

**THE
BODOLAND AUTONOMOUS
COUNCIL ACT, 1993**

**WITH
(BODO ACCORD)**

By

G. C. Phukan

District & Sessions Judge (Ret.)

ALH

ASSAM LAW HOUSE

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With best wishes.

ABOUT THE BOOK

Published by
F. M. Ansari
for **Assam Law House**
North Sarania, Guwahati - 781 003, Assam

Design & DTP by
Kameshwar Singh

Price Rs. 45.00

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Printed at
The Bharat Offset
Zoo-Narangti Tiniall
Guwahati-781 003

PREFACE

By the time there are too many enacted laws in the country some of which have already out-lived its utility. The same is the fate of each law where a change takes place in a particulare society. On the contrary, certain change in the society also gives birth to a new law. In the instant case some people belonging to a certain ethnicity expressed a tendency of dissatisfaction in the prevailing system in the state relating to certain affairs belonging to them. In order to express dissatisfaction there was a long agitation by the people of said ethnicity. Ultimately due to a mutual understanding and good feeling a formal agreement was arrived at on 20th February 1993. In order to implement this agreement an Act became necessary and the said Act along with the agreement itself is incorporated in this book by the humble author.

Neither the Act itself nor any of its provisions has faced a judicial scrutiny as yet and therefore the notes attached to the provisions under the Act are limited. The auther hopes that even with the limited notes the book will serve enough purpose of the interested persons. Any manifested benefit of the utilisers will encourage the Publisher to publish a next enlarged edition of the book.

With regards to the readers.

G.C. Phukan

Former District & Sessions Judge;
Presiding Officer, Industrial Tribunal,
Assam and holder of several post requiring judicial
experience etc.

Dated 13th September, 1993.

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Forward

With pleasure, I have gone through the book 'The Bodoland Autonomous Council Act, 1993' of Sri G.C. Phukan a retired District & Sessions Judge with certain comments on the Act.

This Act was culminated after the 'Bodo Accord' arrived on February 20, 1993 between the All Bodo Students Union - Bodo People's Action Committee, Assam Government and the Centre to solve Bodoland issue. The Demand was to create a separate State of Bodoland bifurcating the present State of Assam. The Bodo Accord solved this problem after the creation of "Bodoland Autonomous Council" within Assam to provide self administration to Bodos and other Plains Tribes for looking after their Socio-Eco, and Political matters. This is a unique arrangement in the country which gave birth to this "Bodoland Autonomous Council Act, 1993". This act awaits implimentation yet now. This book gives light on the Act to all concern. It will help people to know the Act how the administration of BAC be run to achieve the purpose and objectives of its creation. The author has made an effort to educate people with certain valuable comments on its with references to the constitution and other Acts already passed in the country.

The book renders great service to people of the country. I wish him effort a success.

Dispur
Date 15 - 09 - 93

15/9/93
(PARAMESWAR BRAHMA)

THE BODOLAND AUTONOMOUS COUNCIL ACT, 1993

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THE BODOLAND AUTONOMOUS COUNCIL ACT, 1993¹

(Assam Act No. XI of 1993)

AN ACT

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

Preamble.

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

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

Objects of the Act:-- The preamble in a particular Act is the first recital to know about the mind of the legislators with which the Act is going to be enacted. In the instant case the preamble declares that the Act is provided to grant autonomy to a particular Community, namely the Bodos living within the defined area in the Act, in the matter of their social, economic, educational, ethnic and cultural advancement. The term "autonomy" however does not mean that the Bodoland may be something not within the state of Assam. The Bodoland contemplated in the Act will remain as a part of Assam but the people living within it, subject to the general control of the State govt. shall enjoy autonomy in respect of taking actions for development in the fields mentioned above. In a democratic system with a constitution of the type such autonomy to a section of the people does not seem to be any way foreign. For the same reason the Act may not be held to be ultravires of the constitution also.

1. Received the assent of the President on the 13th May, 1993 vide Notification No. LGL-30/93/8. Dt. 14 th May, 1993, and Published in the Assam Gazette Extra ordinary No. 60 Dt. 15/5/93.

Value of preamble:— The Preamble given in a particular Act is not without any value. The preamble in an Act has its own value. It is, however, well known that so long the enacted words are clear, precise and unambiguous in meaning there is no role to be played by the preamble. The preamble has however, its due role when the enacted portions are not of above character, *Manilal shing Vs. Trustee for the Improvement of Calcutta, I.L.R. 45 Cal. 343.*

CHAPTER I

1. Short title, extent and commencement.— (1) This Act may be called the Bodoland Autonomous Council Act, 1993.

(2) It extends to the Bodoland Autonomous Council Area.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act.

2. Definitions.— In this Act, unless the context otherwise requires,

- (a) "Constitution" means the Constitution of India;
- (b) "Constituency" means a constituency provided by an order made under section 6 for the purpose of election to the General Council;
- (c) "Council Area" means the Bodoland Autonomous Council Areas;
- (d) "Council Fund" means the fund constituted under section 46 ;
- (e) "Executive Council" means the Bodoland Executive Council constituted under section 35 ;
- (f) "Elector" in relation to a constituency means a person whose name is entered in the electoral roll of that constituency for the time being in force;
- (g) "Government" means the State Government of Assam ;
- (h) "Governor" means the Governor of Assam;
- (i) "General Council" means the General Council constituted under section 5;
- (j) "Gaon Panchayat", "Anchalik Panchayat" and "Mahakuma Parishad" have the same meanings as defined in the Assam Panchayati Raj Act, 1986 (Assam Act, XVII of 1986) ;
- (k) "Member" means the member of the General Council and the Executive Council;
- (l) "Municipality" has the same meaning as in the Assam Municipal Act, 1956 (Assam Act, XV of 1957) ;

- (m) "Notification" means the notification issued under this Act ;
- (n) "Official Gazette" means the Official Gazette of Assam ;
- (o) "Prescribed" means prescribed by rules made under this Act;

3. Bodoland Autonomous Council.— (1) There shall be an Autonomous Council to be called the Bodoland Autonomous Council within the State of Assam comprising the areas as may be specified by the Government by notification in the Official Gazette.

(2) The Bodoland Autonomous Council shall have maximum autonomy within the framework of the Constitution.

(3) the Bodoland Autonomous Council shall have a General Council and an Executive Council to be known as the Bodoland Executive Council as provided hereinafter.

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

5. Constitution of General Council.— The General Council shall consist of 40 (forty) elected members, of which 30 (thirty) seats shall be reserved for Schedule Tribes (Plains) on the basis of adult suffrage from the territorial constituencies referred to in section 6.

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

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

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

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

9. Disqualification for membership of General Council.— (1) A person shall not be qualified for being elected to the General Council, if -

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

Provided that no person shall be deemed to be so disqualified by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956 (1 of 1956) which contract with or is employed by a Municipal Authority or Panchayat within the Council Area ; or

- (f) he has been dismissed from service of the Central or State Government or a local authority or a Co-operative society or a Government company as defined in the Companies Act, 1956 (1 of 1956) or a Corporation owned or controlled by the Central or the State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal ; or
- (g) he has been adjudged by a competent Court to be of unsound mind; or
- (h) he is an undischarged insolvent; or
- (i) he being a discharged insolvent has not obtained from the Court a certificate that his insolvency was caused by misfortune without any misconduct on his part ; or
- (j) he has been convicted by a Court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months or an offence under Chapter IX A of the Indian Penal Code, (45 of 1860) or Chapter III or Part VII of Representation of people Act, 1951 (43 of 1951), years have not elapsed from the date of expiration of the sentence.

COMMENT

A person having a share or interest, directly or indirectly, in any contract

with, by or on behalf of the General Council, a Municipality or a Panchayat within the Council area is not competent to seek election to the General Council. In the proviso it is, however, provided that having share in a Public Company, which company has got contract in the manner stated above will not be a disqualification for election to the General Council.

Any and every conviction for an offence involving moral turpitude is not enough for disqualifying a person to seek election. The offence for which he is to be convicted must provide a punishment of imprisonment for a period of more than six months. It is immaterial what actual amount or nature of sentence is awarded by the court if the offence for which the conviction is awarded is punishable with an imprisonment of the above extent. Even the letting off of the convict on admonition is sufficient to disqualify him unless such disqualification is withdrawn by a statute. See Section 12 of the Probation of Offenders Act 1958 and also the Administration of juvenile Justice Act 1986 for such withdrawal. For the meaning and purport of the expression "moral turpitude" see Judicial Dictionary, page, 641, 8th Edition, by K. R. Aiyer.

Regarding the second part it may be said that the disqualification does not continue after elapse of five years from the date of expiration of the sentence. Sentence expires when it is served by the convict or interfered with by the competent authority as provided under Chapter XXXII Cr. P.C. (Relevant Sections 432, 433, 433A, 434 and 435)

(2) For the purpose of this section, a person shall not be deemed to hold an office of profit under the General Council by reason only of his being a member, Chief of the Executive Council or Deputy Chief of the Executive Council thereof.

10. Electoral Rolls.— (1) So much of the electoral roll for any Assembly Constituency in force on the last date of nomination for the General Council election as relates to the area comprised within a constituency, as defined in Clause (b) of section 2 shall, subject to the provision of this Act and the rules made thereunder, be the electoral roll for the election of members of the General Council for that constituency.

(2) Persons whose name are included in the electoral roll of the relevant Assembly Constituency in force on the last date of nomination for General Council election pertaining to the area shall be the electorate for the election of members of the General Council.

(3) The Government shall, at the time and in the manner prescribed, cause

to be published the electoral roll in respect of a constituency.

COMMENT

For each General Council constituency the electoral roll to be prepared, up-dated and published by the State Govt. It is not the duty of the General Council or any authority under it.

11. Right to Vote. — (1) Save as otherwise provided in this Act, every person whose name is, for the time being, entered in the electoral roll of any constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election in any constituency, if he is subject to any of the disqualifications referred to in section 10 of the Representation of the People Act, 1951 (43 of 1951)

(3) No person shall vote in more than one constituency.

(4) No person shall vote in the same constituency more than once.

