Chapter – II

Administrative Structure, Powers and Functions of the BTC
As stated in the previous chapter, after a rigorous agitation programme, the Bodo movement was brought under agreement by signing the Memorandum of Settlement (MoS) between the ABSU and Bodoland Liberation Tigers (BLT) leaders and the Central and the State Governments on 10th February, 2003. It has been agreed to create Bodoland Territorial Council within the framework of amended Sixth Schedule to the Constitution of India. After signing the MoS, it took almost a year to amend the provisions of the Sixth Schedule to facilitate the establishment of the BTC. Subsequently, the Government of Assam, by vide notification No. TAD/BTC/161/2003/6, on 31st October, 2003, adopted and approved the aforesaid MoS and resolved to extend executive powers to the 40 subjects. The BLT, which accepted the BTC agreement, and its chief, Hagrama Mohilary, was sworn in as the Chief Executive Member of the interim BTC on 7th December, 2003. The BTC was made operational from 7th December, 2003 consisting of 12 Executive Members provisionally.

Thus, the Bodoland Territorial Council was added to the list of District Councils of the North East India as one of the autonomous administrative set-up to administer their own affairs. The BTC has been empowered with legislative, executive and financial powers and functions over 40 subjects. As in the title cited above, this chapter has examined the administrative structure, that is, the executive body, different portfolios of the Council and the powers and functions of the BTC under the provisions of the Sixth Schedule. Before going into the main discussion of this chapter, a glimpse of BTC Profile has been also presented.

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1 Some Importance Acts and Amendment of Indian Constitution concerning BTC, (Department of Printing and Stationaries, BTC, 2005),
2.1 Profile of the BTC and its Physical Area

**Location:** The area under the Bodoland Territorial Council's jurisdiction is called the Bodo Territorial Areas District (BTAD). The geographical boundary of the BTC lies between 26°7'12"N to 26°47'50"N latitude and 89°47'40"E to 92°18'30"E longitude and it is situated in the North Western part of Assam. Bodoland is an area located in the northern banks of the river Brahmaputra along the southern foothills of Bhutan and Arunachal Pradesh. Currently the Bodoland map includes the Bodoland Territorial Areas District (BTAD) administered by an autonomous Bodoland Territorial Council (BTC). The Bodoland area overlaps with that of the districts of Kokrajhar, Baksa, Chirang and Udalguri in the state of Assam. At present, Kokrajhar town serves as the headquarters (capital) of Bodoland. Kokrajhar town lies roughly between 26°25'N longitude and 99°16'38"E latitude.

**Boundary:** The boundary of the BTC in the north is shared by Bhutan and Arunachal Pradesh and these boundary lines are called Indo-Bhutan International Boundary and Assam-Arunachal Pradesh Inter State Boundary respectively; in the east are the Panchnoi River and the Sonitpur district of Assam; in the south is an artificial zig-zag boundary line that is shared with parts of Dhubri, Bongaigaon, Barpeta, Nalbari, Kamrup, Darrang and Sonitpur districts of Assam; and in the West is the Sankoch River. The area is outlined by the Assam-West Bengal Inter State boundary in the northern portion and down below by an artificial boundary line shared with the remaining portions of Kokrajhar and Dhubri districts.

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2. Profile on Public Health Engineering Department, BTC, (Published by PHE Department, Kokrajhar, 2007).
Area Covered: The BTC comprises of four new contiguous districts under its jurisdiction, namely, Kokrajhar, Baksa, Udalguri and Chirang – which are located on the northern banks of the Brahmaputra Valley. These are being carved out of eight districts of Assam, namely, Dhubri, Kokrajhar, Bongaigaon, Barpeta, Nalbari, Kamrup, Darrang and Sonitpur. The total area of these eight districts is about 27,100 square kilometres which is around 35 percent of the total area of Assam. The area of the BTC comprises about 40 per cent of the total area of these eight districts. Thus, the jurisdiction of the BTC covering the newly re-organised four districts extends over 8970.00 square kilometres. The district wise area covered has been shown in Table 2.1:

Table : 2.1 Name of the Districts with Area

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name of the Districts</th>
<th>Area in Square Kilometre (Sq. Km.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Kokrajhar</td>
<td>3169.22</td>
</tr>
<tr>
<td>2</td>
<td>Chirang</td>
<td>1069.96</td>
</tr>
<tr>
<td>3</td>
<td>Baksa</td>
<td>3056.89</td>
</tr>
<tr>
<td>4</td>
<td>Udalguri</td>
<td>1673.93</td>
</tr>
<tr>
<td>Total</td>
<td>Area under BTC</td>
<td>8970 Sq. Km.</td>
</tr>
</tbody>
</table>


