Appendix F

(Copy of the amendment Act of the sixth Schedule to the Constitution of India in pursuance of the memorandum of settlement signed on 10th February 2003)

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

No.44 of 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: - “Provide that nothing this sub-paragraph shall apply to the Bodoland Territorial Areas Districts”.

(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 five open for all communities and the remaining six shall be nominated by the Governor having same rights and privileges as other
(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 Council;"

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

"(3) save 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, the Bodoland Territorial Council 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 plant 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 education including vocational training, adult education, college education (general); vi. fisheries: vii. ..."
Flood control for protection of village, paddy fields, markets and towns (not technical nature); viii. Food and civil supply; ix. Forests (other than reserve 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 1 of the Seventh Schedule; xiii. Irrigation; xiv. Labour and employment; xv. Land and Revenue; xvi. Library services (finance and controlled by the state Government); xvii. Lotteries (subject to the provisions of entry 40 of List 1 of the Seventh Schedule); theatres, dramatic performances and cinemas (subject to the provisions of entry 60 of List 1 of the Seventh Schedule); xviii. Markets and fairs; xix. Municipal Corporation, improvement trust, district boards and other local authorities; xx. Museum and archaeology 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 stationary; xxiv. Public health engineering; xxv. Public works department; xxvi. Publicity and public relations; xxvii. Registration of birth 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 1 of the Seventh Schedule; xxxi. Social welfare; xxxii. Soil conservation; xxxiv. Statistics; xxxv. Tourism; xxxvi. Transport (roads, bridges, ferries
and other means of communications not specific not
specified in List 1 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 1 of the Seventh Schedule; and xl.
Welfare of plains 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 any 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 Council 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 reverse the same for the
consideration of the President.

(3) When a law is reserved for the consideration
of the President shall declare either that he assents to the said
law or that he withholds assent there form:
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 amendment 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 (10, in clause (a) , for the words , figure and letter “ matters specified in paragraph 3 or paragraph 3A or paragraph 3B of this Schedule” shall be submitted;

(9) In paragraph 17, the following proviso 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 for Bodoland Territorial Areas District in Assam shall be formed by the Governor from amongst leaders of the Bodo Movement, including the signatories of 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.
Explanation: - For the purpose 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”.

(11) 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”;

Subash C. Jain
Secretary to the Govt. of India