

**SIXTH SCHEDULE**

[Articles 244(2) and 275(1)]

PROVISIONS AS TO THE ADMINISTRATION OF TRIBAL AREAS IN <sup>1</sup>[<sup>2</sup>[THE STATES OF ASSAM <sup>3</sup>[, MEGHALAYA, TRIPURA] AND MIZORAM]]

**1. Autonomous districts and autonomous regions.** – (1) Subject to the provisions of this paragraph, the tribal areas in each item of <sup>4</sup>[<sup>5</sup>[Parts I, II and IIA] and in part III] of the table appended to paragraph 20 of this Schedule shall be an autonomous district.

(2) If there are different Schedule Tribes in an autonomous district, the Governor may, by public notification, divide the area or areas inhabited by them into autonomous region.<sup>6</sup>

(3) The Governor may, by public notification, -

- (a) include any area in <sup>4</sup>[any of the Parts] of the said table,
- (b) exclude any area from <sup>4</sup>[any of the Parts] of the said table,
- (c) create a new autonomous district,
- (d) increase the area of any autonomous district,
- (e) diminish the area of any autonomous district,
- (f) unite two or more autonomous districts or parts thereof so as to form one autonomous district,
- <sup>7</sup>[(ff) alter the name of any autonomous district,]
- (g) define the boundaries of any autonomous district:

Provided that no other shall be made by the Governor under clauses (c), (d), (e) and (f) of this sub – paragraph except after consideration of the report of a Commission appointed under sub- paragraph (1) of paragraph 14 of this schedule:

<sup>8</sup>[Provided further that any order made by the Governor under sub- paragraph may contain such incidental and consequential provisions (including any amendment of paragraph 20 and of any item in any of the Parts of the said table) as appear to the Governor to be necessary for giving effect to the provisions of the order.]

1. Subs. by the State of Mizoram Act, 1986 (34 of 1986), sec. 39(f), for “the State of Assam, Meghalaya and Tripura and in the Union Territory of Mizoram” (w.e.f. 20-2-1987).
2. Subs. by the North – Eastern Areas (Reorganisation) Act, 1971(81 of 1971), sec. 71(i) and Eighth Sch., for “Assam” (w.e.f.21-1-1972).
3. Subs. by the constitution (Forty-ninth Amendment) Act, 1984, sec. 4, for “and Meghalaya” (w.e.f. 1-4-1985).
4. Subs. by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71(i) and Eighth Sch., for “Part A” (w.e.f. 21-1-1972).
5. Subs. by the Constitution (Forty-ninth Amendment) Act, 1984, sec.4, for “Parts I and II”(w.e.f. 1-4-1985).
6. paragraph 1 has been amended in its application to the State of Assam by the sixth Schedule to the constitution ( Amendment) Act,2003 (44 of 2003), Sec. 2 (w.e.f. 7- 9 – 2003) so as to insert after sub – paragraph (2) the following proviso; namely:-  
“Provided that nothing in this sub – paragraph shall apply to the Bodoland Territorial Areas District.”
7. Ins. By the Assam reorganization (Meghalaya) Act, 1969 (55 of 1969), sec. 74 and Fourth Sch. (w.e.f. 2 – 4 – 1970).
8. Ins. by the North – Eastern Areas (Reorganisation) Act, 1971(81 of 1971), sec. 71(i) and Eighth Sch. (w.e.f. 21- 1 – 1972).

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**2. Constitution of District Councils and Regional Councils.** – <sup>1</sup>[(1) There shall be at District Council for each autonomous district consisting of not more than thirty members, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage.]<sup>2</sup>

(2) There shall be a separate Regional Council for each area constituted an autonomous region under sub – paragraph (2) of paragraph 1 of this Schedule.

(3) Each District Council and each Regional Council shall be a body corporate by the name respectively of ‘ the District Council of (*name of district*)’ and ‘the Regional council of (*name of region*)’, shall have perpetual succession and a common seal and shall by the said name sue and be sued.<sup>3\*</sup>

(4) Subject to the provisions of this Schedule, the administration of an autonomous district shall, in so far as it is not vested under this Schedule in any Regional Council within such district, vested in the District Council for such district and the administration of an autonomous region shall be vested in the Regional Council for such region.

(5) In an autonomous district with Regional Councils, the District Council shall have only such powers with respect to the areas under authority of the Regional Council as may be delegated to it by the Regional Council in the addition to the powers conferred on it by this Schedule with respect to such areas.

(6) The Governor shall make rules for the first constitution of District Councils and Regional Councils in consultation with the existing tribal Council or other representative tribal organization within the autonomous districts or regions concerned, and such rules shall provide for-

- (a) The composition of the District Councils and Regional Councils and the allocation of seats therein;
- (b) The delimitation of territorial constituency’s further purpose of elections to those Councils;
- (c) The qualifications for voting at such elections and the preparation of electoral rolls therefore;

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1. Subs .by the Assam Reorganisation (Meghalaya) Act, 1969(55 of 1969), sec. 74 and Fourth Sch for paragraph (1) (w.e.f.2-4-1970).

2. Paragraph 2has been amended in its application to the state of Assam by the Sixth schedule to the constitution (Amendment) Act, 2003 (44 of 2003), sec. 2(w.e.f.7-9-2003), so as to insert after sub-paragraph (1), the following proviso, namely:-

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

3. Paragraph 2 has been amended in its application to the State of Assam by the sixth schedule to the constitution (Amendment) Act, 1995 (42 of 1995), sec. to (w.e.f. 12 – 9 – 1995), so as to insert in the sub – paragraph (3), the following proviso, namely:-

“Provided that the District Council constituted for the North Cachar Hills District shall be called as the North Cachar Hills Autonomous Council and the District Council constituted for the Karbi Anglong District shall be called the Karbi Anglong Autonomous Council.”

\* Paragraph 2 has been amended units application to the State of Assam by the sixth schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), sec. 2 (w.e.f. 7- 9- 2003), so as to insert in sub-paragraph (3) after the proviso, the following proviso, namely:-

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

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- (d) The qualifications for being elected at such elections as members of such Councils;
- (e) The term of office of members of 1[Regional Councils];
- (f) Any other matter relating to or connected with elections of nominations to such Councils;
- (g) The procedure and the conduct of business <sup>2</sup>[including the power to act notwithstanding any vacancy] in the District and Regional Councils;
- (h) The appointment of officers and staff of the District and Regional Councils.

<sup>2</sup>[(6A) the elected members of the District Council shall hold office for a term of five years from the date appointed for the first meeting of the Council after the general elections to the Council, unless the District Council is sooner dissolved under paragraph 16 and a nominated member shall hold office at the pleasure of the Governor:

Provided that the said period of five years may, while a proclamation of Emergency is in operation or if circumstances exist which, in the opinion of the Governor, render the holding of election impracticable, be extended by the Governor for a period not exceeding one year at a time and in any case where a proclamation of Emergency is in operation not extending beyond a period of six months after the proclamation has ceased to operate:

Provided further that a member elected to fill a casual vacancy shall hold office only for the remainder of the term of office of the member whom he replaces.]

