

Photo 1: Field Survey



Photo 2: Field Survey



Photo 3: Field Survey



Photo 4: Field Survey



Photo 5: Field Survey



Photo 6: Family of Late Bhoben Mushahary of village Fulkumari under Gossaigaon sub-division of Kokrajhar district. Late Bhoben was the family head but killed by Adivasi miscreants in 2014.



Photo 7: Field Survey



Photo 8: Photo of Sri Debendra Nath Brahma (Age 69) by profession retired Supervisor of Veterinary Field Assistant (SVFA) of village Aminkata under Gossaigaon sub-division, Kokrajhar district. One of the victim of 2012 Bodo – Muslim ethnic conflict, whose houses and other household goods were burnt to ashes, and now settled at Kokrajhar town leaving the original village.



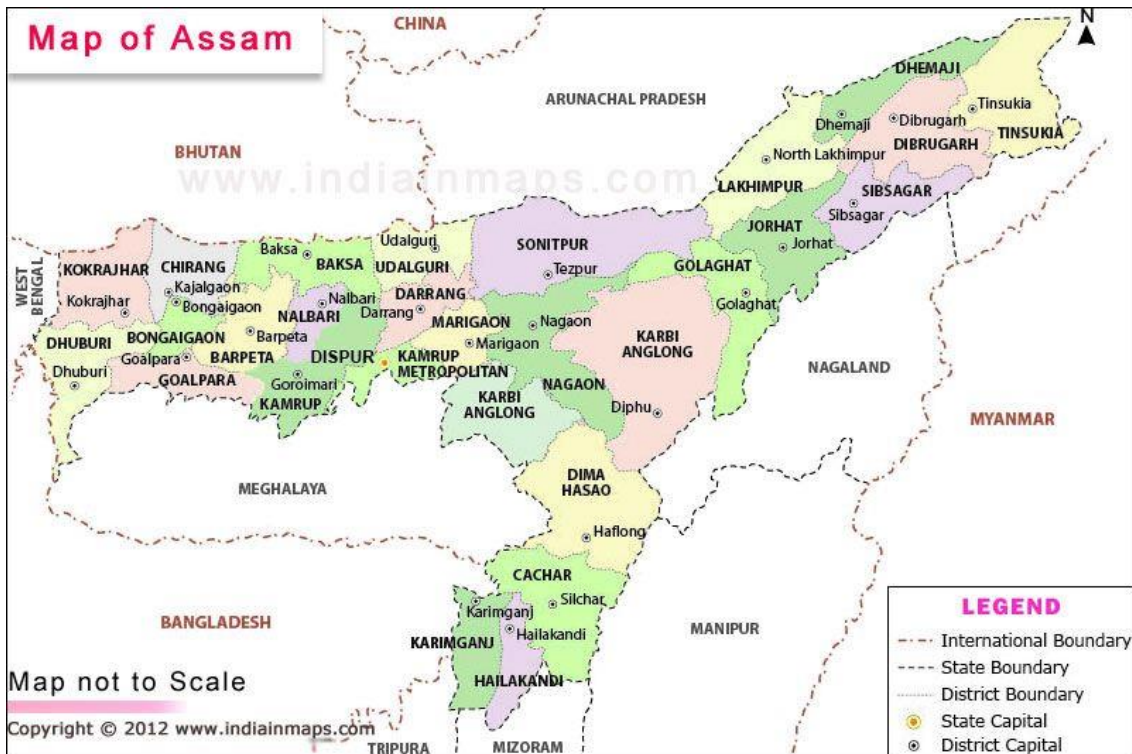
Annexure – I

Map 1: Map of India



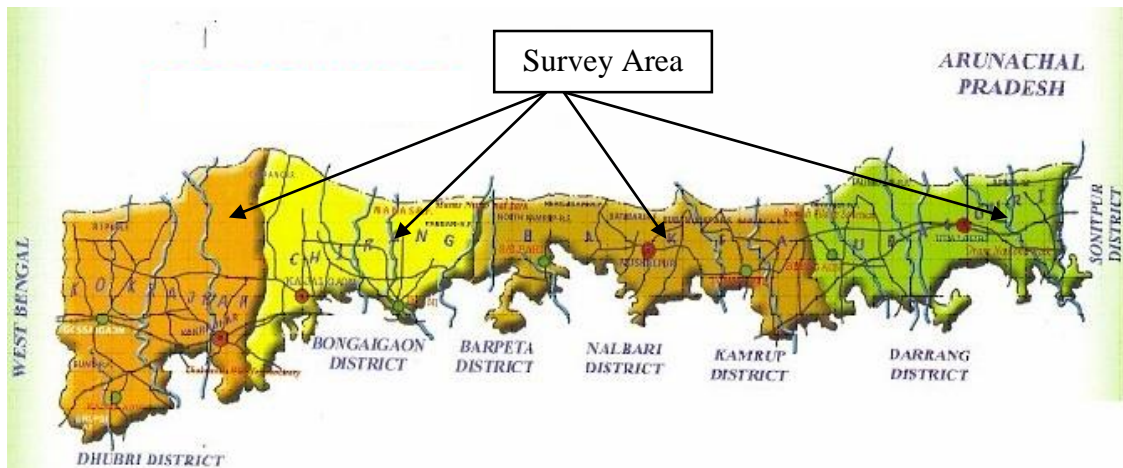
Map Source: www.mapsofindia.com (2017)

Map 2: Map of Assam



Map source: www.indianmaps.com (2012)

Map 3: Map of BTAD



Map source: <http://incrediblebodoland.blogspot.com> (2003)

Annexure - II

Questionnaire

Human Rights in the context of Bodo Community of BTAD, Assam since 2003 to 2014

Details of respondent	Response
Name	Mr./Ms./Miss
Sex	Male <input type="checkbox"/> /Female <input type="checkbox"/> Age = <input type="checkbox"/> Years
Educational qualification	Illiterate/ 8 to 10 th Std./H.S./Graduate/Post Graduate/M.Phil./Ph.D./Others
Income	Monthly <input type="checkbox"/> /0-10,000 <input type="checkbox"/> /10,001-30,000 <input type="checkbox"/> /30,001 and above <input type="checkbox"/>
District/Locality	District
	Sub- divisions
	Kokrajhar <input type="checkbox"/> /Gossaigaon <input type="checkbox"/> /Parbhatjhora <input type="checkbox"/>
	Chirang <input type="checkbox"/> /Kajalgaon <input type="checkbox"/> /Bijini <input type="checkbox"/>
	Baksa <input type="checkbox"/> /Musulpur <input type="checkbox"/> / Tamulpur <input type="checkbox"/> /Salbari <input type="checkbox"/>
Udalguri <input type="checkbox"/> /Udalguri <input type="checkbox"/> /Bhergaon <input type="checkbox"/>	
Religion	Hindu <input type="checkbox"/> /Christian <input type="checkbox"/> /Other.....

