISPUR : : GUWAHATI – 6
ORDERS BY THE GOVERNOR
NOTIFICATION


In pursuance of Ministry of Law and Justice, Govt. of India’s Notification dtd. 8-9-2003 bringing into force the Sixth Schedule to the Constitution (Amendment) Act. 2003, the Governor of Assam is pleased to notify that “The Bodoland Territorial Areas District” as mentioned in Part I of the Table in Paragraph 20 of the Sixth Schedule of the Constitution of India (As amended) will consist of the following Administrative Units.

1. Kokrajhar District
   H.Q. Kokrajhar
   Notified vide Govt. of Assam Notification No. GAG (B) 137/2002/Pt/117, dated Dispur, 30th Oct/30.

2. Chirang District
   Head Quarter Kajalgaon
   -do-

3. Baska District
   Head Quarter Mussalpur
   -do-

4. Udalguri District
   Head Quarter Udalguri
   -do-

Sd/- B.B. Hagjer,
Secretary to the Govt. of Assam,
W.P.T. & B.C. Department, Dispur.

Memo No. TAD/BTC/161/2003/6-A, Dated Dispur, the 31st October, 2003
Copy to:-

1. The Accountant General, Assam, Beltola, Guwahati-29
2. The Private Secretary to the Chief Secretary, Assam, Dispur.
3. The Private Secretary to the Addl. Chief Secretary, Assam, Dispur.

4. The Principal Secretary to the Govt. of Assam / Commissioner & Secretary to the Govt. of Assam.
   Department, Dispur.
   They are requested to suitably modify jurisdiction of the field officers under their control in the light of this notification and also take necessary action in the light of the amendment of the Sixth Schedule.

5. The Secretary to the Governor of Assam, Rajbhavan, Guwahati.
6. The Secretary to the Govt. of Assam, Department, Dispur.

7. The Commissioner of Divisions

8. The Deputy Commissioner of Assam, Administration, Gauhati.

9. The Sub-Divisional Officer (Civil)

10. All Heads of Department.

11. The Private Secretary to the Chief Minister, Assam.

12. The Private Secretary to the Minister, Dispur.

13. The Private Secretary to the Minister of State, Dispur.

14. The Private Secretary to the Speaker, Legislative Assembly, Assam.

15. The Private Secretary to the Deputy Speaker, Legislative Assembly, Assam.

16. The Deputy Director, Assam Govt. Press, Bamunimaidam, Guwahati - 21. He is requested to publish it in the Extraordinary issue of the Assam Gazette and also to provide 500 spare copies to this Department.

By order etc.

Under Secretary to the Govt. of Assam,
Seperate paging is given to this Part in order that it may be filed as a seperate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 8th January, 2004/PauSana 18, 1925 (Saka)

The following Act of Parliament received the assent of the President on the 7th January, 2004, and is hereby published for general information:-

THE CONSTITUTION (NINETY-SECOND AMENDMENT) ACT, 2003

[ 7th January, 2004.]

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:-

1. This Act may be called the Constitution (Ninety-second Amendment) Act, 2003. Short title
2. In the Eight Schedule to the Constitution:

(a) existing entry 3 shall be re-numbered as entry 5, and before entry 5 as so re-numbered, the following entries shall be inserted, namely:-

"3. Bodo.
4. Dogri."

(b) existing entries 4 to 7 shall respectively be re-numbered as entries 6 to 9;
(c) existing entry 8 shall be re-numbered as entry 11 and before entry 11 as so re-numbered, the following entry shall be inserted, namely:-

"10. Maithili."

(d) existing entries 9 to 14 shall respectively be re-numbered as entries 12 to 17;

(e) existing entry 15 shall be re-numbered as entry 19 and before entry 19 as so re-numbered, the following entry shall be inserted, namely:-

"18. Santhali."

(f) existing entries 16 to 18 shall respectively be re-numbered as entries 20 to 22.

