

APPENDIX - 1
DISTRICTWISE SCHEDULED CASTE AND SECHEDULED TRIBE
POPULATION OF ASSAM

No	DISTRICT	Total Population	S.C. Population	P.C. of S.C. to Total Population	S.T. Population	P.C. of S.T. to Total Population
	1	2	3	4	5	6
1.	Dhubri	1332475	64161	4.82	32260	2.42
2.	Kokrajhar	800659	30114	3.76	329461	41.15
3.	Bongaigaon	807523	86744	10.74	141542	17.53
4.	Goalpara	668138	36746	5.50	115099	17.23
5.	Barpeta	1385659	90687	6.54	110452	7.97
6.	Nalbari	1016390	89194	8.78	179641	17.67
7.	Kamrup	2000071	150743	7.54	214340	10.72
8.	Darrang	1298860	64350	4.95	224957	17.32
9.	Sonitpur	1424287	81000	5.69	152498	10.71
10.	Lakhimpur	751517	60180	8.01	177156	23.57
11.	Dhemaji	47830	30482	6.37	210312	43.92
12.	Marigaon	639682	88136	13.78	98483	15.40
13.	Nagaon	1893171	189693	10.02	69848	3.69
14.	Golaghat	828096	46262	5.59	84916	10.25
15.	Jorhat	871206	66311	7.61	105307	12.09
16.	Sibsagar	907983	32303	3.56	34496	3.80
17.	Dibrugarh	1042457	41927	4.02	82920	7.97
18.	Tinsukia	962298	25137	2.61	51493	5.35
19.	Karbi-Anglong	662723	27991	4.22	341718	51.56
20.	N.C. Hills	150801	3918	2.60	98834	65.54
21.	Karimganj	827063	120602	14.58	1430	0.17
22.	Hailakandi	449048	54107	12.05	715	0.16
23.	Cachar	1215385	178624	14.70	16563	1.36
	ASSAM	22414322	1659412	7.40	2874441	12.82

Source :- Directorate of Information And Public Relations , Assam

APPENDIX - 2**Composition of Legislature and allocation of seats :****Allocation of Seats**

Year of Election	Leg. Assembly	House of People
1952	108	12
1957	108	12
1962	105	12
1967	126	14
1972	114	14
1978	126	14
1983	126	14
1985	126	14
1991	126	14

APPENDIX - 3(A)**PARTYWISE POSITION**

General Elections to Assam Legislative Assembly 1972

(Total Seats-114)

Party	Seats Contested	Seats Won	Votes Polled	Percentage
INC	112	95	19,75,203	53.19
INC(O)	14	-	17,367	00.47
SP	38	4	2,14,342	5.78
CPI	28	3	2,09,550	5.65
CPI(M)	20	-	96,097	2.59
BJS	3	-	10,061	0.26
Swatantra	1	1	21,663	0.59
FB	1	-	2,403	0.07
PTCA	2	1	36,151	0.98
IND	257	10	11,30,933	30.46

APPENDIX - 3 (B)**General Elections to Assam Legislative Assembly 1978
(Total Seats - 126)**

Party	Seats Contested	Seats Won	Votes Polled	Percentage
INC	126	26	12,23,189	23.69
Janata	117	53	14,23,204	27.56
INC(I)	115	8	4,53,623	8.79
CPI(M)	27	11	2,90,385	5.62
CPI	35	5	2,11,384	4.10
RCPI	10	4	72,445	1.40
PTCA	9	4	1,34,533	2.60
SUCI	4	-	3,711	0.06
RSP	6	-	22,685	0.43
AIFB	3	-	4,839	0.09
AIGL	1	-	2,305	0.04
IND	485	15	13,22,949	25.62

APPENDIX - 3(C)**General Elections to Assam Legislative Assembly 1983
(Total Seats - 126)**

Party	Seats Contested	Seats Won	Votes Polled	Percentage
INC(I)	105	91	11,94,657	52.53
IC(S)	34	2	1,37,685	6.05
CPI(M)	24	2	1,16,923	5.14
CPI	25	1	58,745	2.58
PTCA	21	3	1,05,526	4.64
IND	258	10	6,60,553	29.40

* Poll adjourned in 16 Constituencies and Countermanded 1 Returned Uncontested

APPENDIX - 3(D)
General Elections to Assam Legislative Assembly 1985
(Total Seats - 126)

Party	Seats Contested	Seats Won	Votes Polled	Percentage
AGP	105	63	25,43,102	34.54
INC	125	25	17,28,403	23.47
ICS	73	4	2,35,572	3.20
JNP	87	-	1,07,077	1.45
CPI(M)	38	2	2,19,832	4.34
UMF	56	17	7,98,558	10.85
PTC	27	3	2,67,640	3.64
UTNLF	15	1	-	-
CPI	20	-	72,877	0.99
Lokdal	19	-	11,806	0.23
IND	650	10	11,94,222	16.22

APPENDIX - 3(E)

General Elections to Assam Legislative Assembly 1991

Name of Party	Seats Contested	Seats Won	P.C. of Votes secured
INC	124	65	28.98
BJP	47	10	6.42
CPI	37	4	2.46
CPI(M)	28	2	3.87
JD	95	1	4.81
JD(S)	5	-	0.02
JP	31	-	0.32
Lok Dal	4	-	0.01
IC(S)	45	-	1.46
CPI(ML)	2	-	0.05
RCPI	2	-	0.01
RCPI(RB)	3	-	0.03
IPF	4	-	0.11
AGP	120	19	18.07
NAGP	85	5	5.50
AJD	20	-	0.12
AJP	6	-	0.04
ASDC	8	4	1.61
URMCA	54	-	1.32
GGs	12	-	0.51
PTCA	15	-	1.07
UPCA	9	-	0.22
UMF	29	-	1.31
SLP	7	-	0.08
DP	1	-	0.004
AB	2	-	0.002
IND	85	-	21.60

APPENDIX - 4
Spell of President's Rule in Assam

1. 25 Dec. 1941 to Nov. 1942- Governor's Rule for want majority of any Party.
2. 2 Oct. 1945 to 11 March 1946- Governor's Rule for want of majority of any Party.
3. 12 Dec. 1979 to 6 Dec. 1980 - President's Rule.
4. 30 June 1981 to 13 Jan. 1982 - President's Rule.
5. 19 March 1982 to 27 Feb. 1983 - President's Rule.
6. 27 Nov. (Midnight) 1990 to 30 June 1991 - President's Rule.

APPENDIX - 5
Percentage of votes secured by major Political Parties in
General Elections to Assam Legislative Assembly
(Seats Won shown within brackets)

Years of Elections	INC / Congress	JNP	INC (I)	AGP
1952	43.9(78)	-	-	-
1957	52.35(67)	-	-	-
1962	48.25(79)	-	-	-
1967	43.60(70)	-	-	-
1972	53.19(95)	-	-	-
1978	22.74(26)	26.69(53)	8.51(8)-	-
1983	52.53(91)	-	-	-
1985	23.47(24)	-	-	34.54(63)
1991	-	-	28.96(5)	18.07(19)

APPENDIX - 6
Name of Chief Ministers of Assam :

1. Sayed Sir Mahammad Sadulla : 7.4.37 to 13.12.38,
17.11.39 to 25.12.41
and 12.11.42 to 10.2.46
2. Gopinath Bordoloi : 19.9.39 to 17.11.39 and
11.2.46 to 6.8.50
3. Bishnu Ram Medhi : 9.8.50 to 27.12.57
4. Bimala Prasad Chaliha : 28.12.57 to 6.11.70
5. Mahendra Mohan Choudhury : 6.11.70 to 30.1.72
6. Sarat Chandra Sinha : 31.1.72 to 12.3.78
7. Golap Barbora : 12.3.78 to 8.9.79
8. Jogendra Nath Hazarika : 9.9.79 to 11.12.79
9. Mrs. Anowara Taimur : 6.12.80 to 30.6.81
10. Keshab Chandra Gogoy : 13.1.82 to 19.3.82
11. Hiteswar Saikia : 27.2.83 to 23.12.85
12. Prafulla Kumar Mahanta : 24.12.85 to 27.11.90
13. Hiteswar Saikia : 30.6.91 to 22.4.96
14. Dr. Bhumidhar Barman : 22.4.96 to 14.5.96
15. Prafulla Kumar Mahanta : 15.6.96

APPENDIX - 7
INTERVIEW SCHEDULED

(TO BE USED FOR RESEARCH PURPOSE ONLY)

“ROLE OF ST’s IN ASSAM LEGISLATIVE ASSEMBLY SINCE 1972”

(A Ph. D RESEARCH TOPIC)

Personal details of the respondent

- Part - I**
1. Name :-
2. Age :-
3. Sex :-
4. Name of the Constituency :-
5. Name of the political party representing :-
6. Permanent Address :-
7. Present Address :-
8. Educational Qualifications :-

Examination	Institution	Result / Place
Primary Education		
H.S.L.C.		
H.S.		
Graduation		
P.G.		
Others		

Family Details
(Socio Economics Background)

Part - II

9. (A) Father's Name :-
(B) Profession :-
(C) Mother's Name :-
(D) Profession :-
(E) Total No. of Family members :-
(F) Profession of the members :-
(G) How long the family has been
staying in this Village/Town :-

Previous Experiences

Part - III

10. How long you are in politics ? :-
11. How have you inspired for
joining in politics ? From whom ? :-
12. Whether you were in association with any students or youths or other organisation
prior to joining the politics? If yes in what capacity ? :-
13. Whether you are in touch with any Social reform ? Have you been actively associated
with the following movements ? If yes, how ? :-
- | | |
|------------------------------|----------------------------|
| a) Freedom movement of India | b) Language movement |
| c) Script movement | d) Mediam movement |
| e) Foreign national movement | f) Oil Refinery movement |
| g) Autonomy movement | h) Separate State movement |
| i) Food movement | j) Others. |

Political role, Political life as a member of Assam Legislative Assembly

Part - IV

14. Why have you selected the party where you joined ?
15. Have you ever changed political party. If yes, why ? :-
16. Please write briefly about the burning problems of your community.
17. What is your role in implementing the different schemes for development of ST community within the constitutional framework ? :-
18. Whether the actual ST community is getting the facilities provided for ST by the Government ? If not, as a member of Legislative Assembly how have you showed your role in this regard ?
19. How you experiences the role and views of SC and other communities in the solution of the problems of ST's ?
20. Have you ever initiated a proposal regarding the various demands from different pressure groups of your community in the floor of the assembly ?

Research Scholar

Signataure of the MLA/Minister

(Samujjal Kumar Bhattacharjya)

APPENDIX - 8

**WOMEN MEMBERS ELECTED FROM
VARIOUS CONSTITUENCIES INCLUDING ST MLAs**

Sl.No.	Name of the Constituencies	Name of Members
1972-78		
1.	Dudhnai	Smti. Anandi Bala Rava (ST)
2.	Chaygaon	Smti. Satyabati Goswami
3.	Jhalukbari	Smti. Rebati Das
4.	Hajo	Smti. Renuka Devi Barkataki
5.	Mangaldai	Smti. Syeda Anowara Taimur
6.	Sootea	Smti. Swarna Prava Mahanta
7.	Saikhowa	Smti. Tarulata Bora
1978-82		
1.	Dalgaon	Smti. Syeda Anowara Taimur
1983-85		
1.	Paneri	Smti. Mridula Saharia
2.	Dalgaon	Smti. Syeda Anowara Taimur
1985-90		
1.	Ratabari	Kumari Rabidas
2.	Barama	Smti. Rekha Rani Das Boro (ST)
3.	Duliajan	Smti. Amiya Gogoi
4.	Sadiya	Smti. Jyotsna Sonowal (ST)
1991-96		
1.	Kokrajhar East	Smti. Pramila Rani Brahma (ST)
2.	Dalgaon	Smti. Syeda Anowara Taimur
3.	Teok	Smti. Renu Poma Rajkhowa
4.	Duliajan	Smti. Amiya Gogoi

APPENDIX -9(A)

LIST OF ST MEMBERS OF THE ASSAM LEGISLATIVE ASSEMBLY
1972-78

MEMBERS ELECTED FROM
ST RESERVED CONSTITUENCIES

Sl.No.	Name of the Constituencies	Name of Members
1.	Bokajan	Shri Sai Sai Terang
2.	Howraghat	Shri Chatrasing Teron
3.	Baithalangso	Shri Dhani Ram Rongpi
4.	Kokrajhar West	Shri Charan Narzary
5.	Sidli	Shri Uttam Brahma
6.	Abhayapuri	Shri Ayodhya Ram Das
7.	Dudhnai	Smti. Anandi Bala Rava
8.	Sarukhetri	Shri Kandarpa Kr. Das
9.	Barama	Shri Surendra Nath Das
10.	Tamulpur	Shri Ambarish Chandra Lahari
11.	Udalguri	Shri Bahadur Basumatari
12.	Morigaon	Shri Pitsing Konwar
13.	Majuli	Shri Mal Chandra Pegu
14.	Dhakuakhana	Shri Lakshyanath Doley
15.	Dhemaji	Shri Romesh Mohan Kouli

APPENDIX -9(B)

LIST OF ST MEMBERS OF THE ASSAM LEGISLATIVE ASSEMBLY
1978-82

MEMBERS ELECTED FROM
ST RESERVED CONSTITUENCIES

Sl.No.	Name of the Constituencies	Name of Members
1.	Haflong	Shri Sona Ram Thaosen
2.	Bokajan	Shri Bilton G. Momin
3.	Howraghat	Shri Barelong Terang
4.	Diphu	Shri Gandhi Ram Timung
5.	Baithalangshu	Shri Dhani Ram Rongpi
6.	Kokrajhar West	Shri Ranendra Narayan Basumatary
7.	Kokrajhar East	Shri Samar Brahma Choudhury
8.	Sidli	Shri Panchanan Brahma
9.	Dudhnai	Shri Jagat Chandra Patgiri
10.	Dhemaji	Shri Purna Chandra Bora

APPENDIX -9(C)
1983-85

Sl.No.	Name of the Constituencies	Name of Members
1.	Haflong	Shri G. C. Langthasa
2.	Bokajan	Shri Rajen Timung
3.	Diphu	Shri Kaizasong
4.	Baithalangshu	Shri Dhani Ram Rongpi
5.	Kokrajhar West	Shri Ranendra Narayan Basumatary
6.	Dudhnai	Shri Jagat Patgiri
7.	Barama	Shri Atul Ch. Boro
8.	Chapaguri	Shri Bimal Goyari
9.	Udalguri	Shri Binoy Kr. Basumatary
10.	Dhakuakhana	Shri Raghunath Ramegam

APPENDIX -9(D)

LIST OF ST MEMBERS OF THE ASSAM LEGISLATIVE ASSEMBLY
1985-90

MEMBERS ELECTED FROM
ST RESERVED CONSTITUENCIES

Sl.No.	Name of the Constituencies	Name of Members
1.	Haflong	Shri G. C. Langthasa
2.	Bokajan	Shri Rajen Timung
3.	Howraghat	Shri Khorsing Engti
4.	Diphu	Shri Samsing Hanse
5.	Baithalangshu	Shri Holi Ram Terang
6.	Kokrajhar West	Shri Amrit Lal Basumatary
7.	Kokrajhar East	Shri Charan Narzary
8.	Sidli	Shri Jnanendra Basumatary
9.	Dudhnai	Shri Akan Chandra Rabha
10.	Barama	Smti. Rekha Rani Das Boro
11.	Chapaguri	Shri Suren Swargiary
12.	Udalguri	Shri Binai Khungur Basumatary
13.	Majuli	Shri Padmeswar Doley
14.	Dhakuakhana	Shri Bharat Chandra Narah
15.	Dhemaji	Shri Dilip Kumar Saikia
16.	Jonai	Shri Phani Ram Tayeng

APPENDIX -9(E)

LIST OF ST MEMBERS OF THE ASSAM LEGISLATIVE ASSEMBLY
1991-96

MEMBERS ELECTED FROM
ST RESERVED CONSTITUENCIES

Sl.No. Name of the Constituencies	Name of Members
1. Haflong	Shri G. C. Langthasa
2. Bokajan	Shri Monsing Rongpi
3. Howraghat	Shri Babu Rongpi
4. Diphu	Shri Dipendra Rongpi
5. Baithalangshu	Shri Holi Ram Terang
6. Kokrajhar West	Shri Parameswar Brahma
7. Kokrajhar East	Smti. Pramila Brahma
8. Sidli	Shri Khiren Borgoyary
9. Dudhnai	Shri Akan Chandra Rabha
10. Barama	Shri Pani Ram Rabha
11. Chapaguri	Shri Surendra Swargiary
12. Udalguri	Shri Jaman Singh Brahma
13. Majuli	Shri Padmeswar Doley
14. Dhakuakhana	Shri Bharat Chandra Narah
15. Dhemaji	Shri Dilip Kumar Saikia
16. Jonai	Shri Gomeswar Pegu

APPENDIX 9 (F)

**LIST OF ST MEMBERS OF THE ASSAM LEGISLATIVE ASSEMBLY
(TENTH ASSEMBLY)**

**MEMBERS ELECTED FROM
ST RESERVED CONSTITUENCIES**

Number and name of the Constituencies	Name of Members	Present Status	Party
16 – Haflong	Shri Samarjit Haflongbar	MLA	ASDC
17 – Bokajan	Shri Jagat Sing Engti	MLA	ASDC
18 – Howraghat	Shri Chandra Kanta Terang	MLA	ASDC
19 – Diphu	Shri Hensing Tisso	MLA	ASDC
20 – Baithalangso	Shri Holiram Terang	MLA	ASDC
29 – Kokrajhar West	Shri Hemendra Nath Brahma	MLA	Ind (BMC/Sup.-ABSU)
30 – Kokrajhat East	Smt. Pramila Rani Brahma	MLA	Ind (BMC/Sup.-ABSU)
31 – Sidli	Shri Andrias Hajowary	MLA	PDF
36 – Dudhnai	Shri Akan Rabha	Cabinet Minister	AGP
62 – Barama	Smt. Rekha Rani Das Boro	Cabinet Minister	AGP
63 – Chapaguri	Shri Jagmohan Basumatary	MLA	PDF
69 – Udalguri	Shri Deva Kanta Ramchiary	MLA	PDF
99 – Majuli	Shri Jogeswar Doley	MLA	AGP
NOTE : Koch Rajbongshi community of Assam was declared ST. Under this circumstances, Karuna Dutta, who hails from Koch Rajbongshi community, was elected as MLA from this reserved seat. But after he elected from this reserved seat, the ST status of Koch Rajbongshi community was abolished. The status of the constituency and the elected MLA was in a hanging position. As he expired, bye-election was held and Shri Jogeswar Doley was elected.			
112 – Dhakuakhana	Shri Bharat Chandra Narah	MLA	Congress (I)
113 – Dhemaji	Shri Dilip Kumar Saikia	MLA	AGP
114 – Jonai	Shri Pradan Boruah	MLA	AGP

APPENDIX -9 (G)

ST MEMBERS ELECTED FROM
UN-RESERVED CONSTITUENCIES

1972-78

Sl.No.	Name of the Constituencies	Name of Members
1.	Bhabanipur	Shri Ghana Kanta Boro

APPENDIX -9 (H)

1978-82

Sl.No.	Name of the Constituencies	Name of Members
1.	Bijni	Shri Padmolochan Boro
2.	Rangiya	Shri Purna Boro
3.	Majuli	Shri Chakbhal Kagyung
4.	Dhakuakhana	Shri Lakya Nath Doley
5.	Jonai	Shri Romesh Mohan Kouli

APPENDIX -9 (I)

1983-85

Sl.No.	Name of the Constituencies	Name of Members
1.	Kokrajhar East	Shri Dambarudhar Brahma
2.	Rangiya	Shri Purna Boro
3.	Bihpuria	Shri Borgoram Deuri
4.	Sadiya	Shri Lambheswar Sonowal

APPENDIX -9 (J)

ST MEMBERS ELECTED FROM
UN-RESERVED CONSTITUENCIES

1985-90

Sl.No.	Name of the Constituencies	Name of Members
1.	Bijni	Shri Ganesh Boro
2.	Rangiya	Shri Thaneswar Boro
3.	Tamulpur	Shri Bhaben Narji
4.	Panery	Shri Durga Das Boro
5.	Gohpur	Shri Ganesh Kutum
6.	Sadiya	Smti. Jyotsna Sonowal

APPENDIX -9 (K)

1991-96

Sl.No.	Name of the Constituencies	Name of Members
1.	Gossaigaon	Shri Tajendra Narzary
2.	Bijni	Shri Kamal Brahma
3.	Dudhnai	Shri Jagat Patgiri
4.	Bhawanipur	Shri Milan Boro
5.	Rangiya	Shri Thaneswar Boro
6.	Tamulpur	Shri Derhagra Mushahary
7.	Panery	Shri Kalendra Basumatary
8.	Kalaigaon	Shri Jew Ram Boro
9.	Bihpuria	Shri Borgoram Deuri

Appendix 9 (L)
ST MEMBERS ELECTED FROM
UN-RESERVED CONSTITUENCIES

1996-2001

Number and name of the Constituencies	Name of Members	Present Status	Party
24 – Gauripur	Shri Banendra Kumar Mushahary	MLA	AGP
28 – Gossaigaon	Shri Rajendra Mushahary	Minister of State	AGP
33 – Bijni	Shri Mohini Basumatary	MLA	PDF
41 – Bhabanipur	Shri Binod Goyary	MLA	PDF
57 – Rangiya	Shri Thaneswar Boro	Cabinet Minister	AGP
58 – Tamulpur	Shri Derhagra Mochahary	MLA	UBNLF
64 – Panery	Shri Kumud Chandra Das	MLA	PDF
78 – Gohpur	Shri Ganesh Kutum	Speaker, ALA	AGP
110 – Naoboicha	Shri Mani Ram Pathari	MLA	AGP

REPORT ON ILLEGAL MIGRATION INTO ASSAM

SUBMITTED TO

THE PRESIDENT OF INDIA

BY

THE GOVERNOR OF ASSAM

RAJ BHAVAN

GUWAHATI

D.O.NO. GSAG.3/98/

NOVEMBER 8,1998

Dear Adarniya Rashtrapatiji,

Large scale illegal migration from East Pakistan/Bangladesh over several decades has been altering the demographic complexion of this State. It poses a grave threat both to the identity of the Assamese people and to our national security. Successive Governments at the Centre and in the State have not adequately met this challenge.