Section-1 Governance and Administration

Sub Section 1.1 Policy Making

- i) Do you feel of lacking in policy making while it is being make in respect to backward indigenous people like Bodo ? Yes No No idea
- ii) What are the reason that you feel for lack of quality policy ?
- a) Less number of representatives Yes No No idea
- b) Inefficient policy maker. Yes No No idea
- c) Inefficiency of people to choose quality law makers. Yes No No idea
- d) Lack of bureaucrats from Bodo. Yes No No idea
- e) Impartiality attitude of law maker. Yes No No idea

Sub Section 1.2 Freedom of speech and expression

- i) What is your perception regarding right to freedom of speech and expression?
Satisfied Less Satisfied Not Satisfied No idea
- ii) What are the reasons you feel that lead to violations of Human Rights
- a) Less Nos. of representatives in policy making body. Yes No No idea
- a) Illiteracy. Yes No No idea

- b) Lack of awareness about system. Yes No No idea
- c) Poverty. Yes No No idea
- d) Suppression of Political leaders. Yes No
No idea
- e) Fear of indirect involvement of powerful person. Yes No
No idea
- f) Fearing of Contractors. Yes No No idea
- g) Low and order situation of BTAD is not favorable. Yes No
No idea

Sub Section 1.3 Government Facilities

- i) What is your will on the government facilities enjoyed by Bodo people of BTAD?
Satisfied Less satisfied Not satisfied No idea
- ii) What are the reasons you feel that lead to violations of Human Rights ?
- a) Illiteracy. Yes No No idea
- b) Poverty. Yes No No idea
- c) Lack of awareness. Yes No No idea
- d) Impartiality in distributing facility. Yes No No idea
- e) Corruption. Yes No No idea

Section-2 Social Sector

Sub section 2.1 Identity concern issue

- i) Status of Bodo identity as distinct community.

Safe Under threat No idea

- ii) What are the reason that lead to the identity concern issue in protection and promotion?

- a) Less Importance of majority law maker. Yes No No idea
- b) Impartiality attitude of Govt. officials. Yes No No idea
- c) Impact of modernity. Yes No No idea
- d) Lack of awareness. Yes No No idea

Sub Section 2.2 Conflict concern issue.

- a) What kind of conflict can be seen in BTAD area ?

- i) Ethnic. Yes No No idea
- ii) Govt. force and military conflict. Yes No No idea
- iii) Political Conflict. Yes No No idea
- iv) Others. Yes No No idea

b) What are the reason that lead to the above conflicts ?

- i) Population explosion. Yes No No idea
- ii) Land encroachment. Yes No No idea
- iii) Poverty. Yes No No idea
- iv) Unemployment . Yes No No idea
- v) Assimilation of culture. Yes No No idea
- vi) Cheap labour . Yes No No idea
- vii) Political in securing of native people. Yes No No idea
- viii) Environmental Degradation. Yes No No idea
- ix) Health and sanitation. Yes No No idea
- x) Atrocities of Govt. arm forces. Yes No No idea
- xi) Atrocities of militant group. Yes No No idea

Sub section 2.3 Migration concern issue

1. Do you feel there is migration in your area ?

Yes No No idea

2. To whom you feel the migrant people in BTAD area ?

- a) Bangladeshi Muslim. Yes No No idea
- b) Bangladeshi Hind Yes No No idea
- c) Nepali. Yes No No idea
- d) Adivasi . Yes No No idea
- e) Others. Yes No No idea

3. What are the reason in your view for migration ?

- a) Population explosion. Yes No No idea
- b) Fertile Land. Yes No No idea
- c) Poverty. Yes No No idea
- d) Unemployment. Yes No No idea
- e) Illiteracy. Yes No No idea
- f) Assimilation n of culture. Yes No No idea
- g) Ethnic conflict. Yes No No idea
- h) Environmental degradation. Yes No No idea

c) What are the impact on native people due to migration ?

- i) Population explosion. Yes No No idea
- ii) Land encroachment and Illegal settlement. Yes No No idea
- iii) Ethnic conflict. Yes No No idea
- iv) Assimilation of culture. Yes No No idea
- v) Deforestation . Yes No No idea
- vi) Availability of cheap labour . Yes No No idea
- vii) Poverty . Yes No No idea

- viii) Unemployment. Yes No No idea
 ix) Increase of Anti-Social Activities. Yes No No idea

Sub section 2.4 Witch Hunting

a) Do you feel that there is witch belief and hunting in your locality ?

Yes No No Idea

b) What are the reason that you feel, there is witch belief and hunting in your area ?

- i) Illiteracy. Yes No No idea
 ii) Superstition. Yes No No idea
 iii) Poverty. Yes No No idea
 iv) Jealousy. Yes No No idea
 v) Personal Enmity. Yes No No idea
 vi) Property Dispute. Yes No No idea
 vii) Backwardness. Yes No No idea
 viii) Lack of modern good health care facilities. Yes No No idea
 ix) Lack of awareness. Yes No No idea
 x) Consumption excessive alcohol. Yes No No idea
 xi) Political rivalry. Yes No No idea
 Others, please specify

Sub section 2.5 Land issue

a) Do you feel that there is land encroachment in your area ?

Yes No No idea

b) What are the reason that you feel of land encroachment ?