(5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or otherwise or in the lawful custody of the police;

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

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

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

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

15. Publication of results of election.— The names of all persons elected to the General Council shall be published by the Government in the

Official Gazette and upon such publication, the General Council shall be deemed to have been duly constituted.

COMMENT

As soon as the election to the General Council is made there shall be a gazette publication of the names of the elected persons by the State Govt. and unless the same is done the Council cannot be deemed to have been duly constituted. So Gazette notification is a must.

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

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

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

COMMENT

The tenure of the General Council is for five years from the date of first meeting of the General Council after its election. There will be nothing wrong if the said date synchronizes with the date fixed for the taking of oath and that the requisite members or more than that required for quorum take oath. This tenure of five years may however, be extended for another year by the Government if conditions mentioned in the proviso occurs.

Expression "meeting" is synonymous with the expressia "session" *Amin chand Vs State of Punjab 1953 Cr. L. J. 373 : I.L.R. (1953) Punj. 384; A.I.R. 1953 Punj 40*. Every meeting must have a purpose. If the purpose cannot be achieved because of lack of requisite minimum number of members, then it does not constitute a valid meeting - *S. Seetha Ramaya Vs Ongole Co-operative Bank, A.I.R. 1974 A.P. 49*. So when the tenure of the General Council is to be

decided from a particular date of meeting the said meeting must be a valid one.

18. Removal of members.— (1) The Government may, after giving an opportunity to an elected member of the General Council to show cause against the action proposed to be taken against him, by order remove him from office,—

- (a) if after his election he is convicted by a Criminal Court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months ; or
- (b) if he incurs any of the disqualifications mentioned in sub-section (1) of section 9 after his election as a member of the General Council; or
- (c) if he is absent from three consecutive meetings of the General Council without the leave of the General Council.

(2) Any member of the General Council who is removed from the office under sub-section (1) may, within thirty days from the date of the order, appeal to such judicial authority as the Government may appoint in this behalf, and, thereupon, the authority so appointed may stay the operation of the order till disposal of the appeal and may, after giving notice of the appeal to such authority as may be prescribed and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.

(3) The order passed by the authority appointed under sub-section (2) on such appeal shall be final.

19. Powers to make rules regulating the election of members.— The Government may, by notification in the Official Gazette, make rules to regulate all or any of the following matters for the purpose of holding of elections to the General Council under this Act,—

- (a) the designation of the Officer or authority to whom the power to determine the territorial limits of constituencies under sub-section (2) of section 6 may be delegated and the officer or authority who may prepare and maintain the electoral roll under section 10;
- (b) the appointment of Returning Officers, Presiding Officers and Polling Officers for election;
- (c) the drawing up of the programme of election ;
- (d) the nomination of candidates and the scrutiny of such nomination ;
- (e) the deposits to be made by candidates and the time and manner of making such deposit ;
- (f) the withdrawal of candidature ;

- (g) the appointment of agents of candidates ;
- (h) the filling up of casual vacancies ;
- (i) the general procedure at the election including the time, place and hours of poll and the method by which votes shall be cast ;
- (j) the fee to be paid on election petition ;
- (k) any other matter relating to election or election disputes in respects of which the Government deems it necessary to make rules under this section or in respect of which there is no provision in this Act ; or the provision is insufficient and in the opinion of the Government adequate provision is necessary.

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

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

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

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

Explanation :— For the purpose of this section, “corrupt practice” shall mean any of the corrupt practices specified in section 123 of the Representation of the People Act, 1951 (43 of 1951) ;

- (c) that any nomination has been improperly rejected ;
- (d) that the result of the election in so far as it concerns the returned candidate has been materially affected;
- (i) by the improper acceptance of any nomination ; or
- (ii) by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent ; or
- (iii) by the improper reception, refusal or rejection of any vote ; or
- (iv) by the reception of any vote which is void ; or

(v) by any non-compliance with the provisions of this Act, or any rules or order made thereunder.

(3) At the conclusion of the trial of an election petition the authority appointed under sub-section (1) shall make an order -

- (a) dismissing the election petition ; or
- (b) declaring the elections of all or any of the returned candidates to be void ; or
- (c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.

(4) If a petitioner, in addition to calling in question the election of a returned candidate, makes a declaration that he himself or any other candidate has been duly elected, and the authority under sub-section (1) is of opinion that

- (a) in fact the petitioner or such other candidate has received the majority of votes ; or
- (b) but for the votes obtained by the returned candidate by corrupt practice the petitioner or such other candidate would have obtained the majority of the valid votes, the authority as aforesaid shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

COMMENT

The election of a particular member may be challenged only by an election petition to be preferred before the authority appointed by the Govt. The Proviso debars the Govt from appointing any body for the purpose, who is below the rank of a District Judge within the meaning of Art. 236 of the Constitution. Article 236 of the Constitution is an inclusive definition.

The very nature of framing of the section indicates that even if the nomination has been rejected the appeal against the same may be preferred after the election is over.

The authority having election petition is competent to declare appropriate person elected if the conditions mentioned in Clauses (a) and (b) under the sub-section are fulfilled.

21. Oath or affirmation by members.— Every member shall, before taking his seat, make and subscribe before such person as may be appointed

by the Governor from amongst the elected members of the General Council, in this behalf, an oath or affirmation according to the prescribed form.

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

COMMENT

The allowance fixed for the members by the Council must be approved by the State Government or otherwise the allowance so fixed shall not be receivable. So the approval by the government is a must.

CHAPTER II

POWER AND FUNCTIONS OF THE GENERAL COUNCIL

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

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

COMMENTS

Meeting here means a valid meeting . See Supra.

24. Matters to be under the control and Administration of the General Council.— Subject to the provisions of this Act and any other law for the time being in force the General Council shall have executive powers in the area relating to the following subjects, namely :—

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 Textile.
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 Archeology.
 23. Urban Development - Town and Country Planning.
 24. Tribal Research Institute.
 25. College Education (General).
 26. Land, Land Revenue and Revenue.
 27. Publicity/Public Relations.
 28. Printing and Stationery.
 29. Tourism.
 30. Transport
 31. Any other matter connected with development.
 32. Municipal Corporation, Improvement Trust, District Boards and other local self Government or village administration.
 33. Tribal Welfare.
 34. Markets and Fairs.
 35. Lotteries, Theatres, Dramatic Performance and Cinemas.
 36. Vital Statistics including registration of Births and Deaths.
 37. Food and Civil Supplies.
 38. Intoxicating liquors, opium and derivatives etc.
- 25. General Powers.**— Subject to the general policy of the Government, the General Council shall, —
- (i) formulate integrated development plans for the Council Area;
 - (ii) implement schemes and programmes for development of the council Area;
 - (iii) have power to appoint class III and class IV staff within its jurisdiction;
 - (iv) have powers to regulate trade and commerce within its jurisdiction in accordance with the existing law including issue of permits and licenses to individuals within the Council Areas;
 - (v) guide customs and traditions and social justice of the Bodos according to the traditional law;

(vi) organise special recruitment drive into Army, Para-military forces and Police units for job appointment from the Council Area in consultation with the Central Government ;

(vii) allot permits for trade and commerce to the people residing in the Council Area, preference being given to Bodos.

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

27. Power to make by laws.— (1) The General Council shall have powers subject to the provision of the Act, and the rules made thereunder to make bye-laws, rules, orders to be applicable within the Council Area with respect to all or any of the matters enumerated in section 24 for the regulation and control thereof.

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

COMMENT

The bye-laws framed by the General Council attain validity only when the same are published in the Official Gazette. The bye-laws which are not yet published as above cannot be enforced.

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

29. Property vested in General Council.— Subject to such restriction as the Government may think fit to impose, all properties specified below and situated in the Council Area shall vest in and belong to the General Council with all other properties which may become vested in the General Council and shall be under the direction, management and control of the General Council and shall be held and applied by it for the purposes of this Act, namely :—

(a) all public buildings constructed or maintained out of the Council Fund;

(b) all public roads which have been constructed or maintained out of the Council Fund and stones and other materials, thereof and also trees, erections materials, implements and things provided for such roads;

(c) all lands and other properties, movable or immovable, transferred to the General Council by the Government;

(d) such properties owned and controlled by the Municipality, Panchayat as may be assigned to the General Council by the Government.

30. Power to impose levy and collect taxes and fees.— (1) Subject to the provisions of any other laws for the time being in force, General Council shall have power to collect within the Council Area, such taxes payable under any law for time being in force as may be prescribed:

Provided that the tax or taxes as aforesaid shall be collected by the General Council from such date as may be appointed by the Government in this behalf by notification in the Official Gazette.

(2) Subject to sub-section (1) and such maximum rates as the Government may prescribe, the General Council may—

(a) levy tolls on persons, vehicles or animals or any class of them at any toll bar established by it on any road other than a kutchra road or any bridge vested in it or under its management ;

(b) levy tolls in respect of any ferry established by it or under its management ;

(c) levy the following fees and rates, namely :—

(i) fee on the registration of boats or vehicles ;

(ii) fee for providing sanitary arrangements such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the Government by notification in the Official Gazette;

(iii) fee for licences;

(iv) water-rate, where arrangement at for the supply of water for drinking, irrigation or any other purpose is made by the General Council within its jurisdiction ;

(v) lighting rate, where arrangement for lighting of public streets and places is made by the General Council within its jurisdiction.

(3) The General Council shall not undertake registration of any vehicles or levy fee thereof and shall not provide sanitary arrangements at places of worship

or pilgrimage, fairs and melas within its jurisdiction or levy fee thereof if such vehicle has already been registered by any other authority under law for the time being in force or if such provision for sanitary arrangements has already been made by any other local authority.

(4) The scale of tolls, fees for rates and the terms and conditions for the imposition thereof shall be such as may be provided by bye-laws. Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

(5) The General Council will levy fees and taxes on the subjects assigned to the Bodoland Autonomous Council.

COMMENT

Under this section the General Council has power to collect the tax only and that too when payable under the law. Again it can collect such taxes from the date appointed by the State Govt. by notification in the Official Gazette.

The power conferred under this section is not absolute. This power to levy tolls, taxes etc. by the General Council is controlled by the provisions under sub-section 1 of the section and also the maximum rate that may be prescribed by the State Govt.