T.K. VISWANATHAN,

Secy. to the Govt. of India.
GOVERNMENT OF ASSAM
GENERAL ADMINISTRATION (B) DEPARTMENT
ORDERS BY THE GOVERNOR

NOTIFICATION
The 14th May, 2004

No. GAG (B).137/2002/pt/526 : In pursuance of the Government Notification No. GAG (B).137/2002/pt/117 Dated 30th October, 2003 published in the Assam Gazette No. 228, Dated 30th October, 2003 (Extraordinary), the Governor of Assam is pleased to reconstitute/set up the new Sub-Divisions in the newly created BTC districts with the villages and reorganize the existing Sub Divisions in the districts as under:

A. Kokrajhar District:


2. **Gossaigaon Sub Division**, Head Quarter - Gossaigaon: - All the villages of existing Gossaigaon Sub Division excluding the villages at Annexure II.


B. Chirang District:

1. **Bijni Sub Division**: - All the villages of existing Bijni Sub Division excluding the villages at Annexure-III

2. **Kajalgaon Sadar Sub Division (New)**: (a) All the villages excluding Bijni Sub Division Area of Chirang District including the villages at Annexure – III (b) All the villages of 31 – Sidli LAC of Government Notification No. GAG (B) 137/2002/pt/117. Dated 30.10.2003.

C. Baksa District:


3. **Salbari Sub Division, Head Quarter Salbari (New):** (a) All the villages of 40 - Sorbhog LAC, 43 - Barpeta LAC And 41 - Bhanapur LAC of Government Notification No. GAG (B). 137/2002/ Pt/117, Dated 30.10.2003. (b) All the villages in 63 - Chapaguri LAC as per Annexure at IV.

D. **Udalguri District:**

1. **Bherqaon Sub Division, Head Quarter Bhergaon (New):** All the villages of 64- Paneri LAC, 65 - Kalaigaon LAC of Government Notification No. GAG(B).137/2002/Pt/117, Dated 30.10.2003 and including the villages of Harisingha Circle under 69- Udalguri LAC as per Annexure at V

2. **Udalguri Sadar Sub Division (New):** All the Villages of 72 Barchalla LAC, 70 Mazbat LAC, 68 – Dolgaon LAC, 67 - Mangaldoi LAC and 69 - Udalguri LAC of Government Notification No. GAG (B).137/2002/Pt/117, Dated 30.10.2003 excluding the villages at Annexure-V.

E. **Dhubri District:**

1. **Dhubri Sadar Sub Division:** All the villages of existing Dhubri Sadar Sub Division including the villages at Annexure VI but excluding the villages transferred to Kokrajhar District vide Government Notification No. GAG (B). 137/2002/Pt/177, Dated 30.10.2003

2. **Bilasipara Sub Division:** All the villages of existing Bilasipara Sub Division excluding the villages transferred to Kokrajhar district vide Government Notification No. GAG (B).137/2002/Pt/117, dated 30.10.2003

F. **Bonqaigaon District:**

1. **Bonqaigaon Sadar Sub Division:** All the villages of Bongaigaon Sadar Sub Division excluding the villages transferred to Chirang district vide Government Notification No. GAG (B).137/2002/Pt/117, dated 30.10.2003.

2. **North Salmara Sub Division:** All the villages of North Salmara Sub Division excluding the villages transferred to Chirang district vide Government Notification No GAG (B).137/2002/Pt/117, dated 30.10.2003.
G. Barpeta District:

1. **Barpeta Sadar Sub Division**: All the Villages of existing Barpeta Sadar Sub Division excluding the villages transferred to BTC Districts vide Government Notification No. GAG (B). 137/2002/Pt/117, Dated 30.10.2003.

2. **Bajali Sub Division**: All the Villages of existing Bajali Sub Division excluding the villages transferred to BTC Districts vide Government Notification No. GAG (B). 137/2002/Pt/117, Dated 30.10.2003.

H. Nalbari District:

1. **Nalbari Sadar Sub Division**: All the villages of existing Sadar Sub Division excluding the villages transferred to the BTC Districts vide Government Notification No. GAG (B). 137/2002/Pt/117, Dated 30.10.2003.

I. Kamrup District:

1. **Rangia Sub Division**: All the villages or existing Rangia Sub Division excluding villages transferred to Baksa district vide Government Notification No. GAG (B). 137/2002/Pt/117, Dated 30.10.2003.