- i) Migration. Yes No No idea
 ii) Population Explosion. Yes No No idea
 iii) Poverty. Yes No No idea
 iv) Unemployment. Yes No No idea
 v) Ethnic Clash. Yes No No idea
 vi) Natural calamities. Yes No No idea

Sub section 2.6 Health concern issue

a) What is your perception on status of health of Bodo community ?

Good Average Good Bad No idea

b) What are the reasons that you feel the health rights of Bodo community are being violated ?

- i) Illiteracy . Yes No No idea
- ii) Poverty. Yes No No idea
- iii) Lack of hospitals. Yes No No idea
- iv) Lack of doctors. Yes No No idea
- v) Lack of health awareness. Yes No No idea
- vi) Lack of effective initiatives of govt. mechanism. Yes No
No idea
- vii) Others . Yes No No idea

Sub section 2.7 Education

i) What is your perception on the education development of Bodo community in BTAD ?

Satisfied Less satisfied Not satisfied No idea

ii) Do you feel of rights violation in Education ? Yes No No idea

iii) What are the main concern in your view that lead to the violation of rights in education ?

- a) Lack of class room. Yes No No idea
- b) Shortest of teachers. Yes No No idea
- c) Shortage of text book. Yes No No idea
- d) Irregular supply of uniforms and mid-day meal materials.
Yes No No idea
- e) Effective implementation of RTE 2009. Yes No No idea

Sub section 2.8 Women concern

i) What is your view on status of women in the context of Bodo community of BTAD ?

Very Good Good Not Good No idea

ii) Do you feel of human rights violation that are taking place against women ?

Yes No No idea

iii) What are the reason for which the human rights of women are being violated ?

- a) Atrocities by govt. arm forces. Yes No No idea
- b) Ethnic Conflict. Yes No No idea
- c) Atrocities by militants. Yes No No idea
- d) Witch hunting. Yes No No idea
- e) Rape, murder and assault. Yes No No idea
- f) Domestic violation. Yes No No idea

Section-3 Economics

Sub section 3.1 Poverty and Unemployment

i) What is your perception on the status of poverty and unemployment in the context of Bodo community ?

Satisfactory Less satisfactory Not satisfactory No idea

ii) What are the reason that you feel for acute problems of poverty and unemployment in the context of Bodo community?

- | | | | | | | |
|-----------------------------|-----|--------------------------|----|--------------------------|---------|--------------------------|
| a) Illiteracy. | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | No idea | <input type="checkbox"/> |
| b) Lack of awareness. | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | No idea | <input type="checkbox"/> |
| c) Lack of skill education. | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | No idea | <input type="checkbox"/> |
| d) Lack of industries. | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | No idea | <input type="checkbox"/> |

Sub section 3.2 Bonded and Child Labour

i) What is your perception in respect to bonded and child labor in the context of Bodo community ?

Prevailing Not prevailing No idea

ii) What are the reasons that you feel for prevailing of bonded and child labour ?

- | | | | | | | |
|------------------------|-----|--------------------------|----|--------------------------|---------|--------------------------|
| a) Illiteracy. | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | No idea | <input type="checkbox"/> |
| b) Lack of awareness. | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | No idea | <input type="checkbox"/> |
| c) Poverty. | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | No idea | <input type="checkbox"/> |
| d) Lack of employment. | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | No idea | <input type="checkbox"/> |

Sub Section 3.3 Human Trafficking

i) What is your perception on Human trafficking that is significant among Bodo community ?

Significant Less significant No significant No idea

ii) What are the reasons for human trafficking ?

- | | | | | | | |
|-----------------------|-----|--------------------------|----|--------------------------|---------|--------------------------|
| a) Illiteracy. | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | No idea | <input type="checkbox"/> |
| b) Lack of awareness. | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | No idea | <input type="checkbox"/> |
| c) Poverty. | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | No idea | <input type="checkbox"/> |
| d) Unemployment. | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | No idea | <input type="checkbox"/> |

Section - 4 Environment

Sub section 4.1 Deforestation.

i) What is your perception regarding issue of deforestation in BTAD area ?

Good Not Good No idea

ii) Are you aware about environmental degradation due to deforestation ?

Aware Less Aware Not aware No idea

iii) What are the reason that you feel for deforestation ?

- a) Illiteracy. Yes No No idea
- b) Lack of awareness. Yes No No idea
- c) Poverty. Yes No No idea
- d) Settlement due to migration. Yes No No idea
- e) Easy source of earning. Yes No No idea
- f) Expansion of agricultural land. Yes No No idea

Sub section 4.2 Flood and soil erosion

i) What is your view in respect of flood and soil erosion in BTAD area ?

Good Bad No idea

ii) What are the reasons that you feel for violation of rights ?

- a) Deforestation. Yes No No idea
- b) Lack of proper embankment. Yes No No idea
- c) Climate Change. Yes No No idea

Section-5

- Do you agree on the violation of human rights that are taking place against indigenous Bodo people of BTAD, Assam ?
Yes No No idea
- What is your perception on the status of human rights in the context of Bodo community of BTAD, Assam since 2003 to 2014 ?
Very Good Average Good Bad Worst No idea
- Do you think that the voices raised by indigenous Bodo people of present Assam are voices to ensure human rights ?
Yes No No idea
- Do you think that self-determination i.e. autonomy within state or separate state is the best way to solve the existing ongoing problem of Bodo people ?
Yes No No idea
- Do you think the indigenous section of people of Assam in general and BTAD in particular are conscious regarding international law and constitutional provisions of nation mean for the protection of human rights of indigenous people ?
Yes No No idea

6. Have concern authority of Assam ever organized awareness programs about the declaration on the human rights of indigenous people at various levels to explain the initiatives undertaken by UN ?
 Yes No No idea
7. Do you think that BTC lone can protect the human rights of Indigenous people reside in BTAD area of Assam ?
 Yes No No idea
8. Do government of India in general and Assam in particular have taken any special step so far to protect the rights of indigenous people of Assam ?
 Yes No No idea
9. Which one of the following Literary body/Student organization/Civil Society and NGO has/have been taking role to protect the human rights of indigenous Bodo people of BTAD, Assam ?
- a) Bodo Sahitya Sabha (BSS). Yes No No idea
- b) All Bodo Students Union (ABSU). Yes No No idea
- c) All Bodo Women Welfare Federation (ABWWF). Yes No
 No idea
- d) Bodo Women Justice Forum (BWJF). Yes No No idea
- e) NEDAN Foundation Yes No No idea
- f) NERSWN Yes No No idea
- g) Discovery Club Yes No No idea
- h) Mission Birubala Yes No No idea
10. Do you believe that there are some loopholes in case of implementation of Acts, Constitutional and Legal provisions of the nation in order to ensure the due share of rights of indigenous tribal people?
 Yes No No idea

Signature of respondent.....