The expression "toll" generally means the denial of the right of entry unless something is paid for the passage. In *Moheswar Singh Vs. State of Bihar*, A.I.R. 1966 Pat 401 the toll is said to be not for raising general revenue but for meeting the expenses in the maintenance of bridge, road etc. The toll is charged not against the transport but against the goods and as such the owners of the good are liable for the same. There is again a difference between toll tax and terminal tax. The toll tax is payable as soon as the vehicle uses the roads etc. The terminal tax is collected at the terminal or out skirts of a local area in respect of imports into or exports from that area. This is a tax on goods or passengers. The toll-tax is classified into two kinds, toll through and toll traverse.

Fee and Tax.— Fee is a levy provided for rendering a specific service. It is compulsory and coercive in nature ; where as tax is not. Fee is a uniform levy, *Sudhindra Thirtha Swaminer Vs Commissioner of Hindu Religious and Charitable Endowments, Mysore*, A.I.R. 1963 S.C. 966. The very essence of tax is that it can be spent by the State for Whole Public. See. *N.K.K. Samaj*

Vs Nagpur Corporation, A.I.R. 1959 Bom. 112 ; *Rati Lal Vs State of Bombay*, A.I.R. 1953 Bom. 242. For tax account may be obtained from the assessee.

CHAPTER III

CHIEF OF THE BODOLAND EXECUTIVE COUNCIL AND
COMMITTEES OF THE GENERAL COUNCIL.

31. Chief of the Bodoland Executive Council and Deputy Chief of the Bodoland Executive Council.— The elected members of the General Council shall, in the prescribed manner, elect from amongst themselves,—

(a) at the first meeting of the General Council after General Election.—

(i) One member to be Chairman who shall also be the Chief of the Bodoland Executive Council and;

(ii) One member to be the Vice- Chairman, who shall be Deputy Chief of the Bodoland Executive Council.

(b) as often as a vacancy in the office of the Chief of the Bodoland Executive Council or the Deputy Chief of the Bodoland Executive Council as the case may be, occurs by reason of death, resignation, removal or otherwise and within one month of occurrence of such vacancy one member to be the Chief of the Bodoland Executive Council or the Deputy Chief of the Bodoland Executive Council, as the case may be.

COMMENT

The election of Chairman and Deputy Chairman shall have to be made in the first meeting after election of the members of the General Council. For such elections the members must subscribe to the oaths beforehand.

32. Terms of office.— The Chief of the Bodoland Executive Council or the Deputy Chief of the Bodoland Executive Council, as the case may be—

(a) shall cease to hold office as such forthwith if he cease to be a member;

(b) may, at anytime, by giving notice in writing to the Chief of the Bodoland Executive Council, in the case of the Deputy Chief of the Bodoland Executive Council and to the Deputy Chief of the Bodoland Executive Council, in the case of the Chief of the Bodoland Executive Council, resign his office and such resignation shall take effect from such date as may be specified in the notice or, if no such date is specified from the date of its receipts by the Chief of the Bodoland Executive Council as the case may be ;

(c) may be removed from office by a resolution carried by a majority of the total number of elected members as a special meetings of the General Council called for this purpose upon a requisition made in writing by not less than one third of such members.

COMMENT

The Chairman and Deputy Chairman shall cease to hold office as such on any of the following contingencies:

(1) if they cease to be member;

(2) if they resign by giving notice as provided by clause (b). This resignation shall take effect from the date mentioned in the notice or from the date of its receipt in the office concerned;

(3) if they are removed by a resolution in a special meeting for the purpose as provided by clause (c).

33. Salaries and allowances.— The Chief of the Bodoland Executive Council and the Deputy Chief of the Bodoland Executive Council shall be wholetime functionaries and shall be paid out of the Council Fund such salaries and allowances and shall be entitled to such leave of absence for such period or periods on such terms and conditions as may be prescribed.

34. Powers, functions and duties.— (1) The Chief of the Bodoland Executive Council shall, --

(a) be responsible for the maintenance of the records of the General Council;

(b) have general responsibility for the financial and executive administration;

(c) exercise administrative supervision and control over all officers and employees of the General Council, and the officers and employees whose services may be placed at the disposal of the General Council by the Government;

(d) for the transaction of business under this act or for the purpose of making any order under this Act, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the General Council under this Act or the rules made thereunder:

Provided that the Chief of the Bodoland Executive Council shall not exercise such power, perform such function or discharge such duties as may be required

by the rules made under this Act to be exercised, performed or discharged by the General Council at a meeting;

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

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

CHAPTER IV

BODOLAND EXECUTIVE COUNCIL AND ITS COMMITTEES

35. Executive Council.— (1) There shall be an Executive Council to be called the Bodoland Executive Council, consisting of the Chief of the Bodoland Executive Council and the Deputy Chief of the Bodoland Executive Council as the ex-officio members and seven other members of the General Council all of whom shall be nominated by the Chief of the Bodoland Executive Council from amongst the elected members of the General Council.

(2) On completion of the election the Governor shall invite the leader of the Party enjoying simple majority to be the Chief of the Bodoland Executive Council to constitute the Executive Council.

(3) The Chief of the Bodoland Executive Council and the Deputy Chief of Bodoland Executive Council shall respectively be the Chairman and the Vice-Chairman of the Executive Council.

(4) Any casual vacancy among the members of the Executive Council referred to in sub-section (1) occurring by reason of death, resignation or otherwise shall be filled by the Chief of the Bodoland Executive Council:

Provided that no act or proceeding of the Executive Council shall be called in questions or shall become invalid merely by reason of any vacancy among its members.

(5) The manner of transaction of business of the Executive Council shall be such as may be determined by the General Council by regulations with approval of the Government.

(6) The Executive Council shall be collectively responsible to the General Council.

36. Terms of office of other members of Executive Council.— A member of the Executive Council other than the Chief of the Bodoland Executive Council or the Deputy Chief of the Bodoland Executive Council shall hold office until—

- (a) he ceases to be member of the General Council; or
- (b) he resigns his office in writing under his hand addressed to the Chief of the Bodoland Executive Council in which case the resignation shall take effect from the date of its acceptance; or

(c) his nomination is cancelled by the Chief of the Bodoland Executive Council.

37. Discharge of functions.— (1) The Executive functions of the General Council shall vest in the Executive Council.

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

COMMENT

This is a deeming clause in the Act. All orders or instructions made or executed shall be deemed to have been made or executed under the authority of the General Council. But its authentication shall have to be made by putting signatures thereto either by the Head of the Executive or by any other member of the Executive Council. In order to avoid future difficulties a care need to be taken when signed by a member other than the Head of the Executive.

38. General powers of Chief of the Executive Council.— (1) The Chief of the Bodoland Executive Council shall exercise such power and discharge such functions as are conferred on him by or under this Act.

(2) The Chief of the Bodoland Executive Council shall for convenient transactions of business of the Executive Council, allocate among its members such business and in such manner as he thinks fit.

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

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

COMMENT

Any thing done or any alter taken shall be treated as void if the same is made without forming quorum.

41. Special power of the Chief of the Executive Council.— (1) In any case in which the Chief of the Bodoland Executive Council is required to take,

in accordance with the provisions of this Act or the rules made thereunder or of any other law for the time being in force, any action subject to the approval of the Executive Council, the Executive Council may, subject to such conditions, if any, as it may specify, authorise the Chief of the Bodoland Executive Council in writing to take such action in anticipation of such approval.

(2) Whenever the Chief of the Bodoland Executive Council takes any action under sub-section (1) he shall inform the Executive Council forthwith.

CHAPTER V

SECRETARIAT OF THE BODOLAND
AUTONOMOUS COUNCIL

42. Principal Secretary.— There shall be a Secretariat for the Bodoland Autonomous Council the establishment of which shall be as follow:—

(1) there shall be a Principal Secretary as the Head of the Bodoland Autonomous secretariat.

(2) The Principal Secretary referred to in sub-section (1) shall be appointed by the Government in Consultation with the Chief of the Bodoland Executive Council and shall be paid out of the Council Fund such salaries and allowances as may, from time to time, be fixed by the Government. Such appointment shall ordinarily be a period of three years.

(3) The Principal Secretary shall be Principal Executive Officer of the General Council and all other officers of the General Council shall be subordinate to him. His presence will be compulsory at the meeting of the General Council or of the Executive Council or of any committee of the General Council and to take part in the discussion in all the meetings, and may, with the consent of the Chief of the Bodoland Executive Council, or any other person presiding over such meeting for the time being, as the case may be, at any time make a statement or give an explanation of facts, but he shall not be entitled to vote.

(4) The Principal Secretary shall act under the direction of the Chief of the Bodoland Executive Council and shall be responsible to the General Council through the Chief of the Bodoland Executive Council.

(5) The General Council may, upon a resolution carried at a special meeting held for the purpose and supported by a majority of the total number of members holding office for the time being, request the Government for replacement of the Principal Secretary appointed under sub-section (2) and the Government may, on being satisfied as to the necessity of such replacement, replace the principal Secretary:

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

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

Executive Council.

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

45. Officers and other employees.— (1) The Government may from time to time post officers of the rank of class - II and above within the Council area in accordance with the exigencies. While making these posting due regards may be given to the views of the General Council about the officers being so posted.

(2) The officers posted to the Council Area shall be accountable to the General Council for their performance and the assessment of their works recorded by the Executive Council shall be incorporated in their Annual Confidential Reports by the Government.

COMMENT

The Govt. have reserved right to Post Officers of the rank of class II and above within the Council area, if the exigencies require. Further it is said that the officers posted shall be accountable to the General Council. This may be said that unless the matter is explained properly this provision is likely to give a constant source of disputes between the Govt. and the General Council.

FUNDS AND AUDIT

46. Council Fund.— (1) There shall be a fund to be called the "COUNCIL FUND" under the separate Sub-Head within the State budget to be held for the purpose of this Act and all moneys realised or realisable under this Act and all moneys otherwise received by the General Council shall be credited thereto.