J. Darrang District:

1. **Mangaldoi Sadar Sub Division**: All the villages as per Annexure - V.

K. Sonitpur District:

1. **Tezpur Sadar Sub Division**: All the villages of existing Tezpur Sadar Sub Division excluding the 19 villages transferred to Udalguri district vide Government Notification No. GAG (B). 137/2002/Pt/117, Dated 30.10.2003.

Sd/-

(S.C. PANDA)
Commissioner and Secretary to the Government of Assam
General Administration (B) Department

Memo No. GAG (B). 137/2002/Pt/526-A Dated 14-02-2004

Copy for information and necessary action to:-

1. PPS to Chief Minister, Assam, Dispur, Guwahati - 6
2. PS to All Minister/Minister of States, Assam, Dispur, Guwahati - 6
3. PS to Chief Secretary, Assam, Dispur, Guwahati - 6
4. PS to All Additional Chief secretaries, Assam, Dispur, Guwahati - 6
5. PS to Chief Vigilance Commissioner, Assam, Guwahati
6. PS to All Principal Secretaries, Assam, Dispur, Guwahati - 6
7. PS to Agricultural Production Commissioner, Assam, Dispur, Guwahati - 6.
8. PS to Chairman, Assam Board of Revenue, Panbazar, Guwahati – 1.
9. PS to Chairman, Administrative Tribunal, Panbazar, Guwahati – 1.
11. PS to Secretary, Assam legislative Assembly, Dispur, Guwahati – 6.
12. The Registrar, Guwahati High Court, Guwahati – 1.
15. The Commissioner of Income Tax, Guwahati.
17. The Director of Survey, Assam, Guwahati.
18. The Director of Land Records, Assam, Guwahati.
19. The Director of Census Operation, Assam, Ulubari, Guwahati.
20. The Survey of India, Ganeshguri, Guwahati.
22. All Divisional Commissioner, Assam.
23. All Deputy Commissioners, Assam.
24. All Sub-divisional Officers (Civil), Assam.
25. All Administrative Department, Assam.
26. All head of Department, Assam.
27. The Director, Information and Public Relation, Assam, Dispur, Guwahati – 6.
28. The Deputy Director, Government Press, Bamunimaidam, Guwahati – 21 for immediate publication of the Notification in the next issue of the Assam Gazette.

By order etc.

Joint Secretary to the Government of Assam
General Administration (B) Department
Dispur, Guwahati - 781006
OFFICE MEMORANDUM

Whereas in pursuance to the memorandum of Settlement (MOS) reached between the Govt. of Assam, Govt. of India and Bodo Liberation Tigers on the 10th day of February, 2003 in New Delhi, in presence of the Deputy Prime Minister of India, it has been agreed to create Bodoland Territorial Council within the framework of amended Sixth Schedule of the Constitution of India, and

Whereas the Govt. of Assam, vide notification No. TAdBTC/161/2003/6, dated 31st October, 2003 adopted and approved the afore-said MOS and resolved to extend executive powers to the 40 (forty) subjects/Dept.s listed in Annexure - III of the MOS, and

Whereas the Governor of Assam has been pleased to entrust and delegate the functions relating to 39 (thirty nine) subjects/Dept.s, (excluding Relief & Rehabilitation Dept.) listed in para 3 (B) of the Sixth Schedule (as amended) of the Constitution of India and to which the executive powers of the State of Assam extends,

Now therefore, the following administrative procedure and modalities are framed by the State Government in consultation with the Bodoland Territorial Council for the purpose of day-to-day administration in respect of the thirty nine subjects/departments (excluding Relief & Rehabilitation) referred to above -

(A) In order to enable the Bodoland Territorial Council to finance the expenditure of the thirty nine entrusted subjects/departments without difficulty, the Government of Assam shall make Plan funds available as advance under the Head “8443-K-Deposits & Advances - (B) deposit not bearing interest - 8443 Civil deposit-K Deposits (Personnel) deposit (BTC)”. The State Government of Assam shall release the funds on a six monthly basis in April and October of each financial year subject to the availability of resources with the State Govt. The Council shall submit the detailed accounts every month to the Accountant General, Assam, to make necessary adjustment by debit to the appropriate Head of Account of the State Budget