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Annexure – III

Glossary of Bodo term:

Aronai : Aronai is a traditional Muffler of Bodos worn by both men and women. It is used to felicitate guests as gift with honor or love.

Bathou : Bathou is a traditional ethnic religion of the Bodos. It is regarded as the Supreme God of the Bodos. The name Bathou (Ba means five and thou means deep), defines five principles i.e. Bar (Air), Or (Fire), Ha (Earth), Dwi (Water) and Okhrang (Ether). The Sijou plant, a woody species of Euphorbia milli var. Splendens is considered as the embodiment of Bathou Bwrai.

Daina : Daina is known as witch in English. Male witch is called Diana and female witch is called Diani.

Dokhona : Dokhona is a traditional attire of Bodo women. It is worn to cover the body from chest to leg by wrapping one at a time over the waist. Generally, the length of Dokhona is 3 metres and width is 1.5 metre.

Gamsa: Gamsa is a Bodo traditional male attire. Normally, its length is 2 metres and width is 1.2 metre. It is worn from waist to knee by tying it in the waist.

Hasini : Rake.

Jabkring : It has a wooden frame, on which a small round pieces of metal sheet is being fitted. When two wooden frames are struck on each other, the wood and the metal pieces produce a clapping and jingling sound.

Jota : It is a basin like musical instrument beaten together in pairs. It is equal in size and shape with these used by the musicians of authentic Indian music.

Jungal : Yoke, a Bodo traditional instrument used by farmers.

Jwmgra : Bodo women folks use Jwmgra to cover the upper portion of the body. The length is around 2.5 metre and width is around 1 metre.

Kula : Winnower, made out of bamboo which is a form of fan used for winnowing.

Laoti : Stick.

Mwi : Harrow, an instrument used by farmers (use for smoothing soil or breaking the clod soil).

Nangal : Plough.

Obonglaoree : God or Supreme Spirit believe by the followers of Bathou religion.

Sandanga : Large sieve, made of bamboo.

Sandri : Sieve, made out of bamboo.

Serja : It is a kind of violin used by the Bodos, having three strings and played by a small bow made of bamboo strip. The bow string is made of a small bunch of hairs of horse tail. The Sijou (*Euphorbia milli* var. *Splendens*) is best known for making Serja.

Sifung : Sifung is the Bodo flute, made out of Bamboo having five holes. The length of flute may vary from 25 inch to 30 inch.

Songrai : Winnowing fan, made out of bamboo.

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Annexure - IV

Memorandum of Settlement (Bodo Accord) signed in Guwahati, Assam (On 20th February 1993)

1. Preamble

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

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

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

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

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

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

(c) The Executive Authority of the BAC would be exercised in its Executive Body to be known as Bodoland Executive Council (BEC). The BEC will be responsible for implementation within the BAC area of the laws on subjects enumerated in Schedule 'A'.

(d) The General Council and the BEC will hold office during the pleasure of the Governor of Assam. Consultation with the State Law Department of Government of

Assam would be necessary if the Governor proposed to dissolve either the General Council or the BEC before the expiry of its term in accordance with the provisions of law. The executive authority of the BEC will be exercised by the party enjoying a simple majority in the General Council. On completion of elections, the Governor would invite the leader of the majority party to constitute the BEC.

4. Finances:

(i) (a) The finances for the BAC will be earmarked under a separate subhead within the State budget, in keeping with the guidelines laid down by the Government of India from time to time. The government of Assam would have no powers to divert this earmarked allocation to other heads/areas except in exigencies when there is unavoidable overall Budget cut.

(b) The provisions made in 4 (i) (a) regarding allocation of funds should be in line with the spirit of the Constitution (seventy second) and (seventy third) amendment. (ii) The BAC would also receive grant-in-aid from time to time within the principles and policies enunciated by the Government of India. (iii) The General Council will have powers to raise finances from levies/fees/taxes etc., on subjects mentioned in Schedule 'A' subject to Constitutional amendment mentioned above. (iv) The finances for the BAC will be managed exclusively by its General Council and the statement of its annual audited accounts will be laid on the table of the State Assembly.

5. Powers of appointments:

The Bodoland Executive Committee would have powers to appoint Class III and Class IV staff within its jurisdiction for implementation of schemes connected with the subjects enumerated in Schedule 'A'.

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

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

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

9. Special Courts: Action will be taken in consultation with the Guwahati High Court to set up within BAC area Special Courts as specified below to try suits and cases between

parties all of whom belong to Scheduled Tribe or Tribes in accordance with the tribal customary law and procedure, if any. (a) village Courts (b) Subordinate District Customary Law Courts within a civil Sub Divisional Territory, and (c) District Customary Law Court.

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

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

12. Changes in Geographical Boundary: The geographical area of the Bodoland Autonomous Council as agreed upon can be changed with the mutual consent of the BAC and the Government of Assam.

13. Revision of List of Scheduled Castes and Scheduled Tribes: The scheduling and de-scheduling of Scheduled Castes and Scheduled Tribes residing within the Bodo areas will be done as per the Commission appointed by the Government of India under the Constitution.