(2) The allocation made under this Sub-Head shall be in keeping with the guided lines laid down by the Government of India from time to time in spirit of the Constitution of India.

(3) The Government shall not divert the fund allocated under this Sub-Head except in exigencies when there is unavoidable budget deficit.

(4) All fund as may be allocated by the Central Government or the State Government for the General Council shall be assigned to it and shall be credited to the Council Fund.

(5) The General Council may, subject to the provisions of any law relating

to the raising of loans by local authorities, raise with the approval of the Government loans for the purpose of this Act and create a sinking fund for the repayment of such loan.

(6) The money credited to the Council Fund shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act.

(7) No payment shall be made out of the Council Fund unless such expenditure is covered by a current budget grant:

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

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

(8) Surplus moneys standing at the credit of the General Council at the end of the Financial Year shall be invested in accordance with such rules as may be made by General Council in this behalf provided that no funds standing at the credit of the General Council shall be lapsed but will be carried over to the budget of the next financial year.

(9) The General Council will make rules for the management of the Council Fund and for the procedure to be followed in respect of payment of moneys into the said Fund, withdrawal of moneys therefrom, the custody of moneys therein and any other matter incidental thereto or connected therewith.

(10) The accounts of the General Council shall be kept in such form as may be prescribed in consultation with the Accountant General.

(11) Subject to the provisions of the Comptroller and Auditor General's (Duties, Power and Conditions of Service) Act, 1971 and the rules and the orders made thereunder, the audit of the accounts of the General Council shall be entrusted by the Government to the Controller and Auditor General of India who may submit to the Government such report thereon as it may deem fit. The Government shall transmit the report to the General Council for discussion and consideration. The General Council shall return the report to the Government with comments, if any. The Government shall lay such reports with the comments of the General Council before the State Legislature.

47. Collection of Excise duty on tea.— The Government shall deposit

within forty five days after the end of each Financial Year in the Council Fund, revenue collected from tea garden falling within the Council Area.

48. Budget.— (1) The General Council shall at such time and in such manner as may be prescribed, prepare in each Financial Year a budget of its estimated receipts and disbursements for the following financial year and submit it to the Government by 1st November of the current financial year.

(2) The government may within such time as may be prescribed, either approve the budget or return it to the General Council for its reconsideration on the observations of the Government if any. The General Council will submit the budget with its comments on the observations and if the approval of the Government is not received by the General Council by the last date of the financial year, the budget shall be deemed to have been approved by the Government.

(3) No expenditure shall be incurred unless the budget is approved by the Government.

CHAPTER VI
MISCELLANEOUS

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

Power to issue Instructions.— (2) The Government shall have the general power to issue instructions from time to time for proper implementation of this Act.

COMMENT

The provisions under the section put a restriction upon the General Council in making bye-laws, regulations or orders. Nothing in this regard is permitted if the same is against the security and safety of the State. That means before implementation of any such thing Government's Security is necessary. Government may even nullify any such thing even if duly made by the General Council. The right reserved is of General nature.

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

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

COMMENT

The special protection guaranteed to the non-tribals living in the Bodoland relates to their rights and interest in respect of their land and language only. In the absence of any explanation contained under the section it may be said that General Council shall not be competent to make any bye-laws or regulation or pass any order affecting the existing system prevalent in the area.

52. Dissolution of the General Council and the Executive Council.— (1) If the Governor, on receipt of a report or otherwise and in consultation with the State-Judicial Department, is satisfied that a situation

has arisen in which the administration of the Council Area can not be carried on in accordance with the provisions of law in force or general or special instructions issued from time to time, the Governor may by notification in the Official Gazette, dissolve the General Council and the Executive Council before the expiry of the term and assume to himself all or any of the powers or functions of the General Council and Executive Council and declare that such powers and functions shall be exercisable by such persons or authority, as he may specify in this behalf, for a period not exceeding six months at a time.

(2) Every order made under sub-section (1) shall be laid before the State Legislature and shall cease to operate at the expiration of thirty days from the date on which the Assam Legislative Assembly first sits after the issue of the order, unless before the expiry of that period it has been approved by the State Legislature.

COMMENT

Under the Section the Government is given the power to dissolve the General Council either on receipt of report or otherwise. From where report is to be received that is not mentioned. Again the expression "otherwise" is there. Only restriction imposed is that the Governor, before dissolving the Council, is required to consult the State Judicial department. It may be stated that the consultation of the type may be of legal nature only. If under a given circumstance the order passed by the Governor is strictly appropriate then the consultation with the Judicial department would simply be a technical one which of course is made binding.

53. Effect of supersession.— When an order of supersession has been made under section 52, with effect from the date of the order:—

- (a) all the members of the General Council and Executive Council shall vacate their offices; and
- (b) all the powers, duties and functions of the General Council and the Executive Council shall be exercised, discharged and performed by such authority or authorities or such person or persons as may be appointed by the Government in this behalf.

54. Application of Acts of the Legislature of the State.— If any provision of any regulation or bye-law made by the General Council is repugnant to any provisions of a law made by the Legislature of the State of Assam with respect to that matter, then, the regulation or bye-law so made, whether before

or after the law made by the Legislature of the State of Assam, shall to the extent of the repugnancy, be void and the law made by the Legislature of the State of Assam shall prevail.

COMMENT

If any provision made by the General Council is repugnant to the provision in any of the laws of the State Legislature that provision will be void.

55. Power of Government to make rules.— (1) The Government may make rules providing for any matter which under any provision of this Act is required to be prescribed or to be provided for by rules.

(2) Every rule made under this section or under section 19 shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

56. Special Provision for Council Area.— The Government shall consult and give due regard to the view of the General Council before any law is made and implemented in the Council Area on the following subjects:—

- (1) the religions or social practice of the Bodos;
- (2) the Bodo customary laws and procedures;
- (3) Ownership and transfer of land within the Council Area.

COMMENT

In respect of the subjects mentioned under the section the Govt. have to consult the General Council. Govt. have to Consult when it proceeds to pass any law and to implement it. But after consulting the General Council if the Government donot proceed as desired by the General Council and pass a law, that law would be valid. The Govt. would however, be bound to explain why, the advice of the Council could not be accepted.

57. Reservation for service.— Subject to the provisions of any law for the time being in force, the General Council shall have power to reserve jobs

for the Scheduled Tribes within its jurisdiction.

58. Members, officers and employees to be public servants.— The Chief of the Bodoland Executive Council, the Deputy Chief of the Bodoland Executive Council and other members of the Executive Council and the officers and other employees of the General Council shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, (45 of 1860)

COMMENT

The Persons declared to be public servant within the meaning of section 21 of the Indian Panel Code shall enjoy all the protections granted to such persons under the law.

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

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

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

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

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

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

65. Special Courts.— Special Courts shall be set up in consultation with the Guwahati High Court to try suit and cases between parties all of whom belong to Scheduled Tribe or Tribes in accordance with the tribal customary

laws and procedures as follows:-

- (a) Village Courts.
- (b) Subordinate District Customary Law Courts within Civil Sub-divisional territory, and
- (c) District Customary Law Courts.

COMMENT

This is same with the pattern of administration of justice in the tribal areas and in the tribal states in the North-Eastern Region. See 6th Schedule of the constitution of India.

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

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

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

APPENDIX "I"
MEMORANDUM OF SETTLEMENT
(BODO ACCORD)

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 Student's 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.

3. (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 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 sub-head 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 Centre! 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 licences 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 organise exgratia payments as per rules to next of the kins killed during the Bodo agitation.

19. Share in collections 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, an 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/-

(K.S. RAO)

Addl. Chief Secretary to the
Government of Assam

Sd/- S.K. Biswaswami
President, ABSU

Sd/- Rabi Ram Brahma
General Secretary, ABSU

Sd/- Subhash Basumatari
Chairman, BPAC

In the presence of

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

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

APPENDIX "A"

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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24. Tribal Research Institute.
25. College Education (General)
26. Land and Revenue.
27. Publicity/Public Relations.
28. Printing and Stationery.
29. Tourism.
30. Transport.
31. Any other matter connected with development.
32. Municipal Corporation, Improvement Trusts, District Boards and other local authorities.
33. Tribal Welfare.
34. Markets and Fairs.
35. Lotteries, Theatres, Dramatic performances and Cinemas.
36. Vital Statistics including registration of births and deaths.
37. Food and Civil Supply.
38. Intoxicating liquors, opium and derivatives etc.

Kamrui	4,625.9	1,155.2
Darrap	3,465.3	2,752.3
Sanitpt	5,255.2	4,204.2
Lakhipur	5,646.4	5,646.4
Majuli	1,241.0	1,241.0
Sodia	914.0	914.0

Total 25,478.1 Sq. Km.
 The total area of the proposed Union Territory 25,478.1 Sq. Km.
 Area of the Rest Assam 53,044.9 Sq. Km.
 If we subtract the area of proposed Autonomous State of Karbi-Anglong & N.I. Hills (Karbi-Anglong 10,332.0 Sq. Km. + N.C. Hills 4,890 Sq. Km.) = 15,222.0 Sq. Km. from Assam, the area of Assam will still remain 37,822.0 Sq. Km.

The ABSU has been demanding that Assam should be divided Fifty Fifty between the Tribals and the non-Tribals. As such Tribals are getting total area : Proposed Union Territory : 25,478.1 Sq. Km.
 Proposed Autonomous State :
 (Karbi-Anglong and N. C. Hills): 15,222.0 Sq. Km.

Total area 40,700.1 Sq. Km.,
 which is slightly more than fifty percent.
 Then area of Rest Assam 37,822.9 Sq. Km.

If Cachar also gets Separation then future remnant of Assam will be :-
 Area of rest Assam :- 37,822.9 Sq. Km.
 Area of Cachar (Undivided) 6,962.0 Sq. Km.

Total area of future remnant of Assam : 30,860.9 Sq. Km.
 Still then Assam will be the Second largest State in the North Eastern Region only next to Arunachal Pradesh. Hence no question of impossibility of further division of Assam can arise here.