As Governor of Assam, I fell it is my bounden duty, both to the Nation and the State I have sworn to serve, to place before you this report on the dangers arising from the continuing silent demographic invasion. I have also formulated my recommendations for dealing with this issue of vital importance. I earnestly hope that this matter will receive due consideration and suitable action taken to avert the grave danger that has been building up for some time.

With profound regards.

Yours sincerely,

(Lt Gen (Retd) S.K. Sinha, PVSM)

Shri K.R. Narayanan,

President of India,

Rashtrapati Bhawan
New Delhi

Chapter 1

INTRODUCTION

1. The unabated influx of illegal migrants from Bangladesh into Assam and the consequent perceptible change in the demographic pattern of the State, has been a matter of grave concern. It threatens to reduce the Assamese people to a minority in their own State, as happened in Tripura and, Sikkim.
2. Illegal migration into Assam was the core issue behind the Assam student movement. It was also the prime contributory factor behind the outbreak of insurgency in the State. Yet we have not made much tangible progress in dealing with this all important issue.
3. There is a tendency to view illegal migration into Assam as a regional matter, affecting only the people of Assam. Its more dangerous dimension of greatly undermining our national security, is ignored. The long cherished design of Greater East Pakistan/Bangladesh, making inroads into the strategic land link of Assam with the rest of the country, can lead to severing the entire land mass of the North East, with all its rich resources, from the rest of the country. This will have disastrous strategic and economic consequences.
4. I have held prolonged discussions about illegal migration with a large number of people in Assam of different background and with different shades of opinion. This has included politicians, leaders of the minority community, journalists, lawyers, Government officials, both serving and retired, social workers and so on. I have also discussed this issue at length with the Indian High Commissioner at Dhaka. Besides, I have extensively toured the border areas of Assam with Bangladesh, visiting a number of land and riverine BOPs of the Border Security Force. Further, I have studied the relevant literature and statistics on this subject. On this basis, I have formulated my views and recommendations contained in this report. Different aspects connected with illegal migration have been examined. Recommendations have been made for more effectively arresting the ongoing influx of illegal migrants and taking practical steps to soften the adverse fall outs from the large scale infiltration that has already taken place.

Chapter II

MIGRATION INTO ASSAM

Historical Background

1. Illegal migration from Bangladesh into Assam should be viewed against the backdrop of past history, present realities and future designs. Migration into Assam has been taking place from the dawn of history. However, after the British annexed Assam, large scale population movement from the South (Bengal, East Pakistan and now Bangladesh) has been an ongoing phenomenon for over a century. Initially, this movement was for economic reasons only but with the approach of Independence, it started developing both communal and political overtones. After Independence, it acquired an international dimension and it now poses a grave threat to our national security.

2. The British developed the tea industry in Assam. They imported labour from Bihar and other provinces to work in the tea gardens. The Assamese people living mostly in Upper Assam and cultivating one crop per year, were not interested in working as labour in the tea gardens nor in increasing or expanding land cultivation to meet the additional requirement of food for the large labour population employed in the tea gardens. Therefore, the British encouraged Bengali Muslim peasants from present Bangladesh to move into lower Assam for putting virgin land under cultivation. This set in motion a movement pattern which despite changed conditions, has been continuing to this day.
3. When Lord Curzon partitioned erstwhile Bengal Presidency in 1905, Assam was a Chief Commissioner's province. It was merged with the new Muslim majority province of East Bengal. This led to tremendous popular resentment in the country and it ushered political awareness, ultimately culminating in India's Independence. In 1911, the British Government annulled the partition of Bengal. Assam was restored its status as a province and was now placed under a Lieutenant Governor. The Assamese fear of losing their identity and being swamped by Bengalis goes back to this merger and even earlier. This fear had been aroused both by the Bengali Hindus dominating the administration and the professions, and the Bengali Muslims altering the demography of the province. The Bengali Muslims were hard working peasants who occupied vacant land and put virgin areas under cultivation. They made a significant contribution to the agricultural economy of Assam.
4. With Constitutional Reforms, the country started advancing towards democracy, which is a game of numbers. The Muslim League now came up with its demand for Partition, on the basis of religion. This added a new twist to this population movement. During Sir Mohammed Sadulla's Muslim League Ministry, a concerted effort was made to encourage the migration of Bengali Muslims into Assam for political reasons. The Viceroy, Lord Wavell wrote in the Viceroy's Journal, "The chief political problem is the desire of the Muslim Ministers to increase this immigration into the uncultivated Government lands under the slogan of Grow More Food but what they are really after, is Grow More Muslims."
5. When the demand for Partition was raised, it was visualised that Pakistan would comprise Muslim majority provinces in the West and Bang-e-Islam comprising Bengal and Assam, in the East. Mr. Moinul Haque Chowdhary the Private Secretary of Jinnah, who after Independence became a Minister in Assam and later at Delhi, told Jinnah that he would "present Assam to him on a silver platter". Jinnah confidently declared at Guwahati that Assam was in his pocket. The Cabinet Mission Plan placed Assam in Group C with Bengal. Both the Congress High Command and the Muslim League accepted the grouping plan but Lokapriya Gopinath Borodoloi vehemently opposed it. He was supported by Mahatma Gandhi. The grouping plan was foiled and Assam was saved from becoming a part of Pakistan.
6. Partition brought about a sea change in the situation. An international border now separated Assam and East Pakistan. Population movement from East Pakistan continued but it was initially mostly of Hindu refugees, fleeing from religious persecution. Unlike the West, where refugee movement lasted for a few months only, in the case of the East, this spread over several years and is still continuing.

Hindu population in East Pakistan started declining steeply. In 1947 it was 27%, by 1971 it got reduced to 14% and by 1991 it was down to 10%. Along with Hindu refugees, Muslim infiltrators continued migrating into Assam for economic reasons. The movement of Hindu refugees into Assam got largely arrested due to anti-Bengali riots and as a result of violence in the wake of insurgency in the State. However, Hindu refugee movement from Bangladesh has continued to Tripura and West Bengal. Illegal migrants from Bangladesh into Assam are now almost exclusively Muslims.

7. Failure to get Assam included in East Pakistan in 1947 remained a source of abiding resentment in that country. Zulfikar Ali Bhutto in his book, *Myths of Independence* wrote, "it would be wrong to think that Kashmir is the only dispute that divides India and Pakistan, though undoubtedly the most significant. One at least is nearly as important as the Kashmir dispute, that of Assam and some districts of India adjacent to East Pakistan. To these Pakistan has very good claims." Even a pro-India leader like Sheikh Mujibur Rahman in his book, *Eastern Pakistan : Its population and Economics*, observed, "Because Eastern Pakistan must have sufficient land for its expansion and because Assam has abundant forests and mineral resources, coal, petroleum etc., Eastern Pakistan must include Assam to be financially and economically strong".
8. Leading intellectuals in Bangladesh have been making out a case for "lebansraum" (living space) for their country. Mr. Sadeq Khan, a former diplomat wrote in *Holiday* of October 18, 1991, a All projections, however, clearly indicate that by the next decade, that is to say by the first decade of the 21st century, Bangladesh will face a serious crisis of labansraum... if consumer benefit is considered to be better served by borderless competitive trade of labour, there is no reason why regional and international co-operation could not be worked out to plan and execute population movements and settlements to avoid critical demographic pressure in pockets of high concentration... A natural overflow of population pressure is there very much on the cards and will not be restrainable by barbed wire or border patrol measures. The natural trend of population over-flow from Bangladesh is towards the sparsely populated lands in the South East in the Arakan side and of the North East in the Seven Sisters side of the Indian sub-continent". Mr. Abdul Momin, former Foreign Secretary and Bangladesh's first Ambassador to China writing in the same magazine in its issue of November 22, 1991 stated, "The runaway population growth in Bangladesh resulting in suffocating density of population in a territorially small country, presents a nightmarish picture". Urging that along with borderless circulation of goods and commodities there should, be borderless competitive trade of labour, he proposed that "if we in Bangladesh ingratiate ourselves with the hill tribes within our borders, our bulging population might find a welcome in adjacent lands inhabited by kindred peoples". The views of Jinnah, Zulfikar Ali Bhutto, Sheikh Mujibur Rahman, Sadeq Khan and Abdul Momin have a common thread running through them. No matter how friendly our relations with Bangladesh, we can ill afford to ignore the dangers inherent in demographic invasion from that country.

Contributory Factors

9. Illegal migration from Assam has been taking place primarily for economic reasons. Bangladesh is the world's most densely populated country with a population density of 969 per square kilometre. The growth rate of population in that country is 2.2 per cent and its population is growing at the rate of 2.8 million per year. Each year nearly one third of Bangladesh gets inundated by floods, displacing 19 million people. 70 million people constituting 60 percent the population live below the poverty line. The per capita income in Bangladesh is 170 dollars per year, which is much lower than the per capita income in India. The border between India and Bangladesh is very porous. In these circumstances, the continued large scale population movement from Bangladesh to India, is inevitable, unless effective measures are taken to counter it.
10. Besides the above considerations, there are other contributory factors facilitating infiltration from Bangladesh. Ethnic, linguistic and religious commonality between the illegal migrants and many people on our side of the border, enables them to find shelter. It makes their detection difficult. Some political parties have been encouraging and even helping illegal migration, with a view to building vote banks. These immigrants are hard-working and are prepared to work as cheap labour and domestic for lower remuneration, than the local people. This makes them acceptable. Moreover, with corruption being all pervasive, corrupt officials, are bribed to provide help. Recently, a racket has been busted in Lakhimpur. Four individuals were found to have been providing forged citizenship certificates and other documents to illegal migrants for the last 14 years.
11. There is no evidence of Bangladesh authorities organising this movement of population but they certainly have made no attempts to prevent it and indeed, may be welcoming it, to ease their problem of bursting population. Thus, there is now even an attempt to cover up this movement. Prime Minister Sheikh Haseena has recently asserted that no Bangladeshi is illegally living in India.

Illegal Migrants

12. Illegal migrants have been defined in Assam Accord as those who infiltrated illegally after 24 December 1971. However, the stream that infiltrated illegally between 1 January 1966 and 24 December 1971 was not to be deported and was to be given Indian citizenship after a lapse of ten years. No doubt, Hindus required special consideration at the time of Partition and had to be treated as refugees, but this cannot be allowed to continue forever. Post - 1971 Hindu illegal migrants cannot justifiably claim refugee status.
13. No census has been carried out to determine the number of these illegal migrants. Precise and authentic figures are not available but on the basis of estimates, extrapolations and various indicators, their number runs into millions.
14. Mr. S.C. Mullan, ICS, Census Superintendent of Assam, wrote in 1931, "Probably the most important event in the province during the last twenty five years-an event, moreover, which seems likely to alter permanently the whole future of Assam and

to destroy more surely than did the Burmese invaders of 1829, the whole structure of Assamese culture and civilisation - has been the invasion of a vast horde of land hungry Bengali immigrants; mostly Muslims, from the districts of Eastern Bengal and in particular Mymensingh. This invasion began sometime before 1911 and the census report of that is the first report which makes mention of the advancing host. But, as we now know, the Bengali, immigrants censused for the first time on their char islands of Goalpara in 1921 were merely the advance guard - or rather the scouts - of a huge army following closely at their heels. By 1921 the first army corps had passed into Assam and had practically conquered the district of Goalpara. Where there is waste land thither flock the Mymensinghians, In fact, the way in which they have seized upon the vacant areas in the Assam valley seems almost uncanny. Without fuss, without tumult, without undue trouble to the district revenue staffs, a population which must amount to over half a million has transplanted itself from Bengal into Assam Valley during the last twenty-five years. It looks like a marvel of administrative organisation on the part of Government but it is nothing of the sort; the only thing I can compare it to is the mass movement of a large body of ants... it is sad but by no means improbable that in another thirty years Sibsagar district will be the only part of Assam in which an Assamese will find himself at home." The Census Report of 1931 has graphically shown and growth of Mymensinghians in the three undivided districts of Goalpara, Kamrup and Nowgong from 1911 to 1931 as follows :

15. I have quoted the 1931 census report in extension for three reasons. First, it contains precise figures for migration from Bengal into Assam even when this did not involve any movement across international border. Unfortunately, today we have no census report on the basis of which we can accurately define the contours of trans-border movement. Thus we have to rely on broad estimates or theatrical extrapolations to work out the dimension of illegal migration that has taken place from East Pakistan/Bangladesh. Second, Mr. Mullan described this invasion using military terminology which in Present geostrategic context, underscores the strategic aspect of the problem. It is unfortunate that to this day, after half a century of Independence, we have chosen to remain virtually oblivious to the grave danger to our national security arising from this unabated influx of illegal migrants. Third, the prophecy that except in Sibsagar District, the Assamese people will not find themselves at home in Assam, is well on its way to becoming true as reflected by the present demographic pattern of Assam.
16. Shri Indrajit Gupta, the then Home Minister of India stated in the Parliament on 6 May, 1997 that there were 10 million illegal migrants residing in India. Quoting Home Ministry/intelligence Bureau sources, the 10 August 1998 issue of India Today has given the breakdown of these illegal migrants by States - West Bengal 5.4 Millions, Assam 4 millions, Tripura 8 millions, Bihar 0.5 million, Maharashtra 0.5 million, Rajasthan 0.5 million and Delhi 0.3 million making a total of 10.83 millions.
17. On 10 April, 1992, Shri Hiteswar Saikia, the then Chief Minister of Assam stated that there were 3 million Bangladeshi illegal migrants in Assam but two days later, he committed a volteface and declared that there were no illegal migrants in Assam. However, one can see for oneself, the large scale infiltration of Bangladeshis that has taken place into Assam. Looking at the population in the border areas of Assam,

sometimes one wonders whether one is in Assam or in Bangladesh. Shri E. N. Rammohan, DG. BSF, who is an IPS officer of Assam cadre, in his report of 10 February, 1997 has stated, "As Additional S.P in 1968 in Nowgaon, I did not see a single Bangladeshi village in Jagi Road or in Kaziranga. In 1982, when I was posted as DIGP, Northern Range, Tezpur, five new Bangladeshis Muslim villages had come up near Jagi Road and hundreds of families had built up their huts encroaching into the land of the Kaziranga Game Sanctuary". He mentioned that in 1971 the large island of Chawalkhoa comprising 5000 bighas of land was being cultivated by Assamese villagers from Gorukhut and Sanuna and went on to state, "in 1982 when I was posted as DIGP, Tezpur, there was a population of more than 10, -000 immigrant Muslims on the island. The pleas of the Assamese villagers to the District Administration to evict those people from the island fell on deaf ears. Any honest young IAS, SDO of Mangaidoi Sub-division who tried to do this, found himself transferred. In 1983 when an election was forced on the people of Assam... the people of the villages living on the banks of the Brahmaputra opposite Chawalkhoa attacked the encroaches on this island, when they found that they had been, given voting rights by the Government. It is of interest that Assamese Muslims of Sanuna village attacked the Bengali Muslim encroaches on this island I am a direct witness to this."

18. The following indicators of the dimension of illegal migration taking place are relevant
- a) Bangladesh census records indicate a reduction of 39 lakhs Hindus between 1971 and 1981 and another 36 lakhs between 1981. And 1989. These 75 lakhs (39+36) Hindus have obviously come into India. Perhaps most of them have come into States other than Assam.
 - b) There were 7.5 lakh Bibari Muslims in refugee camps in Bangladesh in 1971. At the instance of Saudi Arabia, Pakistan was persuaded to accept 33,000 Bihari Muslims. There are at present only 2 lakh Bihari Muslims in refugee camps in Bangladesh. The unaccounted for 5.17 lakhs must have infiltrated into India, as there is little possibility or evidence of their having merged into Bangladesh society.
 - c) In 1970 the total population of East Pakistan was 7.5 crores but in 1974 it had crores down to 7.14 crores. On the basis of 3.1 % annual population growth rate of that period, the population in 1974 should have been 7.7 crores. The shortfall of 6 million people can be explained only by large scale migration.
19. Assam specific figures of illegal migrants have been worked out from available statistics as follows :-
- a) Recent increase of electors list in Assam by the Election Commission shows more than 30% increase in 17 Assembly constituencies and more than 20% increase in 40 constituencies between 1994 and 1997. Whereas the All India average growth for a three year period intervening the two intensive revisions in 1994 and 1997, is 7%, the growth in Assam for this period is 16.4%.

b) Relative decadal percentage growth of population of Assam. All India and Bangladesh is as follows:-

	Assam	All India	Bangladesh
(i) 1901-1911	16.99	5.75	9.1
(ii) 1911-1912	20.48	-0.31	5.4
(iii) 1921-1931	19.91	11.00	7.06
(iv) 1931-1941	20.40	14.22	17.6
(v) 1941-1951	34.98	21.51	0.1
(vi) 1951-1961	34.95	24.80	29.83
(vii) 1971-1981	23.8	24.66	31.83
(viii) 1981-1991	23.8	23.85	22.00

Explanatory Notes

- (i) There was no census in Assam in 1981. The figures indicated have been worked out on the basis of 1971-91 growth rate.
- (ii) There was no census Bangladesh in 1971. It was carried out 1974. The population grew by 40.4% between 1961-74 and another 9% during 1974-81
- (iii) The much higher percentage of growth rate in Assam from 1911 to 1971 over the All India and Bangladesh figures indicate migration into Assam. The All India growth rate for 1921 should be treated as an aberration but even in that decade Assam's growth rate was higher than neighbouring Bengal districts which now constitute Bangladesh.
- (iv) The reduced percentage of growth rates for Assam in 1971-91 presents a distorted picture unless one relates it to community-wise percentage of growth in Assam as compared to All India figures. This is shown at sub-para (c) below.

c) Community-wise growth:

	Assam		All India	
	Hindus	Muslims	Hindus	Muslims
(i) 1951-1961	33.71	38.35	20.29	25.61
(ii) 1961-1971	37.17	30.99	23.72	30.85
(iii) 1971-1991	41.89	77.42	48.32	55.04

Explanatory Note

The decadal growth rate for both Hindus and Muslims for the periods 1051-61 and, 1961-71 was higher than their respective All India growth rate, indicating migration of both communities into Assam. However, during the period 1971-91 Hindu growth rate in Assam was much less than the All India figure. Possibly, this was due to large scale population movement of non-Assamese Hindus out of Assam during the Students movement and subsequent militancy in the State. In the case of Muslims the Assam growth rate was much higher than the All India rate... This suggests continued large scale Muslim illegal migration into Assam.