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

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

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

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

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

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

18. Relief and Rehabilitation: (i) ABSU - BPAC leaders will take immediate steps to bring overground and deposit with the District authorities all arms, ammunition and explosives in the possession of their own supporters and will cooperate with the administration in bringing overground all Bodo militants along with their arms and ammunition etc. within one month of the formation of the Interim BEC. In order to ensure the smooth return to civil life of the cadre and to assist in the quick restoration of peace and normalcy, such surrenders made voluntarily will not attract prosecution. (ii) The Government of Assam will consider sympathetically the withdrawal of all cases against persons connected with the Bodoland Movement excluding those relating to heinous crimes. (iii) The Government of India will initiate steps for review of action against the Bodo employees of Government of India and subordinate offices as well as in respect of Central Government Undertakings. Similar action would be taken by the Government of Assam. (iv) The Government of Assam will initiate immediate steps for suitable rehabilitation of the Bodo militants coming overground as a result of this settlement. Similarly, the Government will organize ex-gratia payments as per rules to next of the kins killed during the Bodo agitation.

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

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

21. Ad-hoc Central grant for launching the BAC After the signing of this settlement, and ad-hoc Budget on reasonable basis will be prepared by Interim BEC and discussed with the State and Central Governments for necessary financial support.

Sd/- S.K.Bwiswamutariy President, ABSU

Sd/ - Rabi Ram Brahma General Secretary, ABSU

Sd/ - Subhash Basumatari Chairman, BPAC

Sd/- K.S. RAO Add. Chief Secretary to the Government of Assam

In the presence of Sd/- Rajesh Pilot, Minister or State (Internal Security) Ministry of Home Affairs, Government of India.

Sd/- Hiteswar Saikia Chief Minister of Assam State Govt. of Assam

List of subjects and Departments over which BAC will have control within the BAC area

1. Cottage Industry. 2. Animal Husbandry and Veterinary. 3. Forests. 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 Textiles. 14. Health and Family Welfare. 15. Public Health Engineering. 16. Irrigation. 17. Social Welfare. 18. Flood Control schemes for protection of villages (not 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.

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Annexure - V

Memorandum of Settlement on Bodoland Territorial Council (BTC)

New Delhi, 10 February 2003

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

2. Objectives

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

3. Area

3.1. The area of proposed BTC shall comprise all the 3082 villages and areas to be so notified by the State Government. The above mentioned villages and areas shall be divided into 4 contiguous districts after reorganisation of the existing districts of Assam within a period of 6 months of the signing of the agreement on the lines of the proposal given by BLT subject to clearance of the Delimitation Commission.

3.2 A committee comprising one representative each from Governments of India & Assam and BLT will decide by consensus on the inclusion of additional villages and areas in the BTC from out of 95 villages and areas on the basis of the criteria of tribal population being not less than 50%, contiguity or any other agreed relevant criteria within a period of three months of signing of this MoS.

4. Status of Bodoland Territorial Council

The provision of the Sixth schedule and other relevant Articles of the Constitution of India will apply to BTC, mutatis mutandis in terms of this agreement. The safeguards/modifications for the non-tribals in BTC area, inter-alia, will include the following:

4.1. Provision of para 1(2) of Sixth Schedule regarding Autonomous Regions will not be applicable to BTC.

4.2. A provision will be made in para 2(1) of the Sixth Schedule for increasing the number of members for BTC up to 46 out of which 30 will be reserved for Scheduled Tribes, 5

for non-tribal communities, 5 open for all communities and 6 to be nominated by Governor of Assam from the unrepresented communities for BTC area of which atleast two should be women. Nominated members will have the same rights and privileges as other members, including voting rights. Election from the 40 constituencies of BTC shall be on the basis of adult franchise. The term of the elected members of BTC shall be for 5 years.

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

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

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

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

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

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

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

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

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

5. Power and Functions

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

Subjects to be entrusted to BTC by Assam Government

1. Small, Cottage and Rural Industry; 2. Animal Husbandry & Veterinary; 3. Forest; 4. Agriculture; 5. PWD; 6. Sericulture; 7. Education (Primary Education, Higher Secondary Including vocational training, Adult Education, College Education (General); 8. Cultural Affairs; 9. Soil Conservation; 10. Co-operation; 11. Fisheries; 12. Panchayat and Rural Development; 13. Handloom and Textile; 14. Health & Family Welfare; 15. Public Health Engineering; 16. Irrigation; 17. Social Welfare; 18. Flood Control; 19. Sports & Youth Welfare; 20. Weights and Measures; 21. Library Services; 22. Museum & Archaeology; 23. Urban Development – Town and Country Planning; 24. Tribal Research Institute; 25. Land & Revenue; 26. Publicity/Public Relations; 27. Printing & Stationery; 28. Tourism; 29. Transport; 30. Planning and Development; 31. Municipal Corporation, Improvement Trust, District Boards and other local authorities; 32. Welfare of Plan Tribes and Backward Classes; 33. Markets and fairs; 34. Lotteries, Theatres, Dramatic performance and cinema; 35. Statistics; 36. Food and Civil supply; 37. Intoxicating liquors, opium and derivatives etc.; 38. Labour and employment; 39. Relief and Rehabilitation; 40. Registration of Births and Deaths.

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

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

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

5.5. No posts shall be created by BTC without concurrence of the Government of Assam and it shall also abide by the decision of the Government of Assam in respect of abolition of/temporarily keeping vacant any post.

5.6. Development functions and bodies within the competence of BTC shall be transferred to BTC. In respect of DRDA, concurrence of Government of India will be obtained.

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

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

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

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

6. Law and Order

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

7. Revision of list of ST

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

8. Grant of ST status of BodoKacharis of KarbiAnglong and NC Hills districts

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

9. Development of Bodo Language

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

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

10. Additional Development Package for BTC

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

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

List of projects:

1. To establish a centre for development and research of Bodo language;
2. Upgradation of existing educational infrastructure by way of renovation/addition of buildings, providing modern facilities for teaching such as computers, science laboratories etc. from primary level to college level in BTC area;
3. A cultural complex to be established at Kokrajhar to promote and develop Bodo tradition and cultural heritage;
4. To establish a super-speciality hospital with all modern facilities at Kokrajhar Government Hospitals shall be established in all district, sub-divisional and block headquarter;
5. To establish sports complexes in all the district headquarters;
6. Food processing plants and clod storage facilities at Kokrajhar, Kajolgaon, Udalguri and Tamulpur;
7. Construction of a bridge over river Aai to connect Koilamoila, Amguri etc. with the rest of the district;
8. To build a Bodoland Bhawan in Delhi;
9. To set up integrated agro-processing park and

textile-cum-apparel park; 10. Revitalisation of Kokilabari Agricultural Farm; 11. To develop adequate infrastructure to promote Manas sanctuary as an international tourist spot; 12. To complete Champa, Suklai and Dhansiri irrigation projects; 13. To construct a highway on the Indo-Bhutan border from Jamduar to Bhairabkunda to connect remote places located adjacent to the border; 14. To set

up model dairy, fishery, horticulture and poultry farms/training centres at different places in all the 4 districts to encourage youth for self-employment; 15. To enhance the existing facilities in veterinary hospitals in BTC area.