POPULATION IN THE PROPOSED UNION TERRITORY. (As on 1986)

Population of present Assam : 2,25,00,000
 Total Population in the proposed Union Territory— 61,37,914
 Total Tribal population in the proposed Union Territory— 42,96,000
 Percentage of Tribal population in the Proposed U. T.— 70%
 Total non-Tribal population in the proposed Union Territory— 18,41,914
 Percentage of non-Tribal population in the proposed U. T.— 30%
 Remainder population in rest Assam— 1,63,61,086
 Area of rest Assam— 53,044.9 Sq. Km.
 Density of population in the rest Assam— 308 per Sq. Km.
 Density of population in proposed U. T. : 241 per Sq. Km.
 The difference between the densities of rest Assam and the proposed Union Territory is due to the fact that the rest Assam will possess all the thickly populated towns and cities such as Dhubri, Bilasipara, Goalpara, Barpeta, Nalbari, Rangia, Mongoldoi, Tezpur, Gauhati, Jorhat, Sibsagar, Golaghat, Tinsukia, Dibrugarh and the District of Cachar while the proposed Union Territory is devoid of such thickly populated towns and cities but comprises large areas of forests where population is very thin.

Tribe-wise total population in the proposed Union Territory :
 (As on 1986)

Major Tribes	Population.
Boros	33,50,000
Mishing	5,00,000
Rabhas	1,41,000
Sonowals	1,00,000
Deoris	1,00,000
Garos	5,000
Karbhis	40,000
Lalung	60,000
	42,96,000

Total Tribal population in the proposed Union Territory : 42,96,000.

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92-POINT DEMANDS OF ABSU

The Bodos and the other plains tribal people of Assam have thousands of problems such as on language, literary, economy, land, education, socio-cultural, job, development etc. Another basic problems of the Bodos and other tribals are crisis of identity, question of survival and political security. Out of those thousands of problems the All Bodo Students' Union has raised only 92 demands and submitted memorandum to the Chief Minister and the Governor of Assam. Of course, the numerous problems and grievances of the Bodos and other plains tribals have been reflected through these 92 demands also. No doubt, the 92-point demand memoranda submitted to the Chief Minister and the Governor of Assam is an important charter or manifesto showing the burning problems and the genuine aspirations of the Bodos of the world and the other plains tribals of Assam. The 92-point Memorandum bears the testimony of how the Bodos and other plains tribals are suffering from wants, discriminations, injustices, insecurity and tortures etc.

Here, the Headlines of 92-point demands without elaboration are given below :

1. Immediate implementation of Bodo as Associate official language in Kokrajhar District and Udalguri Sub-division.
2. Extension of Bodo as Associate Official Language in other districts of Assam.
3. Central University at Kokrajhar.
4. Provincialisation of all L. P., M. E. and High Schools in the tribal areas.
5. Appointment of Bodo medium teachers in Schools.

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6. Regular publication and distribution of Bodo text books. ✓
7. Free distribution of text-books, food and clothing to the tribal students of L. P., M. E. & M. V. Schools.
8. Installation of major educational institutions such as Govt. Medical College, Govt. Engineering College, Veterinary Science College and Govt. Ayurvedic College at Kokrajhar.
9. Installation of Indian Institute of Technology (IIT) at Kokrajhar.
10. Protection of Tribal Belts & Blocks and creation of new ones.
11. Creation of a Separate Directorate for Plains Tribal education with separate financial budget provision.
12. Introduction of Bodo M.I.L. subject in M.A. degree in Universities.
13. Inclusion of Bodo in the 8th schedule of Indian Constitution.
14. Inclusion of Boro-Kocharis of Karbi-Anglong and N. C. Hills Autonomous Districts into the sixth schedule of Indian Constitution.
15. Appointment of lecturers for Bodo M.I.L. in colleges.
16. Introduction of Honours course in Bodo M. I. L. subject in degree level.
17. Retention of English as a medium of instruction in College and Universities of Assam.
18. Introduction of Bodo M.I.L. subject in the colleges of Dibrugarh and North Eastern Hills Universities.
19. Establishment of Agriculture College at Udalguri.
20. Construction of Tribal Hostels at Gaubati, Shillong, Kokrajhar and Tezpur.
21. Enhancement of Scheduled Tribe scholarship and its regular distribution.
22. Introduction of English medium in XI and XII classes in Higher Secondary Schools.

23. Installation of Technical and Poly-technique Institutes in Tribal Areas.

24. Installation of A.R. Station at Kokrajhar.

25. Increment of S/Reservation seats for admission into educational institutions.

26. Increment of Scheduled Tribe reserved quota in Government Services and fulfilment of its backlog.

27. Introduction of Bodo language as optional subject in A. P. S. C. examinations.

28. Recognition and implementation of Bodo as one of the regional language subjects in U. P. S. C. and other civil services examinations.

29. Reservation for S. T. in research works.

30. Interviews in Bodo medium in the posts of Clerks, Peon and Choukidars etc.

31. Re-organisation of the boundaries of the new Districts of Assam.

32. Introduction of Bodo M. I. L. in the Colleges of Gauhati.

33. To impart Adult Education through Bodo medium.

34. Control of Price hike.

35. Food for work programme for rural people.

36. Loans and grants-in-aid to the unemployed tribal youths.

37. Exemption of tribals from the compulsory possession of Permanent Residential Certificate in case of holding Govt. service etc.

38. Production of documentary films in Bodo.

39. Nomenclature of Bodo revenue villages in Bodo.

40. Proper census of Bodo population.

41. Installation of a Central Museum at Kokrajhar.

42. Detection and deportation of foreign nationals.

43. Recognition and introduction of all tribal languages in primary schools.

44. Compensation to the flood affected people.

45. Introduction of Roman Script for Bodo language.

46. Settlement of border dispute between Assam and Nagaland and adequate security to the people living therein.

47. Drinking water supply in all villages within 1990.

48. Electrification of all villages within 1990.

49. Construction and re-construction of all village approach roads and bridges.

50. Control of rivers.

51. Irrigation system covering all agricultural lands.

52. Free distribution of fertilisers to poor tribal peasants.

53. Primary Health Centre for every two villages.

54. Construction of new High Road from Raimana to Jonai along the southern borders of Bhutan and Arunachal Pradesh.

55. Installation of Agriculture University at Gossaigaon.

56. Housing grants to poor tribal people.

57. Installation of Forest Training College at Haltugaon.

58. Installation of Jute Mill at Serfanguri.

59. Installation of Television Centres at Udalguri and Kokrajhar.

60. Revival of Balajan Airport at Kokrajhar.

61. Establishment of Fishery Training Centre at Kokrajhar.

62. Establishment of Sports Training Institute at Kokrajhar.

63. Opposition to the clause 4.6(ii) of the new national policy of education.

64. Introduction of Boro medium in new Central Model Schools.

65. Introduction of Bodo medium in missionary schools.

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66. Redelimitation of tribal sub-plan areas.
67. Appointment of Subject Teachers in Higher Secondary Schools.
68. Setting of H. S. L. C. examination question papers in Bodo, standard.
69. Opposition to reservation policy and scholarship on economic standard.
70. Launching of massive industrialisation.
71. Establishment of Music colleges.
72. Financial assistance for writing and publishing a book of history of Bodos.
73. Appointment of Bodo S. I.s and D. I.s in Lakhimpur District. #
74. Merger of tribal areas to Kokrajhar District from Dhubri District.
75. Introduction of Bodo medium in Roman Script in West Bengal.
76. Transmission of Bodo programmes and Bodo news from Gauhati Doordarshan Kendra.
77. Broadcasting of Bodo programmes from All India Radio, Siliguri Centre.
78. Extention of Special Provisions for tribals in Indian Constitution from 1990 to indefinite period.
79. Establishment of Basic Training Centre at Udalguri.
80. Regular payment of salary to the Bodo medium teachers.
81. Eradication of Poverty.
82. Free and compulsory education for children upto fourteen years of age.
83. Opposition to clause no. 6 of Assam Accord. #
84. Opposition to clause no. 10 of Assam Accord and eviction of tribals from the forests of Assam.
85. Opposition to compulsory imposition of Assamese language in schools.

86. Revocation of Pre-condition of Assamese in state services.
 87. Opposition to AASU's demand for amendments of Articles 3, 30 and 347 of Indian Constitution.
 88. Stoppage of political assassination and extremism in Assam.
 89. Stoppage of brutal police atrocities upon the Bodo students and public.
 90. Creation of Regional Council for non-Karbi tribes in Karbi-Anglong Autonomous District Council.
 91. Creation of District Councils in the Tribal compact areas of southern valley of the Brahmaputra in Assam.
 92. Creation of Separate State with the status of Union Territory in the North bank of the Brahmaputra for the Plains Tribals of Assam.
- Pathetically, neither the state nor the Central Government has taken the slightest interest to fulfil even a single demand out of those numerous 92 demands. So, can the Bodos think that they are getting justice and attention from the Government? Definitely not. But they have been totally neglected for centuries.
- When a Separate State is created, most of these 92 demands would be fulfilled within a short period of time. #

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THE LANGUAGE POLICY OF ASSAM

The language tangle is one of the most critical and sensitive problems of Assam. Assam is a multi-lingual, multi-racial and multi-cultural state. But yet, the Assamese people always try to impose Assamese language upon the non-Assamese people including the indigenous tribal people. As such, here arises the clash between the Assamese speaking people in one hand and the tribals and other linguistic minorities on the other side.

The intention is very clear that the Assamese people and the Assam Government want to Assamise and assimilate the non-Assamese through the imposition of Assamese language and culture. The Assamese people and the Assam Government have not yet realised the mistake with that Assamisation and Assimilation Policy. Still, they want to force others to read Assamese and accept their policy of Assamisation and Assimilation.

In 1960, the Assamese people launched a vigorous language movement to make Assamese as the official language of Assam and as a result of that Assam Official Language Act, 1960 was passed by the Assam Government through which Assamese was imposed as official language upon the indigenous non-Assamese Tribal people of the then Assam. The Plains as well as the Hills Tribals were badly resented at this enactment. That is why Nagaland was separated in 1963.