(7) The District or the Regional Council may after its first constitution make rules <sup>3</sup>[with the approval of the Governor] with regard to the matters specified in sub – paragraph (6) of this paragraph and may also make rules <sup>3</sup>[with like approval] regulating-

- (a) the formation of subordinate local Councils or boards and their procedure and the conduct of their business; and
- (b) generally all matters relating to the transaction of business pertaining to the administration of the district or region, as the case may be:

Provided that until rules are made by the District or the Regional Council under this sub – paragraph the rules made by the Governor under sub – paragraph (6) of this paragraph shall have effect in respect of elections to, the officers and staff of, and the procedure and the conduct of business in, each such Council.

<sup>4</sup>[\*\*\*]

**3. powers of the District Councils and Regional Councils to make laws.-** (1) The Regional Council for an autonomous region in respect of all areas within such region and the District Council for an autonomous district in respect of all areas within the district except those which are under the authority of regional Councils in, if any, within the district shall have power to make laws with respect to-

- (a) The allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest for the purposes of agriculture or grazing or for

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1. Ins. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), sec. 74 and Fourth Sch., for "such Councils" (w.e.f. 2-4-1970).
  2. Ins. by the Assam reorganization (Meghalaya) Act, 1969(55 of 1969), sec. 74 and Fourth Sch. (w.e.f. 2-4-1970).
  3. Subs. by the Assam reorganization (Meghalaya) Act, 1969 (55 of 1969), sec. 74 and Fourth Sch., for certain words (w.e.f. 2-4-1970).
  4. Second proviso omitted by the Assam Reorganisation (Meghalaya) act, 1969 (55 of 1969), sec. 74 and Fourth Sch. (w.e.f. 2-4-1970).

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residential or other non – agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town:

Provided that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or unoccupied, for public purposes <sup>1</sup>[by the government of the State concerned] in accordance with the law for the time being in force authorizing such acquisition;

- (b) the management of any forest not being a reserved forest;
- (c) The use of any canal or waste course for the purposes of agriculture;
- (d) The regulation of the practice of *jhum* or other forms of shifting cultivation;
- (e) The establishment of village or town committees or councils and their powers;
- (f) Any other matter relating to village or town administration, including village or town police and public health and sanitation;
- (g) The appointment or succession of chiefs or Headmen;
- (h) The inheritance of property;
- <sup>2</sup>[(i) marriage and divorce;]
- (j) social customs.

(2) In this paragraph, a ‘reserved forest’ means any area which is a reserved forest under the Assam forest regulation, 1891, or under any other law for the time being in force in the area in question.

(3) All laws made under the paragraph shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.<sup>3\*</sup>

1. Subs. by the North - Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71 (i) and Eighth Sch., for certain words (w.e.f. 21 – 1 – 1970).
2. Subs. by the Assam reorganization (Meghalaya) Act, 1969 (55 of 1969), sec. 74 and Fourth Sch., for clause (i) (w.e.f.2-4-1970).
3. Paragraph 3 has been amended in its application to the State of Assam by the sixth schedule to the constitution (Amendment) Act, 2003 (44 of 2003), sec. 2 (w.e.f. 7-9-2003), so as to substitute for sub – paragraph (3), the following sub – paragraph, namely:-

“(3) save as otherwise provided in sub-paragraph (2)of paragraph 3A or sub-paragraph(2)of paragraph 3B,all

laws made under this paragraph or sub-paragraph(1) of paragraph 3A or sub-paragraph (1)of paragraph 3B shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.”

Earlier sub-paragraph (3) was subs. by the sixth schedule to the Constitution (Amendment) Act, 1995 (42 of 1995), sec. 2 (w.e.f. 12-9-1995), so as to read as under:

“(3) Save as otherwise provided in sub –paragraph (2)of paragraph 3A, all laws made under this paragraph or sub-paragraph (1) of paragraph 3A shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.”

\* After paragraph 3, the following paragraph has been inserted in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 1995(42 of 1995), sec.2(w.e.f. 12-9-1995), namely:-

“3A. *Additional powers of the North Cachar hills Autonomous council and the Karbi Anglong Autonomous Council to make law.* – (1)Without prejudice to the provisions of paragraph 3, the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council within their respective districts , shall have power to make laws with respect to –

- (a) industries, subject to the provisions of entries 7 and 52 of List 1 of the Seventh Schedule;
- (b) communications, that is to say, roads, bridges, ferries and other means of communication not specified in List I of the Seventh Schedule; municipal tramways, ropeways, inland waterways and traffic thereon subject to the provisions of List I and List III of the Seventh Schedule with regard to such waterways ; vehicles other than mechanically propelled vehicles;

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**4. Administration of justice in autonomous districts and autonomous region. – (1) The Regional Council of an autonomous region in respect of areas within such**

(contd. from previous page)

- (a) preservation, protection and improvement of stock and prevention of animal disease ; veterinary training and practice; cattle pounds;
  - (b) primary and secondary production;
  - (c) agricultural ,including agricultural education and research, protection against pests and prevention of plant diseases;
  - (d) fisheries;
  - (e) water, that is to say , water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provision of entry 56 of list I of the seventh schedule;
  - (f) social security and social insurance; employment;
  - (g) flood control schemes for protection of villages, paddy fields, markets, towns, etc. (not of technical nature);
  - (h) theatre and dramatic performances, cinemas subject to the provisions of entry 60 of list 1 of the seventh schedule; sports entertainments and amusement;
  - (i) public health and sanitation, hospitals and dispensaries;
  - (j) minor irrigation;
  - (k) trade and commerce in, and the production, supply and distribution of, food stuffs, cattle fodder, raw cotton and raw jute;
  - (l) libraries, museums and other similar institutions control or financed by the State; ancient and historical monuments and records other than those declared by or under any law made by parliament to be of national importance; and
  - (m) alienation of land.
- (2) All laws made by the North Cachar hills autonomous Council and the Karbi Anglong Autonomous Council under paragraph 3 or under this paragraph shall, in so far as they relate to matters specified in list III of the seventh schedule, be submitted forthwith to the Governor who shall reserve the same for the consideration of the president.
- (3) When a law is reserved for the consideration of the president, the president shall declare either that he assents to the said law or that he withholds assent therefrom:  
Provided that the president may direct the Governor to return the law to the North Cachar hills autonomous Council or the Karbi Anglong autonomous Council, as the case may be, together with a message requesting that the said Council will reconsidered the law or any specified provision thereof and, in particular, will, consider the desirability of introducing any such amendments as he may recommend in his message and, when the law is so returned, the Said Council shall considered the law accordingly within a of six months from the date of receipt of such message and, if the law is again to the president for his consideration.”
- \* After paragraph 3A, the following paragraph has been inserted in its application to the state of Assam by the sixth schedule to the constitution (Amendment) Act, 2003 (44 of 2003), sec. 2 (w.e.f. 7 – 9 – 2003), namely:-
- “3B. *Additional powers to the Bodoland Territorial Council to make laws.*-(1) without prejudice to the provisions paragraph 3, the Bodoland Territorial Council within its areas shall have power to make laws with respect to-(i) Agriculture, including Agricultural education and research, protection against pests and prevention of plant diseases; (ii) Animal husbandry and veterinary, that is to say, preservation, protection and improvement of stock and prevention of animal diseases, veterinary training and practice, cattle pounds; (iii) Co-operation; (iv) Cultural affairs; (v) Education, that is to say, primary education, higher secondary including vocational training, adult education, college education (general); (vi) Fisheries; (vii) Food control for protection of village, paddy fields, markets and towns (not of technical nature); (viii) Food and civil supply;