- d) Muslim population of Assam has shown a rise of 77.42% in 1991 from what it was in 1971. Hindu population has risen by nearly 41.89% in this period.
 - e) Muslim population in Assam has risen from 24.68% in 1951 to 28.42% in 1991. As per 1991 census, four districts (Dhubri, Goalpara, Barpeta and Hailakandi) have become Muslim majority districts. Two more districts (Nowgaon and Karimganj) should have become so by 1998 and one district (Morgaon) is fast approaching this position.
20. The growth of Muslim population has been emphasised in the previous paragraph to indicate the extent of illegal migration from Bangladesh to Assam because as stated earlier, the illegal migrants coming into India after 1971 have been almost exclusively Muslims.
21. Pakistan's ISI has been active in Bangladesh supporting militant movements in Assam. Muslim militant organisations have mushroomed in Assam and there are reports of some 50 Assamese Muslim youth having gone for training to Afghanistan and Kashmir.

Consequences

22. The dangerous consequences of large scale illegal migration from Bangladesh, both for the people of Assam and more for the Nation as a whole, need to be emphatically stressed. No misconceived and mistaken notions of secularism should be allowed to come in the way of doing so.
23. As a result of population movement from Bangladesh, the spectre looms large of the indigenous people of Assam being reduced to a minority in their home State. Their cultural survival will be in jeopardy, their political control will be weakened and their employment opportunities will be undermined.
24. This silent and invidious demographic invasion of Assam may result in the loss of the geostrategically vital districts of Lower Assam. The influx of these illegal migrants is turning these districts into a Muslim majority region. It will then only be a matter of time when a demand for their merger with Bangladesh may be made. The rapid growth of international Islamic fundamentalism may provide the driving force for this demand. In this context, it is pertinent that Bangladesh has long discarded secularism and has chosen to become an Islamic State. Loss of Lower Assam will sever the entire land mass of the North East, from the rest of India and the rich natural resources of that region will be lost to the Nation.

Chapter III

PREVENTING INFILTRATION

Early Years

1. Assam has 262 km border with Bangladesh out of which 92 km is riverine. In 1947 with the emergence of two dominions on the Sub-Continent, India and Pakistan, this became an international border. For the first few years, unrestricted trans-border movement continued in this sector. Bengali Hindu refugees from East Pakistan fleeing from their homes poured across this border seeking asylum. Concurrently, Bengali Muslims too continued to come across the border for economic reasons. There was also some movement of Muslims from Assam into East Pakistan.
2. Whereas in the West, the trans-border movement of refugees from India to Pakistan and vice versa was a deluge which lasted only a few months, in the East the situation was very different. Hindus from East Pakistan (Bangladesh) kept coming across for many years and indeed they still continue to come. Muslims from Assam going into East Pakistan were relatively in much less numbers. The traditional influx of Bengali Muslims into Assam continued unabated. The large scale movement of Bengali population, both Hindus and Muslims into Assam, caused considerable resentment among the Assamese people and there were instances of anti-Bengali riots.
3. Initially, the State Police with its limited resources policed this border but they could not stem the trans-border movement. The large influx into Assam was a matter of great concern. Government of India evolved the PIP (Prevention of Infiltration from Pakistan) scheme, which came into operation in 1964. 159 Watch Posts, 15 Patrol Posts and 6 Passport Check Posts were set up. A Police force of 1914 personnel under a DIG was deployed, to check infiltration. After the 1965 war, when the Border Security Force came into being, responsibility for guarding the border was taken over by that Force. The Border organisation set up under the PIP scheme was now deployed in the interior to identify and deport illegal migrants. In 1987 this organisation was augmented by 1280 officers and men provided by Government of India and 806 by Government of Assam, making a total of 4000 personnel. Currently, this organisation is functioning under an Additional DG Police of Assam.
4. Neither the BSF on the border nor the Border organisation in the interior, could prevent large scale illegal migration from Bangladesh. The border is very porous and the illegal migrants enjoyed political patronage. Efforts to prevent their ingress or to deport them were not very successful. Nevertheless in the first flush as per JIC Paper No 04/95 of 3 January 1995, 1.5 lakhs illegal migrants were pushed back but many managed to re-enter from different points on the border. There were reports of police excesses and high-handedness, as also allegation of harassment of genuine Indian Muslims.
5. The Chief Election Commissioner, Shri S. L. Shakhder told a conference of State Chief Electoral Officers in 1978, "in one State (Assam), the population in 1971 recorded an increase as high as 34.98 percent, over the 1961 figures and this increase was attributed to the influx of a very large number of persons from the neighbouring

countries. The influx has become a regular feature. I think it may not be a wrong assessment to make, on the basis of the increase of 34.98 percent between the two censuses, the increase that is likely to be recorded in 1991 census would be more than 100 percent over the 1961 census. In other words, a stage would be reached when the State would have to reckon with the foreign nationals who may probably constitute a sizeable percentage, if not the majority of the population of the State. Another disturbing factor in this regard is the demand made by the political parties for the inclusion in the electoral rolls of the names of such migrants who are not Indian citizens, without even questioning and properly determining the citizenship status". A few months later a by-election was to be held at Mangaidai in which there were complaints about 70,000 illegal migrants figuring in the voter's list. The people got convinced that illegal migration on a colossal scale had been taking place and this sparked the anti-foreigner's movement in Assam. Government of India forced the 1983 election in Assam on the basis of a defective voters list. This was done on the plea that there was not enough time to revise the electoral rolls before the election. There was widespread violence during this agitation including the infamous massacre of 1700 Bengali Muslims at Nellie by the Lalung tribe.

6. After years of a massive agitation, demanding detection, deletion and deportation of foreigners, the agitators reached a settlement with Government of India. Assam Accord was signed in 1985. Besides other issues agreed on, Assam Accord stipulated fencing of the border with Bangladesh, to prevent ingress of illegal migrants.

Border Fencing

7. A border fence may not be a fool proof method of preventing infiltration but there is no better way of doing so. To be effective, border fencing has to be supplemented by vigorous patrolling and other measures. The motivating factors behind infiltration must be addressed. If this can be done successfully, then a permanent solution of the problem can be found.
8. Border policing in both Punjab and Assam should prevent trans-border movement of smugglers, militants and infiltrators. In the case of Assam, infiltration has a much bigger and a more dangerous dimension. Despite this, the measures to counter trans-border movement in Assam appear to have been given a lower priority than in Punjab. This is evident from the following facts :-
 - a) The decision to fence the border was taken in 1985 and reflected in Assam Accord but the work on fencing started seven years later in 1992. 13 years have elapsed since this Accord and fencing has not yet been completed. Whereas in Dhubri sector of Assam it is nearly complete, in the Cachar sector, only a little over half has been completed. As against this, fencing in Punjab started in 1988 and was completed in 3 years by 1991.
 - b) The quality of fencing in Punjab is superior. It is two feet taller. Observation towers and lighting of the fence have been provided in Punjab, all along the border. In Assam observation towers have been constructed in Dhubri sector only and there are none in Cachar sector. There is no lighting of the fence anywhere in Assam.

- c) The density of troops guarding the fence is higher in Punjab. A BSF battalion in Punjab holds a frontage of approximately 30 kilometres. In Assam, BSF Battalions in Dhubri sector are deployed over frontages of 70 kilometres and in Cachar sector over a frontage of 40 kilometres.
9. Border fencing in Assam must be completed forthwith on a war footing. In terms of cost outlay, it may not now be possible to provide border fencing of the same height as in Punjab but there must be lighting arrangements for the fence. Observation towers must be provided in Cachar Sector.
10. Additional BSF battalions should be provided in the East with each battalion having a frontage of 30 kilometres. It is understood that one reason for thin deployment of BSF in the East is the fact that 16 battalions are deployed on counter insurgency tasks. Such diversion of forces from border policing to other duties, when the battle against illegal migrants is on, cannot but have adverse effect. The shortage of BSF units must be made up on priority through new raising.
11. The present arrangement of guarding the riverine border with some speed boats and out-board fitted country boats, is not adequate. There is a need to have floating BOPs on medium watercraft with four to five speed boats attached to them. A proposal for nine medium crafts has been put up by DG BSF This should be sanctioned soon.
12. All country boats plying on the river near the border must be registered with their registration number marked on them and the registration papers available with the crew for verification, when required.

Other measures

13. Certain other measures are also required to be taken to deal with illegal migration. These are as follows:-
- a) Our nationals in the border districts and for that matter in the whole State, should be provided multipurpose photo identity card. This task should be completely on high priority
- b) Effective arrangements must be made for registration of births and deaths in the State.
- c) The 1950 National Register of Citizens should be updated. Computerisation will facilitate this process. A separate register for illegal migrants (Stateless citizens) should also be maintained.
14. The Brahmaputra is normally 5 to 7 Km wide and during floods has only one water channel. However, in lean season, there are two, three or even more water channels throwing up chars (river islands). Due to changing river configurations, it is difficult to survey the chars. The Bangladeshi Muslims settle on these chars. They are hardy and are prepared to face difficult living conditions, particularly when the chars get

submerged for a few days during floods, which come three to four times in a season. Chickens are put on roofs, cattle herded on platforms above the water level and in emergent situations men and cattle live in boats. This hardy community has been living on chars in the Brahmaputra from Dhubri (near the international border) to Lakhimpur. There are still several chars which are uninhabited. These should be handed over to the Forest Department and notified as forest land. Trees which can withstand 1 to 3 feet of water during the flood season should be planted on them.

Developments in Bangladesh

15. The measures recommended to arrest the influx of illegal migrants may not completely stop their ingress but will certainly go a long way in reducing it to a small trickle. A more lasting and effective solution can come about through economic development in Bangladesh. This will remove the motivation behind trans-border migration. Lately, there have been welcome developments in this regard in Bangladesh. There are signs of the economy picking up in that country through the unique experiment of Grameen Bank supported by a large amount of international funding and the efforts of the Government and other NGOs. The Grameen Bank has been targeting the women. Its membership has swelled to over 2 million, and of these, 93 percent are women. It is providing micro-credit loans without any collateral. These run into several billions and they have a record recovery rate of 98 percent. This is bringing about a perceptible change in the rural areas. Targeting women for economic development provides multi-benefits. It adds to the earning of the family, encourages gender justice, promotes women's education, which acts as a curb on population growth, and liberated women become a bulwark against the spread of Islamic fundamentalism. All these benefits suit the interests of India. India should, as far as possible, be prepared to assist in socio-economic development of Bangladesh.

Implementation

16. The various measures recommended to stop illegal migration are non-controversial. No political party or organisation within the country can legitimately protest and demand that these steps should not be taken. Through these measures, we can bring about a sea change in the situation and trans-border migration will become a trickle. If we do not take effective measures to stop this movement and allow trans-border migration to continue unabated, then it may spell the doom of Assam and put our national security in grave jeopardy.

Chapter IV

DETECTION AND DEPORTATION

Conflicting Viewpoints

1. Measures to stem illegal migration can be undertaken without any controversy but any alteration of status quo in regard to detection and deportation of these migrants will result in strident assertion of conflicting viewpoints. The "secular" parties and the minorities do not see any danger from illegal migration. They believe that most of the so called illegal migrants are Bengali speaking Indian Muslims and this issue has been unnecessarily blown out of proportion. They fear that in the garb of deporting foreigners, Indian Muslims will be harassed. Thus they are for the continuance of IMDT Act in its present form. On the other hand, the majority community of Assam and the political parties dubbed as "communal" by the secularists have a diametrically opposite viewpoint. They are gravely concerned about the large influx of illegal migrants and want their ingress stopped. They also want that the highly discriminating IMDT Act be repealed forthwith. There appears to be no meeting ground between these opposing views. Notwithstanding this, it is in our national interest to work out a mutually acceptable solution to this burning problem, which not only affects the people of Assam but the entire Nation.
2. The furore raised over the attempt by Maharashtra Government to deport 34 Bangladeshis from Mumbai in accordance with the due Process of underscored the sharp divide in the country over this issue. The ugly incidents in Calcutta, the stalling of the proceedings of the Parliament and the outraged feelings so strongly expressed in the Press, showed how sensitivities got aroused on this issue. In the past few years, many illegal migrants from different States, including Maharashtra, were being pushed back into Bangladesh – 4895 in 1993, 5782 in 1994, 3612 in 1995, 2791 in 1996, 4222 in 1997 and 1597 upto September 1998. In other words such deportation had been a common feature and no protests were being raised on that account. The point about Government of West Bengal not being given prior information does not hold much water. The deportation had to be affected by a central agency. The BSF. No doubt the illegal migrants escorted by Maharashtra Police had to transit through other States en route. On that basis, each State Government en route. On that basis, each State Government en route could ask for prior information of their deportation. It is pertinent that during the days of terrorism in Punjab, Policemen from that State had come to Calcutta and had picked up suspected terrorists without any intimation to West Bengal Government. The protest made about that action was almost mute compared to what happened in the case of the attempted deportation of the Bangladeshis from Mumbai. Understandably there was sharp reaction in Bangladesh. The Bangladeshi Press was highly critical of the designs of the "Hindu fundamentalist Government" in India, trying to throw out innocent Indian Muslims and dump them on Bangladesh. One newspaper went to the extent of demanding that Bangladesh should seek assistance from the USA to deal with India. Prime Minister, Sheikh Haseena, a known friend of India, issued a statement that no Bangladeshi was illegally living in India. Her predecessor, not known to be so friendly towards India, had agreed to a Joint Working Group of India and Bangladesh to be set up for examining the issue of illegal migrants. This had implied acceptance of the existence of this problem, which was now being so summarily dismissed.

Deportation

3. International law does not provide for unilateral deportation in defiance of the views of the country to which the deportation is to take place. With the stand now taken by Bangladesh, it will not be possible for India to deport millions of illegal migrants to Bangladesh. From 1993 to September 1998, the BSF tried to hand over 39,746 illegal migrants to Bangladesh Rifles. The latter accepted only 9,253 and refused to accept 30,493. The acceptance figures by Bangladesh declined from 5799 in 1993 to only 55 in 1998 (upto 30 September). With the recent developments in the wake of the attempt to deport 34 Bangladeshi Muslims from Mumbai and the statement of the Prime Minister of Bangladesh, it is unlikely that Bangladesh Rifles will now accept Bangladeshi migrants. Moreover, the bursting population of Bangladesh creates a Malthusian nightmare and is not conducive to that country accepting them. Further, our capability to identify and deport over ten million such people is questionable. In these circumstances, deportation of these illegal migrants is not now a practical proposition.

IMDT Act

4. IMDT Act was enacted at the height of the anti-foreigner's movement in Assam. The large scale violence during the including the Neille massacre, had led to understandable apprehension among the minorities of harassment and victimisation. A large number of illegal migrants had been pushed back in previous years. It is possible that in this process, some genuine Indian citizens had been harassed and pushed back. Be that as it may, the fact is that on the plea of protecting genuine Indian citizens, the IMDT Act was formulated but in practice, it has been found to be primarily serving the interests of the illegal migrants.
5. The Act provided for two individuals living within a radius of 3 kilometres of a suspected illegal migrant to file a complaint accompanied with a deposit sum of Rs. 25. The 3 km restriction was modified and now the complainant can be from the same Police station area as the individual being complained the deposit fee has been reduced from Rs. 25 to Rs. 10. The Police can also suo moto initiate action. Elaborate time consuming procedures have been laid down for screening, for examination by District Tribunals and for appeal to the Appellate Tribunal.
6. Proponents of IMDT maintain that unwarranted fears have been aroused about the large influx of population from Bangladesh when in actual fact their number is very small. They want to retain this Act at all costs. They feel that otherwise, the minorities would face great hardship and harassment.
7. The opponents of this Act demand its immediate repeal as it is, a highly discriminatory legislation applying only to Assam and not to any other State. They argue that such a legislation should not have been on the statute of any sovereign State. It gives freedom to an alien to enter this country, secure in the knowledge that the country he has entered illegally, will have to prove that he is an illegal migrant to deny him citizenship. Under the Foreigners Act which applies to the rest of the country and which is in consonance with the practice followed the world over, it is for the foreigner to prove that he is an Indian national to claim Indian citizenship. The

IMDT Act shifts the burden of proof on the complainant or the Police, to establish that the person complained against is a foreigner.

8. This Act caters for an Appellant Tribunal of two retired High Court Judges, sixteen district Tribunals of two retired District/Additional District Judges with supporting staff. The Border organisation of 4000 Policemen processes the cases of alleged illegal migrants. The efforts of these agencies maintained at a cost of hundreds of crores to the Exchequer, extending over a period of 15 years, has led to the identification of only 9,599 illegal migrants. Out of these only 1,454 could be deported. These statistics amply establish the futility of continuing with the IMDT Act in its present form.
9. Apart from the conflicting views of the proponents and opponents of the IMDT Act, those working for executing its provisions have been facing difficulties as indicated below :-
 - a) The Tribunals have been starved of funds and resources. Out of 16 District Tribunals only 5 are functioning. The remaining 11 tribunals have only one person each on the bench and as such are non-functional. Salaries and TA bills of the staff are not paid in time. Essential facilities, like transport and telephone are lacking and funds are often not available to buy even postage stamps.
 - b) The Border Organisation required to process these cases has been encountering difficulties at every step. Often by the time a complaint is received or the Police initiates inquiry against a suspect, that individual shifts to another location and is not traceable. When the individual is available, he insists he is an Indian national and while the Police tries to collect evidence, he often disappears. The process of absconding also occurs at two subsequent stages - before the case is heard by the Tribunal and during the 30 days period allowed to the person to appeal to the higher tribunal or face expulsion. (Under this Act, the Police does not have the powers of search, seizure or arrest as available under the Foreigners Act. During trial by Tribunals, Prosecutor., witnesses do not appear because there is no Provision for paying them their travelling expense.
10. Any move to repeal the IMDT Act is likely to encounter strong opposition from the minorities and their supporters, for vested and opportunistic reasons. Some of these have begun to suggest that to remove the allegation of discrimination connected with this Act, its provisions should be extended to other States. They argue that the Foreigners Act of 1946 is a legacy of the British era and was meant to deal with foreign nationals who were ethnically and culturally different from Indians. The requirements for dealing with Bangladeshis who have ethnic, cultural, linguistic and religious affinities with our population, are different. This requires a different legislation. This line of argument ignores similarities between the Tamil people of Sri Lanka and of Tamil Nadu or for that matter, the similarities among the people living on either side of the Indo-Nepal border. It is further argued that the meagre number of foreigners detected under the IMDT Act is not due to any infirmities of this Act or in the procedures being followed, but due to the very small numbers of illegal migrants in the country. This argument flies in the face of all available statistics and other indicators, establishing the presence of a very large number of illegal Bangladeshi migrants in the country.

11. As deportation of such a large number of illegal migrants is no longer a viable option and because of the numerous infirmities in the IMDT Act which have rendered its continuation a wasteful exercise, it is imperative that this Act be repealed. It should be replaced by a more just, workable and fair enactment.