Population: The total population in the BTC area as per 2001 Census report is 29.21 lakhs, out of which, the ST population is around 52 percent, and out of which only 3 percent lives in urban areas. The average density of the population in the BTC is 326 per square kilometres as compared to 340 per square kilometres of Assam. In the BTC area, majority among the tribal communities inhabiting it are Bodos, followed by the Rabhas, the Garos, the Mishinngs, etc. The other general communities are the Adivasis, the Santals, the Uraos, the Kochs, the Rajbongshis, the

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3 Profile on Forest and Wildlife of BTC, (Published by Forest Department, BTC, Kokrajhar).
4 Profile on Public Health Engineering Department, BTC, op. cit.
Bengalis, the Assamese, the Muslims, the Biharis, the Nepalis and the Scheduled Caste people are also found in certain percentage in the areas.

According to the Memorandum of Settlement (MoS), the BTC is comprised of 3,082 villages. But the BLT leaders signed the MoS even though they had reservations over this number and demanded that an additional 95 villages be included in the BTC territory. In the negotiations that followed the signing of the MoS, it was agreed that another 13 villages (or a 25 villages, according to other reports) would be included in the BTC area, thus bringing the total number of villages under the BTC area, as of now, to 3,095. Further, discussions over the inclusion of the remaining 82 (or 70) villages in the BTC are to be held after the formation of the Interim Territorial Council. Such vagueness and imprecision is hardly surprising given the general imprecision in land revenue records, or even on the ground, regarding the classification, location identification, or even in relation to the names of the villages in Assam, and, indeed, in much of rural India. However, there is less ambiguity about the major towns (though some of these are at present little more than villages) that fall within the BTC territory. The most important of these are Kokrajhar, (the Bodo heartland as it were and the home of the earliest Bodo autonomist/nationalistic assertion), the major part of Bongaigaon, including the refinery and petrochemical complex, Bijni, Sidli, Tamalpur and Udalguri (the last another historical seat of Bodo autonomist/nationalistic assertion).

The question is about the population of the BTC area and, even more important is about its ‘mixed ethnicity’. The MoS wisely, and perhaps unavoidably, remained silent on this crucial question. At the height of the Bodoland agitation in the
late 1980s when only the 1971 Census was available (there was no Census in Assam in 1981) the Bodo leaders claimed that in Assam alone, the Bodo population was forty lakhs. According to the 1991 Census, the total Bodo population in the entire State, which would include areas outside the BTC area, including cities like Guwahati, was 12,67,015. Further, the total population of the BTC area was an addition of the total Scheduled Tribe population and the total Bodo population of the eight districts from which the BTC area is being carved out (1991 Census). These figures show that the Bodo population in these eight districts amounts to a little over 11 per cent of the total population. What is less clear is whether all the 11, 39,194 Bodo people enumerated in these districts in 1991 live in the areas that have been (or are being) demarcated as BTC territory, the 4,000 villages and the half a dozen cities and towns; and whether this population clearly constitutes more than 50 per cent of the total population of this BTC territory. Indeed, the Central government has yet to resolve dispute over the inclusion of the contested 95 villages in the BTC territory. It is a crucial criterion that the ‘tribal’ (not specifically Bodo) population of these villages should be not less than 50 per cent of total population of the BTC area. Thus, the present population in the four districts, including the Bodos and non-Bodos, in the BTC area is 2,632,289. The population pattern of BTC is shown in Table 2.2:

Table: 2.2 Population pattern of Bodoland Territorial Council

<table>
<thead>
<tr>
<th>SL. No.</th>
<th>Name of the District</th>
<th>Schedule Tribe</th>
<th>Schedule Caste</th>
<th>General Category</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Baksia</td>
<td>338,630</td>
<td>45,967</td>
<td>333,045</td>
<td>717,642</td>
</tr>
<tr>
<td>2</td>
<td>Kokrajhar</td>
<td>528,774</td>
<td>32,609</td>
<td>337,608</td>
<td>898,991</td>
</tr>
<tr>
<td>3</td>
<td>Chirang</td>
<td>169,811</td>
<td>30,035</td>
<td>143,780</td>
<td>343,626</td>
</tr>
<tr>
<td>4</td>
<td>Udalguri</td>
<td>317,412</td>
<td>28,933</td>
<td>324,685</td>
<td>671,030</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1,354,627</td>
<td>1,37,544</td>
<td>1,139,118</td>
<td>2,631,289</td>
</tr>
</tbody>
</table>