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

11. Centrally funded University

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

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

12. Relief & Rehabilitation

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

12.2. The Government of India will initiate steps for review of action against the Bodo employees of Government of India and subordinate officers as well as in respect of Central Government Undertakings. Similar action would be taken by the Government of Assam.

12.3. Bodo youth will be considered for recruitment in Police, Army and Paramilitary forces to increase their representation in these forces.

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

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

14. Interim Council

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

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

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

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

(HagramaBasumatary) Chairman Bodo Liberation Tigers

(P K Dutta) Chief Secretary Govt. of Assam

(R C A Jain) Secretary (BM) Ministry of Home Affairs Government of India

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Annexure - VI

1.1 The Sixth Schedule to the Constitution (Amendment) Bill, 2003

The Bill seeks to create an autonomous self-governing body to be known as the Bodoland Territorial Council (BTC) within the State of Assam under Schedule VI of the Constitution of India which shall have legislative, administrative and financial powers in respect of specified subjects. The Bill further seeks to provide for adequate safeguards for the non-tribals in the BTC areas in regard to rights and privileges including land rights presently enjoyed by them at the commencement of BTC.

During his deposition before the Committee on 26 June 2003, the Joint Secretary (NE), Ministry of Home Affairs traced the genesis of the Bill and informed the Committee that the Bodos were the largest recognized plain tribe in Assam comprising 1.2 million people or 5.3% of the total population of Assam of 22.4 million as per 1991 census. They were chiefly inhabitants of Dhubri, Kokrajhar, Bongaigaon, Barpeta, Nalbari, Kamrup and Darrang Districts of Assam.

1. He also apprised the Committee that the Bodo problem primarily arose due to perception of negligence of the Bodo areas by successive Governments in Assam since independence, influx of migrants from other parts of Assam, West Bengal, Bihar and Bangladesh, which led to alienation of tribal land, though prohibited by the Assam Land Revenue (Rules and Regulations) 1886 and search for separate Bodo identity. The proposed BTC areas would also include other tribes living in Deori, Hojai, Kachari including Sonowal, Lalung, Mech, Miri and Rabha.

He further stated that in order to address and solve the Bodo problem, the Government of India signed the Bodo Accord on February 20, 1993 with All Bodo Students Union and Bodo People's Action Committee with the following salient features:

(i) A Bodoland Autonomous Council (BAC) to be formed by an Act of Assam Legislative Assembly;

(ii) The Council to have powers to make by laws, rules and orders for application within the BAC areas on the specified subjects;

(i) The geographical area of the BAC as agreed upon can be changed with the mutual consent of the BAC and the Government of Assam;

(ii) The BAC will have power to regulate trade and commerce within its jurisdiction,

in accordance with the existing laws;

(iii) The Government of Assam will deposit in the BAC fund, revenue collected from the tea gardens falling within the BAC area;

(iv) The BAC would also receive grant-in-aid from time to time within the principles and policies enunciated by the Government of India; and

(v) The Government of Assam and the BAC will jointly ensure that all rights and interests of the non-tribals as on date living in the BAC area in matters pertaining to land as well as their language are protected. In pursuance of the Bodo Accord, the BAC Act was passed by the Legislative Assembly of Assam which came into force on 13 May 1993. The Act provided for the establishment of an administrative authority known as Bodoland Autonomous Council (BAC) and for certain matters incidental and connected thereto.

2. Joint the Secretary further stated that the BAC had, however, failed to achieve the objectives for which it was set up and the Bodo groups were of the view that Bodo Accord had become unworkable due to non-implementation of the Accord in letter and spirit and were making renewed demands for separate State of Bodoland for the following reasons.

(i) No elections could be held to the General Council of BAC so far;

(ii) There was also dispute over the areas to be included in the BAC;

(iii) BAC had no legislative powers; and

(iv) Allocation and transfer of adequate funds for development works to BAC was not assure

Thus, the BAC had failed to achieve the objectives for which it was set up leading to renewed demand for separate State of Bodoland.

3. It was against this backdrop that the Government of India initiated a fresh process

of dialogue with the Bodos in September 1997. In response to the initiative of the Central Government, the Bodo Liberation Tigers (BLT) unilaterally suspended its operations with effect from 14 July 1999. This was followed by a series of tripartite talks between Government of India, Government of Assam and BLT. After twenty one rounds of tripartite talks, a Memorandum of Settlement (MoS) was signed on 10 February 2003. The main terms of agreement inter alia include:

(i) Creation of an Autonomous District to be known as Bodoland Territorial Council (BTC) Areas District within the State of Assam and provision of Constitutional protection under the Sixth Schedule to the Constitution of India.

(ii) The Government of Assam to repeal the BAC Act, 1993 and dissolve the existing Bodoland Autonomous Council (BAC);

(iii) Adequate safeguards to ensure that the non-tribals in the BTC area are not disadvantaged in relation to any rights and privileges including land rights presently enjoyed by them at the commencement of BTC;

(iv) Increasing the number of members for BTC upto 46 out of which 30 will be reserved for Scheduled Tribes, 5 for non-tribal communities, 5 open for all communities and 6 to be nominated by Governor of Assam from the unrepresented communities from BTC area of which at least 2 should be women. Nominated members will have the same rights and privileges as other members, including voting rights. Election for 40 constituencies of the BTC shall be on the basis of adult franchise. The term of the elected members of the BTC shall be for 5 years;

(v) (v) The Council shall have legislative, executive, administrative and financial powers in respect of 40 subjects to be entrusted to it;

(vi) Additional financial assistance of Rs. 100 crore per annum (over and above normal plan assistance to the State of Assam) for next five years for projects to develop the socio-economic infrastructure in BTC areas;

(vii) The Government of India has also agreed to consider favourably the inclusion of Bodo language in Devnagri script in the Eighth Schedule to the Constitution;

(viii) A Centrally funded Central Institute of Technology (CIT) to be set up to impart education in various technologies and vocational disciplines such as information technology, bio-technology, food processing, rural industries, business management, etc. The CIT to be subsequently upgraded to a centrally-funded State University with technical and non-technical disciplines to be run by the BTC; and

(ix) The Government of India to consider sympathetically the inclusion of Boro Kacharis living in Karbi Anglong and North Cachar Hills Autonomous Councils area in the Scheduled Tribes (Hill) List of State of Assam.