Replacing IMDT Act

12. The IMDT Act does not exclusively apply to any religious community. It is applicable as much to Bengali Hindus as to Bengali Muslims. Providing asylum to minorities fleeing from their home country was a Partition liability for both India and Pakistan. Yet in Assam no distinction has been made between Hindus and Muslims. Those migrants who came into Assam upto 24 March, 1971 have been given Indian citizenship, irrespective of the religious community to which they belong. However, the ground reality is that of late almost all the illegal migrants now coming into Assam are Muslims.
13. The repeal of IMDT Act and its replacement by another Act, must take into account the legitimate fears of the minorities. They should be assured that the new Act will be fair, just and transparent, leading to expeditious disposal of cases. The following aspects have to be noted :-
- a) Partition liability of India in relation to refugees from East Pakistan/Bangladesh is only in respect of the minority community of that country. However, this liability should not be extended beyond a reasonable time frame. A quarter of a century is adequate for this purpose. Any Hindu migrant coming to India after 24 March 1971 without valid papers should be classified as an illegal migrant.
 - b) Although India had no Partition liability for East Pakistani Muslims, Assam Accord caters for Indian citizenship being granted to all East Pakistani Muslims who came across illegally between 15 August 1947 and 24 March 1971, with a special provision that those who came between 1 January 1966 and 24 March 1971 would be eligible for this, only after a lapse of ten years of being identified as foreigners.
 - c) As per JIC Paper No 04/95 of 3 January 1995, even after legitimising pre-1971 illegal migrants, 18% of the population of Assam in 1991 comprises illegal migrants. Since deportation is being ruled out as a viable option, even those, whether Hindus or Muslims, who came in illegally after 24 March 1971, will now not, be deported. Thus the scope for harassment gets considerably reduced and the main sting in the whole process gets taken out.
14. Although illegal migrants, who came in after 24 March, 1971 will not be deported, they must be identified and after identification denied voting rights and certain other facilities like acquisition of immovable property. A suitable process for doing so which may have acceptability and command credibility should be evolved. This exercise should be completed expeditiously. This process for doing so should be on the following lines :
- a) Ground survey teams each under a Magistrate assisted by the Border Organisation, should extensively tour the areas allotted to them, to identify illegal migrants. To

ensure maximum objectivity and freedom from local pressures, political or otherwise, Magistrates from outside Assam be deputed for this task. The survey should be completed in a fixed time frame of a few months. Inducting Magistrates from outside will be on the lines of what happened in 1983 elections, when officers were brought into Assam from different States on temporary deputation.

- b) Individuals identified as illegal migrants should be allowed the right of appeal before Foreigners Tribunal set up under the Foreigners Act.' This will provide necessary judicial sanctity to this exercise.
 - c) Foreigners identified as illegal migrants should be denied voting rights and their children born in India should not automatically become eligible for Indian citizenship. Disenfranchisement may be a big issue for political parties who so assiduously try to build vote banks but is no hardship to the immigrant. The denial of voting rights to these migrants can by no stretch be deemed to be unjust. Over 1 lakh Hindu and Sikh refugees from West Pakistan, who settled in Jammu region in 1947, have to this day, after a lapse of over 50 years, not been given voting rights. However, refugees from West Pakistan who settled in other States were given full citizenship rights and many amongst them became Union Cabinet Ministers and one became Prime Minister.
15. The proposed arrangement should adequately assuage the legitimate fears of the minority community and will also be a human measure for the illegal migrants. Pre- 1971 illegal migrants stand already legitimised and the post-1971 illegal migrants, not now to be deported, will be partially legitimised.
16. The minority community in Assam now comprises nearly 30% of the population and with their tendency to vote as a bloc, they can hardly be considered a minority, in real terms. They have come to acquire a decisive role in Assam's democratic polity, which the majority community with its split votes, cannot match. So far as the majority community is concerned, they may resent the decision not to deport the illegal migrants but in the present circumstances, there is no other alternative. They should get reconciled to it. Illegal migrants upto 24 March 1971 have been made Indian citizens and this has been accepted by them. Illegal migrants of post 24 March, 1971 vintage will not be deported but will be made Stateless citizens. The minority community should appreciate that the repeal of IMDT Act and its replacement by a just, fair, transparent and expeditious act will provide adequate safeguards against harassment and victimisation. This will also reduce political patronage for illegal migration and will be yet another disincentive for prospective illegal migrants.

Chapter V

CONCLUSION

1. A silent and invidious invasion of Assam has been taking place for several decades and successive Governments have failed to stem this demographic onslaught. It started as a purely economic movement contributing to the development of Assam's agricultural economy. As Independence approached, it acquired communal and political contours. And today, an international dimension with security overtones has got added to this population movement.
2. Hitherto the intrusion of illegal migrants has generally been looked upon as a local problem affecting only the people of Assam. This myopic view accounts for the more sinister and dangerous aspects being overlooked. The views expressed by Jinnah, Bhutto, Sheikh Mujib-ur-Rahman and the present day intellectuals in Bangladesh cannot be ignored. Assam can provide the much desired lebensraum for Bangladesh. This fact coupled with Assam's geostrategic importance, Bangladesh's bursting population and growing international Islamic fundamentalism, underscore the volatile situation created by this ongoing demographic intrusion from across the border. We must not allow any misconceived notions of secularism to blind us to these realities.
3. Although Bangladeshi illegal migrants have come into several States of India and they are more numerous in West Bengal than in Assam, they pose a much greater threat in Assam than in any other State. If not effectively checked, they may swamp the Assamese people and may sever the North East land mass from the rest of India. This will lead to disastrous strategic and economic results.
4. Political parties have been underplaying the grave importance of this problem and have been viewing it as something affecting only the Assamese people. Thus an issue of great concern for national security has been made into a partisan affair and a matter of vote banks. It must be lifted above the mire of party politics and viewed as a national security issue of great importance. There is an imperative need to evolve a national consensus on this all important threat facing the Nation.
5. Concrete steps must be taken on war footing to ensure that the borders are as nearly sealed as possible and the unabated flood of infiltration, reduced to a trickle. Concurrently, the highly discriminatory IMDT Act which during the last 15 years has proved to be an exercise in futility, should be repealed. With deportation of illegal migrants to Bangladesh no longer a viable option, a new legislation needs to be introduced which will ensure a just, fair, practical and expeditious approach to detecting illegal migrants and declaring them Stateless citizens without voting rights, and without the right to acquire immovable property.
5. A summary of recommendations is attached as an appendix to this report.

(Lt. Gen. (Retd.) S. K. Sinha, PVSM)
Governor of Assam

Guwahati
8 November

APPENDIX

SUMMARY-OF RECOMMENDATIONS

1. Awareness should be promoted about illegal migration into Assam being not only a threat to the identity of the Assamese people but what is more, being a grave threat to our national security.
2. Border fencing in Assam should be completed on a war footing. Observation towers and lighting should be provided on the same scale as in Punjab.
3. BSF battalions deployed in Assam should not be given responsibility to hold unduly extended frontages. As in the case of Punjab, BSF battalions should hold a frontage of 30 kilometers. Additional BSF battalions should be provided for this purpose.
4. Diversion of BSF battalions from the border in Assam for other tasks, when the battle against infiltrators is on, must be scrupulously avoided.
5. All country boats, plying in the river near the border should be registered and their registration numbers marked on them.
6. Medium crafts for floating BOPs with adequate speed boats for the riverine sector, should be made available as early as possible.
7. Multi-purpose photo identity cards should be provided to all our nationals. Districts bordering Bangladesh should be accorded higher priority.
8. Effective arrangements should be made for registration of births and deaths.
9. The National Register of Citizens should be updated and computerised. A separate register of Stateless citizens should also be maintained.
10. Vacant Chars in the river should be handed over to the Forest Department and trees planted on them.
11. As far as possible, we should assist in the process of economic development in Bangladesh. Socio-economic programmes designed to improve the lot of women should be given priority due to its multiple beneficiary spin offs - improving the family's income, women's education curbing population growth and educated women becoming a bulwark against the spread of Islamic fundamentalism.
12. Hindu illegal migrants who have infiltrated after 24 March 1971 should not be given refugee status. They should be treated as illegal migrants.
13. While maximum effort must be made to stem the ingress of illegal migrants, those who have already infiltrated after 24 March 1971 to date, may not be deported.

14. The IMDT Act should be repealed and replaced by a new legislation which should provide for detection for illegal migrants in a just, fair and expeditious manner, with due judicial sanctity accorded to the process. Those identified as illegal migrants should be allowed to stay in the country as Stateless citizens with no voting right nor the right to acquire immovable property.

15. Survey teams working under Magistrates on deputation from other States assisted by policemen of Border Organisation, should identify illegal migrants in a fixed time frame of short duration. Those identified as foreigners by these teams should be given the right of appeal to tribunals set up under Foreigners Act.

APPENDIX -11

ASSAM ACCORD

15th August, 1985

**(Accord between AASU, AAGSP, Central and State Government
on the Foreigner Problem Issue)**

MEMORANDUM OF SETTLEMENT

1. Government have all along been most anxious to find a satisfactory solution to the problem of foreigners in Assam. The All Assam Students' Union (AASU) and the All Assam Gana Sangram Parishad (AAGSP) have also expressed their Keeness to find such a solution.
2. The AASU through their Memorandum dated 2nd February 1980 presented to the Late Prime Minister Smt. Indira Gandhi, conveyed their profound sense of apprehensions regarding the continuing influx of foreign nationals into Assam and the fear about adverse affects upon the political, social, cultural and economic life of the State.
3. Being fully alive to the genuine apprehensions of the people of Assam, the then Prime Minister initiated the dialogue with the AASU/AAGSP. Subsequently, talks were held at the Prime Minister's and Home Ministers levels during the period 1980-83. Several rounds of informal talks were held during 1984. Formal discussions were resumed in March, 1985.
4. Keeping all aspects of the problem including constitutional and legal provision, international agreements, national commitments and humanitarian considerations, it has been decided to proceed as follows:-

Foreigners Issue :

5. (1) For purpose of detection and deletion of foreigners, 1.1. 1966 shall be the base date and year .
- (2) All persons who came to Assam prior to 1.1.1966, including those amongst them whose names appeared on the electoral rolls used in 1967 elections, shall be regularised.
- (3) Foreigners who came to Assam after 1.1.1966 (inclusive) and upto 24th March 1971 shall be detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order, 1939.
- (4) Names of foreigners so detected will be deleted from the electoral rolls in force. Such persons will be required to register themselves before the Registration Officers of the respective districts in accordance with the provisions of the Registration of Foreigners Act, 1939 and the Registration of Foreigners Rules, 1939.
- (5) For this purpose, Govt of India will undertake suitable strengthening of the governmental machinery.

- (6) On the expiry of a period of ten year following the date of detection, the names of all such persons which have been deleted from the electoral rolls shall be restored.
- (7) All persons who were expelled earlier, but have since re-entered illegally into Assam, shall be expelled.
- (8) Foreigners who came to Assam on or after March 25,1971 shall continue to be detected,deleted and expelled in accordance with law. Immediate and practical steps shall be taken to expel such foreigners.
- (9) The Government will give due consideration to certain difficulties express by the AASU/ AAGSP regarding the implementation of the illegal Migrants (Determination by Tribunals) Act, 1983.

Safeguards and Economic Development :

6. Constitutional, legislative and administrative safeguards, as many be appropriate , shall be provided to protect , preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people
7. The Government take this opportunity to renew their commitment for the speedy all round economic development of Assam, so as to improve the standard of living of the people . Special emphasis will be placed on education and science & technology through establishment of national institutions.

Other Issues :

8. (1) The Government will arrange for the issue of citizenship certificate in future only by the authorities of the central Government.
- (2) Specific complaints that may be made by the AASU/AAGSP about irregular issuance of Indian Citizenship Certificates (ICC) will be looked into.
9. (1) The international border shall be made secure against future infiltration by erection of physical barriers like walls barbed wire fencing and other obstacles at appropriate places. Patrolling by security forces on land and riverine routes all along the international border shall be adequately intensified. In order to further strengthen the security arrangements, to prevent effectively future infiltration, an adequate number of check posts shall be set up.
- (2) Besides the arrangement mentioned above and keeping in view security consid erations, a road all along the international border shall be constructed so as to facilitate patrolling by security forces. Land between border and the road would be kept free of human habitation, wherever possible. Riverine patrolling along the international border would be intensified. All effective measures would be adopted to prevent infiltrators crossing or attempting to cross the international border.
10. It will be ensured that relevent laws for prevention of encroachment of govern ment lands and lands in tribal belts and blocks are strictly enforced and unauthorised encroachers evicted as laid down under such laws.
11. It will be ensured that the law restricting acquisition of immovable property by foreigners in Assam is strictly enforced.
12. It will be ensured that Birth and Death Registers are duly maintained.

Restoration of Normalcy :

13. The All Assam Students Unions (AASU) and the All Assam Gana Sangram Parishad (AAGSP) call off the agitation, assure full co-operation and dedicate themselves towards the development of the country.
14. The Central and the State Government have agreed to :
- a) Review with sympathy and withdraw cases of disciplinary action taken against employees in the context of the agitation and to ensure that there is no victimization;
 - b) Frame a scheme for ex-gratia payment to next of kin of those who were killed in the course in the agitation.
 - c) Give sympathetic consideration to proposal for relaxation of upper age limit for employment in public service in Assam, having regard to exceptional situation that prevailed in holding of academic and competitive examinations, etc. in the context of agitation in Assam ;
 - d) Undertake review of detention cases, if any, as well as cases against persons charged with criminal offences in connection with the agitation, except those charged with commission of heinous offences ;
 - e) Consider withdrawal of the prohibitory orders/notifications in force, if any:
15. The Ministry of Home Affairs will be the nodal Ministry for the implementation of the above.

Sd/-

(P.K. Mahanta)
President
All Assam Students' Union

Sd/-

(R.D. Pradhan)
Home Secretary
Govt. of India

Sd/-

(B.K. Phukan)
General Secretary
All Assam Students' Union

Sd/-

(Smt. P. P. Trevedi)
Chief Secretary
Govt. of Assam

Sd/-

(Biraj Sharma)

Convenor
All Assam Gana Sangram Parishad

In the Presence of

Sd/-

(RAJIV GANDHI)

PRIME MINISTER OF INDIA

Date: 15th August, 1985.

Place: New Delhi.

1. Election Commission will be requested to ensure preparation of fair electoral rolls.
2. Time for submission of claim and objections will be extended by 30 days, subject to this being consistent with the Election Rules.
3. The Election Commission will be requested to send Central Observers.

Sd/- Illegible

HOME SECRETARY

1. Oil refinery will be established in Assam
2. Central Government will render full assistance to the State Government in their efforts to reopen.
 - i) Ashok Paper Mill.
 - ii) Jute Mills
3. I.I.T. will be set up in Assam.

Sd/- Illegible

HOME SECRETARY

ASSAM ACT NO. XXVI 1995

(Received the assent of the Governor on 27th October, 1995)

THE MISING AUTONOMOUS COUNCIL ACT, 1995

AN

ACT

Preamble

to provide for the establishment of an administrative authority in the name and style of "Mising Autonomous Council" and for certain matters incidental there to and connected therewith.

Whereas it is expedient to provide for the establishment of a Mising Autonomous Council within the State of Assam with maximum autonomy within Councils formed out of blocks of contiguous revenue villages, each having more than 50% population of Mising Community, without having any compact area for social, economic, educational, ethnic and cultural advancement of the Mising community residing therein.

It is hereby enacted in the Forty-sixth Year of the Republic of India, as follows:-

CHAPTER II

PRELIMINARY

Short Title, extent and commencement Definitions

1. (1) This Act may be called the Mising Autonomous Council Act, 1995.
- (2) It extends to the whole of the State of Assam.
- (3) It shall be deemed to have come into force with effect from 13-07-95.
2. In this Act, unless the context otherwise requires :-
 - a) 'bye-law' means the bye-law framed by the General Council;
 - b) 'Constituency' means a constituency referred to in section 48;
 - c) 'Constitution' means the constitution of India;
 - d) 'Council Area' means the Mising Autonomous Council Area.
 - e) 'Elector' in relation to a constituency means a person whose name is entered in the electoral roll of that constituency;
 - f) 'Executive Council' means the executive body of the General Council of the Mising Autonomous Council constituted under Section 3 (3) and 24.

CHAPTER II

THE GENERAL COUNCIL

Incorporation of the General Council

5. The General Council shall be a body corporate having perpetual succession and a common seal with powers to acquire, hold and dispose of property and to contract and sue or be sued by its corporate name.

Constitution of the General Council

6. (1) The General Council shall consist of 40 (Forty) members of which 35 (Thirty five) shall be directly elected and 5 (Five) shall be nominated by the Government from amongst the groups of communities residing in the Council area and not otherwise represented in the General Council. Out of the 40 (Forty) seats 20 (Twenty) seats shall be reserved for Mising Community and out of these 20 (Twenty) reserved seats, at least 6 (Six) seats shall again be reserved for women.
- (2) The Members of Parliament, and the Members of Legislative Assembly, Assam belonging to Scheduled Tribes Reserved Constituencies of the Council Area shall ex-officio members of the General Council.
- (3) Every members of the General Council shall be entitled to such allowances as may be fixed by the General Council and approved by the Government.
- (4) The elected member of the General Council shall, at the first meeting after the election, for the purpose of constitution of the Executive Council, elect from amongst themselves in the manner prescribed,—
- i) One member to be the Chief Executive Councillor who shall also be the President of the General Council.
 - ii) One member to be the deputy Chief Executive Councillor who shall act as President of the General Council in absence of the Chief Executive Councillor.
 - iii) Seven Executive Councillors.

Term of Office

7. (1) The term of office of the General Council shall be five years from the date of the first meeting as appointed by the Government after the election of the members, unless dissolved earlier under section 63.
- (2) Notwithstanding anything contained in sub-section (1) above, the Chief Executive Councillor; the Deputy Chief Executive Councillor or the Executive Councillors shall cease to hold office as such forthwith if he, for any reason, ceases to be a member.
- (3) Notwithstanding anything contained in sub-section (1) the Governor may, if he is satisfied that circumstances exist which render the holding of the election, as provided, impracticable, extend the term for a period not exceeding one year.

Resignation of Members of the General Council

8. (1) Any member of the General Council including the Deputy Chief Executive Councillor may, at any time by giving notice in writing addressed to the chief Executive Councillor, resign his office :

Provided that in case of the Chief Executive Councillor the notice shall be addressed to the Deputy Chief Executive Councillor.

- (2) Such resignation shall take effect from, such date as specified in the notice or if no such date is specified, from the date of its receipt by the office bearer addressed.

Removal of Members of General Council

9. (1) The Chief Executive Councillor, the Deputy Chief Executive Councillor or the Executive Councillor or any of them or all of them may be removed from office by a resolution carried by a majority of the total number of the elected members at a special meeting of the General Council called for the purpose upon a requisition made in writing by not less than one third of the members of the General Council.

- (2) The Government, after giving an opportunity to an elected member of the General Council to show cause against the action proposed to be taken against him and after giving a reasonable opportunity of being heard, may by order, remove him from the office, if he -

- a) after his election, is convicted by a criminal court of an offence involving moral turpitude punishable with imprisonment for any period exceeding six months, or
- b) incurs any of the disqualifications mentioned in section 54 after his election as member of the General Council, or
- c) is absent from three consecutive meetings of the General Council.

- (3) Any member of the General Council who is removed from the office under sub-section (2) above, may within thirty days from the date of the order, appeal to such Judicial Authority as the Government may prescribe and the authority so prescribed after admitting an appeal may, after complying with the normal and fundamental principles of judicial proceedings, pass such order or orders either confirming or modifying or setting aside the order appealed against and pending the final disposal of the appeal may pass such other interlocutory order or orders including stay of operation of the order appealed against.

- (4) The order passed, by the Judicial Authority referred to in sub-section (3) above, on such appeal shall be final

Salaries, allowances and Other Emoluments.

10. (1) The Chief Executive Councillor, Deputy Chief Executive Councillor and the Executive Councillors shall be wholetime functionaries and shall be paid out of the general Council Fund such salaries and allowances as may be prescribed.

- (2) The other terms and conditions of service of the Chief Executive Councillor, Deputy Chief Executive Councillor and the Executive Councillors shall be such as may be prescribed.

Filling up Vacancies

- 11.(1) Where the office of any member falls vacant by reason of his death, resignation, removal or otherwise the vacancy shall be filled up by election in accordance with the provision of this Act and the ruled framed thereunder:

Provided that any vacancy in the office of the Chief Executive Councillor, Deputy Chief Executive Councillor and the Executive Councillors shall be filled up by the General Council; by electing a member thereof in the manner prescribed for the election of the Chief Executive Councillor, Deputy Chief Executive Councillor or the Executive Councillors as the case may be :

- (2) Any member elected in accordance with the provisions of sub-section (1) above, shall hold such office only for the remainder of the term of the General Council or the period extended under sub-section (3) of section 7.