(B) The Council shall ensure that the existing rules, instructions, norms, guidelines etc. of the Govt. of India and the State Govt., governing the implementation of the plan schemes relating to the

(105)
entrusted subjects/departments and other matters including non-plan matters relating to the
entrusted subjects/departments are followed strictly till the Council frames Rules for the purpose
in terms of the provisions of the Sixth Schedule to the Constitution of India, it being understood
that the Rules, direction etc. of the Govt. of India, Comptroller and Auditor General of India
and other sound financial management/principle shall always be followed.

(C) The State Govt. would decide the modalities for the transfer of plan and non-plan funds to the
BTC in due course of time.

(D) The council shall be responsible to the State Legislature in all matters relating to the funds
transferred to the council and for this purpose, the Principal Secretary and other Secretaries to
the Council shall be made available for examination by the Public Accounts Committee and
other Committees of the State Legislature.

(E) The Council shall appoint a Principal Secretary who shall be an officer in the rank of
Commissioner & Secretary to the Govt. of Assam, and for this purpose, the Govt. of Assam will
place the services of an IAS, officer of Assam Cadre, of this rank, at the disposal of the Council.
The State Govt. will make available the services of officers in the rank of Joint Secretaries to
the Govt. of Assam for appointment as Secretaries to the Council. The State Govt. will also
make available Deputy Secretaries, Under Secretaries from the Assam Civil Service and from
Technical Departments as may be required for appointment of Joint Secretaries and Deputy
Secretaries respectively of the Council. The service in the rank of EAC from Assam Civil
Service and officers of equivalent rank from technical department also would be placed at the
disposal of the Council for appointment as Under Secretaries. All these officers shall be on
deputation from the State Government to the Council as per usual terms and conditions and
their services shall be placed at the disposal of the Council with prior consultation with Council.

(F) The executive functions of the BTC shall be exercised through its Principal Secretary. The
sanctioning powers of the Govt. of Assam shall be vested with the Principal Secretary of BTC
and sanctioning powers of the HODs, including the power of technical sanction shall be conferred
on the senior most officer of that Dept. preferably not below the rank of Addl. Director, who
may be desired as Director of BTC for the Dept. The Principal Secretary and other officers shall
exercise their powers under the overall guidance and supervision of BTC.

(G) The BTC shall have full control over the officers and staff connected with the entrusted subjects,
working in the BTC area and shall be competent to transfer these officers and staff within the
BTC area. ACRs of these officers shall also be written by the appropriate BTC authority.

(H) BTC shall be competent to make appointment on all posts under its control in accordance with
the Rules of appointment followed/prescribed by the Govt. of Assam. The Council shall constitute
a Selection Board for appointment to be made by it and shall also make Rules, with the approval
of Govt. of Assam, to regulate appointments. All circular relating to the filling up of vacancies
and appointment issued by Govt. of Assam from time to time, shall be followed fully.
However, the posts where recruitment is to be made on the recommendation of APSC, shall not be covered under this provision.

(I) The Chief Executive Member/Executive Member/Principal Secretary/Secretary to the Council shall be competent to initiate/review/accept the Annual Confidential Reports (ACRs) of all the officers and staff placed under the administrative control of the Council. The administrative control of the Council over the officers and staff at its disposal shall be complete in all matters of intra Council transfer and posting. As regards disciplinary actions, against the officers and staff of the entrusted subjects/departments, the Council shall exercise the powers as the Borrowing Authority and the State Govt. shall exercise powers as the lending authority and both the State Govt. and the Council shall follow the relevant rules, regulations etc. of the respective service rules.

(J) The State Government shall consult the Council, while posting and transferring the officers of the entrusted subjects/departments in or out of the Council. The officers and staff not released by the Council shall normally not be accepted by the State Government. Before deputing any officer or staff, the Govt. shall provide a panel of names, enabling the Council to select and accept the same. The State Govt. shall take necessary action under the relevant rules and procedure against the officers and staff, found involved in any prima-facie case of misconduct/dereliction of duty etc. during the period of deputation to the Council and even after they are repatriated to the State Govt. In case of any difference of opinion between the State Govt. and the BTC on such matters, a reference will be made to the WPT & BC Dept. for final decision.

