

*Annexure V***THE SIXTH SCHEDULE TO THE CONSTITUTION**

(AMENDMENT) ACT, 2003

No. 44 OF 2003

(7th September, 2003)

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

BE it enacted by Parliament in the Forty-fourth year of the Republic of India as follows:

1. This Act may be called the Sixth Schedule to the Constitution (Amendment) Act, 2003.
2. The Sixth Schedule to the Constitution shall, in its application to the State of Assam, have effect subject to the following modifications, namely:

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

namely:

“Provided that nothing in this sub-paragraph shall apply to the Bodoland Territorial Areas District”.

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

“Provided that the Bodoland Territorial Council shall consist of not more than forty-six members of whom forty shall be elected on the basis of adult suffrage, of whom thirty shall be reserved for the Scheduled Tribes, five for non-tribal communities, five open for all communities and remaining six shall be nominated by the Government having same rights and privileges as other members, including voting rights, from amongst the unrepresented communities of the Bodoland Territorial Areas District, of which at least two shall be women;”

- (3) In paragraph 2, in sub-paragraph (3), after the proviso, the following proviso

shall be inserted, namely:

“Provided further the District Council constituted for the Bodoland Territorial Areas District shall be called the Bodoland Territorial Council;”

- (4) In Paragraph 3, for sub-paragraph (3), the following sub-paragraph shall be

substituted, namely :

“(3) Save as otherwise provided in sub-paragraph (2) of paragraph 3A or sub-paragraph (2) of paragraph 3B, all laws made under this paragraph or sub-paragraph (1) of paragraph 3A or sub-paragraph (1) of paragraph 3B shall be

submitted forthwith to the Governor and, until assented by him, shall have no effect”,

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

“3B. Additional powers of the Bodoland Territorial Council to make laws:

- (1) Without prejudice to the provisions of paragraph 3, the Bodoland Territorial Council within its areas shall have power to make laws with respect to :
- (i) Agriculture, including agricultural education and research, protection against pests and prevention of plant disease;
 - (ii) Animal husbandry and veterinary, that is to say preservation, protection and improvement of stock and prevention of animal diseases, veterinary training and practice, cattle pounds;
 - (iii) Co-operation;
 - (iv) Cultural affairs;
 - (v) Education, that is to say, primary education, higher education including vocational training, adult education, college education (general);
 - (vi) Fisheries;
 - (vii) Flood control for protection of village, paddy fields, markets and town(not of technical nature);
 - (viii) Food and civil supply;
 - (ix) Forests (other than reserved forests);
 - (x) Handloom and textile;
 - (xi) Health and family welfare;
 - (xii) intoxicating liquors, opium and derivatives, subject to the provisions of entry 84 of List 1 of the Seventh Schedule;
 - (xiii) Irrigation;
 - (xiv) Labour and employment;
 - (xv) Land and Revenue;
 - (xvi) Library services (financed and controlled by the State Government) ;
 - (xvii) Lotteries (subject to the provisions of entry 40 of List I of the Seventh Schedule), theatres, dramatic performances and cinemas (subject to the provisions of entry 60 of List I of the Seventh Schedule);
 - (xviii) Markets and fairs;
 - (xix) Municipal Corporation, improvement trust, district boards and other local authorities;
 - (xx) Museum and archaeology institutions controlled or financed by the State, ancient and historical monuments and records other than those declared by or under any law made by Parliament to be of national importance;
 - (xxi) Panchayat and rural development;
 - (xxii) Planning and development;
 - (xxiii) Printing and Stationery;
 - (xxiv) Public health engineering;
 - (xxv) Public Works Department;
 - (xxvi) Publicity and public relations;
 - (xxvii) Registration of births and deaths;
 - (xxviii) Relief and rehabilitation;
 - (xxix) Sericulture;
 - (xxx) Small, cottage and rural industry subject to the provision of entries 7 and 52 of List 1 of the Seventh Schedule;
 - (xxxi) Social welfare;
 - (xxxii) Soil Conservation;
 - (xxxiii) Sports and Youth welfare;
 - (xxxiv) Statistics;
 - (xxxv) Tourism;
 - (xxxvi) Transport (roads, bridges, ferries and other means of communications not specified in List 1 of the Seventh Schedule, municipal tramway, ropeways, inland waterways and traffic thereon subject to the provision of List 1 and List III of the Seventh Schedule with regard to such waterways, vehicles other mechanically propelled vehicles);
 - (xxxvii) Tribal research institute controlled and financed by the State

Government; (xxxviii) Urban Development- town and county planning; (xxxix) Weighs and measures subject to the provisions of entry 50 of List I of the Seventh Schedule; and (XL) Welfare of Plain tribes and backward classes:

Provided that nothing in such laws shall-

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

(b) disallow any citizen from acquiring land either by way of inheritance, allotment, settlement or by any other way of transfer if such citizen is otherwise eligible

for such acquisition of land within the Bodoland Territorial Areas District.

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

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

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

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

“(6) Nothing in this paragraph shall apply to the Bodoland Territorial Council constituted under the proviso to sub-paragraph (3) of paragraph 2 of this Schedule”

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

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

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

(9) In paragraph 17, the following proviso shall be inserted, namely:
“Provided that nothing in this paragraph shall apply to the Bodoland Territorial Areas Districts”,

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

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

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

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

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

“3. The Bodoland Territorial Areas District”.

Subhash C. Jain
Secy. to the Govt. of India