(2) Notwithstanding anything in this Constitution, the Regional Council for an autonomous region or any court constituted in that behalf by the Regional Council or, if in respect of any area within an autonomous district there is no Regional Council, the District Council for such district, or any court constituted in that behalf by the District Council, shall exercise the powers of a court of appeal in respects of all suits and cases triable by a village council or court constituted under sub paragraph (1) of this paragraph within such region or area, as the case may be, other than those to which the sub – paragraph (1) of paragraph 5 of this Schedule apply, and no other court except the High Court and the Supreme Court shall have jurisdiction over such suits or cases.

(3) The High court <sup>1</sup>[\*\*\*] shall have and exercise such jurisdiction over the suits and cases to which the provisions of sub – paragraph (2) of this paragraph apply as the Governor may from time to time by order specify.

(4) A Regional Council or District Council, as the case may be, may with the previous approval of the Governor make rules regulating –

- (a) the constitution of village councils and courts and the powers to be exercised by them under this paragraph;
- (b) the procedure to be followed by village councils or courts in the trial of suits and cases under sub – paragraph (1) of this paragraph;
- (c) the procedure to be followed by the Regional or District Council or any other court constituted by such Council in appeals and other proceeding under sub – paragraph (2) of this paragraph;
- (d) the enforcement of decisions and orders of such Councils and courts;
- (e) all other ancillary matters for the carrying out the provisions of sub – paragraphs (1) and (2) of this paragraph.

<sup>2</sup>[(5) On and from such date as the President may, <sup>3</sup>[after consulting the Government of the State concerned], by notification appoint in this behalf, this paragraph shall have effect in relation to such autonomous district or region as may be specified in the notification, as if –

- (i) in sub - paragraph (1), for the words ‘ between the parties all of whom belong to Schedule Tribes within such areas, other than suits and cases to which the provisions of sub – paragraph (1) of paragraph 5 of this Schedule apply,’ the words ‘not being suits and cases of the nature referred to in sub – paragraph (1) of paragraph (5) of this Schedule, which the Governor may specify in this behalf,’ had been substituted;
- (ii) sub – paragraph (2) and (3) had been omitted;
- (iii) in sub – paragraph (4) –
  - (a) for the words “A regional Council or District Council, as the case may be, may with the previous approval of the Governor make rules regulating’, the words “Governor may make rules regulating” had been substituted; and
  - (b) for clause (a), the following clause had been substituted, namely: -
    - a). the constitution of village councils and courts, the powers to be exercised by them under this paragraph and the courts to which appeals from the decisions of village councils and courts shall lie;”

1. The words “of Assam” omitted by the North – Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71(i) and Eight Sch. (w.e.f 21-1-1972).

2. Ins. By the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), sec. 74 and Fourth Sch. (w. e. f. 24-4-1970).

3. Subs. By the North – Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71 (i) and Eight Sch., for certain words (w. e. f. 21-1-1972).

- (c) For clause (c), the following clause had been substituted, namely: -  
“(c) the transfer of appeals and other proceeding pending before the Regional or District Council or any court constituted by such Council immediately before the date appointed by the President under sub – paragraph (5);” and
- (d) In clause (e), for the words, brackets and figures “sub – paragraphs (1) and (2),” the word, brackets and figure “sub – paragraph (1)” had been substituted.<sup>1</sup>

**5. Conferment of powers under the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1898,<sup>2</sup> on the Regional and District Councils and on certain courts and officers for the trial of certain suits, cases and offences.** - (1) The Governor may, for the trial of suits or cases arising out of any law in force in any autonomous district or region being a law specified in that behalf by the Governor, or for the trial of offences punishable with death, transportation for life, or imprisonment for a term of not less than five years under the Indian Panel Code or under any other law for the time being applicable to such district or region, confer on the District Council or the Regional Council having authority over such district or region or on courts constituted by such District Council or on any officer appointed in that behalf by the Governor, such powers under the Code of Civil Procedure, 1908, or , as the case may be, the Code of Criminal Procedure, 1898<sup>2</sup>, as he deems appropriate, and thereupon the said Council, court or officer shall try the suits, cases or offences in exercise of the powers so conferred.

(2) The Governor may withdraw or modify any of the powers conferred on a District Council, Regional Council, court or officer shall try the suits, cases or offences in exercise of the powers so conferred.

(3) Save as expressly provided in this paragraph, the Code of Civil Procedure, 1908, and the Code of the Criminal Procedure, 1898<sup>2</sup>, shall not apply to the trial of any suits, cases or offences in an autonomous district or in any autonomous region to which the provisions of this paragraph apply.

<sup>3</sup> [(4) On and from the date appointed by the President under sub-paragraph (5) of paragraph 4 in relation to any autonomous district or autonomous region, nothing contained in this paragraph shall, in its application to that district or region, be deemed to authorize the Governor to confer on the District Council or Regional Council or on courts constituted by the District Council any of the powers referred to in sub-paragraph (1) of this paragraph.]

**<sup>4</sup>[6. Powers of the District Council to establish primary schools, etc. –** (1) The District Council for an autonomous district may establish, construct, or manage primary schools, dispensaries, markets, <sup>5</sup>[cattle pounds], ferries, fisheries, roads, road transport and waterways in the district and may, with the previous approval of the

1. Paragraph 4 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), sec.2 (w.e.f. 7-9-2003), so as to insert after sub-paragraph (5), the following sub-paragraph, namely: -

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

2. See now the Code of Criminal Procedure, 1973 (2 of 1974).

3. Ins. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), sec.74 and Fourth Sch. (w.e.f. 2-4-1970).

4. Subs. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), sec.74 and Fourth Sch., for paragraph (w.e.f. 2-4-1970).

5. Subs. by the Repealing and Amending Act, 1974 (55 of 1974), sec. 4, for “cattle ponds”.

Sample Only (KMP)

Governor, make regulations for the regulation and control thereof and, in particular, may prescribe the language and the manner in which primary education shall be imparted in the primary school in the district.