Powers, Functions and Duties of the Chief Executive Councillor

- 12.(1) The Chief Executive Councillor shall –
- a) be responsible for the maintenance of the records of the General Council;
 - b) have general responsibility for the financial and executive administration of the General Council.
 - c) exercise administrative supervision and control over the officers and employees of the General Council and the officers and employees whose services may be placed at the disposal of the General Council by the Government;
 - d) for transaction of business under this Act or for the purpose of making any order under this Act, exercise such powers, perform or discharged by the General Council at meeting;
 - e) exercise such other powers, perform such other duties as the General Council may, by General or special resolution, direct or the Government may, by rules made in this behalf, prescribe.

Meeting of the General Council

- 13.(1) The General Council shall meet at least once in every three months for transaction of its business.
- (2) The meeting of the General Council shall be held at the headquarter of the Mising Autonomous Council at such time as may be notified by the Chief Executive Councillor :

Provided that the first meeting of the General Council after the election shall be held on such date as may be appointed by the Government.

Oath of Affirmation by Members

14. Every member of the General Council shall, before taking his seat, make and subscribe before such person as may be appointed by the Governor in this behalf an oath or affirmation in the manner and form as may be prescribed.

Quorum

15. The quorum necessary for transaction of business at a meeting of the General Council shall be 10 (ten) members and the decision of the General Council shall be by a single majority of votes of the members present.

Headquarter of the General Council

16. The Government may, by notification in the Official Gazette, declare any place within the Council Area to be the headquarter of the General Council.

Secretariat of the Mising Autonomous Council

- 17.(1) There shall be a secretariat for the Mising Autonomous Council at the head-quarter of the General Council headed by a Principal Secretary to be appointed by the Government in consultation with the chief Executive Councillor.
- (2) The Principal Secretary shall be the Principal Executive Officer of the General Council and all other officers of the General Council shall be subordinate to him.
- (3) The Principal Secretary shall be present and take part in the discussion of all the meetings of the General Council and may, with the consent of the Chief Executive Councillor or any other person presiding over such meeting for the time being, as the case may be, at any time make a statement or give explanation of the facts and circumstances but shall not be entitled to vote in any such meeting.
- (4) The Principal Secretary and the other officers of the secretariat shall be paid out of the General Council Fund.
- (5) The term of appointment of the Principal Secretary shall be for a period of three years but may be extended by the Government in consultation with the Chief Executive Councillor.
- (6) The Government may appoint such other Secretaries for the General Council on such terms and conditions as the Government may in consultation with the Chief Executive Councillor, determine.
- (7) The Government may, in consultation with the Chief Executive Councillor, depute such other officers or experts, as may be, required, to assist the General Council on such terms and conditions as may be determined by the Government.
- (8) The Government may from time to time post officers of the rank of class 11 and above within the Council Area in accordance with the exigencies, but while making such posting due regard may be given to the views of the General Council.
- (9) All officers and other staff posted in the Council Area shall be accountable to the General Council for their performance and assessment of their works recorded by the Executive Council shall be incorporated in their Annual Confidential Reports by the Government.
- (10) Notwithstanding anything contained in sub-section (5) above, the Government may, at any time in consultation with the Chief Executive Councillor, withdraw the Principal Secretary or any other officer posted or appointed by it in the, Secretariat.

CHAPTER - III

POWERS AND FUNCTIONS OF THE GENERALCOUNCIL

Subject to be under the control and administration of the General Council.

18. Notwithstanding anything contained in any other law or rules for the time being in force, the General Council shall have executive powers in relation to the Council Area over the Following subjects :-
1. Cottage Industry
 2. Animal Husbandry and Veterinary,
 3. Forest, other than Reserved Forest,
 4. Agriculture,
 5. Rural Roads and Bridges,
 6. Sericulture,
 7. Education,
 - a) Adult Education.
 - b) Primary Education.
 - c) Up-to Higher Secondary including Vocational Training.
 8. Cultural Affairs.
 9. Social Conservation,
 10. Co-operation,
 11. Fisheries,
 12. Panchayat and Rural Development,
 13. Handloom and Textile,
 14. Public Health Engineering - Drinking Water.
 15. Minor Irrigation,
 16. Social Welfare,
 17. Flood Control Schemes for protection of villages (not of highly technical nature)
 18. Sports and Youth Welfare,
 19. Weights and Measures,
 20. Library services,
 21. Museum and Archaeology,

22. Urban Development, Town and Country Planning.
 23. Tribal Research.
 24. Land and Land Revenue.
 25. Publicity and Public Relation, 26. Tourism,
 27. Transport,
 28. Any other matter connected with development,
 29. Municipal Board, Improvement Trust, District Boards and other local-self Government of Village Administration,
 30. Tribal Welfare,
 31. Market and fairs,
 32. Lotteries, Theatres, Dramatic Performance and Cinema,
 33. Vital Statistics including registration of birth and death.
 34. Food and Civil Supplies.
19. Subject to general policy of the Government, the General Council shall, -
- i) formulate integrated development plans for the Council Area
 - ii) implement schemes and programmes for the development of the Council Area;
 - iii) have powers to appoint Class III and Class IV staff within the Council Area;
 - iv) have powers to regulate trade and commerce within the Council Area in accordance with the existing law including issue of permits or licences to individuals within the Council Area;
 - v) guide customs and traditions and social justice of the Mising community according to the traditional laws ;
 - vi) organise special recruitment drive into Army, Navy, and other paramilitary forces, Police Forces and other Central Government establishments for appointment of the persons belong to the Mising community;
 - vii) allot permits for trade and commerce to the people residing in the Council Area preference being given to the Mising community.

Power to Impose Levy and Collect Taxes

- 20.(1) Subject to the provisions of any other law for the time being in force, the General Council shall have the powers to collect within the Council Area such taxes as are payable under the law for the time being in force in the manner as may be prescribed.
- Provided that the tax or taxes is aforesaid shall be collected from such date as may be appointed by the Government by notification in this behalf in the Official Gazette.
- (2) Subject to sub-section (1) and such maximum rates as the Government may prescribe, the General Council shall -

- a) levy tolls on persons, vehicles or animals of a class, for the use of any or road other than Kacha road, or ferry constructed or established and managed by it;
- b) levy the following fees and rates, namely :-
 - i) fees on the registration of boats or vehicles ,
 - ii) fees for providing sanitary arrangements at such places of worship, pilgrimage, fairs, melas, other public places within the Council Area as may be specified by the Government by Notification, in the Official Gazette.
 - iii) fees for licences ;
 - iv) water rates, where arrangements for irrigation or drinking water is made by it within the Council Area;
 - v) lighting rate where arrangements for lighting of public street or places are made by it within the Council Area;
- (3) Notwithstanding anything contained in the foregoing sub-sections, the General Council shall not undertake registration of any vehicle or levy any fees in respect thereof and shall not provide sanitary arrangements at places of worship, pilgrimage, fairs, meals or other public places within the Council Area or levy any fees in respect thereof if such vehicle has already been registered by, any other authority under the law for the time being in force, or if such provisions for sanitary arrangements have already been made by the Government or any other local authority.
- (4) The collection of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be prescribed by the bye-laws. Such by- laws may, inter alia, provide for exemption from all or any class of cases.
- (5) The General Council may levy fee or taxes on any or all the subjects assigned to the Village Council.

Power to entrust functions.

- 21. Notwithstanding anything contained in this Act, the Government may, in consultation with the General Council, entrust, either conditionally or without any condition to the General Council or their officers any function in relation to any matter not enumerated in section 18 to which the executive powers of the Government extends.

Power to acquire hold and Dispose of Property

- 22. Notwithstanding anything contained in Section 5, the General Council, subject to the previous approval of the Government and subject to such terms and conditions as may be imposed by the Government, shall have the power to acquire, hold or dispose or any immovable property for movable property for value of which exceeds Rupees One lakh and to enter into contract or agreement with any party or authority:

Power to make bye- laws.

- 23. (1) General Council, may subject to the provisions of this Act and the rules made thereunder and subject to the approval of the Government, make bye- laws to be applicable within the Council Area with respect to all or any of the matters enumerated in sections 18, 19, 43 and 44 for regulation, control and administration thereof.

- (2) All bye-laws made under sub-section (1) above, shall have effect upon their, publication in the Official Gazette.

CHAPTER - IV

THE EXECUTIVE COUNCIL

The Executive Council.

24. (1) The Executive Council shall consist of the Chief Executive Councillor, Deputy Chief Councillor and seven Executive Councillors elected in accordance with the provisions of sub-section (4) of section 6.
- (2) The Chief Executive Councillors shall be the Chairman of the Executive Council and shall preside over the meetings thereof :
- Provided that in case of the absence the Chief Executive Councillor, the Deputy Chief Councillor shall preside over the meeting of the Executive Council.
- (3) Any casual vacancy among the members of the Executive Council occurring by reasons of death, resignation, removal or otherwise shall be filled through election by the members of the General Council in the same manner as provided in subsection (4) of Section 6 :
- Provided that no act or proceeding of the Executive Council shall I)... called in question or shall become invalid merely by reason of any vacancy among its members.
- (4) The manner of transaction of business of the Executive Council shall be such as may be determined by the General Council by bye-laws made by it with the approval of the Government.
- (5) The Executive Council shall be collectively responsible to the General Council.

Terms of office of the Executive Council

25. A member of the Executive Council shall hold office until he
- a) ceases to be a member of the General Council, or
- b) resigns his office in writing under his hand addressed to the Chief Executive Councillor in which case the resignation shall take effect from the date of acceptance thereof :

Provided that in case of the Chief Executive Councillor, the resignation shall be addressed to any one of the Deputy Chief Executive Councillor.

Powers and Functions of the Executive Council

26. (1) The Executive powers of the General Council shall vest in the Executive Council
- (2) All orders or instructions made or executed by the Executive Council shall be deemed to have been made or executed by or under the authority of the General Council

- (3) Every order made or instruction issued or resolution passed by the General Council shall be authenticated by the signature of the Chief Executive Councillor or in his absence by Deputy Chief Executive Councillor.

General Powers of the Chief Executive Councillor

- 27.(1) The Chief Executive Councillor shall be the Chief of the Mising Autonomous Council and shall exercise such powers and discharge such functions as are conferred on him by or under this Act or the rules made thereunder.
- (2) The Chief Executive Councillor, shall for the smooth and convenient transaction of business of the Executive Council allocate among the Executive Councillor such business in such manner as he may deem fit.

Special Powers of the Chief Executive Councillor

- 28.(1) The Executive Council may, in cases where the Chief Executive Councillor is required to take, in accordance with the provisions of this Act or the rules made thereunder or any other law for the time being in force, any action subject to the approval of the Executive Council, by a general or special resolution, authorise the Chief Executive Council to take such action subject to such condition, if any, as may be specified therein, in anticipation of such approval.
- (2) Whenever the Chief Executive Councillor takes any action under sub-section (1) above, he shall inform the Executive Council forthwith and shall obtain the approval thereof.

Meeting of Executive Council

- 29.(1) The Executive Council shall meet at least once in every three months for transaction of its business at such place and time as the Chief Executive Councillor may direct.
- (2) The Meeting shall be convened by the Chief Executive Councillor by giving seven clear days notice in writing to each member of the Executive Council.

Quorum

30. The Quorum for transaction of business at a meeting of the Executive Council shall be three members including the Chief Executive Councillor.

CHAPTER - V

THE VILLAGE COUNCIL

Incorporation the village Council

31. The Village Council shall be a body corporate having perpetual succession and a common seal with powers to acquire, hold and dispose of property and shall sue or be sued by its corporate name.

Constitution of the Village Council.

- 32.(1) The village Council shall consist of 10 (ten) members of which 5 (five) seats shall

be reserved for the Mising Community out of which at least one shall be a woman.

- (2) Every member of the Village Council shall be entitled to such sitting allowances as may be fixed by the Village council subject to the approval of the General council and the Government.
- (3) The elected members of the Village Council shall, at the first meeting after the election, elect from among themselves, in the manner prescribed, -
 - i) One member to be the President who shall also be the Chief of the Village Council, and
 - ii) One member to be the Vice President who shall be the Chief of the Village Council.

Terms of office

- 33.(1) The term of office of the Village Council shall be five years from the date of the first meeting as appointed by the Government after the election of the members unless dissolved earlier under section 68.

Provided that the Government may, if it is satisfied that circumstances exist which render the holding of election, as provided, impracticable, extend the term for a period not exceeding one year.
- (2) Notwithstanding anything contained in sub-section (1) above, the President or the Vice-President of a Village Council shall cease to hold office as such forthwith if he, for any reason, ceases to be a member.
- (3) Notwithstanding anything contained in sub-section (1) or sub-section (2) above, the term of the Village Council shall be co-terminus with the General Council.

Resignation of members of the Village Council.

- 34.(1) Any member of the Village Council may, at any time by giving notice in writing addressed to the President resign his office.

Provided that in case of the President the notice shall be addressed to the Vice President.
- (2) Such resignation shall take effect from such date as specified in the notice or if no such date is specified from the date of its receipt of the office bearer addressed.

Removal of members of the Village Council.

- 35.(1) The President or the Vice-President or both of a Village Council may be removed from office by a resolution carried by a majority of the total number of the elected members at a special meeting of the Village Council called for the purpose upon requisition made in writing by not less than one third of the members of the Village Council.
- (2) The Government after giving in opportunity to an elected member of the Village Council to show cause against the action proposed to be taken against high and after giving a reasonable opportunity of being heard, may by order, remove him from the office, if he—

- a) after his election, is convicted by a criminal court of an offence involving moral turpitude punishable with imprisonment for any period exceeding six months; or
 - b) incurs any of the disqualification mentioned in section 54 after his election as member of the Village Council; or
 - c) is absent from three consecutive meetings of the Village Council.
- (3) Any member of the Village Council who is removed from the office under sub-section (2) above, may within thirty days from the date of the order, appeal to such Judicial Authority as the Government may prescribe and the authority so prescribed, after admitting an appeal may, after complying with the normal and fundamental principles of Judicial Proceedings, pass such order or orders either confirming or modifying or setting aside the order appealed against and the final disposal of the appeal, may pass such other interlocutory order or orders including stay of operation or the order appealed against.
- (4) The order passed by the Judicial Authority referred to in sub-section (3) above, on such appeal shall be final.

Filling up of vacancy In the office of the President or the Vice-President.

36. Any vacancy in the office of the President or Vice-President by, reason of death, resignation, removal or otherwise, shall be filled up within one month from the date of occurrence thereof, from amongst the elected members of the Village Council in the same manner as has been provided in section 32 for the election of the President or the Vice-President, as the case may be.

Salaries, allowances and other emoluments.

- 37.(1) The President and the Vice-President shall be whole time functionaries and shall be paid out of the Village Council fund such salaries and allowances as may be prescribed.
- (2) The other terms and conditions of service of the President and the Vice- President shall be such as may be prescribed.

Powers, Functions and duties of the President and Vice-President

- 38.(1) The President of the Village Council shall be responsible for the maintenance of records of the Village Council, for administrative control and supervision of all officers and employees in the Village Council.
- (2) The President shall exercise such powers, discharge such duties and perform such functions as may be entrusted by the Village Council.
- (3) The Vice-President of the Village Council shall exercise such of the powers perform such of the functions and discharge such of the duties of the President as the President may, from time to time subject to the rules, if any made in this behalf by the Government delegate to him in writing.
- (4) Notwithstanding anything contained in the foregoing sub-sections, neither the President nor the Vice-President shall exercise such powers, perform such functions or discharge

such duties as may be required by the ruled made under this Act to be exercised, performed or discharged by the Village Council at a meeting.

Meeting of the Village Council

- 39.(1) The Village Council shall meet at least once in every month for transaction of its business.
- (2) The meeting of the Village Council shall be held at the office of the Village Council or at such other convenient place at such time as may be notified by the President :

Provided that the first meeting of the Village Council after the election shall be held on such date and time as may be appointed by the Government.

Oath of affirmation

40. Every member of the Village Council shall before taking his seat, make and subscribe, before such person as may be appointed by the Government in his behalf, an oath of affirmation in the manner and form as may be prescribed.

Meeting of the Village Council

41. The Quorum necessary for transaction of business at a meeting of the Village Council shall be 4 (Four) members and the decision of the Village Council shall be by a single majority of votes of the members present.

Office of the Village Council

- 42.(1) There shall be an office of the Village Council at such place as may be determined by the Village Council with the approval of the Government.
- (2) The Government shall, in consultation with the President of the Village Council, appoint a Secretary to the Village Council.
- (3) The Secretary to the Village Council shall be the Chief Executive of the Village Council and shall act under the direction and control of the President. All other officers and staff shall be subordinate to him.
- (4) The Secretary shall be present and take part in the discussion of all meeting of the Village Council or any Committee of the Village Council and may with the consent of the President or any other person presiding over such meeting for the time being, as the case may be, at any time make a statement or give explanation of the facts and circumstances but shall not be entitled to vote in any such meeting.
- (5) The Government may, in consultation with the President, depute such other officers or experts, as may be required to assist the Village Council on such terms and conditions as may be determined by the Government.
- (6) The Government may, from time to time, post such other officer or staff as may be required so as to meet the exigencies but while making such position due regard may be given to the views of the Village Council.

- (7) All Officers and staff posted in the Village Council office shall be accountable to the Village Council for their performances and assessment of their works recorded by the Village Council shall be incorporated in their Annual Confidential Reports by the Government.
- (8) Notwithstanding anything contained in any of the foregoing sub-sections the Government may at any time, in consultation with the President, withdraw the Secretary or any other officer or staff posted or appointed by it in the office of the Village Council.

CHAPTER VI

POWERS AND FUNCTIONS OF THE VILLAGE COUNCIL

Subject to be under the control and administration of the Village Council

43. Notwithstanding anything contained in any other law or rules for the time being in force, the Village Council shall have the executive power in relation to the Village Council Area over the following subjects :
1. Agriculture including Agricultural Extension.
 2. Animal Husbandry, Dairy Development and Poultry.
 3. Fisheries,
 4. Social and Farm Forestry/Minor Forest Produce, fuel & fodder,
 5. Khadi, Village & Cottage Industry,
 6. Rural Housing,
 7. Drinking Water,
 8. Road, Building, culverts, bridges, tunnels, waterways and other means of communication,
 9. Rural Electrification
 10. Nonconventional Energy Sources,
 11. Poverty alleviation programme,
 12. Education including Primary School,
 13. Adult & Non-formal Education.
 14. Libraries,
 15. Cultural Activities,
 16. Markets and Fairs,
 17. Rural sanitation,
 18. Public Health & Family Welfare,
 19. Women & Child Development,

20. Social Welfare including Welfare of Handicapped & mentally retarded,
21. Welfare of weaker section and in particular the SC/ST,
22. Public Distribution System,
23. Maintenance of community assets,
24. Construction and maintenance of Dharamasalas and similar institutions,
25. Construction and maintenance of cattle sheds, pounds, and cart stands,
26. Maintenance of Public parks and play grounds,
27. Construction and maintenance of slaughter houses,
28. Maintenance and regulation of manure,
29. Such other functions as may be entrusted by the Govt. from time to time.

Other matters to be under the control & administration of the Village Council

44. Subject to the general policy of the Government and subject to the general control and supervision of the General Council, the Village Council shall-
 - i) formulate integrated development plan for the Village Council area,
 - ii) implement schemes and programmes for the development of the Village Council Area,
 - iii) have powers to appoint Class-III and Class-IV staff of the Village Council,
 - iv) have powers to regulate trade and commerce within the Village Council Area in accordance with the existing laws including issue of permits of licences to individuals within the Village Council Area,
 - v) guide customs and traditions and social justice of the Mising Community according to their traditional laws and
 - vi) allot permits for trade and commerce to the people residing in the Village Council Area preference being give to the Mising Community.