(K) The salary and allowances of the Principal Secretary and other Secretaries / Deputy Secretaries as well as the officers and staff of the entrusted subjects / departments who are on deputation to the Council shall be paid by the Council and necessary funds for this purpose shall be made available to the Council by the State Govt. In respect of Provident Fund, Group insurance and other related matters, these officers and the staff shall continue to be controlled by the State Govt. The council shall not be liable to pay any leave salary, pension contribution etc. in respect of these officers and staff of the entrusted subjects/departments placed under their administrative control.

(L) The Bodoland Territorial Council shall prepare the estimate of receipt and expenditure pertaining to Bodoland Territorial Council in respect of entrusted subjects/departments as per the allocations norms etc. communicated by the State Government.

The Bodoland Territorial Council in their Council session shall consider the estimated receipts and expenditure pertaining to Bodoland Territorial Council in respect of entrusted subjects/departments and send the same along with the synopsis for consideration to the State Govt. within the stipulated time as provided for in the paragraph 13 of the Sixth Schedule to the constitution of India. Ordinarily no change will be made in the estimated receipts and expenditure.
as considered by the Bodoland Territorial Council in respect of the entrusted subjects/departments. However, for any reasons, if it becomes necessary to do so, the Council shall be consulted and reasons for the proposed change shall be explained. The State Government shall then place the estimated receipts and expenditures as considered by the Bodoland Territorial Council, along with the synopsis before the State Legislature, as provided for in the paragraph 13 of the Sixth Schedule to the Constitution of India.

(M) Bodoland Territorial Council authority shall prepare a plan with the amounts likely to be made available for development works, both under the State share and Central share, covering any or all the activities of the departments under their control. The Council shall have full discretion in selecting the activities and choosing the amount for the investment under the same in any year. This plan will be a sub-set of the State Plan and would be treated as its integral part. Once the plan of the State, including BTC plan, gets the approval of the Planning Commission, the BTC authority shall start execution of their plan in the BTC area. Modification, if any, made by the Planning Commission in the BTC proposal, shall be binding on the BTC authority. BTC shall have a Planning Dept. to prepare the plans for BTC area to be submitted to Planning Commission through the Govt. of Assam.

(N) All Centrally sponsored schemes/Central sector schemes/NEC schemes/Externally aided schemes, etc. in respect of the entrusted subjects/departments for which funds will be released by the State Govt. to the Council as per sanction and release by the Govt. of India to the State Govt. shall be implemented by the Council as per norms and guideline of the Govt. of India and the State Govt.

(o) The BTC will exercise its legislative powers as conferred under clause 3(B) of the Sixth Schedule of the Constitution of India.

(P) The delegation of executive powers in respect of Relief and Rehabilitation shall be notified separately.

(Q) In case of any difficulty in interpretation of any of the clauses of the MOS or this OM, the matter shall be referred to the Governor, whose decision in the matter shall be final.

\[\text{Principal Secretary to the Govt. of Assam} \\
\text{WPT & BC Department.}\]

(108)
Memo No. TAD/BTC/222/03/51-A Dated Dispur, the 15th October, 004.

Copy to:
1. The Accountant General, Assam, Maidamgaon, Beltola, Guwahati - 29.
2. P.S. to the Chief Secretary to the Govt. of Assam, Dispur.
3. Addl. Chief Secretary to the Govt. of Assam, Dispur.
4. The Principal Secretary to the Govt. of Assam.
   ------------------ Department, Dispur.
5. The Commissioner & Secretary/Secretary to the Govt. of Assam
   ------------------ Department, Dispur.
6. Commissioner of Divisions
7. The Director
8. The Deputy Commissioner
10. The Principal Secretary, Bodoland Territorial Council, Kokrajhar.
11. The Director, Ministry of Home Affairs, Government of India, New Delhi-110001.

By order

Principal Secretary to the Govt. of Assam
WPT & BC Department.