2. Here, it may be pertinent to compare the distinct features of the proposed BTC under the Sixth Schedule to the Constitution and the BAC under the State Act:

a) The BTC will be created under the Sixth Schedule to the Constitution of India whereas the BAC was created under the State Legislation;

b) The number of members for the BTC will be 46, out of which 30 will be reserved for Scheduled Tribes, 5 for non-tribal communities, 5 open for all communities from BTC areas of which at least 2 will be women. On the other hand, the number of members of BAC was 40, of which, 30 seats were reserved for Scheduled Tribes and 10 seats were open seats;

c) BTC will have a defined territory whereas BAC territory was not defined;

d) Elections will be ensured in BTC after every five years, while no elections could take place in BAC in the last ten years;

e) BTC will have legislative powers over specified subjects which was not so with BAC;

f) Adequate safeguards for the non-tribals in regard to rights enjoyed by them including land rights have been provided in the BTC and the existing representation of Scheduled Tribes and non-scheduled tribes from BTC area in the State Assembly is to be kept intact.

Further, while touching upon the earmarked area and population of the proposed BTC, the Joint Secretary stated that 3082 villages were to be included in the BTC area. Besides, a decision was to be taken to add 95 more villages in it. He informed that the total area of BAC as against proposed BTC included 2941 villages and approximately 8300 sq. kms. of land with a population of around 25 lakhs. Out of which total Bodo population was 9.84 lakhs. However, the area as well as population of the proposed BTC may undergo slight change with the increase in number of villages.

5. The Joint Secretary also apprised the Committee of the steps already taken by the Government to implement the Memorandum of Settlement such as repeal of BAC Act, 1993 and dissolution of BAC by the State Government, agreement on 3082 villages to be included in BTC, consideration of proposal for grant of Scheduled Tribe (Hill) status to Boro Kacharis living in North Cachar Hill and Karbi Anglong districts as also the proposal for inclusion of Bodo language in the Eighth Schedule to the Constitution. The allocation of Rs.100 crore per annum to BTC and establishment of centrally funded Central Institute of Technology was also under consideration of the Government.

6. While justifying further the inclusion of proposed BTC in the Sixth Schedule to the Constitution, he drew the attention of the Committee to the recommendation of the National Commission to Review the Working of the Constitution that the Sixth Schedule should be extended to the BAC with protection for non-tribal and non-Bodo groups.

7. Before winding up the presentation, the Home Secretary proposed further additions/amendments in the Bill which was under consideration of the Committee. Explaining the need for additions/amendments in the Bill, the Joint Secretary stated that in the State of Assam, Scheduled Tribes were divided into two categories viz. Scheduled Tribes of Autonomous Districts and Scheduled Tribes of areas other than Autonomous Districts. Bodo Kacharis were at present included in the list of Scheduled Tribes of areas other than Autonomous Districts and were popularly known as Scheduled Tribes (Plains). Consequent upon the formation of BTC Area District and its inclusion in the Sixth Schedule to the Constitution of India, the Bodo Kacharis residing in the plain districts of Assam would stand disqualified from the Scheduled Tribes (Plains) status. In order that Bodo Kacharis continue to enjoy the Scheduled Tribes status, amendments were proposed to be carried out in the Schedule to the Constitution (Scheduled Tribes Order, 1950) in Part-II Assam as under:

i. In item No.I "in the Autonomous Districts" be substituted by "in the Autonomous Districts of Karbi Anglong and North Cachar Hills",

ii. In item No.II for "in the State of Assam excluding the Autonomous Districts" be substituted by "in the State of Assam including the Bodoland Territorial Council Areas District and excluding the Autonomous Districts of Karbi Anglong and North Cachar Hills".

8. He informed the Committee that the proposed additions/amendments would be included in the Bill as "Miscellaneous Provisions".

9. After due deliberations, the Committee expressed its whole hearted support to give a fair trial to the tripartite agreement signed by the Government of India, Government of Assam and the Bodo Liberation Tigers (BLT) on 10 February 2003 by way of the proposed legislation.

10. The Committee then took up clause-by-clause consideration of the Bill.

11. The Committee having adopted the clauses of the Bill without any amendments and having approved the Government amendments to be included as 'Miscellaneous Provisions' in the Bill, recommends that it may be passed.

1.2 The Constitution (Ninety-ninth Amendment) Bill, 2003

This Bill is a natural corollary to the Sixth Schedule to the Constitution (Amendment) Bill, 2003 which has been dealt with in Chapter-I of this Report. Accordingly, this Chapter is devoted to the Constitution (Ninety-ninth Amendment) Bill, 2003. This Bill has also emanated from the Memorandum of Settlement (MoS) signed between the Government of India, Government of Assam and Bodo Liberation Tigers (BLT) on 10 February 2003. It fulfills one of the terms of the agreement which reads as under:

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

Thus, this term of the MoS seeks to protect the existing status of representation of proposed BTC area in the State Assembly by way of amending Article 332(6) of the Constitution.

2. Before having a look at the provisions of the proposed Bill, it may be pertinent to delve into Article 332(6) of the Constitution. It stipulates that no person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam shall be

eligible for election to the Legislative Assembly of the State from any constituency of that district.