(2) the Governor may, with the consent of any District Council, entrust either conditionally or unconditionally to that council or to its officers functions in relation to agriculture, animal husbandry, community projects, co operative societies, social welfare, village planning or any other manner to which the executive power of the state <sup>1</sup>[\*\*\*] extends. ]

**7. District and Region Funds.** – (1) There shall be constituted for each autonomous district, a District Fund for each autonomous region, a Regional Fund to which shall be credited all moneys received respectively by the District Council for that district and the Regional Council for that region in the course of the administration of such district or region, as the case may be, in accordance with the provisions of this constitution.

<sup>2</sup>[(2) The Governor may make rules for the management of the District Fund, or, as the case may be, the Regional Fund and for the procedure to be followed in respect of payment of money into the said fund, the withdrawal of moneys therefrom, the custody of moneys therein, and any other matter connected with or ancillary to the matters aforesaid.

(3) The accounts of the District Council or, as the case may be, the Regional council shall be kept in such form as the comptroller and Auditor - general of India may, with the approval of the president, prescribe.

(4) The comptroller and Auditor- general shall cause the accounts of the district and regional Councils to be audited in such manner as he may think fit and the reports of the comptroller and Auditor general relating to such accounts shall be submitted to the Governor who shall cause them to be laid revenue in the State generally].

**8. Powers of assess and collect land revenue and to impose taxes.** – (1) the regional council for an Autonomous region in respect of all lands within such region and the district council for an autonomous district in respect of all lands within the district except those which are in the areas under the authority of regional Councils, if any, within the district, shall have the power to assess and collect revenue in respect of such lands in accordance with the principles for the time being followed <sup>3</sup>[by the Government of the State in assessing lands for the purpose of land revenue in the State generally].

(2) The regional council for an autonomous region in respect of areas within such region and the district council for an autonomous district in respect of all areas in the district except those which are under the authority of regional Councils, if any, within the district, shall have power to levy and collect taxes on land and buildings, and tolls on persons, resident within such areas.

(3) The district Council for an autonomous district shall have the power to levy and collect all or any of the following taxes within such district, that is to say-

- (a) Taxes on professions, trades, calling and employments;
- (b) Taxes on animals, vehicles and boats;

(c) taxes on the entry of goods into the market for sale therein, and tolls on passengers and goods carried in ferries; and

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1. The words “of Assam or Meghalaya, as the case may be,” omitted by the North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71(i) and Eighth Sch. (w.e.f. 21 – 1-1972).
  2. Subs. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), sec. 74 and fourth Sch., for sub- paragraph (2) (w.e.f. 2-4-1970).
  3. Subs. by the North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71(i) and Eighth Sch., for certain words (w.e.f. 21-1-1972).

Sample Only (KIND)

(d) taxes for the maintenance of school, dispensaries of roads.

(4) A Regional Council or District Council, as the case may be, may make regulations to provide for levy and collection of any of the taxes specified in sub – paragraph (2) and (3) of this paragraph [and every such regulation shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect].

**9. Licenses or leases for the purpose of prospecting for, or extraction of, minerals.**-(1) Such share of the royalties accruing each year from licenses or leases for the purpose of prospecting for, minerals granted by <sup>2</sup>[the Government of the State] in respect of any area within an autonomous district as may be agreed upon between <sup>2</sup>[the Government of the State] and the District Council of such district shall be made over to that District Council.

(2) If any dispute arises as to the share of such royalties to be made over to a District Council, it shall be referred to the Governor for determination and the amount determined by the Governor in his discretion shall be deemed to be the amount payable under sub-paragraph (1) of this paragraph to the District Council and the decision of the Governor shall be final.<sup>3</sup>

**<sup>4</sup>10. Power of District Council to make regulations for the control of money-lending and trading by non-tribals.**-(1) The District Council of an autonomous district may make regulations for the regulation and control of money-lending or trading within the district by persons other than Schedule Tribes resident in the district.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may-

(a) Prescribe that no one except the holder of a license issued in that behalf shall carry on the business of money- lending;

(b) Prescribe the maximum rate of interest which may be charged or be recovered by a money-lender;

(c) Provide for the maintenance of accounts by money –lenders and for the inspection of such accounts by officers appointed in that behalf by the District Council;

(d) Prescribe that no person who is not a member of the Scheduled Tribes resident

1. Ins. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969) sec. 74 and Fourth Sch. (w.e.f. 2-4-1970).

2. Subs. by the North - Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71 (i) and Eighth Sch., for “the Government of Assam” (w.e.f. 21-1- 1972).

3. Paragraph 9 has been Amended in its application to the States of Tripura and Mizoram by the Sixth Schedule to the Constitution (Amendment) Act, 1988 (67 of 1988), sec. 2(w.e.f. 16-12-1988), so as to insert after sub- paragraph (2), the following sub- paragraph namely :-

“(3) The Governor may, by order, direct that the share of royalties to be made over to a District Council under this paragraph shall be made over to that Council within a period of one year from the date of any agreement under sub - paragraph (1) or, as the case may be, of any determination under sub – paragraph (2).”

4. Paragraph 10 has been amended in its application to the State of Tripura and Mizoram but the sixth Schedule to the constitution (Amendment) Act, 1988 (67 to 1988), sec. 2 (w.e.f. 16-12-1988), as under:

(a) in the heading, the words “ by non tribals” shall be omitted;

(b) in sub – paragraph (1), the words” other than Schedule Tribes” shall be omitted;

(c) in sub – paragraph (2), for clause (d), the following clause shall be substituted, namely;-

“(d) prescribe that no person resident in the District shall carry on any other Trade, whether wholesale or retail, except under a licence issued in that behalf by the District Council.”

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in the district shall carry on wholesale or retail business in any commodity except under a license issued in that behalf by the district Council:

Provided that no regulations may be made under this paragraph unless they are passed by a majority of not less than three – fourths of the total membership of the district Council:

Provided further that it shall not be competent under any such regulations to refuse the grant of a license to a money – lender or a trader who has been carrying on business within the District since before the time of making of such regulations.

(3) All regulations made under this paragraph shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.<sup>1</sup>

**11. Publication of laws, rules and regulations made under the Schedule.** – all laws, rules and regulations made under this Schedule by a District Council or a regional Council shall be published forthwith in the Official Gazette of the State and shall on such publication have the force of law.