Source: Census of India, Report of 2001 Census

5 Census of India, 1991.
6 Profile on Forest and Wildlife, BTC, op.cit.
2.2 Districts and Sub-divisions of the BTC

In pursuance of the Government Notification No. GAG (B) 137/2002/Pt/117/ dated 30th October, 2003, the Governor of Assam was assented to reconstitute/set up the new sub-division and districts with the reorganized villages and reorganized existing sub-divisions and districts. Accordingly, four districts with nine sub-divisions have been constituted under the BTC. Each of the districts will be under the charge of one Deputy Commissioner and Superintendent of Police. The number of the districts and sub-divisions are shown in the following Table 2.3:

<table>
<thead>
<tr>
<th>SL. No</th>
<th>Districts under BTC</th>
<th>Sub-divisions with Head-quarter (H.Q.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A) Kokrajhar</td>
<td>(a) Kokrajhar, H.Q (a) Kokrajhar</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Gossaigaon, H.Q- (b) Gossaigaon</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) Parbatjhora, H.Q (c) Parbatjhora</td>
</tr>
<tr>
<td>2</td>
<td>B) Chirang</td>
<td>(a) Chirang, H.Q (a) Kajalgaon</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Bijni, H.Q. (b) Bijni</td>
</tr>
<tr>
<td>3</td>
<td>C) Baksa</td>
<td>(a) Salbari, H.Q. (a) Salbari</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Tamulpur, H.Q. (b) Tamulpur</td>
</tr>
<tr>
<td>4</td>
<td>D) Udalguri</td>
<td>(a) Udalguri, H.Q. (a) Udalguri</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Bhergaon, H.Q. (b) Bhergaon</td>
</tr>
</tbody>
</table>


2.3 Composition of the Bodoland Territorial Council

The BTC is a corporate body having perpetual succession and a common seal with the right to sue and be sued. The provision of the Sixth Schedule and other relevant Articles of the Constitution of India is applied to the BTC, mutatis mutandis in terms of this agreement. A provision is made in para 2 (1) of the Sixth Schedule for increase in number of members for the BTC up to 46, whereas normally the members of the District Councils are up to 30 only. Accordingly, the BTC consisted of 46

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7 Assam Gazette No. 228, 30th October, 2003.
members, 40 members are elected out of which 30 members are reserved for the Scheduled Tribe, 5 for non-tribal communities, 5 open to all communities and 6 to be nominated by the Governor of Assam from the unrepresented communities from the BTC area of which at least two should be women. The nominated members will have the same right and privileges as other members, including voting rights. The members, both elected and nominated, are known as Members of the BTC Legislative Assembly.

The number of constituencies in each District Council depends on the number of elective seats provided for each Council. In case of the BTC, there are 40 elective seats. Accordingly, the BTC has divided into 40 constituencies to elect the Members of the BTC Legislative Assembly. The election shall be on the basis of adult franchise. The term of elected members of the Legislative Assembly shall be for 5 years unless the Council is sooner dissolved and the nominated member shall hold office at the pleasure of the Governor. The period of five years may, with the proclamation of national emergency or if circumstances exist, which in the opinion of the Governor, be extended by the Governor for a period of not exceeding one year at a time and in any case where a proclamation of emergency is in operation, not extending beyond a period of six months after the proclamation has ceased to operate.

There is a provision of Speaker and Deputy Speaker in the BTC Legislative Assembly, who normally preside over the Council sessions. The Speaker and Deputy Speaker are elected by the elected members of the Council Assembly. The election is by a simple majority. Those members, who are elected as Speaker and Deputy

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6 Sixth Schedule, para-2.1
Speaker need stay in the office at the pleasure and confidence of the Council Assembly. But the rules provide that they may, at any time resign in writing. They can be removed at any time by a resolution of the Council as provided in the rules.