Power to Impose levy and taxes

45. (1) Subject to the provisions of any other laws for the time being in force and subject to the previous approval of the General Council, the Village Council shall have the power to collect within the Village Council Area such taxes as are payable under the law for the time being force in the manner as may be prescribed :

Provided that the tax or taxes as aforesaid shall be collected from such date as may be appointed by the Government by notification in the behalf in the Official Gazette.
- (2) Subject to sub-section (1) and such maximum rates as the Government may prescribe, the Village Council shall,-
 - a) levy tolls on persons, vehicles or animals of any class, for the use of any bridge,

or road other than kacha road or ferry constructed or established by it :

b) levy the following fees and rates namely :-

- (i) fees on the registration of boats or vehicles
 - (ii) fees for providing sanitary arrangements at such places of worship, pilgrimages, fairs, melas or other public places within the Village Council Area as may be specified by the Government by notification in the Official Gazette
 - (iii) fees for licences
 - (iv) water rates where arrangements for irrigation or drinking water is made by it within the Village Council Area.
 - (v) lighting rate where arrangements for lighting on public streets or places are made by it within the Village Council Area.
- (3) Notwithstanding anything contained in the foregoing sub-sections, the Village Council shall not undertake registration of any vehicle or levy any fee in respect thereof and shall not provide sanitary arrangements at places of worship, pilgrimages, fairs, melas or other public places within the Village Council Area or levy any fees in respect thereof, if such vehicle has already been registered by any other authority under the law for the time being in force or if such provision for sanitary arrangements has already been made by the Government or any other local authority.
- (4) The collection of tolls fees or rates and the terms and conditions for the imposition thereof shall be such as may be prescribed by the bye-laws, Such bye-laws may, inter alia, provide for exemption from all any class or cases.

Power to entrust functions

46. Notwithstanding anything contained in this Act, the Government may, in consultation with the Village Council, entrust either conditionally or without any condition to the Village Council or its officers any functions in relation to any matter not enumerated in Section 43 to which the executive power of the Government extends.

Power to acquire, hold and dispose of property

47. Notwithstanding anything contained in section 31, the Village Council subject to the previous approval of the Government of the Government and subject to such terms and conditions as may be imposed by the Government, shall have the power to acquire, which exceeds rupees, fifty thousand and to enter into any agreement or contract with any party or authority.

CHAPTER- VII

ELECTION

Delimitation

- 48.(1) There shall be 10 (ten) constituencies in a Village Council Area for electing members to the Village Council, Each such constituency shall be single member constituency and shall be territorial.

- (2) There shall be 26 (twenty six) constituencies covering the Council Area for electing members to the General Council. Each constituency shall be a single member constituency and territorial.
- (3) The Government shall, by order published in the Official Gazette, determine the territorial limits of the constituencies into which the Village Council Area or the Council area shall be delimited for the purpose of election of members to the Village Council and the General Council.

Power to amend or alter delimitation

49. Notwithstanding anything contained in section 48 above the Government may, by order published in the Official Gazette, alter or amend the order made under section 48;

Provided that no such order shall be made after the commencement of the election process.
50. (1) Subject to the provisions of this Act and the rules made thereunder, so much of the electoral roll for the Assembly Constituency in force on the last date of nomination, as is relatable to a Village Council Constituency, as defined in clause (b) of section 2, shall be the electoral roll for that Village Council Constituency.
 - (2) The Electoral rolls of the Village Council Constituencies as are relatable to a constituency or the General Council, as defined in clause (b) of section 2, shall be the electoral roll for the constituency of the General Council.
 - (3) Persons whose names are included in the electoral roll as aforesaid in sub-section (1) or (2) above, shall be the electorate for the election of members of the Village Council of the General Council, as the case may be.
 - (4) The Government shall at the time and in the manner prescribed, cause to be published the electoral roll in respect of a constituency.

Right to vote

51. (1) Save as otherwise provided in this Act every person whose name is entered in the electoral roll for the time being in force, of any constituency shall be entitled to vote in that constituency.
 - (2) No person shall vote at an election in any constituency, if he is subject to any of the disqualifications referred to in Section 10 of the Representation of People Ordinance, 1951.
 - (3) No person shall vote in more than one constituency.
 - (4) No person shall vote in the same constituency more than once.
 - (5) No person shall vote at any election if he is confined in a prison, whether under a sentence or imprisonment or otherwise or in the lawful custody of police :

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

Election of Members

52. Election of members shall be held in accordance with the rules made under section 60 and the first election for the purpose of constituting the General Council and the Village Council shall be held on such date or dates as the Government may direct in consultation with the Interim Mising Executive Council referred to in Section 80.

Qualification for membership of Village Council or General Council

53. A person shall be qualified to be elected as member or either to the Village Council or the General Council if he is an elector as defined in clause (f) of section 2.

Disqualification for membership of Village Council for General Council

- 54.(1) A person shall not be qualified for being elected either to the Village Council or the General Council, if –

- a) he is not a citizen of India;
- b) he is less than 18 years of age on such date as may be fixed by the Government, or
- c) he has been elected to any Municipality, Panchayat within the State of Assam; or
- d) he is in service of the Central or State Government, Municipality or other authority;
- e) he has either directly or indirectly by himself, or by the person or employer or employee, any share or interest in any contract with, by or on behalf of the Village Council, General Council or Municipality or Panchayat within the Council Area; or

Provided that no person shall be deemed to be so disqualified by reason only of his having a share or interest in a public company, as defined in the Companies Act, 1956, which contracts with or is employed by a Municipal Authority or Panchayat within the Council Area; or (*Central Act of 1956*)

- f) he has been dismissed from the service of the Central or State Government or a local authority or a co-operative society or a Government Company as defined in the Companies Act, 1956 or a Corporation owned or controlled by the Central or the State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or (*Central Act of 1956*)
- g) he has been adjudged by a competent court to be of unsound mind; or
- h) he has been convicted by a court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months or an offence under Chapter IX A of the Indian Penal Code or Chapter III, part III or Part VII of the Representation of peoples Act. 1951 and five years have not elapsed from the date of expiration of the sentence:

Provided that a person shall not be disqualified under this section, by reason only of his being a member, President or Vice-President of the Village Council or a member, Chief Executive Councillor or Executive Councillor of the General Council. (*Central Act No. 43 of 1951*)

Filling of Vacancies

55. Where the office of any member becomes vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled by election in accordance with the provisions of this Act and the rules made thereunder.

Validation

56. Where the members elected at an election are restrained from functioning on account of the election as a whole being set aside by order of a court, anything done or any action taken by such members before they are so restrained or before the election is so set aside as the case may be, shall be deemed to have been validly done or taken.

Publication of results of elections

57. The name of all persons elected to Village Council and the General Council shall be published by the Government in the Official Gazette and upon such publication, the Village Council and the General Council; shall be deemed to have been duly constituted.

Vacation of Post

58. If an elected member is chosen to be member of Parliament or the State legislatures and of the General Council in case of member of the Village Council, then at the expiration of fourteen days from the date of publication in the Gazette of India or the Official Gazette, as the case may be, of the declaration that he has been so chosen, the seat of such member in the General Council or the Village Council, as the case may be, shall become vacant unless he has previously resigned his seat in the Parliament, or the State Legislature or the General Council as the case may be.

Disputes regarding election

59. (1) No election shall be called in question except by an election petition presented in such manner as may be prescribed and before such authority as may be appointed by the Government, from time to time, by notification in the Official Gazette :

Provided that no person below rank of Assistant District Judge, in case of member of village Council and District Judge, within the meaning of Article 236 of the Constitution, in case of member of the General Council, shall be appointed for the purpose.

- (2) No election shall be called into question except on any one or more of the following grounds, namely :-

- a) that on the date of his election the returned candidate was not qualified or was disqualified to be chosen to fill the seat in the Village Council or the General Council, as the case may be;
- b) That corrupt practice has been committed by the returned candidate or his election agent or by any other person with the consent of the returned candidate or his election agent

- c) the drawing up of programme for election
- d) the nomination of candidates and scrutiny of such nominations
- e) the deposits to be made by the candidates and the time and manner of making such deposits;
- f) the withdrawal of candidature;
- g) the appointment of agents of candidates.,
- h) the filling up of casual vacancies;
- i) the general procedure at the election including the time, place and hours of poll and the methods by which votes shall be cast; the fee to be paid on election petition';
- k) any other matter relating to election or election disputes in respect of which the Government deems if necessary to make rules under this section or in respect of which there is no provision in this Act or the provision is insufficient and in the opinion of the Government, adequate provision is necessary.

CHAPTER VIII

FUNDS, AUDIT AND BUDGET

General Council Fund and Village Council Fund.

61. (1) There shall be two funds to be called respectively the General Council Fund, meant for the General Council and the Village Council Fund meant for the Village Councils.
- (2) Each fund as aforesaid shall be under separate Sub-Heads within the state budget to be held for the purpose of this Act and all moneys realised or realisable under this Act and all moneys otherwise received by the General Council or the Village Council, as the case may be, shall be credited to its respective fund.
- (3) The Government shall provide funds to the General Council Fund and the Village Council Fund from the Tribal Sub-Plan and other resources in accordance with the appropriate formulas to be worked out keeping in mind the resources of the Government, priorities or development works in other areas including other tribal areas along with other relevant deciding factors.
- (4) The following shall be deposited to the Village, Council Fund:-
- a) Contribution and grants received from the Government.
 - b) Contribution and grants from the General Council.
 - c) All receipts on account of donation, rates, fees, taxes etc.
 - d) All other sums received by or on behalf of the Village Council.
 - e) Land Revenue and local rates, if any, on land including Tea Garden, which has in the Village Council Area.

- (5) The allocation made under these Sub-Heads shall be in keeping with the guidelines laid down by the Government of India from time to time in the spirit of the Constitution of India.
- (6) The Government shall not divert the fund allocated under these Sub- Heads except in exigencies of when there is unavoidable budget deficit.
- (7) All funds, as may be allocated by the Central Government or the State Government for the General Council or the Village Council, as the case may be, shall be assigned to it and shall be credited to the General Council Fund or the Village Council Fund, as the case may be.
- (8) The General Council or the Village Council, loans by as the case be subject to the provisions of loans by any law relating to the raising of local authorities, may raise with the approval of the Government loans for the purposes of this Act and create a sinking fund for the repayment of such loan.
- (9) The money credited to the General Council Fund or the Village Council Fund shall be applied for the payment of all sums, charges and costs necessary for carrying out the purposes of this Act.
- (10) No payment shall be made out of the General Council Fund or the Village Council Fund unless such expenditure is covered by a current budget grant:

Provided that the General Council or the Village Council as the case may be, may make payments in terms of refund of deposits by contractors or for urgent works undertaken in an emergency or when required by the Government in the interest of the public or under the decree or order of a civil or criminal court against the General Council or the Village Council, as the case may be, and for such other cases as may be prescribed:

Provided further that such expenditure shall be reported to the General Council or the Village Council, as the case may be, for taking such action under the provisions of this Act as may appear to it to be feasible for covering the amount of such payments

- (11) Surplus money,, standing at the credit of the General Council or the Village Council its the case silly be, at the end of the Financial Year, shall be invested in accordance with such bye-laws as may be made by the General Council, in this behalf :

Provided that no funds standing at the credit of the General Council or the Village Council, as the case may be, shall be lapsed but shall be carried over to the budget of the next financial year.

- (12) The General Council shall make bye-laws for the management of the General Council Fund and the Village Council Fund and for the procedure to be followed in respect of payment of money into the said funds, withdrawal of moneys therefore, the custody of the moneys therein and any other matter incidental thereto or connected therewith.
- (13) The accounts of the General Council and the Village Council shall be kept In such form and manner as may be prescribed in consultation with the Accountant General, Assam.

Audit.

62. Subject to the provisions of the Comptroller and Auditor General's (Duties, Power and Conditions of Service Act, 1971 and the rules and the Act 56 of orders made there under, the audit of the accounts of the General 1971, Council shall be entrusted by the Government to the Comptroller and Auditor General of India who may submit to Government such report therein as it may fit. The Government shall transit the report to the General Council and the Village Councils for discussion and consideration. The General Council and the Village Councils shall return the report to the Government with comments, if any, the Government shall lay such report along with the comments of the General Council and the Village Councils before the State legislature.
63. (1) The General Council shall at such time and in such manner of its estimated receipts and disbursements for the following financial year and submit it to the Government by 1st November of the current financial year. The Village Councils also shall prepare its budget in the like manner and shall submit the same to the General Council for Consideration and onward transmission to the Government on or before the 1st October of the current financial year.
- (2) The Government may within such time as may be prescribed, either approve the budget or return it to the General Council or the Village Council concerned, as the case may be, for reconsideration on the observations of the Government, if any. The General Council or the Village Council concerned as the case may be, shall thereupon resubmit the budget along with its comments on the observations and if the approval of the Government upon such submission or resubmission as the case may be, is not received by the budget shall be deemed to have been approved by the Government.
- (3) No expenditure shall be incurred unless the budget of the Village Council as well as the budget of the Village Councils are either approved or deemed to have been approved by the Government.

CHAPTER - IX

MISCELLANEOUS

Effect of bye-law, etc.

64. All the bye-laws, regulations made, orders passed and notification issued bye-law, etc. under this Act by the General Council or the Executive Council or the Village Councils as the case may be shall be subject to maintenance of security and safety of the State of Assam and Government shall have the powers to take such steps as may be deemed necessary for the purpose.

Power to Issue Instruction

65. The Government shall have the general power to issue instructions from time to time Instruction to time for the purpose of implementation of this Act.

Protection of right of the non-tribals and other ethnic group

66. All right and interest of the non-tribal citizens and other ethnic groups other than the Mising Community within the Council Area as exist at the commencement of

this Act, in matters pertaining to their language, literature, culture, religion, customs and traditions, trade and Commerce, Industry, land, etc. shall be protected.

Properties situated in the Council Areas

67. (1) Subject to such restrictions as the Government may impose, all properties specified below and situated in the Council Area shall vest in and belong to General Council, namely :-
- a) All public buildings constructed or maintained out of the General Council Fund.
 - b) All public roads which have been constructed and maintained out of the General Council Fund and stones and other materials thereof and also trees, erections, materials, implements and things provided for such roads;
 - c) All land and other properties movable and immovable transferred to the General Council by the Government.
 - d) Such properties owned and controlled by the Municipality or the Panchayat as may be assigned to the General Council by the Government.
- (2) Notwithstanding anything contained in sub-section (1) above all the properties specified in sub-section (1) and constructions and maintenance of which has been done out of the Village Council Fund shall vest in the property is situated.
- (3) The properties vested under sub-section (1) or (2) above and all the properties which become vested in the General Council, as the case may be, shall be under the management, direction and control of General Council or the Village Council concerned as the case may be.

Dissolution of General Council & Village Council

68. (1) The Governor may, if he is satisfied, on receipt of a report or otherwise and in consultation with the Judicial Department of the Government that a situation has arisen in which the administration of the Council Area cannot be carried out Councils, & Village Council. In accordance with the provisions of the law for the time being in force or the general or the special instructions issued by the Government from time to time, by notification in the Official Gazette, dissolve the General Council, the Executive Council and the Village Council before the expiry of the term and assume to himself all or any of the powers and functions of the General Council, the Executive Council and shall be exercised by such persons or authority as may specify in this behalf for a period not exceeding six months at a time.
- (2) Every order made under sub-section (1) above shall be laid before the State Legislature for approval and unless approved by the State Legislature shall cease to operate on the expiry of thirty days from the date on which the Assam legislative Assembly first sits after the issue of the orders.

Effect of dissolution

69. When an order of dissolution is made under section 68, with effect from the date of orders :-
- a) All the members of the General Council, the Executive Council and the Village Councils shall vacate their offices; and

- b) all powers and duties, functions of the General Council, the Executive Councils and the Village Council shall be exercised, discharged and performed by- such authorities or persons as may be appointed by the Governor in this behalf.

Special provision for Council Areas

70. The Government shall consult and give due regard to the views of the General Council before any law is made and implemented in the Council Area on the following subjects, namely: -
- (i) the religious and social practice of the Mising Community
 - (ii) the customary laws and procedures of the Mising Community
 - (iii) ownership and transfer of land within the Council Area ;

Reservation for services.

71. Subject to the provisions of the law for the time being in force the General Council shall have the power to reserve jobs for the Scheduled Tribes within its jurisdiction.

Members, Officers and employees to be public servants.

72. The Chief Executive Councillors, Deputy Chief Executive Councillor the Executive Councillor of the General Council and the President and the Vice-President of the Village Council shall be deemed to be public servants within the meaning of section 21 of the Indian Panel Code.

Validation.

73. No act or proceedings of the General Council or the Executive Council or the Village Council, as the case may be, shall be deemed to be invalid merely by reason of existing of any vacancy therein or any defect or irregularity in the constitution thereof.

Immunity.

74. No suit or other legal proceeding shall lie against the General Council or the Executive Council or the Village Council or any member or officer or employee thereof for anything done in good faith or intended to be done in pursuance of this Act, or any rules or bye-law made thereunder.

Interpretation.

75. If any question arises as to the interpretation of this Act or the rules made thereunder the same shall be referred to the Government whose decision thereon shall be final.
76. If an difficulty arises in giving effect to any provision of this Act, the Government may, by order, do, anything not inconsistent with the provisions of this Act as may appear necessary or expedient for the purpose of removing the difficulty.

Special status.

77. The General Council shall, within the law for the time being in force, take steps to protect the demographic complexion of the areas falling within its jurisdiction.

Application of Act of the Legislature of the State

78. If any provision of the bye-law made by the General Council is repugnant to any provision of the law made by the Legislature of the State of Assam, with respect to that matter then the bye-laws so made, whether before or after the made by the Legislature of the State of Assam, shall to the extent of repugnancy be void and the law made by the Legislature shall prevail.
79. i) Every rules made under this section shall be laid as soon as may be after it is made before the State Legislature, while it is in session for total period of fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the sessions immediately following the session or the successive sessions aforesaid, the State Legislature agree in making any modification in the rule or State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be:

Provided however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

Transitional Provisions

80. The Government shall, as soon as possible, take steps for the constitution of an Interim Mising Executive Council by nomination until the General Council is constituted under this Act. The Interim Executive Council by nomination until the General Council shall, in addition, look after the duties of the Village Councils till the same are constituted under this Act.

Saving

81. Nothing in this Act shall affect the applications of any law, whether made before or after this Act, to the Council Area unless such law specifically provides for exclusion of the Council Area of such application.

Explanation :-

For the purpose, of this section 'Law' shall, include any enactment, Ordinance, regulation, order, bye-law, rules, scheme, notification or other instrument having the force of law.

- 82.(1) The Mising Autonomous Council Ordinance, 1995 (*Assam. Ordinance No. VI of 1995*) is hereby repealed. (*Assam ordiance No VI of 1995*)
- (2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

M. K. DEKA,

Joint Secretary and i/c Secretary to the Govt. of Assam,

Legislative Department.

ASSAM ACT NO. XI 01: 1993

(Received the assent of the President on the 13th May, 1993)

THE BODOLAND AUTONOMOUS COUNCIL ACT, 1993

AN

ACT

To provided for the establishment of an Administrative Authority in the name and style of "BODOLAND AUTONOMOUS COUNCIL" and for certain matters incidental thereto and connected therewith.

Preamble

Whereas it is expedient to provide for the establishment of Bodoland Autonomous Council within the State of Assam with maximum autonomy within the framework of the Constitution comprising contiguous geographical areas between the river Sankosh and Mazbat the river Pasnoi for social, economic, educational, ethnic and cultural advancement of the Bodoland resident therein.

It is hereby enacted in the Forth-fourth Year of the Republic of India as follows:-

CHAPTER - 1

Short title extent and commencement

1. (1) This Act may be called the Bodoland Autonomous Council Act ,1993
- (2) It extends to the Bodoland Autonomous Council Area.
- (3) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act.

Definitions.

2. In this Act unless the context otherwise requires.
 - a) "Constitution" means the Constitution of India.
 - b) "Constituency" means a constituency provided by an order made under section 6 for the purpose election to the General Council.
 - c) "Council Area" means the Bodoland Autonomous Council Areas.