**<sup>2</sup>12. <sup>3</sup>[Application of Acts of Parliament and of the Legislature of the state of Assam to Autonomous Districts and autonomous regions in the State of Assam].** – (1) Notwithstanding anything in this constitution-

- (a) no Act of the <sup>4</sup>[legislature of the state of Assam] prohibiting or restricting the consumption of any non - distilled alcoholic liquor shall apply to any autonomous district or autonomous region <sup>5</sup>[in the state] unless in either case the district council for such district or having jurisdiction over such region by public notification so directs, and the district council in giving such direction with respect to any Act may direct that the Act shall in its application to such district or region or any part thereof have effect subject to such exceptions or modifications as it thinks fit;<sup>6</sup>
- (b) the Governor may, by public notification, direct that any Act of Parliament or of the <sup>4</sup>[Legislature of the state of Assam] to which the provisions of clause (a) of this sub – paragraph do not apply shall not apply to an autonomous district or an autonomous region <sup>5</sup>[in that state], or shall apply to such district or

1. Paragraph 10 has been amended in its application to the state of Assam by the sixth Schedule to the constitution (Amendment) Act, 2003 (44 of 2003), sec. 2 (w.e.f. 7 – 9 – 2003), so as to insert after sub – paragraph (3), the following sub – paragraph, namely:-

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

2. paragraph 12 has been amended in its application to the state of Assam by the sixth Schedule to the constitution (Amendment) Act, 1995 (42 of 1995), sec. 2 (w.e.f. 12 – 9 – 1995), so as to substitute in sub – paragraph (1), for the words and figure “ ,matters specified in paragraph 3 of this schedule”, the words, figure and letter “ matters specified in paragraph 3 or paragraph 3A of this schedule”.

3. Subs. by the North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71 (i) and Eighth Sch., for the heading (w.e.f. 21 – 1 – 1972).

4. Subs. by the North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71 (i) and Eighth Sch. for “Legislature of the State” (w.e.f. 21 – 1 – 1972).

5. Ins. by the North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71 (i) and Eighth Sch., (w.e.f. 21 – 1 – 1972).

6. Paragraph 1 has been amended in its application to the State of Assam by the sixth Schedule to the constitution (Amendment) Act, 2003 (44 of 2003), sec. 2 (w.e.f. 7 – 9 – 2003), so as to substitute in sub – paragraph (1), in clause (a) for the words, figures and letters “matter specified in paragraph 3 or paragraph 3A of this Schedule. “The words, figures and letters” “matters specified in paragraph 3 or paragraph 3A or paragraph 3B of this Schedule.”

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region or any part thereof subject to such exceptions or modifications as he may specify in the notification.

(2) Any direction given under sub – paragraph (1) of this paragraph may be given so as to have retrospective effect.

<sup>1</sup>[12A. **Application of Acts of Parliament and of the Legislature of the State of Meghalaya to autonomous districts and autonomous regions in the State of Meghalaya.** – Notwithstanding anything in the constitution,-

- (a) if any provision of a law made by a district or regional council in the state of paragraph 3 of this Schedule or if any provision of any regulation made by a district council or a regional council in the State under paragraph 8 or paragraph 10 of this Schedule, is repugnant to any provision of a law made by the Legislature in the State of Meghalaya with respect to that matter, then, the law or regulation made by the District Council or, as the case may be, the regional council whether made before or after the law made by the Legislature of the State of Meghalaya, shall, to the extent of repugnancy, be void and the law made by the Legislature of the state of Meghalaya shall prevail;
- (b) The president may, with respect to any Act of parliament, by notification, direct that it shall not apply to an autonomous district or any autonomous region in the state of Meghalaya, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in this notification and any such direction may be given so as to have retrospective effect.]

<sup>2</sup>[12AA. **Application of Acts of Parliament and of the Legislature of the State of Tripura to the autonomous district and autonomous regions in the state of Tripura.** – Notwithstanding anything in this constitution-

- (a) no Act of the Legislature of the state of Tripura in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a district council or a regional council may make laws, and no Act of the Legislature of the state of Tripura prohibiting or restricting the consumption of any non – distilled alcoholic liquor shall apply to the autonomous district or any autonomous region in that state unless, in either case, the district council for that district or having jurisdiction over such region by public notification so directs, and the district council in giving such direction with respect to any Act may direct that the act shall, in its application to that district or such region or any part thereof, have effect subject to such exceptions or modifications as it thinks fit;
- (b) the Governor may, by public notification, direct that any Act of the Legislature of the state of Tripura to which the provisions of clause (a) of this sub – paragraph do not apply, shall not apply to the autonomous district or any autonomous region in that State, or shall to that district or such region, or any part thereof, subject to such exceptions or modifications, as he may specify in the notification;
- (c) the president may, with respect to any Act of parliament, by notification, direct that it shall not apply to the autonomous district or an autonomous region in the state of Tripura, or shall apply to such district or region or any part thereof, subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.]

- 
1. Paragraph 12A ins. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969) sec. 74 and fourth Sch. (w.e.f. 2-4-1970) and subs. by the North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec.71 (i) and Eighth Sch. (w.e.f. 21-1-1972).
  2. Subs. by the sixth schedule to the constitution (Amendment) Act, 1988 (67 of 1988), sec. 2 (w.e.f. 16-12-1988), for paragraphs 12AA and 12B. Earlier paragraph 12AA was inserted by the Constitution (Forty-ninth Amendment) Act, 1984, sec. 4 (w.e.f. 1-4-1985).

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<sup>1</sup>[12B. **Application of Acts of Parliament and of the Legislature of the State of Mizoram to autonomous districts and autonomous region in the States of Mizoram** – Not withstanding anything in constitution, –

- (a) no Act of legislature of the State Mizoram in respect of any of the matters specified in paragraph 3 of this schedule as matters with respect to which a District Council or a Regional Council may make laws, and no act of legislature of the States of Mizoram prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region in that state unless, in either case, the District Council for such district or having jurisdiction over such region, by public notification, so directs, and the District Council, in giving such direction with respect to any Act, may direct with that the Act shall, in its application to such district or region or any part thereof have effect subject to such exceptions or modifications as its think fit;
- (b) the Governor may, by public notification, direct that any Act of the Legislature of the state of Mizoram to which the provisions of clause (a) of this sub – paragraph do not apply, shall not apply to an autonomous district or an autonomous region in that state, or shall apply to such district or region, or any part thereof, subject to such exceptions or modifications, as he may specify in the notification;
- (c) the president may, with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the state of Mizoram, or shall apply to such district or region or any part thereof, subject to such exceptions as .he may specify in the notifications and any such direction may be given so as to have retrospective effect.]

**13. Estimate receipts and expenditure pertaining to an autonomous district to be shown separately in the annual financial statement.** – (1) The Estimate receipts and expenditure pertaining to an autonomous district which are to be credited to, or is to be made from, the consolidate fund of the state <sup>2</sup>[\*\*\*] shall be first placed before the district council for discussion and then after such discussion be shown separately in the annual financial statement of the state to be laid before the Legislature of the state under article 202.

**14. Appointment of commission to inquire into and report on the administration of autonomous districts and autonomous regions.** – (1) the Governor may at any time appoint a commission to examine and report on any matter specified by him relating to the administration of the autonomous districts and autonomous regions in the state, including matters specified in clauses (c), (d), (e) and (f) of sub – paragraph (3) of paragraph 1 of this schedule, or may appoint a commission to inquire into an report from time to time on the administration of autonomous districts and autonomous regions in the state generally and in particular on –

- (a) The provision of educational and medical facilities and communications in such district and regions;
- (b) The need for any new or special legislations made by the district and regional councils; and
- (c) The administration of the laws, rules and regulations made by the district and regional councils;

And define the procedure to be followed by such commission.