In 1972, on the demand and movement of All Assam Students' Union (AASU), at the instance of Assam Government the Universities of Gauhati and Dibrugarh made Assamese as the medium of instruction place of English in their Colleges whereby the Bodo students who

have passed Matriculation through Bodo medium have been directly obstructed in receiving College education. Now, except a few, all colleges of Assam have practically implemented sole Assamese medium of instruction and as such the problem has become much more serious.

Again, just after assuming power, the AGP Government imposed Assamese language as compulsory third language upon the non-Assamese medium students in secondary schools through a circular given by the Secondary Education Board of Assam (SEBA) on the 28th February, 1986. The ABSU vehemently opposed the circular and announced some programmes of movement for the withdrawal of that SEBA circular and at last compelled the Govt to suspend the same.

The arguments of the Assamese people and Assam Government are like that the Assamese language is the official as well as regional language of Assam, a link language among different communities of Assam, a language for the integrity of Assam and that is why everyone must read Assamese, must speak Assamese, must know Assamese, those who live in Assam must speak Assamese and those who do not speak Assamese they are not Assamese or indigenous people of Assam, Assam is only for the Assamese—they think. These arguments are fallacies. Because, as evident from the earlier discussions in the chapter 'Assam and the Assamese' the originality, genuineness and status of Assamese language and Assamese people can be traced, judged and examined critically. These arguments are nothing but only a defensive and strategic languages for the imposition of Assamese language upon the non-Assamese, but the inherent intention is to Assamise, assimilate and dominate the non-Assamese people whether they be indigenous or outsider but those who live in Assam. Again, if their argument is so, the Bodos the Kocharis—the original master ruler of Assam whose language is the most aboriginal and widespread in Assam can also ask—why not the Assamese people read, speak and accept Bodo as a whole for a link

language and for the integrity of Assam? Will the Assamese agree?

Again, after the coming of AGP Government in Assam, the State Government has given notifications in various state services laying the pre-condition of the knowledge of Assamese language. As per this notification, a job seeking candidate must appear an interview in Assamese language i.e. he must pass the written test in Assamese language, he must know how to type in Assamese and he must undergo viva-voce in Assamese language and if the candidate fails all these tests he will not get the job. Is it not discriminatory to other non-Assamese indigenous people of Assam? How can a Bodo medium candidate fulfil all these rigorous tests? In this way, systematically, Bodo medium students and candidates have been deprived of their legitimate rights of getting state jobs. So, Bodos are not getting jobs in State services.

In this connection, the AGP Government has violated all constitutional provisions, Assam Official Language (Amendment) Act, 1985.

Some provisions of Indian Constitution may be referred in this regard—
Article 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

(a) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

Article 16. Equality of opportunity in matters of public employment:

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
(2) No citizen shall on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

The AGP Govt. also has not maintained the commitment or guarantee given by the clause 7 of Assam Official Language Act, 1960 which runs thus—

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Rights of the various linguistic group : Clause 7. Subject to the provision of this Act, the State Government may by notification issued from time to time, direct the use of the language as may be specified in the notification and in such parts of the State of Assam as may be specified therein :

Provided that—

(a) The rights of the various linguistic groups in respect of medium of instructions in educational institutions as laid down in the constitutions of India shall not be affected ;

(b) The State shall not, in granting aid to educational and cultural institutions, discriminate against any such institutions on grounds of language ;

(c) The rights to appointments in the Assam Public Services and to contracts and other avocations shall be maintained without discrimination on the ground of language ;

(d) In regard to noting in the offices in the region or district, if any, member of the staff is unable to note in any of the district language, the use of English shall be permitted by the Heads of Departments so long as the use thereof is permissible [for the official purposes of the Union under any law made by the Parliament in this behalf].

The AGP Govt. has also violated the Assam Official Language (Amendment) Act, 1985 through which Bodo was recognised as Associate Official Language of Assam particularly in Kokrajhar District and Udalguri Sub-division. Instead of implementation of Bodo as Associate Official Language in Kokrajhar District and Udalguri Sub-division the AGP Government is imposing Assamese as the sole official language even in those District and Sub-division.

On the other hand, the Assam Government and many Secondary Educational Institutions did not or still do not allow introduction of

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Bodo medium along with Assamese medium. If Bodo medium is introduced, the Government and the School authorities along with the Assamese people drive the Bodo medium out of that School. If it (Bodo medium) is allowed, it is given only in a cow-shed like thatched shed house and with no proper teaching staff. As for instance, out of many, it may be cited that Kaligaon Higher Secondary School and Danda Saharia High School in Dibrang District did like that. On the other hand, Bodo girls those who went to classes putting their traditional beautiful Bodo DAKHANA dress were turned out from classes in Goreswar College, Dudhnai Girls High school, Bangfor Belguri High School etc. They were forced to put on Assamese Mekhela Chaddars.

Is it not discrimination and violation of Fundamental Rights against the Bodos?

The Fundamental Rights provided in Indian Constitution in this behalf may be cited here,
Cultural and Educational Right:

Article 29. Protection of interests of minorities.

1. Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

2. No Citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Article 30. Rights of minorities to establish and administer educational institutions.

1. All minorities whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

As such it is futile to struggle and get exhausted for our rights and survival under this Assam Government and chauvinist Assamese people. Therefore, Separation is a must.

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THE ATTITUDE OF ASSAMESE PEOPLE

One of the most important responsible factors as to why the tribals have become alienated from the mainstream of Assam is the attitude of the Assamese people. The Assamese people have never accepted the tribals as the part and parcel of Assamese community and society in real sense though they give a motivated slogan of Greater Assamese Nationality. As for instance, a Goswami Brahmin family will never allow or agree to give its daughter for a social marriage with a tribal youth. They hate the Bodos telling as Kacharis, Misings—a tribal and the like. So, a Greater Assamese Nationality never existed and does not exist even to-day.

(i) Anti-Tribal Attitude :

The general attitude of Assamese people is anti-tribal. Of course, there is exception of a few. But, the majority Assamese people have deadly and poisonous anti-tribal attitude. They cannot tolerate the existence of tribals such as Bodos, Misings, Karbis etc. They never think the developments of the tribals. Rather, they are jealous of some special facilities enjoyed by the tribals under certain provisions of Indian Constitution. Unfortunately, this anti-tribal attitude of Assamese people is growing more and more rapidly with the rising movement of separate state.

(ii) Expansionist Attitude :

The Assamese people are following the policy of expansionism and imperialism to capture and dominate all corners of Assam including the tribals areas. In fact, they have a plot to conquer all tribal areas and dominate them everywhere under their feet. That is why, they are deeprooting Assamese colonialism in tribal areas. The Assamese people

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not want to give or recognise the existence and predominance of tribal people in their majority areas too. The process of engulfment and silent aggression over the tribals by the Assamese people is still continuing.

(iii) Lack of Political Toleration.

The Assamese people have no political toleration. They cannot tolerate the existence of tribal communities and other democratic organisations who oppose the policies of Assamisation and Assimilation. The Assamese people, the Assam Government and the Administration consider the Bodos as the number one enemy for demanding a Separate State. They cannot tolerate the existence of tribal organisations such as ABSU and UTNLF as because they demand a separate state. The Assamese people harass the supporters and activists of ABSU and UTNLF this way or that way. Even Bodo Students are badly harassed by the Assamese students in the hostels of various Assamese dominated educational institutions throughout the state of Assam.

In fact, the Assamese people and the Assam Government should not oppose the demand and movement of separate state but should support to show their magnanimity. Because, demand and creation of a separate state is neither directed against them nor will cause a great harm to Assam and Assamese society. But still, why are they opposing? This is only because, the Assamese people and Assam Government never agree to hand over the rule and administration of tribal people on their own hands. They are afraid of losing their political suzerainty. They want to dominate the tribals under their feet for an indefinite period which is totally unjustified one. In fact, the outsider and artificial Assamese people have no moral right to rule over the tribals—the sons of the soil and original master of Assam.

THE ASSAM GOVERNMENT

The anti-tribal Assam Government, anti-tribal administration and bureaucrats are the number one factors for demanding a Separate State. The Assamese ruling class is the most exploiting class and they never allow the tribals to rise and prosper.

(i) The Assamese Government :

The Assam Government whether the past or present ones are not the Government of the people of Assam but it is merely a Government of Assamese people particularly the present Asom Gana Parishad Government which has been elected to power out of Assamese chauvinism wave. The present A.G.P. Government is the chauvinist Assamese Government and it is by no means the Government for tribals. As such the Plains Tribals must have a Separate Government of their own.

(ii) Anti-Tribal Government and Administration :

The Assam Government and Administration are deadly anti-tribal. The Assamese and other non-tribal clerks, officers, bureaucrats and ruling Ministers and Politicians—all are out and out anti-tribal and they conspire against the tribals behind the screen. They are hatching a deep-rooted conspiracy to wipe out the Plains Tribals particularly the Bodos for their political suzerainty. No developmental programme is properly implemented for the Plains Tribals under this Assam Government. No progress of tribal people can be achieved under this anti-tribal Assam Government whatsoever policies are adopted to dupe and allure the tribals. The policies and functions of Assam Government and Administration are always Anti-Tribal and quite destructive for tribals.

Such, no expected progress of tribals in the dimensions of education, economy, language, culture etc. could be achieved even after 40 years of independence of India. Even to-day, Tribals are the most backward section in Assam.

(iii) Repressive Government :

The Assam Government and Administration are deadly repressive upon the Plains Tribals particularly the Bodo Youths and Students. Whenever the Plains Tribals demand and cry for justice, constitutional and legitimate Rights they are meted out with brutal police atrocities and torture. On the pretext of forged cases the Assam Police forces in Tribal areas, arrest the innocent Tribal Youths and Students indiscriminately, strip them into naked and beat up and torture mercilessly in an inhuman way. The cause is nothing but simply for demanding a Separate State and struggling for preservation of their own identity and culture.