Functionally, the Speaker and Deputy Speaker act like the Speaker and Deputy Speaker of a legislature. The Speaker calls for the session of the Council Assembly, presides over the Council in session and regulates the proceedings of the Council. His decision to the conduct of a session is final. He also admits questions and motions and allows time for the discussion of business. He has a casting vote in case of a tie. In the absence of the Speaker, the Deputy Speaker performs duties. The Speaker is assisted by the three Secretaries to the session, who are normally deputed from the state government.

2.4 Election to the Bodoland Territorial Council:

After the provisional functioning of the Council, the Council election was declared by the State Election Commission to be held on the 13th May, 2004. Following the declaration of the election to the BTC, the Bodo leaders, under the All Bodo Students Union and the Ex-BLT Welfare Association, formed a 16 member Convenors’ Committee on 12th April, 2004 to form a political party, namely, the Bodoland People’s Progressive Front (BPPF). The Bodo leaders had decided that the party would be formed on 20th April, 2004. But at the first sitting of the Convenors’ committee, the leaders decided to have a delegate session-cum-public meeting at Kokrajhar, to declare the formation of the party.

However, with the elections close at hand, and with the nominations to be held on 19th April 2004, the BPPF could not be formed on the date as planned, that is, on
20\textsuperscript{th} April 2004. The members of both the associations decided to allow members to contest as independent candidates in the BTC election. The election was held on 13\textsuperscript{th} May 2004. Consequently, only the candidates who belonged to the BLT won, including the provisional Council Chief, Hagrama Mahilary who won again as Chief of the BTC with majority number of votes. Soon after the Council elections, there was a rift in the relationship of the two associations who earlier had decided for the formation of the BPPF. The Chief Convenor, Rabiram Narzary, expelled top leaders, including the Deputy Chief and Executive Members of the BTC from the party post in a hurriedly called general meeting at Dotma on November 23\textsuperscript{rd}, 2004. As a result, a new Bodoland Progressive Front (BPF) faction thus came up under the leadership of Hagrama Mohilary, formed on 4\textsuperscript{th} and 5\textsuperscript{th} December, 2004 at Deborgaon in order to strengthen the party and the Council as well. At present, in the BTC, there are two parties in existence, that is, the BTC Chief Hagrama Mohilary led party, the BPF, which is now ruling the BTC, and the Rabiram Narzary led party, the BPPF, as an opposition party of the BTC. \textsuperscript{9}

After the BTC elections, Hagrama Mohilary with his elected members consolidated his powers. The second success of his factional party came in the 2006 Assam Assembly election. In this election, the BPF party has created a situation in which they formed an alliance partner with 11 MLAs of the Congress led Government of Assam. It was a landmark achievement in the history of Bodo politics.

\textsuperscript{9} Report of Bodo Peoples Progressive Front (BPPF), (BPPF Party Office, BTC, Kokrajhar)
2.5 Executive Council

The overall administration of the BTC is vested in the Executive Council headed by the Chief Executive Member whose term is for a period of 5 years. The Executive Committee exercises similar powers and functions to that of the Cabinet at the State or at the Centre level within the jurisdiction of its own. The size of the Executive Committee may, however, vary from time to time. The Executive Committee is to carry on the day to day administration of the District in accordance with the laws framed by the Legislative body.

The rules enacted under the Sixth Schedule provide for an Executive Council (EC) to the BTC Legislative Assembly, to carry on its executive functions. Thus, there is an Executive Council comprising of 14 Executive Members, one of whom is the Chief Executive Member (CEM) and another one the Deputy Chief Executive Member of the said Executive Council. The 12 members of the Executive Council are from among the 40 elected members of the BTC Legislative Assembly. They are appointed by the Governor on recommendation of the Chief Executive Member. There shall be adequate representation for the non-tribal members in the Executive Council, according to that, in the present Executive Council, there are two Executive Members represented from the non-tribal members. 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 Ministers of State of Assam for protocol purposes in the BTC area. The Council is headed by one Chief and he is assisted by one Deputy Chief. Besides the Chief and the Deputy Chief they are helped by a team of 12 Executive members allocated in different portfolios.
The Executive Council performs all executive functions of the Council. The Members of the Executive Council are known as the Executive Members (EM) and the head is known as the Chief Executive Member (CEM). It is just on the lines of a cabinet system in parliamentary democracy.

The Council is like a miniature government at the district level comprising allocated areas. There is also a Secretary to the EC appointed by the CEM who is not a member of the Legislative Assembly. The CEM must be elected by the Members of Council Legislative Assembly within 48 hours from the date of the removal of the existing committee. If the Members of the Council Legislative Assembly fail to elect the CEM within the fixed period, the Governor may appoint any member of the Council Legislative Assembly to be the CEM.