- 
- 1. Paragraph 12B subs. by the North Eastern (Reorganisation) Act, 1971 (81 of 1971), sec. 71 (i) and Eighth Sch., for paragraph 12A (w.e.f. 21-1-1972) and again subs. by the Government of union Territories (Amendment) Act, 1971 (83 of 1971), sec. 13 (w.e.f. 29-4-1972) and further subs. by the sixth schedule to the constitution (Amendment) Act, 1988 (67 of 1988), sec. 2 (w.e.f. 16-12-1988).
  - 2. The words “of Assam” omitted by the North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71 (i) and English Sch. (w.e.f. 21-1-1972).

(2) The report of every such commission with the recommendations of the Governor with respect thereto, shall be laid before the Legislature of the state by the Minister concerned together with the explanatory memorandum regarding the action proposed to be taken thereon, by <sup>1</sup>[the Government of the state].<sup>2</sup>

(3) in allocating the business of the government of the state among his Ministers the Governor may place one of his Minister specially in charge of the welfare of the autonomous districts and autonomous regions in the state.

**<sup>3</sup>15. Annulment or suspension of acts and resolution of District and Regional Councils.** – (1) if at any time the Governor is satisfied that an act or resolution of a district or a regional council is likely to endanger the safety of India <sup>4</sup>[or is likely to be prejudicial to public order], he may annul or suspend such act or resolution and take such steps as he may consider necessary (including the suspension of the council and the assumption to himself of all or any of the powers vested in or exercisable by the council) to prevent the commission or continuance of such act, or the giving of effect to such resolution.

(2) Any order made by the Governor under sub- paragraph (1) of this paragraph together with the reasons therefore shall be laid before the Legislature of the state, continue in force for a period of twelve months from the date on which it was so made:

Provided that if and so often as a resolution approving the continuance in force of such order is passed by the Legislature of the state, the order shall unless cancelled by the Governor continue in force for a further period of twelve months from the date on which under this paragraph it would otherwise have cease to operate.

**<sup>5</sup>16. Dissolution of a District or a Regional Council.** – <sup>6</sup>[(1)] The Governor may on the recommendation of a commission appointed under paragraph 14 of this schedule by public notification order the dissolution of a district or a regional council, and-

- (a) direct that a fresh general election shall be held immediately for the reconstitution of the council, or
- (b) subject to the previous approval of the Legislature of the state assume the administration of the area under the authority of such council himself or place the administration of such under the commission appointed under the said paragraph or any other body considered suitable by him for a period not exceeding twelve months:

- 
1. Subs by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71 (i) and Eighth Sch. for “the Government of Assam” (w.e.f. 21-1-1972).
  2. Paragraph 14 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 1995 (42 of 1995), sec. 2 (w.e.f. 12 -9-1995), so as to omit in sub-paragraph (2), the words “with the recommendations of the Governor with respect thereto”.
  3. Paragraph 15 has been amended in its application to the States of Tripura and Mizoram by the Sixth Schedule to the Constitution (Amendment) Act, 1988 (67 of 1988), sec. 2 (w.e.f. 16-12-1988), so as to –
    - (a) in sub-paragraph (2), substitute for the words “by the Legislature of the State”, the words “by him”.
    - (b) the proviso shall be omitted.
  4. Ins. By the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), sec. 74 and Fourth Sch. (w.e.f. 2-4-1970).
  5. Paragraph 16 has been amended in its application to the States of Tripura and Mizoram by the Sixth Schedule to the Constitution (Amended) Act, 1988 (67 of 1988), sec. 2 (w.e.f. 16-12-1988), as under:
    - (a) in sub-paragraph (1), the words “subject to the previous approval of the Legislature of the State” occurring in clause (b), and the second proviso shall be omitted;
    - (b) for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:-  
“(3) Every order made under sub-paragraph (1) or sub-paragraph (2) of this paragraph, along with the reasons therefore shall be laid before the Legislature of the State.”
  6. Paragraph 16 renumbered as sub-paragraph (1) thereof by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), sec. 74 and Fourth Sch. (w.e.f. 2-4-1970).

Provided that when an order under clause (a) of this paragraph has been made, the Governor may take the action referred to in clause (b) of this paragraph with regard to the administration of the area in question pending the reconstitution of the Council on fresh general election:

Provided further that no action shall be taken under clause (b) of this paragraph without giving the District or the Regional Council, as the case may be, an opportunity of placing its views before the Legislature of the State.

<sup>1</sup>[(2) If at any time the Governor is satisfied that a situation has arisen in which the administration of an autonomous district or region cannot be carried on in accordance with the provisions of this Schedule, he may, by public notification assume to himself all or any of the functions or powers vested in or exercisable by the District Council or, as the case may be, the Regional Council and declare that such functions or powers shall be exercisable by such person or authority as he may specify in this behalf, or for a period not exceeding six months:

Provided that the Governor may by a further order or orders extend the operation of the initial order by a period not exceeding six months on each occasion.

(3) Every order made under sub-paragraph (2) of this paragraph with the reasons therefore shall be laid before the Legislature of the State and shall cease to operate at the expiration of thirty days from the date on which the State Legislature first sits after the issue of the orders, unless, before the expiry of that period it has been approved by the State Legislature.]

**17. Exclusion of areas from autonomous districts in forming constituencies in such districts.** – For the purposes of elections to <sup>2</sup>[the Legislative Assembly of Assam or Meghalaya] <sup>3</sup>[or Tripura] <sup>4</sup>[ or Mizoram], the Governor may by order declare that any area within an autonomous district <sup>5</sup>[in the State of Assam or Meghalaya <sup>5</sup>[or Tripura] <sup>4</sup>[or Mizoram], as the case may be,] shall not form part of any constituency to fill a seat or seats in the Assembly reserved for any such district but shall form part of a constituency to fill a seat or seats in the Assembly not so reserved to be specified in the order.<sup>6</sup>

<sup>7</sup>[\*\*\*\*]

**19. Transitional provisions.** – (1) As soon as possible after the commencement of this Constitution the Governor shall take steps for the constitution of a District Council for each autonomous district in the State under this Schedule and, until a District Council is so constituted for an autonomous district, the administration of such district shall be vested in the Governor and the following provisions shall apply to the administration of the areas within such district instead of the foregoing provisions of this Schedule, namely: -

(a) no Act of Parliament or of the Legislature of the State shall apply to any such area unless the Governor by public notification so directs; and the Governor in

- 
1. Ins. By the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), sec. 74 and Fourth Sch. (w.e.f. 2-4-1970).
  2. Subs. by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec 71 (i) and Eighth Sch. For “the Legislative Assembly of Assam” (w.e.f. 21-1-1972).
  3. Ins. By the Constitution (Forty-ninth Amendment) Act, 1984, sec. 4 (w.e.f. 1-4-1985).
  4. Ins. By the State of Mizoram Act, 1986 (34 of 1986), sec. 39 (f) (w.e.f. 20-2-1987).
  5. Ins. By the North-Eastern Areas (Reorganisation) act, 1971 (81 of 1971), sec. 71 (i) and Eighth Sch. (w.e.f. 21-1-1972).
  6. Paragraph 17 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), sec. 2 (w.e.f. 7-9-2003), so as to insert the following proviso, namely:-  
“Provided that nothing in this paragraph shall apply to the Bodoland Territorial Areas District”
  7. Paragraph 18 omitted by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71 (i) and Eighth Sch. (w.e.f. 21-1-1972).