The Assam Government, administration and police forces are deadly anti-tribal and they are out to crush down the uprising of the Plains Tribals particularly the Bodos. Excessive police atrocities, indiscriminate arrest, torture started since the demand of Separate State got birth in 1967. On the 22nd May, 1968 police opened fire indiscriminately at Kokrajhar upon a peaceful but huge Missile of PTCA; many were grievously injured in the firing. The excessive police atrocities, indiscriminate mass arrest, heavy torture during the vigorous Roman Script Movement for Bodo Language in 1974-75 cannot be vividly described here. That was a reign of terror and an all out effort of State Govt. to crush down totally the movement and uprising of Bodos. Thus the Bodos did not get Roman Script which was a deprivation of Fundamental Rights. During Emergency also hundreds of public leaders, students and youths had to go to jails.

In many occasions, numbers of time, police has been arresting indiscriminately on the pretext of forged cases on political ground and have tortured the youths and students of ABSU very badly.

Of late, police raided Kokrajhar College Boys' Hostel and several lodges at Kokrajhar, arrested, beaten up seriously the students during the last part of September, 1986 on purely political ground.

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Recently, again for political cause, police arrested altogether 36 students and public and tortured heavily within the period from 27th April to 25th May, 1987 and raided randomly several Bodo villages in Dotma, Serfanguri, Kachugaon, Simbargaon areas of Kokrajhar District, causing heavy losses of properties of several number of families. The District Administrations throughout the State of Assam have arrested more than five thousand ABSU volunteers since the 27th August, 1987 till to-day during and after ABSU's 12-hour, 24-hour and 36-hour Bandhs on the 27th August, 9th September and 24th September, 1987 respectively on demand of Separate Union Territory in the north bank of the Brahmaputra, District Councils in the south bank of the Brahmaputra, inclusion of Boro-Kocharis of Karbi-Anglong into the sixth Schedule of Indian Constitution and other 89 demands. The arrested volunteers were heavily beaten up and tortured in Police Station and Outpost lock-ups. Till to-day, ABSU workers have to keep absconding to escape arrest and torture by police.

What is more dreaded is that unprecedented excessive police atrocities, operations, arrest and torture are still going on upon the ABSU workers and supporters and it is apprehended that it will reach the peak while the movement for Separate State gets vigorous turn. This is very obvious.

So, can the tribals hope justice under this repressive and bloody Assam Government without a Separate State?

(iv) A Conspiracy to Massacre Bodos :

The AGP Government has taken up very ugly policies to drag out the tribals into the street with their anti-tribal policies and shoot them to dead and thus massacre the Bodos in large scale. Along with the gaining momentum of ABSU's movement for separate state the AGP, AJYCP and the AASU are campaigning to resist the movement physically. It is unfortunate that those forces are trying to build up civil war against the Bodos. The ruling AGP party under the leadership of Mr. Prafulla Kumar Mahanta is taking pioneering role to cause civil war and commit genocide of Bodos. No doubt, the Bodos will be massacred in large scale with this giant Governmental, Administrative and armed police machineries during this civil war spearheaded by AGP.

As for instance, a class X student of Kokrajhar Higher Secondary Mr. Sujit Narzary was attacked and killed at Nathkuchi (Tihu chowk) by the AASU supporter chauvinist Assamese people on the 12th June, 1987 while

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along with others were returning to Kokrajhar from attending a huge ABSU Mass Rally at Judge's field, Gauhati on demand of Separate Homeland—a Union Territory and other 91 demands. On the other hand, the Assam police opened fire at Lailangpara near Rowta Chariali in Darrang District while the ABSU volunteers were blocking a Highroad by sitting peacefully to enforce the 24-hour tribal area bandh on the 9th Sept, 1987. Two volunteers—Kabiram Basumatary (25) and Alendra Basumatary (18) were shot dead on the spot and one Shri Sobin Goyary was seriously injured by bullet in the firing.

Again, the police opened fire on the National Highway near Serfanguri in Kokrajhar District on the 25th Sep, 1987 and shot dead one Obiram Mushahary (25) and injured Shri Shadev Brahma (16) seriously while the ABSU gave a call for 36-hour tribal area bandh starting from 24th, 1987.

On the 9th Sept, 1987 the AGP, AASU and AJYCP supporters directly and physically resisted ABSU's 24-hr. bandh at Gohpur and they attacked ABSU volunteers where large number of Bodo girls were seriously injured. There was no action from the side of police. Rather, police sided with the culprits. Dangerously, the attackers carried automatic weapons, rifles, stenguas, machineguns, grenades, bombs etc.

In Bengaigaon also the AGP and AASU activists and supporters directly obstructed ABSU's 24-hr. bandh programme on the 9th Sept, 1987.

The AGP Govt. itself is instigating the people to resist the movement physically and to cause bloodshed. As such it is evident that there is a deeprooted conspiracy to massacre the Bodos.

Therefore, it is the duty of the Central Government to protect and safeguard the Bodos and others plains tribals by creating a separate Union Territory with immediate effect to save the situation from worsening. Because, if the situation is allowed to drift, it will be hazardous for all.

(v) Better Administration :

No doubt, creation of a separate Union Territory will bring a better administration for the plains tribals. Because, that will not be an anti-tribal Government but will ensure security, peace, development to the plains tribal people. That will be a Tribal State and it will have to look after all the interests of the tribals.

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DEVELOPMENT OF TRIBALS

The measures taken by the Assam Government for the development of tribals are quite ineffective but totally farce. The schemes of Tribal Sub-Plan (TSP), the Tribal Development Corporation, Tribal Development Authority, Integrated Tribal Development Project, Welfare of Scheduled Tribes & Backward classes, Tribal Research Institute etc. meant for the developments of Tribals utterly failed to protect the interests of tribals and would not bring the expected and adequate developments of the Plains Tribals of Assam. The Plains Tribals also could not enjoy the facilities properly provided in the Articles 46 and 275 of Indian constitution due to the discriminatory policies of Assam Govt. On the other hand, these are nothing but only defective instruments to protect the interests of Tribals. Moreover, as because, Ministers as well as the bureaucrats of Assam Govt. are anti-tribal, nothing of these measures are implemented in true sense, rather, they are engaged in conspiracies against the tribals. Nor the Government itself is interested at all in the matter of development of tribals.

As such, without a separate state for Plains Tribals no progress of tribals can be achieved whatsoever Policies are adopted to allure the tribals under this anti-tribal Assam Government.

LAND PROBLEM

Land problem is the most burning problem of tribals. In fact, tribals cannot live without land; without land, lives of common tribal people become very much miserable which is now happening to tribals of Assam.

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Now, of its families have become practically landless whereas 90% of tribal people depend on agriculture. Little plots of agricultural lands cannot suffice tribals to procure a good harvest to cover up whole year for their maintenance of food. As a result, most of the rural tribal families are half-starved.

The so-called protective measure of Tribal Belts and Blocks provided in the chapter X of Assam Land Revenue Regulation Act, 1886 which is practically a farce Act, have not been protected at all for the interests of the tribals. All the tribal villages and areas also have not been covered by Tribal Belts and Blocks. In Assam, there are as many as fortyfive (45) Tribal Belts & Blocks now covering an area of total 1,25,28,320 B—1K—10 Ls of land but nowhere they have been preserved by the enforcement of law to the reality. The list of Tribal Belts & Blocks is given below :—

**STATEMENT OF TRIBAL BELTS AND BLOCKS
DISTRICT-WISE WITH AREAS**

District	Name of Tribal Belts or Blocks	Area in Bighas
Goalpara— (undivided)	1) Sidli Tribal Belts RD. 69/45/29, dated 30th August 1948.	4,61,509 Bighas.
	2) Bijni Tribal Block RD, 69/45/29, dated 30th August 1948.	3,02,545 "
	3) Santal Colony Tribal Block RSD, 9/77/11, dated 24th August 1977.	57,930 "
	4) Bordamal Tribal Block RSD, 14/81/12, dated 9th August 1982.	18,592B—3K—18L.
	6) Dotma Tribal Belt, RSD. 2/82/10, dated 16th June 1983.	38,174B—3K—15Ls
	7) Balaghat Nayekgaon Tribal Block, RSD. 1/83/15, dated 5th July 1984.	78,777B—0K—9Ls
	8) South Kamrup (Chayagaon) Tribal Belt No. RD, 74/46/161, dated 22nd August 1949.	3,02,352 Bighas

9) South Kamrup (Guwahati Tribal Belt) No. RD. 74/46/172, dated 27th March 1959.	7,72,464 "
10) Tamulpur Tribal Belt, No. RD. 74/46/161, dated 22nd August 1949.	4,62,637 "
11) Baska Tribal Belt, No. RD. 74/46/161, dated 22nd August 1949.	3,77,512 "
12) Chiapaguri Tribal Belt, No. RD. 74/46/161, dated 22nd August 1949.	2,64,010 "
13) Gobardhan Tribal Block, No. RD. 74/46/161, dated 22nd August 1949.	38,348 "
14) Bajegaon Tribal Block, No. RD. 74/46/161, dated 22nd August 1949.	6,526 "
15) Kharija Bijni Tribal Block, No. RD. 74/46/161, dated 22nd August 1949.	27,542 "
16) Gohpur Tribal Block No. RD. 90/46/82, dated 2nd December 1950.	5,666 "
17) Balipara Tribal Belt No. TAD/REV/73,50/26/43, dated 13th March 1951.	19,36,000 "
18) Kalaigaon Tribal Belt No. RD. 74/46/119, dated 12th July 1948.	11,16,336 "
19) Tetelibhanguria Tribal Block No. RD, 74/46/119, dated 12th July 1948.	10,117 "
20) Kacha Para Tribal Block No. RD. 74/46/119, dated 12th July 1948.	9,656 "
21) Tezial Tribal Block No. RD. 74/46/119, dated 12th July 1948.	8,857 "
22) Bhuya Khat Tribal Block No. RD. 74/46/129, dated 12th July 1948.	9,299 "
23) Dalgaon Tribal Block No. RD. 74/46/119, dated 12th July 1948.	38,299 "

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North Lakhimpur-24)	North Lakhimpur (Submountance) Tribal Belt No. RD. 92/46/34, dated 28th April 1948.	6,00,160	"
25)	North Lakhimpur (Reverine Tribal Block No. RD. 92/46/34, dated 28th April 1948.	4,93,680	"
26)	Abor Misimi Tirap Tribal Belt No. TAD/REV/73/50/43, dated 13th March 1951.	34,84,800	"
27)	Murkongselex Jonai Tribal Belt No. 28th TAD/REV/73/50/34, dated April 1948.	22,090	"
Nagaon-28)	Barkacharigaon Tribal Block No. RD. 91/46/80, dated 19th September 1950.	2,466	"
29)	Bhalukjhari Tribal Block No. RD. 91/46/94, dated 17th November 1950.	27,866	"
30)	Chagua Tribal Block No. RD. 91/46/94, dated 17th November 1950.	37,751	"
31)	Tetelia Tribal Block No. RD. 91/ 46/94, dated 17th November 1950.	30,190	"
32)	Gobha Tribal Block No. RD. 91/45/ 94, dated 17th November 1953.	28,071	"
33)	Phalguri Tribal Block No. RD. 94/46/ 94, dated 17th November 1950.	19,926	"
34)	Amsoi Tribal Block No. RD. 91/46/ 94, dated 17th November 1950.	25,759	"
35)	Bagariguri Tribal Block No. 91/46/ 94, dated 17th November 1950.	22,176	"
36)	Bardolom Lankabheta Tribal Belt No. RD. 9/46/211, dated 18th September 1953.		