As regards the functions of the Executive Council, it is disposed of all matters falling within its purview. The CEM allocates certain subjects to each executive Member to look after. The Executive Council is, thus, collectively responsible for all executive orders and policies issued in the name of the BTC as well as for the implementation of all developments schemes in the areas. This also implies that when the CEM resigns, the Executive Council stands dissolved automatically. The interim Council of the BTC and their portfolios are shown below in Table 2.4:
<table>
<thead>
<tr>
<th>SL. No. /Designation</th>
<th>Name of the Member</th>
<th>Department &amp; Portfolios allocated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Chief of BTC</td>
<td>Hagrama Mahilary</td>
<td>Public Work Department (PWD), Panchayat &amp; Rural Development (P&amp; RD), Welfare of Plain Tribals &amp; Backward Class (WPT&amp;BC) and Departments not allotted to other Executive Members.</td>
</tr>
<tr>
<td>2. Deputy Chief of BTC</td>
<td>Kampha Borgoyari</td>
<td>Planning &amp; Development, Forest, Tourism, Sericulture, Land &amp; Land Revenue</td>
</tr>
<tr>
<td>3. Executive member</td>
<td>Derhasat Basumtary</td>
<td>Flood Control, Public Health Engineering.</td>
</tr>
<tr>
<td>4. Executive member</td>
<td>Hitesh Basumatary</td>
<td>Irrigation, Handloom &amp; Textile, Sports &amp; Youth Welfare</td>
</tr>
<tr>
<td>6. Executive member</td>
<td>Emanuel Muchahary</td>
<td>Education, Health &amp; Family Welfare</td>
</tr>
<tr>
<td>7. Executive member</td>
<td>Mitharam Basumatary</td>
<td>Agriculture, Weights &amp; Measures</td>
</tr>
<tr>
<td>8. Executive member</td>
<td>Lwmsrao Daimary</td>
<td>Printing &amp; Stationery, Food &amp; Civil Supplies, Publicity &amp; Public Relations</td>
</tr>
<tr>
<td>9. Executive member</td>
<td>Shyam Sundi</td>
<td>Relief &amp; Rehabilitation, Labour &amp; Employment, Soil Conservation</td>
</tr>
<tr>
<td>10. Executive member</td>
<td>Lakhiram Tudu</td>
<td>Fishery, Market &amp; Fairs</td>
</tr>
<tr>
<td>12. Executive member</td>
<td>Mono Kr. Brahma</td>
<td>WPT&amp;BC (State Plan), Transport, Excise</td>
</tr>
<tr>
<td>13. Executive member</td>
<td>Singha Ram Boro</td>
<td>Co-operation, Library Services, Museum &amp; Archaeology</td>
</tr>
<tr>
<td>14. Executive member</td>
<td>Budhi Narzary</td>
<td>Industry, Lottery, Cinema &amp; Dramatic Performance</td>
</tr>
</tbody>
</table>

Source: First Bodoland Territorial Council Legislative Assembly, 2005 (BTC legislative Assembly Secretariat Kokrajhar, 2008)

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 the BTC and sanctioning powers of a particular department, including technical sanction, shall be
conferred on the senior-most officer of the department, preferably not below the rank of Additional Director, who may be designated as Director of the BTC for that department. The Principal Secretary and other officers shall exercise their powers under the overall guidance and supervision of the BTC. The administrative structure is shown in the following Flow Chart 2.5:

FLOW CHART: 2.5 ORGANISATION AND STRUCTURE OF BTC
2.5 Powers and Functions of the BTC

The Bodoland Territorial Council shall have legislative powers in respect to subjects transferred to it as enumerated in paragraph 3, Annexure-III of the MoS and has executive, administrative and financial powers in respect of subjects transferred to it. The Government of Assam, vide notification No. TAD/BTC/161/2003/6, has resolved and entrusted the 40 subjects listed in Annexure-III of the MoS. These powers are without prejudice to the provisions of paragraph 3. So the Bodoland Territorial Council within its area shall have power to make laws with respect to:

1. Agriculture, including agricultural education and research, protecting against pest and prevention of plants diseases;
2. 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;
3. Co-operation;
4. Cultural affairs;
5. Education, that is to say, primary education, higher education including vocational training, adult education, college education (general);
6. Fisheries;
7. Flood control for protection of village, paddy fields, market and towns (not of technical nature);
8. Food and civil supply;
9. Forests (other than reserved forests);

\[10\] Memorandum of Settlement, BTC, 2003, op. cit.
10. Handloom and textile;
11. Health and family welfare;
12. Intoxicating liquors, opium and derivatives, subject to the provisions of entry 84 of List I of the Seventh Schedule;
13. Irrigation;
14. Labour and employment;
15. Land and Revenue;
16. Library services (financed and controlled by the State Government);
17. Lotteries (subject to the provisions of entry 40 of List I of the Seventh Schedule); theatre, dramatic performance and cinemas (subject to the provisions of entry 60 of List I of the Seventh Schedule);
18. Markets and fairs;
19. Municipal Corporation Improvement Trust, districts boards and other local authorities;
20. 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;
21. Panchayat and rural development;
22. Planning and development;
23. Printing and stationery;
24. Public health engineering;
25. Public works department;
26. Publicity and public relations;
27. Registration of births and deaths;
28. Relief and rehabilitation;

29. Sericulture;

30. Small, cottage and rural industry subject to the provisions of entries 7 and 52 of List I of the Seventh Schedule;

31. Social welfare;

32. Soil conservation;

33. Sports and youth welfare;

34. Statistics;

35. Tourism;

36. Transport (roads, bridges ferries and other means of communications not specified in List I of the Seventh Schedule municipal tramways, ropeways, inland waterways and traffic there on subject to the provisions of entry 40 of List, I and III of the Seventh Schedule with regards to such waterways, vehicles and other mechanically propelled vehicles);

37. Tribal research institution controlled and financed by the State Government;

38. Urban development - town and country planning;

39. Weights and measures subject to the provisions of entry 50 of List I of the Seventh Schedule; and

40. Welfare of plain tribes and backward classes.  

Looking at the functioning of the BTC in relation to the 40 subjects, 39 subjects have been fully implemented and only one subject, that is, ‘Relief and Rehabilitation’, has not been implemented so far.

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12
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 39 subjects (excluding Relief and Rehabilitation) as referred above –

A. In order to enable to 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-Deposite and Advances - (B) deposit not bearing interest-8443 civil deposits(personal) deposit (BTC)”. The State Government of Assam shall release the funds on a six monthly in April and October of each financial year subject to the ability with the State Government. The Council shall submit the detailed accounts every month to the Accountant General of Assam, to make necessary adjustment by debit to the appropriate Head of Account of the State Budget.

B. The Council shall insure that the existing rules, instructions, norm, guidelines, etc. of the Government of India and the State Government, covering the implementation of plan schemes relating to the entrusted subjects/ departments and other matter including non-plan matters relating to the entrusted subjects are followed strictly till the Council frames rules for the purpose in terms of

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12 Some Importance Acts and Amendment of Indian Constitution concerning BTC, op.cit, (According to the BTC Achievement Report of 2005-06 and BPF Election Manifesto, 2009, BTC, the State Government is on active consideration for transfer of Relief and Rehabilitation department to the Council. Though the Relief and Rehabilitation department is not yet transferred to the BTC, the Council has been providing Relief to the Camp inmates and rehabilitated villagers of Kokrajhar and Chirang districts during the year 2005-2006 and Udalguri district in the year 2008 affected by the ethnic violence out of the Plan Fund received as allocated to the department).
the provisions of the Sixth Schedule to the Constitution of India, it being understood that the rules, direction, etc. of the Government of India, Controller and Auditor General of India and other sound financial management/principle cell always be followed.

C. The State Government 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 Principle 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 Principle Secretary who shall be an officer in the rank of Commissioner and Secretary to the Government of Assam, and for this purpose, the Government of Assam will place the services of an IAS, officer of Assam Cadre, of this rank, at the disposal of the Council. The State Government will make available the services of officers in the rank of Joint Secretaries to the government of Assam for appointment as secretaries to the Council. The State Government will also make available Deputy Secretaries, Under Secretaries from the Assam Civil Service and from Technical Department as may be required for appointment of Joint Secretaries and Deputy Secretaries respectively of the Council. The services 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 condition 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 exercise through each Principle Secretary. The sanctioning powers of the Government of Assam shall be vested with the Principle Secretary of the BTC and sanctioning powers of the Head of Departments, including the power of 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 the Department. The Principle Secretary and other officer 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. The Annual Confidential Reports of these officers shall also be written by the appropriate BTC authority.