- d) "Council Fund" means the fund constituted under section 46.
- e) "Executive Council" means the Bodoland Executive Council constituted under section 35.
- f) "Elector" in relation to a constituency means a person whose name is entered in the electoral roll of that constituency for the time being in force.
- g) "Government" means the State Government of Assam.
- h) "Governor" means the Governor of Assam.
- i) "General Council" means the General Council constituted under section 5.
- j) "Gaon Panchayat", "Anchalik Panchayat" and "Mahkuma Parishad" have the same meaning as defined the Assam Panchayati Raj Act, 1986 (Assam Act, XVII of 1986)
- k) "Member" means the member of the General Council and the Executive Council.
- l) "Municipality" has the same meaning as in the Assam Municipal Act, 1956 (Assam Act XV of 1957)
- m) "Notification" means the notification issued under this Act.
- n) "Official Gazette" means the Official Gazette of Assam.
- o) "Prescribed" means prescribed by rules made under this Act.

Bodoland Autonomous Council.

- 3. (1) There shall be an Autonomous Council to be called the Bodoland Autonomous Council within the State of Assam comprising the areas as may be specified by the Government by notification in the Official Gazette.
- (2) The Bodoland Autonomous Council shall have maximum autonomy within the framework of the Constitution.
- (3) The Bodoland Autonomous Council shall have a General Council and an Executive Council to be known as the Bodoland Executive Council as provided hereinafter

Incorporation of General Council.

- 4. The General Council shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract and shall by its corporate name sue or be sued.

Constitution of General Council

- 5. The General Council shall consist of 40 (forty) elected members of which 30 (thirty) seats shall be reserved for Schedule Tribes (Plains) on the basis of adult suffrage from the territorial constituencies referred to in section

Delimitation

- 6. (1) There shall be 40 (forty) constituencies covering the Council Area for electing members to the General Council. Each constituency shall be a single member constituency and shall be territorial.

- (2) The Government shall by order published in the Official Gazette, determine the territorial limits of the constituencies into which the Council Area shall be delimited for the purpose of election of members to the General Council.

Power to alter or amend delimitation

7. The Government may, by order, published in the Official Gazette, alter or amend any order made under section 6.

Qualification for membership of General Council

8. A person shall not be qualified to be elected as a member of the General Council unless he is an elector as defined in clause (f) section 2.

Disqualification for membership of General Council

9. (1) A person shall not be qualified for being elected to the General Council, if
- a) he is not a citizen of India; or
 - b) he is less than 18 years of age on such date as may be fixed by the Government; or
 - c) he has been elected to any Municipality Panchayat within the State of Assam; or
 - d) he is in service of the Central or State Government, Municipality or other authority; or
 - e) he has, directly or indirectly by himself or by his person or employer or employee any share or interest in any contract with, by or on behalf of the General Council or a Municipality or Panchayat within the Council Area ;

Provided that no person shall be deemed to be so disqualified by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956 which contract with or is employed by a Municipal Authority or Panchayat within the Council Areas; or

- f) he has been dismissed from service of the Central or State Government or a local authority or a Co-operative society or a Government company as defined in the Companies Act, 1956 or a Corporation owned or controlled by the Central or the State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or
 - g) he has been adjudged by a competent Court to be of unsound mind; or
 - h) he is an undischarged insolvent; or
 - i) he being a discharged insolvent has not obtained from the Court a certificate that his insolvency was caused by misfortune, without any misconduct on his part; or
 - j) he has been convicted by a Court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months or an offence under Chapter IX A of the Indian Penal Code, or Chapter III or Part VII of Representation of people Act, 1951 and five years have not elapsed from the date of expiration of the sentence.
- (2) For the purpose of this section a person shall not be deemed to hold an office of profit under the General Council by reason only of his being a member Chief of the Executive Council or Deputy Chief of the Executive Council thereof.

Electoral Rolls

10. (1) So month of the electoral roll for any Assembly Constituency in force on the last date of nomination for the General Council election as relates to the area comprised within a constituency, as defined in Clause(b) of section 2 shall, subject to the provision of this Act and the rules made thereunder, be the electoral roll for the election of members of the General Council from that constituency.
- (2) Persons whose name are included in the electoral roll of the relevant Assembly Constituency in force on the last date of nomination for General Council election pertaining to the area shall be electorate for the election of members of the General Council.
- (3) The Government shall, at the time and in the manner prescribed, cause to be published the electoral roll in respect of a constituency.

Right to Vote

11. (1) Save as otherwise provided in this Act, every person whose name is, for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency.
- (2) No person shall vote an election in any constituency, if he is subject to any of the disqualification's referred to in section 10 of the Representation of the People Act 1951.
- (3) No person shall vote in more than one constituency.
- (4) No person shall vote in the same constituency more than once.
- (5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or otherwise or in the lawful custody of the police;

Provided that nothing in this sub-section shall apply to a person subject to preventive detention under any law for the time being in force.

Election of members

12. Election of members shall be held in accordance with the rules made under section 19 and the first election for the purpose of constituting the General Council shall be held on such date or dates as the Government may direct consult with the interim Badland Executive Council referred to in section 50.

Filling up of Vacancies

13. If the office of member becomes vacant by reason of his death resignation or otherwise, the vacancy shall be filled by election in accordance with the provisions of this Act and the rule made thereunder.

Validation

14. Where the members elected at an election are restrained from functioning on account of the election as a whole being set aside by order of a Court, anything done or any action by such members before they are so restricted or before the election is so set aside, as the case may be, shall be deemed to have been validly done or taken.

Publication of results of election

15. The names of all persons elected to the General Council shall be published by the Government in the Official Gazette and upon such publication, the General Council shall be deemed to have been duly constituted.

Vacation of Post

16. If an elected member is chosen to be a member of Parliament or the State legislature then, at the expiration of fourteen days from the date of publication in the Gazette of India or the Official Gazette, of the declaration that he has been so chosen, the seat of such member in the General Council shall become vacant unless he has previously resigned his seat in Parliament or the State Legislature, as the case may be.

Terms of Office of members

17. The elected members shall hold office for a period of five years from the date appointed by the Government for the first meeting of the General Council after the election for constitution of the General Council, unless it is dissolved earlier under section 52.

Provided that the said period of five years may if the circumstances exist which, in the opinion of the Governor, render the holding of the election as aforesaid impracticable, be extended by the Governor for a period not exceeding one years.

Removal of members

- 18.(1) The Government may, after giving an opportunity to an elected member of the General Council to show cause against the action proposed to be taken against him, by order removal him from office,
- a) if after his election he is convicted by a criminal Court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months; or
 - b) if he incurs any of the disqualification's mentioned in sub-section (1) of section 9 after his election as a member of the General Council; or
 - c) if he is absent there consecutive meetings of the General Council without the leave of the General Council.
- (2) Any member of the General Council who is removal from the office under sub-section (1) may, within thirty days from the date of the order, appeal to such judicial authority as the Government may appoint in this behalf, and thereupon , the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to such authority as may be prescribed and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.
- (3) The order passed by the authority appointed under sub-section (2) on such appeal shall be final.

Powers to make rules regulating the election of members

19. The Government may be, by notification in the Official Gazette, make rules to regulate all or any of the following matters for the purpose of holding of elections to the General Council under this act,

- a) the designation of the Officer or authority to whom the power to determine the territorial limits of constituencies under sub-section (2) of section 6 may be delegated and the officer or authority who may prepare and maintain the election roll under section 10;
- b) the appointment of Returning Officers, Presiding Officers and Polling Officers for election;
- c) the drawing up of the programme of election;
- d) the nomination of candidates and the scrutiny of such nomination;
- e) the deposits to be made by candidates and the time and manner of making such deposit;
- f) the withdrawal of candidature;
- g) the appointment of against of candidates;
- h) the filling up of casual vacancies;
- i) the general procedure at the election including the time place and hours of poll and the method by which votes shall be cast;
- j) the fee to be paid on election petition;
- k) any other matter relating to election or election disputes in respects of which the Government deems it necessary to make rules under this section or in respect of which there is no provision in this Act; or the provision is insufficient and in the opinion of the Government adequate provision is necessary.

Disputes regarding election

- 20.(1) No election shall be called in question except by an election petition presented in such manner as may be prescribed and before such authority as may be appointed by the Government from time to time by notification in the Official Gazette.

Provided that no person below the rank of a District Judge within the meaning of Article 236 of the Constitution shall be appointed for the purpose.

- (2) No election shall be called in question except on any one or more of the following grounds, namely:-

- a) that on the date of his election the returned candidate was not qualified or was disqualified to be chosen to fill the seat in the General Council;
- b) that a corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of the returned candidates or his election agent:-

Explanation- For the purposes of this section, "corrupt practice" shall mean any of the corrupt practices specified in section 123 of the representation of the People Act, 1951;

- c) that any nomination has been improperly rejected;
- d) that the result of the election in so far as it concerns the returned candidate has been

materially affected-

- (i) by the improper acceptance of any nomination; or
 - (ii) by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent; or
 - (iii) by the improper reception, refusal or rejection of any vote; or
 - (iv) by the reception of any vote which is void; or
 - (v) by any noncompliance with the provisions of this Act, or any rules or order made thereunder.
- (3) At the conclusion of the trial of an election petition the authority appointed under sub-section (1) shall make an order-
- a) dismissing the election petition; or
 - b) declaring the elections of all or any of the returned candidates to be void; or
 - c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.
- (4) If a petitioner, in addition to calling in question the election of a returned candidate, make a declaration that he himself or any other candidate has been duly elected and the authority under sub-section (1) is of opinion that-
- a) in fact the petitioner or such other candidate has received the majority of votes; or
 - b) but for the votes obtained by the returned candidate by corrupt practice the petition or such other candidate would have obtained the majority of the valid votes, the authority as aforesaid shall, after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.

Oath or affirmation by member

21. Every member shall, before taking his seat, make and subscribe before such person as may be appointed by the Governor from amongst the, elected members of the General Council, in this behalf, an oath or affirmation according to the prescribed form.

Allowance of members

22. Every member shall be entitled to receive such allowances as may be fixed by the General Council and as may be approved by the Government.

CHAPTER – II

POWER AND FUNCTIONS OF THE GENERAL COUNCIL

Conduct of business

- 23.(1) The General Council shall meet for the conduct of business once in every three months and shall conduct its business in such manner and in accordance with such procedures as may be determined by it regulation.

- (2) The quorum necessary for the transaction of business at a meeting of the General Council shall be thirteen members and the decision of the General Council shall be by a single majority of votes of the members present.

Matter to be under the control and administration of the General Council.

24. Subject to the provisions of this Act and any other law for the time being in force the General Council shall have executive powers in the area relating to the following subject, namely:-
- (1) Cottage Industry
 - (2) Animal Husbandry and Veterinary
 - (3) Forest
 - (4) Agriculture
 - (5) P.W.D.
 - (6) Sericulture
 - (7) Education
 - a) Adult Education
 - b) Primary Education
 - c) Upto Higher Secondary including vocational training.
 - (8). Cultural Affairs
 - (9) Soil Conservation
 - (10) Co-operation
 - (11) Fisheries
 - (12) Panchayat and rural Development
 - (13) Handloom and Textile
 - (14) Health and Family welfare
 - (15) Public Health Engineering
 - (16) Irrigation
 - (17) Social Welfare
 - (18) Flood control schemes for protection of villages (non of highly technical nature)
 - (19) Sports and Youth Welfare
 - (20) Weights and Measures
 - (21) Library Services
 - (22) Museums and Archaeology

- (23) Urban Development- Town and Country Planning
- (24) Tribal Research Institute
- (25) College Education(General)
- (26) Land, Land Revenue and Revenue
- (27) Publicity /Public Relations
- (28) Printing and Stationary
- (29) Tourism
- (30) Transport
- (31) Any other matter connected with development.
- (32) Municipal Corporation Improvement Trust District Boards and other local self Government or village administration.
- (33) Tribal Welfare
- (34) Markets and fairs
- (35) Lotteries, Theatres, Dramatic Performance and Cinemas.
- (36) Vital Statistics including registration of Births and Deaths.
- (37) Food and Civil Supplies.
- (38) Intoxicating liquors opium and derivatives etc.

General Powers

25. Subject to the general policy of the Government the general Council shall
- i) formulate integrated development plans for the Council Area;
 - ii) implement schemes and programmes for development of the council Area;
 - iii) have power to appoint class III and class IV staff within its jurisdiction;
 - iv) have powers to regulate under and commerce within its jurisdiction in accordance with the existing law including issue of permits and licenses to individuals within the Council Areas;
 - v) guide customs and traditions and social Justice of the Bodos according to the traditional law;
 - vi) organizes special recruitment drive into army, Par-military forces and Police units for job appointment from the Council Area in consultation with the Central Government;
 - vii) allot permits for trade and commerce to the people residing in the Council Area preference being given to the Bodos.

Powers to acquire to held and dispose of property etc. to be subject to

Govt. approval

26. The power of General Council to acquire hold and dispose of property and to entire into contracts shall be subject to the condition that in cases of acquisition or disposal of immovable property the General Council shall obtain previous approval or the Government .

Power to make by-law

27. (1) The General Council shall have powers subject to the provision of the Act and the rules made thereunder to make by laws rules orders to be applicable within the council Area with respect to all or any of the matters enumerated in section 24 for the regulation and control thereof.
- (2) All by-laws made under sub-section (1) shall have affect upon their publication in the Official Gazette.

Power to entrust function

28. Notwithstanding anything contained in this Act, the Government may after consultation with the General Council entrust either conditionally or unconditionally to the General Council or its officers functions in relation to any matter not enumerated in section 24 to which the executive power of the State extends.

Property vested in General Council

29. Subject to such restriction as the Government may think fit to impose all properties specified below and situated in the Council Area shall vest in and belong to the General Council with all other properties which may become vested in the General Council and shall be under the direction, management and control of the General Council and shall be held and applied by it for the purposes of this act, namely:-
- a) all public building constructed or maintained-out of the Council Fund
 - b) all public roads which have been contracted or maintained out of the Council Fund and stones and other materials thereof and also trees, creations materials implements and thing provided for such roads.
 - c) all lands and other properties movable or immovable tranferred to the General Council by the Government.
 - d) such properties owned and controlled by the Municipality Panchayat as may be assigned to the General Council by the Government.

Power to impose levy and collect taxes and fees

30. (1) Subject to the provision of any other laws for the tome being in force General Council shall have power to collect within the Council Area such taxes payable under any laws for time being in force as may be prescribed.
- Provided that the tax or taxes as aforesaid shall be collected by the General Council from such date as may be appointed by the Government in this behalf by notification in the Official Gazette.
- (2) Subject to sub-section (1) and such maximum rates as the Government may

prescribed, the General Council may-

- a) levy rolls on persons vehicles or animals or any class of them at any toll bar established by it on any road other than a hutch road or any bridge vested in it or under its management;
- b) levy tolls in respect of any ferry establishment by it or under its management;
- c) levy the following fees and rates, namely:-
 - (i) fee on the registration of boats or vehicles;
 - (ii) fee for providing sanitary arrangements such places of worship or pilgrimage fairs and meals within its jurisdiction as may be specified by the Government by notification in the Official Gazette;
 - (iii) fee for licenses;
 - (iv) water-rate where arrangement at for the supply of water for drinking, irrigation or any other purpose is made by the General Council within its jurisdiction;
 - (v) lighting rate where arrangement for lighting of public streets and place is made by the General Council within its jurisdiction.
- (3) The General Council shall not undertake registration of any vehicles or levy fee thereof and shall not provided sanitary arrangement at place of worship or pilgrimage fairs and meals within its jurisdiction or levy fee thereof if such vehicles has already been registered by any other authority under law for the time being in force or if such provision, for sanitary arrangement has already been made by any other local authority.
- (4) The scale of tools, fees for rates and the terms and conditions for the imposition there of shall be such as may be provided by byelaws. Such byelaws may provide for exemption from all or any of the tools, fees or rates in any class of cases.
- (5) The General Council will levy fees and taxes or the subjects assigned to the Bodoland Autonomous Council.

CHAPTER - III

CHIEF OF THE BODOLAND EXECUTIVE COUNCIL AND DEPUTY CHIEF OF THE BODOLAND EXECUTIVE COUNCIL.

31. The elected members of the General council shall in the prescribed manner elect from amongst themselves -
 - a) At the first meeting of the General council after General Election
 - (i) One member to be Chairman who shall also be the chief of Bodoland Executive Council.
 - (ii) One member to be the Vice Chairman who shall also be the Deputy Chief of Bodoland Executive Council
 - b) As often as a vacancy in the office of the Chief of the Bodoland Executive Council or the Deputy Chief of the Bodoland Executive Council as the case may be occurs

by reason of death, resignation, removal or otherwise and within one month of occurrence of such vacancy one member to be the Chief of the Bodoland Executive Council or Deputy Chief of the Bodoland Executive Council.

Terms of Office

32. The Chief of the Bodoland Executive Council or the Chief of the Bodoland Executive Council, as the case may be -
- a) Shall cease to hold office as such forthwith if he ceases to be a member
 - b) May at anytime by giving notice in writing to the Chief of the Bodoland Executive Council in the case of Chief of the Bodoland Executive Council and to the Deputy Chief of the Bodoland Executive Council in the case of the Chief of the Bodoland Executive Council, resign his office and such resignation shall take effect from such date as may be specified in the notice or if no such date is specified from the date of its receipts by the Chief of the Bodoland Executive Council as the case may be :
 - c) May be removed from office by a resolution carried by a majority of the total number of elected members at a special meetings of the general council called for this purpose upon a requisition made in writing by not less than one third of such members.

Salaries and Allowances

33. The Chief of the Bodoland Executive Council and the Deputy Chief of the Bodoland Executive Council shall be whole time functionaries and shall be paid out of the Council Fund such salaries and allowances and shall be entitled to such terms and conditions as may be prescribed.

Powers, Functions and Duties

- 34.(1) The Chief of the Bodoland Executive Council shall
- a) Be responsible for the maintenance of the records of the General Council
 - b) Have general responsibility for the financial and executive administration
 - c) Exercise administrative supervision and control over all officers and employees of the General Council and the officers and employees whose services may be placed at the disposal of the General Council by the Government.
 - d) For the transaction of the business under this act or for the purpose of making any other under this act, exercise such powers, perform such functions and discharge such as may be exercised, performed or discharged by the General Council under this Act or the rules made thereunder.

Provided that the Chief of the Bodoland Executive Council shall not exercise such power perform such function or discharge such duties as may be required by the rules made under this Act to be exercised performed and discharged by the General Council at a meeting.

- e) Exercises such other power, perform such other functions and discharge such other duties as the general Council may , by general or special resolution, direct or as the Government may , by rules made in this behalf, prescribe.

- (2) The deputy Chief of the Bodoland Executive Council shall exercise such of the power perform such of the functions and discharge such of the duties of the Chief of the Bodoland Executive Council as the Chief of the Bodoland Executive Council may from time to time subject to the rules made in this behalf by the Government delegate to him by order in writing.

CHAPTER - IV

BODOLAND EXECUTIVE COUNCIL AND ITS COMMITTEES

Executive Council

35. (1) There shall be an Executive Council to be called the Bodoland Executive Council, consisting of the Chief of the Bodoland Executive Council and the Deputy Chief of the Bodoland Executive Council as the ex-office members and seven other members of the General Council all of whom shall be mentioned by the Chief of the Bodoland Executive Council from amongst the elected members of the General Council.
- (2) On completion of the election the Governor shall invite the leader of the party enjoying simple majority to be the Chief of the Bodoland Executive Council to constitute the Executive Council.
- (3) The Chief of the Bodoland Executive Council and the Deputy Chief of the Bodoland Executive Council shall respectively be the Chairman and the Vice Chairman of the Executive Council.
- (4) Any casual vacancy among the members of the Executive Council referred to in subsection (1) occurring by reason of death, resignation or otherwise shall be filled by the Chief of the Bodoland Executive Council.
- Provided that no act on proceeding of the Executive Council shall be called in question or shall become invalid merely by reason of any vacancy among its members.
- (5) The manner of transaction of business of the Executive Council shall be such as may be determined by the general council by regulations with approval of the Government.
- (6) The executive Council shall be collectively responsible to the General Council.