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giving such a direction with respect to any Act may direct that the Act shall, in its application to the area or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit;

- (b) the Governor may make regulations for the peace and good government of any such area and any regulations so made may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to such area.
- (2) Any direction given by the Governor under clause (a) of sub-paragraph (1) of this paragraph may be given so as to have retrospective effect.
- (3) All regulations made under clause (b) of sub-paragraph (1) of this paragraph shall be submitted forthwith to the President and, until assented to by him, shall have no effect.<sup>1</sup>

<sup>2</sup>**[20. Tribal Areas.** – (1) The areas specified in Part I, II <sup>3</sup>[, IIA] and III of the table below shall respectively be the tribal areas within the State of Assam, the State of Meghalaya <sup>3</sup>[, the State of Tripura] and <sup>4</sup>[State] of Mizoram.

(2) <sup>5</sup>[Any reference in Part I, Part II or Part III of the table below] to any district shall be construed as a reference to the territories comprised within the Autonomous district of that name existing immediately before the day appointed under clause (b) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971:

Provided that for the purposes of clauses (e) and (f) of sub-paragraph (1) of paragraph 3, paragraph 4, paragraph 5, paragraph 6, sub-paragraph (2), clauses (a), (b), and (d) of sub-paragraph (3) and sub-paragraph (4) of paragraph 8 and clauses (d) of sub-paragraph (2) of paragraph 10 of this Schedule, no part of the area comprised within the municipality of Shillong shall be deemed to be within the <sup>6</sup>[Khasi Hills District].]

<sup>3</sup>[(3) The reference in part IIA in the table below to the ‘Tripura Tribal Areas District’ shall be construed as a reference to the territory comprising the tribal areas specified in the First Schedule to the Tripura Tribal Areas Autonomous District Council Act, 1979.]

1. Paragraph 19 has been amended in its application to the State of Assam by the Sixth Schedule to the constitution (Amendment) Act, 2003 (44 of 2003), sec.2 (w.e.f.7-9-2003), so as to insert after sub-paragraph (3), the following sub-paragraph, namely:-

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

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

*Explanation.-* For the purposes of this sub-paragraph, the expression “Memorandum of Settlement” means the Memorandum signed on the 10<sup>th</sup> day of February, 2003 between Governor from amongst leaders of the Bodo movement, Liberation Tigers.”

2. Subs. by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), sec. 71(i) and Eighth Sch., for paragraphs 20 and 20A (w.e.f. 21-1-1972). Earlier paragraph 20A was inserted by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), sec. 74 and Eight Sch. (w.e.f. 2-4-1970).
3. Ins. by the Constitution (Forty-ninth Amendment) Act, 1984, sec.4 (w.e.f. 1-4-1985).
4. Subs. by the state of Mizoram Act, 1986 (34 of 1986), sec. 39(f), for “Union territory”(w.e.f. 20-2-1987).
5. Subs. by the Constitution (forty-ninth Amendment) Act, 1984, sec. 4, for “Any reference in the table below” (w.e.f. 1-4-1985).
6. Subs. by the Government of Meghalaya Notification DCA 31/72/11, dated the 14<sup>th</sup> June, 1973, published in the Gazette of Meghalaya, Pt. VA, dated 23<sup>rd</sup> June, 1973, p. 200.

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TABLE  
PART I

1. The North Cachar Hills District.
2. <sup>1</sup>[The Karbi Anglong District.]<sup>2</sup>

## PARTH II

- <sup>3</sup>[1. Khasi Hills District.
2. Jaintia Hills District.]
3. The Garo Hills District.

<sup>4</sup>[PARTH IIA

Tripura Tribal Areas District.]

## PARTH III

<sup>5</sup>[\*\*\*]

- <sup>6</sup>[1. The Chakma District.
- <sup>7</sup>[2. The Mara District
3. The Lai District.]]

<sup>8</sup>**[20A. Dissolution of the Mizo District Council.** – (1) Notwithstanding anything in this Schedule, the District Council of the Mizo District existing immediately before the prescribed date (hereinafter referred to as the Mizo District Council) shall stand dissolved and cease to exist.

(2) The Administrator of the union territory of Mizoram may, by one or more orders, provide for all or any of the following matters, namely:-

- (c) The transfer, in whole or in part, of the assets, rights and liabilities of the Mizo District Council (including the right and liabilities under any contract made by it) to the union or to any other authority;
- (d) the substitution of the union or any other authority for the Mizo District Council, or the addition of the union or any other authority, as a party to any Legal proceedings to which the Mizo District Council is a party;
- (e) the transfer or re – employment of any employees of the Mizo District Council to or by the union or any other authority, the terms and conditions of service applicable to such employees after such transfer or re – employment;
- (f) the continuance of any laws, made by the Mizo District Council and in force immediately before its dissolution, subject to such adaptations and modifications, whether by way of repeal or amendment, as the administrator may make in this behalf, until such laws are altered, repealed or amended by a competent Legislature or other competent authority;

1. Subs. by the Government of Assam notification T-A D/R/115/74/47, dated 1/R/115/74/47, dated 14<sup>th</sup> October, 1976, for “The Mikir Hills District”.
2. paragraph 20 has been amended in its application to the State of Assam by the sixth Schedule to the constitution (Amendment) Act, 2003 (44 of 2003), sec. 2, so as to insert in part 1 of the table, after entry 3, the following namely:-  
“3. The Bodoland Territorial areas district.”
3. Subs. by the Government of Meghalaya Notification DCA 31 /72/11, dated 14<sup>th</sup> June, 1973, published in the gazette of Meghalaya, Pt. VA, dated 23<sup>rd</sup> June, 1973, p. 200.
4. Ins. by the constitution (forty – ninth Amendment) Act, 1984, sec. 4 (w.e.f. 1-4-1985).
5. The words “the Mizo district” omitted by the Government of union Territories (Amendment) Act, 1971 (83 of 1971), sec. 13 (w.e.f. 29-4-1972).
6. Ins. by the Mizoram district councils (Miscellaneous provisions) order 1972, published in the Mizoram Gazette, 1972, dated the 5<sup>th</sup> may, 1972, Vol. 1, Pt. II, p. 17 (w.e.f. 29-4-1972).
7. Subs. by the sixth Schedule to the constitution (Amendment) Act, 1988 (67 of 1988), sec.2 (w.e.f. 16-12-1988), for serial numbers 2 and 3 and the entries relating thereto.
8. Paragraph 20A ins. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), sec. 74 and fourth Sch. (w.e.f. 2-4-1970) and subs. by the Government of union Territories (Amendment) Act, 1971 (83 of 1971), sec. 13 (w.e.f. 29-4-1972).