H. BTC shall be competent to make appointment on all post under its control in accordance with the rules of appointment followed/prescribed by the Government 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 the Government of Assam, to regulate appointments. All circular relating to the filling up of vacancies and appointment issued by Government 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/Secretary to the Council shall be competent to initiate/review/accept the Annual Confidential Reports of all the officers and staff placed under the administrative control of the Council. The administrative control of the Council over the officers and the staffs at its disposal shall be complete in all matters of Council transfer and posting. As regards disciplinary actions, against the officers and staff of the entrusted subjects, the Council shall exercise the powers as the borrowing authority and the State Government shall exercise powers as the lending authority and both the State Government and the Council shall follow the relevant rules, regulations, etc., of the respective service rule.

J. The State Government shall consult the Council, while posting and transferring the officers of the entrusted subjects 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 Government shall provide a panel of names enabling the Council to select and accept the same. The State Government shall take necessary action under the relevant rules and procedure against the officer and staff, found involved in any prima-facie case of misconduct/dereliction of duty, etc., during the period of deputation to the Council even after they are repatriated to the State Government. In case of any different of opinion between the State Government and BTC on such matters, a reference will be made to the Welfare of Plain Tribe and Backward Class Department for final decision.
K. The salary and allowances of the Principle Secretaries/Deputy Secretaries as well as the officers and staffs of the entrusted subjects of the Department who are on deputation to the Council shall be paid by the Council and necessary fund for this purpose shall be made available to the Council by the State Government. In respect of provident fund, group insurance and other related matters, these officers and the staff shall continue to be control by the State Government. 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 received and expenditure pertaining to the BTC in respect of entrusted subjects/department as per the allocation, norms etc. communicated by the State Government. The BTC in their Council session shall consider the estimated receives and expenditure pertaining to the BTC in respect on entrusted subjects/department and sent the same along with the synopsis for consideration to the State Government within the stipulated time as provided for in the paragraph 13 of the six schedule to the Constitution of India. Ordinarily no change will be made in the estimated receives and expenditure as considered by the BTC in respect of the entrusted subjects/departments. However, for any reasons, if it becomes necessary to do so, the Council shall be consulted and reason for the proposed change shall be explained. The State Government shall then place the estimated received and expenditure as considered by the BTC, 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. The BTC authority shall prepare a plan with the amount 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. These plans will be 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. The BTC shall have a Planning Department to prepare the plans for the BTC are to be submitted to Planning Commission through the Government of Assam.

N. All Centrally sponsor schemes/Central sector schemes/NEC schemes/external aided schemes, etc., in respect of the entrusted subjects/departments for which fund will be released by the State government to the Council as per sanction and release by the Government of India and the State Government

O. The BTC will exercise its legislative power as conferred under clause 3(B) of the Sixth Schedule to 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.\textsuperscript{13}

Besides this, all laws made under this paragraph shall be submitted forthwith to the Governor and until assented by him, shall have no effect. The Governor has power to alter laws or rules passed by the Councils, which are in violation of the provisions of the Sixth Schedule. The Sixth Schedule, thus, makes the Governor the head of the Autonomous Council.

No posts shall be created by the BTC without the concurrence of the Government of Assam and it shall also abide by the decision of the Government of Assam in respect of abolition of any temporary and vacant post. Wherever needed, the development functions shall be transferred to the BTC. In respect of the DRDA, concurrence of the Government of India will be obtained.

As incorporated in the Sixth Schedule to the Constitution of India, the District Councils are given financial powers to manage their own affairs. The Council is responsible for framing rules for the management of finances with the approval of the Governor. The BTC, thus, has financial powers over the subjects already implied to it. It has also given mutually exclusive powers to collect land revenues, levy and collect taxes on lands, holdings, shops, entry of goods into market and tolls, etc, within their respective jurisdictions. But the District Council has concurrent power on the professions, trade, callings, employments, animals, vehicles and hut, tolls on

\textsuperscript{13} Some Importance Acts and Amendment of Indian Constitution concerning, BTC, (Department of Printing and Stationeries, BTC, 2005),
passengers and goods carried in ferries and maintenance of schools, dispensaries and roads. As regards to the tax on motor/vehicles, it is assigned and collected by the State Government on behalf of the District Council. Grants-in-aid, loans and advances, etc., from the State Government constitute other sources of income of the Council.