Terms of Office of other Members of Executive Council

36. A member of Executive Council other than the Chief of the Bodoland Executive Council or the Deputy Chief of the Bodoland Executive Council shall hold office until.
- a) He ceases to be member of the General Council : or
- b) He resigns his office in writing under his hand addressed to the Chief of the Bodoland Executive Council in which case the resignation shall take effect from the date of its acceptance : or
- c) His nomination is cancelled by the Chief of the Bodoland Executive Council

Discharge of Functions

- 37.(1) The executive functions of the General Council shall vest in the Executive Council.
- (2) All orders or instructions made or executed by the Executive Council shall be deemed to have been made or executed by or under the authority of the General Council. Every such order or instrument shall be authenticated by the signature of the Head of the Executive Council or any other member of the Executive Council.

General Powers of Chief of the Executive Council

- 38.(1) The Chief of the Bodoland Executive Council shall exercise such power and discharge such functions as are conferred on him by or under this act.
- (2) The Chief of the Bodoland Executive Council shall for convenient transactions of business of the Executive Council allocate among its members such business and in such manner as he thinks fit.

Meetings

39. The Chief of the Bodoland Executive Council shall preside over meetings of the General Council and the Executive Council. The Executive Council shall meet not less than once in every three months from the transaction of business as such place and at such time as the Chief of the Bodoland Executive Council may direct.

Quorum

40. The quorum necessary for the transaction of business at a meeting of the Executive Council shall be five members.

Special Power of the Chief of the Executive Council

- 41.(1) In any case in which of the Chief of the Bodoland Executive Council is required to like in accordance with provisions of the Act of the rules made thereunder of any other law for the time being in force any action subject to the approval of the Executive Council, the Executive Council may subject to such conditions, if any as if any specify authorise the Chief of the Bodoland Executive Council in writing to take such action in anticipation of such approval.
- (2) Whenever the Chief of the Bodoland Executive Council takes any action under subsection (1) he shall inform the executive Council forthwith.

CHAPTER - V

SECRETARIAT OF BODOLAND AUTONOMOUS COUNCIL

Principal Secretary

42. There shall be Secretariat for the Bodoland Autonomous Council the establishment of which shall be as follow :-
- (1) There shall be a Principal Secretary as the Head of the Bodoland Autonomous secretariats.
- (2) The Principal Secretary referred to in subsections (1) shall be appointed by the

Government in consultation of the Chief of the Bodoland Executive Council and shall be paid out of the Council Fund such salaries and allowances may, from time to time be fixed by the Government. Such appointment shall ordinary be a period of three years.

- (3) The Principal Secretary shall be Principal Executive Council of the General Council and all other officers of the General Council shall be subordinate to him. His presence will be compulsory at the meeting of the General Council or the Executive Council or of any committee of the General Council and to take part in the discussion in all the meetings, and may with the consent of the Chief of the Bodoland Executive Council or any other person presiding over such meeting for the time being as the case may be at any time make a statement or give an explanation of facts but he shall not be entitled to vote.
- (4) The Principal Secretary act under the direction of the Chief of the Bodoland Executive Council and shall be responsible to the General Council through the Chief of the Bodoland Executive Council.
- (5) The general Council may, upon a resolution carried at a special meeting held for the purpose and supported by a majority of the total number of members holding office for the time being, request the Government for replacement of the Principal Secretary appointed under subsection (2) and the Government may, on being satisfied as to the necessity of such replacement, replace the Principal secretary.

Provided that the Government may at any time withdraw the Principal Secretary appointed under subsections (2) in consultation with the Chief of the Bodoland Executive Council.

Appointment of Other Secretary

43. The Government may appoint such other Secretaries for the General Council on such terms and conditions as the Government may determine in consultation with Chief of the Bodoland Executive Council.

Deputation of Other Officers

44. The Government may, in consultation with the Chief of the Bodoland Executive Council depute such other officers and experts as may be required to assist the General Council on such terms and conditions and as the Government may determine.

Officers and Other Employees

45. (1) The government may from time to time post officers of the rank of class - II and above within the Council area in accordance with the exigencies. While making these posting due regards may be given to the views of the General Council about the officers being so posted.
- (2) The officers posted to the Council Area shall be accountable to the General Council for their performance and assessment of their works recorded by the Executive council shall be incorporated in their Annual Confidential Reports by the Government.

Funds and Audit

46. Council Fund

- (1) There shall be a fund to be called the "COUNCIL FUND" under the separate Sub-Head within the State budget to be hold for the purpose of this Act and all moneys otherwise received by the General Council shall be credited thereto.
- (2) The allocation made under this Sub-Head shall be keeping with the guided lines laid down by the Government of India from time to time in spirit of the Constitution of India.
- (3) The Government shall not divert the fund allocated under this Sub-Head except in exigencies when there is unavailable budget deficit.
- (4) All fund as may be allocated by the Central Government or the state Government for the General Council shall be assigned to it and shall be credited to the council fund.
- (5) The Government Council may subject to the provisions of any law relating to the raising of loans by local authorities, raise with the approval of the Government loans for the purpose of this Act and create a sinking fund for the repayment of such loans.
- (6) The Money credited to the Council Fund shall be applied for payment of all sums, charges and cost necessary for carrying out the purpose of this act.
- (7) No payment shall be made out of the council Fund unless such expenditure is covered by a current budget grant :

Provided the General Council may make payments in terms of refund of deposits by contractors or the urgent works undertaken in an emergency or required by the Government in the public interest or under the decree or order of a civil or criminal court against the General Council and for such other cases as may be prescribed.

Provided further that such expenditure shall be reported to the general Council for taking such action under the provisions of this Act as may appear to it to be feasible for covering the amount of such payments.

- (8) Surplus moneys standing at the credit of the General Council at the end of the Financial Year shall be invested in accordance with such rules as may be made by General Council in this behalf provided that no funds standing at the credit of the General Council shall be lapsed but will be carried over to the budget of the next financial year.
- (9) The general council will make rules for the management of the council Fund and for the procedure to be followed in respect of the payment of moneys in to the said fund, withdrawal of moneys therein and any other matter accidental thereto or connected therewith.
- (10) The accounts of the General Council shall be kept in such form as may be prescribed in consultation with the Accountant General.
- (11) Subjects to the provisions of the controller and Auditor general's (Duties, Power and conditions of Service) Act, 1971 and the rules and the orders made thereunder, the audit of the accounts of the general council shall be entrusted by the Government to

the Controller and auditor General of India who may submit to the Government such report thereon as it may deem fit. The Government shall transmit the report to the General council for discussion and consideration. The General Council shall return the report to the Government with comments, if any. The Government shall lay such reports with the comments of the General Council before the state Legislature.

Collection of Excise Duty on Tea

47. The Government shall deposit within forty five days after the end of each Financial year in the Council Fund revenue collected from tea garden falling within the council Area.

Budget

48. (1) The General Council shall at such time and in such manner as may be prescribed, prepare in each Financial year a budget of its estimated receipts and disbursements for the following financial year and submit it to the Government by 1st November of the current financial year.
- (2) The Government may within such time as may be prescribed either approve the budget or return it to the General Council for its reconsideration on the observations of the Government if any. The General Council will submit the budget with its comments on the observation and if the approval of the Government is not received by the General Council by the last date of the Financial year, the Budget shall be deemed to have been approved by the Government.
- (3) No expenditure shall be incurred unless the budget is approved by the Government.

CHAPTER -VI

MISCELLANEOUS

Effect of Byelaws etc.

49. (1) All byelaws, regulations made orders and notifications issued by the General Council shall be subject to the maintenance of the security and safety of the State of Assam and the Government shall have the power to take such steps as may be deemed necessary for this purpose.

Power of Issue Instructions

- (2) The Government shall have the general power to issue instructions from time to time for proper implementation of this act.

Transitional Provision

50. The Government shall as soon as possible, take steps for the constitution of an Interim Bodoland Executive Council by nomination until an Executive Council is constituted under this Act.

Protection of Rights of Non-Tribals

51. All rights and interest of the non tribal citizens on the date of constitution of the Bodoland Autonomous Council within the Council Area shall be protected in matters pertaining to land and their language.

Dissolution of the General Council and the Executive Council

52. (1) If the Governor, on receipt of a report or otherwise and in consultation with the state Judicial Department is satisfied that a situation has arisen in which the administration of the council Area can not be carried on in accordance with the provisions of law in force or general or special instructions issued from time to time, the Governor may by notification in the Official Gazette, dissolve the General Council and the Executive Council before the expiry of the terms and assume himself all or any of the powers or functions of the General Council and Executive Council and declare that such powers and functions shall be exercisable by such persons or authority, as he may specify in this behalf, for a period not exceeding six months at a time.
- (2) Every order made under subsection (1) shall be laid before the state Legislature and shall cease to operate at the expiration of thirty days from the date on which the Assam Legislative Assembly first sits after the issue of the order, unless before the expiry of that period it has been approved by the State Legislature.

Effect of Supersession

53. When an order of supersession has been made under section 52 with effect from the date of the order.
- a) All the members of the General Council and Executive Council shall vacate their offices and
- b) All the powers, duties and functions of the General Council and the Executive Council shall be exercised, discharged and performed by such authority or authorities or such person or persons as may be appointed by the Government in this behalf.

Application of Acts of the Legislature of the State

54. If any provision of any regulation or bye-law made by the General Council is repugnant to any provisions of a law made by the Legislature of the State Assam with respect to that matter, then the regulation or bye-law so made, whether before or after the law made by the Legislature of the State of Assam shall to the extent of the repugnancy, be void and the law made by the Legislature of the State Assam shall prevail.

Power of Government to make rules

55. (1) If the Government may make rules providing for any matter under any provision of this act is required to be prescribed or to be provided for by rules.
- (2) Every rule made under this section or under section 19 shall be laid, as soon as may be after it is made before the state Legislature, while it is in session, for total period of fourteen days which may be comprised in one section or in two or more successive sections, and if, before the expiry of the section immediately following the section or the successive sections aforesaid, the State Legislature agree in making any modification in the rule or the State legislature agrees that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Special Provision for Council Area

56. The Government shall consult and give due regard to the view of the General Council before any law is made and implemented in the Council Area on the following subjects :
- a) the religions or social practice of the books
 - b) the Bodo customary laws and procedures
 - c) ownership and transfer of land within the Council Area.

Reservation for Service

57. Subject to the provision of any law for the time being in force the General Council shall have power to reserve jobs for the Schedule Tribes within its jurisdiction.

Members, Officers and Employees to the Public Servants

58. The Chief of the Bodoland Executive Council, the Deputy Chief of the Bodoland Executive Council and other members of the executive council another officers and other employees of the General Council shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

Validation

59. No act or proceeding of the General Council shall be deemed to invalid merely by reason of existence of any vacancy in the General Council or any defect or irregularity in the constitution thereof.

Indemnity

60. No suit or other legal proceeding shall lie against the General Council or against any general member or officer or employee thereof for anything in goodfaith done or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

Interpretation

61. If any question arises as to the interpretation of any of the provisions of this act or the rules made thereunder, the same shall be referred to the Government whose decision there or shall be final.

Removal of Difficulties

62. If any difficulty arises in giving effect to any provisions of this act, the Government may by order do anything not inconsistent with the provisions of this Act as may appear necessary or expedient for the purpose of removing the difficulty.

Official Language

63. Subject to the provision of Article 345 and 350 A of the Constitution and Assam Official Language Act, 1960 (XXXIII of 1960) the General Council may lay down policy with regard to the use of Bodo Language as medium of official correspondence within the Council Area.

Special Status

64. The General Council shall, within the laws of the land take steps to protect the demographic complexion of the areas falling within its jurisdiction.

Special Courts

65. Special Courts shall be set up in consultation with the Gauhati High Court to try suit and cases between parties of all of whom belong to Scheduled Tribe or Tribes in accordance with the tribal customary laws and procedures as follows :
- a) Village Courts
 - b) Subordinate District Customary Law Courts within Civil sub-divisional territory, and
 - c) District Customary Law Courts

Area

66. The geographical area of the Bodoland Autonomous Council Area can be changed with mutual consent of the Bodoland Executive Council and the Government of Assam.

Saving

67. Nothing in this Act shall affect the application of any law, whether made before or after this Act, to the Council Area unless such law specifically provides for exclusion of the Council Area of such application.

Explanation: For the purpose of this section, " Law" shall include any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law.

APPENDIX -14

GOVERNMENT OF ASSAM
REVENUE (SETTLEMENT) DEPARTMENT, DISPUR
PROTECTED BELTS AND BLOCKS IN ASSAM
(As on 30th June 1990)

District	Name of Belt or Block	Notification No. and date	Area (in Bighas)	No. of villages	Name of Revenue Circle
(1)	(2)	(3)	(4)	(5)	(6)
1. Barpeta	1. Gobardhana Tribal Block	RD. 74/46/161 dated 22 nd August 1949.	38,348	24	Barnagar Circle,
	2. Bajegaon Tribal Block	do	6,526	4	do
	3. Kharija Rajni Tribal Block	do	34,932	16	do
	4. Chapaguri Tribal Block	do	1,63,578	85	Sarupeta Circle, Jalah Circle.
2. Bongaigaon	1. Bijni Tribal Block	RD. 69/45/20 dated 5 th , December, 1947	2,35,759	131	Bijni Circle.
	2. Sidli Tribal Belt (PART)	do	1,35,759	93	Sidli Circle
3. Darrang	1. Kalaigaon Tribal Belt	RD. 74/46/119 dated 12 th July, 1948	11,99,409	704	Kalaigram Circle, Khoirabari Circle Harisinga Circle, Majbat Circle Udalguri Circle.
	2. Telia Bhanguria Tribal Block	do	10,117	8	Mangaldai Circle
	3. Kacharipara Tribal Block	do	9,656	5	do
	4. Bhuyakhat Tribal Block	do	9,299	5	Kalaigaon Circle
	5. Tezjal Tribal Block	do	8,867	6	Dalgaon Circle
	6. Dalgaon Tribal Block	do	38,299	18	do
4. Dhemajji	1. Murkongselek Jonai Tribal Block	TAD/REV/79/50/43, dtd. 13 th March, 1951.	8,46,032	209	Jonai Circle
5. Dhubri	1. Balaghat Nayakaon Tribal Block	RSD.1/53/15, dtd. 5 th July, 1984.	78,776	43	Chapor Circle
	2. Parbatjowar Tribal Belt	RSD.5/82/44 dtd. 23 rd November, 1984.	3,23,187	182	Dhubri Circle, Golokgang Circle Bagribari Circle
6. Goalpara	1. Bardamal Tribal Block	RSD.14/81/1 dtd. 9 th August, 1982.	13,592	7	Balijang Circle
	2. Hatigaon Tribal Block	RSD. 14/81/13 dtd. 9 th August, 1982.	41,040	25	do

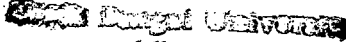
(1)	(2)	(3)	(4)	(5)	(6)
	3. Khardong Tribal Block	RSS. 183/85/30. dtd. 15 June, 1989	76,839	24	Matia Circle
7. Kamrup	1. South Kamrup (Chaygaon) Tribal Belt	RD. 74/46/161. dtd. 22 nd August, 1949	3,43,755	170	Chaygaon Circle, Boko Circle
	2. South Kamrup (Guwahati) Tribal Belt	RD. 74/46/172 dtd. 27th February, 1950.	3,01,104	236	Sonapur Circle, Chandrapur Circle Palasbari Circle
	3. Tamulpur Tribal Belt (Part)	RD. 74/46/161 dtd. 22nd, August 1949	2,01,029	91	Goreswar Circle
8. Kokrajhar	1. Sidli Tribal Belt (Part)	RD. 69/45/20. dtd. 5th, December 1947	4,66,270	333	Sidli Circle, Dotoma Circle Gossaigaon Circle, Kokrajhar Circle Gossaigaon Circle
	2. Santhal Colony Tribal Block	RSD. 9/77/11 dtd. 24 th August, 1977	57,930	43	
	3. Dotoma Tribal Belt	RSD. 2/82/10 dtd. 16 th June, 1983	38,185	37	Dotoma Circle
	4. Ripu Tribal Belt	RSD. 5/82/43 dtd. 23 rd November 1984	1, 60, 644	106	Gossaigaon Circle, Bhowraguri Circle
9. Lakhimpur	1. North Lakhimpur (Sub-Montane) Tribal Belt	RD. 92/46/34 dtd. 28 th April, 1945	4,86,323	342	North Lakhimpur Circle, Cadam Circle, Naoboicha Circle
	2. North Lakhimpur (Riverine) Tribal Belt	do	2,25,740	206	Bihpuria Circle Narayanpur Circle
10. Morigaon	1. Bhalukjari Tribal Block	RD. 9/46/94 dtd. 7th November, 1950	2,466	3	Mayong Circle
	2. Ghagua Tribal Block	do	27,866	20	do
	3. Tetelia Tribal Block	do	37,751	25	do
	4. Gobha Tribal Block	do	31,190	16	do
	5. Palashguri Tribal Block	do	2,071	21	do
	6. Jamadari Tribal Block	RD. 91/46/313 dtd. 29 th June 1948	8,398	6	Lahorighat Circle
	7. Borongani Pathar Tribal Block	do	21,451	12	do
11. Nagaon	1. Barkachari gaon Tribal Block	RD. 91/46/80 dtd. 19th Septepber 1950	22,090	14	Nagaon Circle

(1)	(2)	(3)	(4)	(5)	(6)
	2. Amsoi Tribal Block	RD. 91/46/94 dtd. 17 th November 1950	19,926	10	Roha Circle
	3. Bogariguri Tribal Block	do	25,759	12	do
	4. Bordolong Lankabheta Tribal Belt	RD 91/46/21 dtd. 18 th September 1953	52,176	18	Lanka Circle
	5. Angurichang Phula- gurichang Tribal Block	RD. 91 /46/294 dtd. 1 st February 1958	6,851	2	Kaliabor Circle
	6. Barpathar Tribal Block	RD. 11 /61/32 dtd. 6th April 1964	17,030	9	Kampur Circle
	7. Kaki Tribal Block	RSD. 66 /61/33 dtd. 12 th December 1978	4,988	8	Lanka Circle
	8. Kandur Tribal Block	RSD. 4 /76/9 dtd. 12 th April 1979	10,347	4	do
	9. Batabarigaon Tribal Block	RSD. 34 /76/28 dtd. 15 th March 1982	9,794	4	Dhing Circle
12. Nalbari	1. Baska Tribal Belt	RD. 74 /46/161 dtd. 22 nd August 1949	3,33,982	146	Baska Circle Barama Circle
	2. Tamulpur Tribal Belt (Part)	do	2,43,509	161	Tamulpur Circle
13. Sonitpur	1. Gohpur Tribal Block	RD. 90 /46/82 dtd. 2 nd December 1950	46,350	28	Gohpur Circle Helem Circle
	2. Balipara Tribal Belt	TAD/REV /73/50/43 dtd. 10 th March 1951	10,30,084	30	Dhekrajuli Circle, Naduar Circle Chariduar Circle, Gohpur Circle Helem Circle, Biswanath Circle
14. Tinsukia	1. Sadiya Tribal Belt	TAD/REV/73/50/43 date 13 th March 1951	5,90,851	123	Sadiya Circle
	(a) North Sadiya		64,614	43	Doomdooma Circle
	(b) South Sadiya		6,55,465	166	
	2. Tirap Tribal Belt	do	2,90,400	62	Margherita Circle
Total			85,80,842	3980	

Note : The no. of villages and areas shown against the Belts and Blocks are as per notifications and reports of the concened DCs & SDOs

Summary of Appendix 14

District	No. of Belt	No. of Block	Total
Barpeta	1	3	4
Bongaigaon	1 (part)	1	1+1 (part)
Darrang	1	5	6
Dhemaji	1	nil	1
Dhubri	1	1	2
Goalpara	nil	3	3
Kamrup	2+1(part)	nil	2+1(part)
Kokrajhar	2+1(part)	1	3+1(part)
Lakhimpur	2	nil	2
Morigaon	nil	7	7
Nagaon	1	8	9
Nalbari	1+1 (part)	nil	1+1 (part)
Sonitpur	1	1	2
Tinsukia	2	nil	2
Total	19	30	49


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