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(e) Such incidental, consequential and supplementary matters as the Administrator considers necessary.

*Explanation.*- in this paragraph and in paragraph 20B of this Schedule, the expression 'prescribed date' means the date on which the legislative Assembly of the union Territory of Mizoram is duly constituted under in accordance with the provisions of the Government of union territories Act, 1963.

**<sup>1</sup>[20B. Autonomous regions in the union territory of Mizoram to be autonomous districts and transitory provisions consequent thereto. – (1) notwithstanding anything in this schedule,-**

- (a) every autonomous region existing immediately before the prescribed date in the union territory of Mizoram shall, on and from that date, be an autonomous district in that union territory (hereafter referred to as the corresponding new district) and the administrator thereof may, by one or more orders, direct that such consequential amendments as are necessary to give effect to the provisions of this clause shall be made in paragraph 20 of this schedule (including part III of the table appended to that paragraph) and thereupon the said paragraph and the said part III shall be deemed to have been amended accordingly;
- (b) every regional council of an autonomous region in the union territory of Mizoram existing immediately before the prescribed date (hereafter referred to as the existing regional council) shall, on and from that date and until a district council is duly constituted for the corresponding new district, be deemed to be the district council of that district (hereafter referred to as the corresponding new district council).

(2) Every member whether elected or nominated of an existing Regional council shall be deemed to have been elected or, as the case may be, nominated corresponding new district council and shall hold office until a district council is duly constituted for the corresponding new district under this schedule.

(3) Until rules are made under sub- paragraph (7) of paragraph 2 and sub- paragraph (4) of paragraph 4 of this schedule by the corresponding new district council, the rules made under the said provisions by the existing regional council and in force immediately before the prescribed date shall effect in relation to the corresponding new district council subject to such adaptations and modifications as may be made therein, by the Administrator of the union territory of Mizoram.

(4) the Administrator of the union territory of Mizoram may, by one or more orders, provide for all or any of the following matters, namely:-

- (a) The transfer in whole or in part of the assets, rights and liabilities of the existing regional council (including the rights and liabilities under any contract made by it) to the corresponding new district council;
- (b) The substitution of the corresponding new district council for the existing regional council as a party to the legal proceedings to which the existing regional council is a party;
- (c) The transfer or- reemployment of any employees of the existing regional council to or by the corresponding new district council, the terms and conditions of service applicable to such employees after such transfer or re – employment;
- (d) The continuance of any laws made by the existing regional council and in force immediately before the prescribed date, subject to such adaptations and

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1. Paragraph 20B subs. by the Government of union territories (amendment) Act, 1971 (83 of 1971), sec. 13, for paragraph 20A (w.e.f. 29-4-1972).

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modifications, whether by way of repeal or amendment, as the administrator may make in this behalf until such laws are altered, repealed or amended by a competent Legislature or other competent authority;

- (d) Such incidental, consequential and supplementary matters as the administrator considers necessary.

<sup>2</sup>[20C. **Interpretation.**—Subject to any provision made in this behalf, the provision of this schedule shall, in their application to the union territory of Mizoram, have effect—

- (1) as if reference to the governor and government of the state were references to the Administrator of the union territory appointed under article 239, reference to state (except in the expression 'Governor of the state') were references to the Union territory of Mizoram and reference to the State Legislature were reference to the Legislative Assembly of the Union territory of Mizoram;
- (2) as if---
  - (a) in sub-paragraph (5) of paragraph 4, the provision for consultation with the Government of the State concerned had been omitted;
  - (b) (2)in sub-paragraph (2) of paragraph 6, for the words 'to which executive power of the State extends', the words 'with respect to which Legislative Assembly of the Union territory of Mizoram has power to make laws' had been substituted;
  - (c) in paragraph 13, the words and figures 'under article 202' had been omitted]

**21. Amendment of the schedule.**- (1) parliament may from time to time by law amend by way of addition, variation or repeal any of the provisions of this schedule and, when the schedule is so Amended, any reference to this schedule in this constitution shall be construed as a reference to such schedule as so Amended.

(2) No such law as is mentioned in sub – paragraph (1) of this paragraph shall be deemed to be an amendment of this constitution for the purposes of Article 368.

1. After paragraph 20B, the following paragraph has been inserted in its application to the state of Assam by the sixth schedule to the constitution (Amendment) Act, 1995 (42 of 1995), sec. 2 (w.e.f. 12-9-1995), namely:-

*“20BA. Exercise of discretionary powers by the Governor in the discharge of his functions.- The Governor in the discharge of his functions under sub – paragraphs (2) and (3) of paragraph 1, sub-paragraphs (1), (6), sub- paragraph (6A) excluding the first two proviso and sub-paragraph (7) of paragraph 2, sub paragraph (3) of paragraph 3, sub-paragraph (4) of paragraph 4, paragraph 5, sub-paragraph (1) pf paragraph 6, sub-paragraph (2) of paragraph (7), sub-paragraph (4) of paragraph 8, of paragraph (3) of paragraph 9, sub-paragraph (3) of paragraph (10), sub-paragraph (1) of paragraph 14, sub-paragraph (1) of paragraph 15 and sub-paragraph (1) and (2) of paragraph 16 of this schedule, shall, after consulting the Council of Minister and the North Cachar Hills Autonomous Council or the Karbi Anglong Autonomous Council , as the case may be, take such action as he considers necessary in his discretion”*

After paragraph 20B, the following paragraph has been inserted in its application to the State of Tripura and Mizoram, by the sixth schedule of the constitution (Amendment) Act, 1988 (67 of 1988), sec. 2, namely:-

*“20BB. Exercise of discretionary powers by the Governor in the discharge of his functions.- The Governor in the discharge of his functions under sub – sub – paragraphs (2) and (3) of Paragraph 1, sub-paragraph 1, sub-paragraphs (1) and (7) of paragraph 2, sub-paragraph (3) of paragraph 3, sub-paragraph (4) of paragraph 4, paragraph 5, sub-paragraph (1) of paragraph 6, sub-paragraph (2) of paragraph 7, sub-paragraph (3) of paragraph 9, sub-paragraph (1) of paragraph 14, sub-paragraph (1) of paragraph 15 and sub-paragraph (1) and (2) of paragraph 16 of this Schedule, shall, after consulting the Council of Ministers, and if he thinks it necessary, the District Council or the Regional Council concerned, take such action as he considers necessary in his discretion.”*

2. Paragraph 20C subs. by the Government of Union territories (Amendment) Act, 1971 (83 of 1971), sec. 13, for paragraph 20A (w.e.f. 29-4-1972).

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