The State Government would provide an amount, to be decided every year on population ratio basis, as grants-in-aid in two equal instalments 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 the 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 its control. The BTC shall deserve the salaries of the staff under its control and would ensure strict economy in the matter.

The State Government shall not divert the funds allocated to the BTC to other heads and also ensure its timely release. The BTC may have Planning Department to prepare the plans for the BTC area to be submitted to the Planning Commission through the Government of Assam.

2.6 Law and Order

The Law and order of any state is one of the most important subjects for development and strengthening the administration of that particular state. Thus, to strengthen the Police Administration, the Government of Assam has appointed an
Inspector General of Police (IGP) for the four districts of the BTC. The jurisdiction of
the Deputy Inspector General (DIG), Kokrajhar, has also been modified to cover these
four districts. The offices of the Deputy Commissioners and Superintendent of Police
are outside the superintendence and control of the BTC.

2.7 Miscellaneous Powers and Functions

Besides the above mentioned powers and functions of the BTC, there are
several powers and functions which are either applicable or not applicable to the BTC.
There are some other powers and functions in the Revision of List of Scheduled Tribe
of the area. Consequently, by the inclusion of the BTC area into the Sixth Schedule,
the list of ST for the State of Assam has been modified, so as to ensure that the tribal
status of Bodos and other tribals living outside the BTC area does not get affected
adversely. Accordingly, the amendments to the Sixth Schedule have include
provisions to protect the non-tribal and their rights and privileges including land rights
in such a manner that non-tribals are not disadvantaged in relation to the rights
enjoyed by them at the commencement of the BTC and are fully protected. Thus,
safeguards for the settlement rights, transfer and inheritance of property, etc., of non-
tribals are suitably incorporated in Para 3 of the Sixth Schedule. Yet any such law
made by the BTC in this regard will not be applicable, in particular to:
a) Extinguish the rights and privileges enjoyed by any citizen of India in respect of his
land at the commencement of BTC, and
b) Bar or disallow any citizen from acquiring land either by way of inheritance, allotment, and settlement or by way of transfer if such citizens were eligible for such confide acquisition of land within the BTC area.

Thus, the BTC cannot make any law in the above mentioned subjects, which is not applicable and suitable to the area according to the agreement of the BTC.

In terms of language, the Bodo language is applied as the official language of the BTC, and Assamese and English also continue to be used for official purpose. Provision has been added in Para 6 of the Sixth Schedule that in the BTC area, language and medium of instruction in educational institutions cannot be changed by the Council without approval of the State Government.

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

After the functioning of BTC, the Panchayati Raj system has ceased to exist in the Council area. Thus, the powers of the Panchayati Raj powers have been vested with the BTC authority. The Council has been vested the power to entertain and execute all developmental activities under the Panchayati system. With this the BTC assumed another additional power and functions.
The District Council is a product of the Sixth Schedule to the Constitution of India. The District Council is not created by the State legislature. The provisions of the Sixth Schedule can be amended only by the Parliament. The autonomous District Council is a body created by the Parliament. The autonomous District Council is a body corporate and, as such, it appears that the Council may act independently of the State Legislature. The Bodoland Territorial Council was started on 10th February, 2003, in true spirit of the Sixth Schedule and is hoped to execute the Provisions contained in the Sixth Schedule. The whole population of the Bodoland Territorial Council was enthralled by this boon.

The autonomous BTC has elaborate functions and powers in the legislative, executive, and financial domains. These powers are expected to uplift the people of the said areas in the domains of primary and higher education, health, culture, social customs, social welfare, forest, land, agriculture, water management, village administration, economic and rural development, etc. The BTC enjoys autonomy only in limited subjects transferred to it and the Acts of the both Parliamentary and the State Legislatures on the subjects under them do not normally apply to the autonomous District Councils. They may be extended with such exceptions and modifications as are considered necessary by the District or Regional Council concerned.

It is clear from the provision of the Sixth Schedule that the civil administration of the autonomous Territorial Council is placed with the two authorities that is the Deputy Commissioner representing the state government and the Executive Council of the BTC. The Council enjoys autonomy and control over departments specified in
the MoS, but it does not control the district administration. It is interesting to note that the MOS of the BTC has thus, created two sets of authorities with consequent anomalies and overlapping functions in the BTC areas.