2.1 Thus, Article 332(6) prohibits election of non-tribals to the State Legislative

Assembly from the constituencies which fall within an autonomous district. Now with the creation of one more autonomous district in the State of Assam, namely, Bodoland Territorial Council Area District, the provision under Article 332(6) will also apply mutatis mutandis to it unless it is amended or modified otherwise. In other words, if the provision under Article 332 (6) is not amended, it will deprive the non-tribals living in BTC area of their representation in the State Assembly. Hence, need for amendment.

3. Against this backdrop, this Bill seeks to insert a proviso in clause 6 of Article 332 of the Constitution which aims at protecting the political rights of the non-tribals by ensuring that the existing representation of scheduled tribes and non-scheduled tribes from the proposed BTC areas in the State Assembly remains intact.

4. The Home Secretary along with other officials made a brief power point presentation on the Bill before the Committee in its meeting held on 26 June 2003.

5. The Committee also took up clause-by-clause consideration of the Bill in the same meeting.

6. The Committee, having adopted the Bill without any amendments, recommends that it may passed.

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Annexure - VII

The Universal Declaration of Human Rights of 1948

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages.

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising

from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

Article 21

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the

just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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Annexure - VIII

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/61/L.67 and Add.1)]

61/295. United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006,^{/1} by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

107th plenary meeting
13 September 2007

Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the *Charter of the United Nations*, the *International Covenant on Economic, Social and Cultural Rights*,² and the *International Covenant on Civil and Political Rights*,² as well as the *Vienna Declaration and Programme of Action*,³ affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the *Charter of the United Nations*, the *Universal Declaration of Human Rights*³ and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - d. Any form of forced assimilation or integration;
 - e. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings,

where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals

also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally

owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

3. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

4. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, *inter alia*, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the

provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

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Annexure - IX

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT,

(2006 No. 2 of 2007)

[29th December, 2006]

An Act to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

WHEREAS the recognized rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwellings Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and 02 Forest Rights Act, 2006: Act, Rules and Guidelines

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, -

- (a) "community forest resource" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;
- (b) "critical wildlife habitat" means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4;
- (c) "forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities;
- (d) "forest land" means land of any description falling within any forest area and includes unclassified forests, undermarked forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;
- (e) "Forest rights" means the forest rights referred to in section 3;
- (f) "forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of taungya settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;
- (g) "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women; Short title and commencement Definitions 2 03 Forest Rights Act, 2006 18 of 2003 40 of 1996 53 of 1972 Forest rights of Forest dwelling Scheduled Tribes and

- (h) "habitat" includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;
- (i) "minor forest produce" includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;
- (j) "nodal agency" means the nodal agency specified in section 11;
- (k) "notification" means a notification published in the Official Gazette;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "Scheduled Areas" means the Scheduled Areas referred to in clause (l) of article 244 of the constitution;
- (n) "sustainable use" shall have the same meaning as assigned to it in clause (o) of section 2 of the Biological Diversity Act, 2002;
- (o) "other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for bona fide livelihood needs. Explanation – For the purpose of this clause, "generation" means a period comprising of twenty-five years.
- (p) "village" means –
- (i) a village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or
 - (ii) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or
 - (iii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or
 - (iv) in the case of States where there are no Panchayats, the traditional village, by whatever name called;
- (q) "wild animal" means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 and found wild in nature.

CHAPTER II FOREST RIGHTS

3. (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:- 3 04 Forest Rights Act, 2006: Act, Rules and Guidelines

(a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;

(b) community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;

(c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

(d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

(e) rights including community tenures of habitat and habitation for primitive tribal groups and preagricultural communities;

(f) rights in or over disputes lands under any nomenclature in any State where claims are disputed;

(g) rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;

(h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;

(i) rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

(j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses

(a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(m) right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes or other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005. other traditional forest dwellers. 4 05 Forest Rights Act, 2006 Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers. 69 of 1980

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:-

(a) schools; (b) dispensary or hospital; (c) anganwadis; (d) fair price shops; (e) electric and telecommunication lines; (f) tanks and other minor water bodies; (g) drinking water supply and water pipelines; (h) water or rain water harvesting structures; (i) minor irrigation canals; (j) non-conventional source of energy; (k) skill up-gradation or vocational training centers; (l) roads; and (m) community centers:

Provided that such diversion of forest land shall be allowed only if, -

- (vi) the forest land to be diverted for the purposes mentioned in this subsection is less than one hectare in each case; and
- (vii) (ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

CHAPTER III

RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

4. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in –

- (a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;
- (b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.

(2) The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:- 5 06 Forest Rights Act, 2006: Act, Rules and Guidelines

(a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;

(b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;

(c) the State Government has concluded that other reasonable options, such as, co-existence are not available;

(d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;

(e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;

(f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package; Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

(3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

(4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons

and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.

(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

(6) Where the forest rights recognised and vested by subsection (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares. 53 of 1972 6 07 Forest Rights Act, 2006

(7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act.

(8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

5. The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to –

- (a) protect the wild life, forest and biodiversity;
- (b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;
- (c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;
- (d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

CHAPTER IV AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

6. (1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition. Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case. Authorities to vest forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers and procedure thereof. Duties of holders of forest rights. 69 of 1980 7 08 Forest Rights Act, 2006: Act, Rules and Guidelines

(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition: Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional level Committee: Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the department of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a women, as may be prescribed.

(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

CHAPTER V

OFFENCES AND PENALTIES

7. Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made there under concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees: Offences by members or officers of authorities and Committees under this Act. 8 09 Forest Rights Act, 2006 Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of

not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

CHAPTER VI

MISCELLANEOUS

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

10. (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

12. In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

14. (1) The Central Government may; by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all any of the following matters, namely: - Protection of action taken in good faith. Nodal agency Power of Central Government to issue directions. Act not in derogation of any other law. Power to make rules 40 to 1996. Cognizance of

offences. Members of authorities, etc., to be public servants. 9 10 Forest Rights Act, 2006:
Act, Rules and Guidelines

- (a) procedural details for implementation of the procedure specified in section 6;
 - (b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;
 - (c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under subsection (8) of section 6;
 - (d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;
 - (e) any other matter which is required to be, or may be, prescribed.
- (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree 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; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

K.N. CHATURVEDI,
Secy. to the Govt. of India.

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