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37)	Amguri Chang-Phulaguri Chang Tribal Block No. RD. 91/46/294, dated 1st February 1958,	6,851	"
38)	Jamadari Tribal Block No. RD. 91/46/313, dated 29th June 1958.	8,398	"
39)	Barangapathar Tribal Block No. RD. 91/46/313, 29th June 1958.	21,451	"
40)	Barpathar Tribal Block No. RSD. 11/61/25, dated 6th April 1974.	4,988B-1K-14Ls	
41)	Kaki Tribal Block No. RSD. 63/68/33 dated 6th December 1978,	10,346B-3K-4Ls	
42)	Kandura Tribal Block No. RSD, 4/6/9, dated 12th April 1979.	9,794 Bighas.	
43)	Batabarigaon Tribal Block No. RSD. 34/76/28, dated 15th March 1982.	3,23,186B-2K-5Ls	
Dhubri-44)	Parbatjuar Tribal Belt No. RSD. 5/82/44, dated 3rd November 1984.	1,60,643B-2K-16Ls	
Kokrajhar-45)	Ripu Tribal Belt No. RSD. 5/82/43, dated 23rd November 1984.		

Total area—1,25,28,320B—1K—10Ls

But, unfortunately, lakhs of non-tribal encroachers have illegally occupied lands in tribal Belts & Blocks and they have got land pattas also in connivance with the Govt. officials. Mr. Thaneswar Boro, the Revenue Minister of Assam himself has recently admitted that 2 lakh 13 thousand and 40 bighas of lands in tribal Belts and Blocks are under the illegal occupation of non-tribal encroachers. The figure of lands illegally occupied by the non-tribal encroachers in tribal Belts and Blocks may be much more higher than that. As such, tens of thousands of common tribal mass people have been badly exploited and rendered landless and shelterless. Now

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Many of them have become just like refugees. They are not even allowed to live in the forests or grazier fields. They are being evicted till today. N. Dhebar Commission suggested to cancel the illegally alienated land pattas and restore back to the original land owners in the case of tribal Belts & Blocks with retrospective effect from 26th January 1950 but nowhere it has been implemented. The Assam Govt. claims that, A. D. C.s, 19 S. D. C.s and other grade III and grade IV employees have been appointed to deal with encroachment cases in tribal Belts & Blocks along with time to time instructions and directives to D. C.s and S. D. O.s to carry out the functions of tribal Belts & Blocks. But, practically, they have done nothing.

Now, only on account that the earlier as well as present Governments failed to protect the tribal areas and if they fail to free the tribal areas from encroachers, tribals are entitled to get a Separate State. Non-tribal encroachers such as non-idegenous people have formed majority in tribal areas and oppressed the tribal people and thus interests of tribals are not protected. As such for the protection of the interests of tribals, ethnic identity of Bodos, they are entitled to get Separate State.

On the other hand, so-called Greater Assamese nationality is non-existent. Had it existed, Bodos would not have been oppressed so badly. So, Separate State must be created.

(ii) SERIOUS ECONOMIC CRISIS :

Tribals are suffering from serious economic crisis. Although the percentage of people below poverty line in national level is either 48 or 50, the percentage of tribal people below poverty line shall not be less than 70%. As such, the mode of living of tribal people is also below standard. In the same way their social way of life is also guided. Due to serious economic crisis education of tribal students is also badly hampered. Has ever the Government taken up effective measures to redress such critical problems of tribals ?

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EMPLOYMENT OPPORTUNITY

Job opportunity is also another most vital factor for demanding a separate state. In Assam, only 10% job reservation is provided for plains tribals. So, tribals can never get more than 10% jobs. Even that 10% job is also discriminated. Moreover, there are as many as 24 (twentyfour) tribes and sub-tribes in Assam. Again, allocation and appointment of jobs are given on the basis of political party and communal lines. So, Bodo medium students and youths are not given State jobs on the plea that they do not know Assamese. The State Govt. has set Assamese as a pre-requisite in State services violating the Articles 15 & 16 of Indian Constitution and clause No. 7 of Assam Official Language Act., 1960. Large backlogs of S/T reserved jobs are lying vacant till today, Whenever Separate State is created not less than 70% tribals will get jobs. The backlogs of S/T (plains) reserved quotas in Assam Government's employment can be seen from the following tables.

ASSAM (AS ON 31st MARCH, 1977)

No. of Total Employee—1,56,909.

No. of S/T (plains) Employee—10,262.

(Govt. Offices—6,337+In schools—3,925)

Percentage of S/T(P) Employee—6.5%

Percentage of S/T (P) Employee's backlogs—3.5%

(Source : Directorate of Economics & Statistics)

In Assam Government's secretariate itself the backlog of S/T (P) Employees can be seen from the following table :—

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EXPLOITATION BY NON-TRIBALS

A systematic as well as random exploitation and domination of Non-Tribal people is continuing upon the tribal people of Assam under the aegis of Assam Government. The plains tribal people have been and still being exploited by the Non-Tribals in the matter of land, education, culture, job opportunity etc. Non-Tribal staffs, officers & Administrators dominate and exploit the tribals in their own tribal areas. There is no effort or policy to check such exploitation from the end of Assam Government.

CRISIS OF IDENTITY

Not only development, but the basic question is survival, preservation and growth of ethnic identity of tribals and these are the most genuine factors of demanding a Separate State. The idea of Assamese movement on foreign national issue was also the same—the crisis of identity. The Bodos also want to survive their ethnic identity and here arises an ethnic clash between the Assamese and the Bodos. Without separation or division of Assam this ethnic clash will not meet an end. Therefore, separation is a must.

(I) ETHNICAL BASIS :

A Separate State can be created on the basis of ethnical consideration. As for instance, Mizos have got Mizoram, Khasis, Jyantias and Garos have got Meghalaya, Nagas have got Nagaland, Manipuris have got Manipur, Bengalis have got Bengal, Orias have got Orissa, Tamils have got Tamilnadu, Marathis have got Maharashtra, Sikhs have got Punjab and the like. So, Bodos and other ethnical tribes must get a Separate State. As such Assam should be divided further on the basis of ethnical consideration in between the Tribals & Non-Tribals.

Statement showing the representation of the Reserved Community S/T (P) in Assam Secretariate (C),

Year	Class of Service	Total strength	P. C. showing reserved Qts. in post in respect of S/T (P) 10%	No. of incumbents already employed reserved Community S/T (P)	P.C. of backlog in respect of the reserved Community S/T (P)
1	2	3	4	5	6
	Deputy Secy.	12	1.20	1	0.20
	Under Secy.	42	4.20	1	3.20
	Special Officer	1	0.10	Nil	0.10
	Stenographer R Gr.--I.	88	8.80	Nil	8.80
	Class-II Supdt.	118	11.80	2	9.80
	As on Class-III UDA	471	47.10	30	17.10
1986	Class-III LDA	610	61.00	32	28.0
	Steno. Gr. II.	60	6.00	2	4.0
	Steno. Gr. III	66	6.00	1	5.60
	Typist (Ordy.)	301	30.10	14	16.10
	Typist (Select Grade)	28	2.80	2	0.80
	Driver	59	5.90	5	0.90
	Record Supplier	13	1.3	Nil	1.30
	Grade-IV	832	83.20	17	66.20

Vide Personnel S. A. (E) Deptt. Letter Nos. (E) 19/77, 174 dt. 6.6.86. Interestingly, from the above table it is obvious, even in the Grade IV in Assam Secretariate the percentage of S/T (P) employees' backlog is 66.20%. Its it due to the fact that the tribal are inefficient even in Grade-IV jobs? Is it not deliberate and discrimination?

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LINGUISTIC AND CULTURAL HERITAGE

Bodos have a distinct and rich language and culture. Bodo is a medium of instruction upto the Secondary stage and an M. I. L. subject in Colleges of Gauhati University. It is also an Associate Official Language in Kokrajhar District and Udalguri Sub-division. The Gauhati University has introduced Bodo as a Diploma course. Bodo language has a rich literature. So, Bodo is a distinct and rich Tibeto-Burmese language.

Bodo culture is also rich and standard culture which is quite different from those of the Assamese. The mode of living, ways of thinking, food, religion, culture, beliefs of tribals and non-tribal Assamese are quite different and distinct. So, adjustment and assimilation of tribal languages and cultures with those of the Assamese is quite impossible in the present set up.

So, Assam should be divided on linguistic and cultural basis— one for tribal languages and cultures and the other for Assamese language and culture. The former Prime Minister of India Late Pandit Jawaharlal Nehru suggested re-organisation of states on linguistic basis and as such Assam also must be re-organised on linguistic basis.

GEOGRAPHIC, AREA AND POPULATION FACTOR

The proposed Union Territory has got all feasibility and it satisfies all criteria for a Separate State. It comprises a contiguous area starting from Sonkosh river—West Bengal-Assam border on the west to Sadiya on the east in the north bank of the Brahmaputra of Assam where the Plains Tribal people are mostly concentrated. The proposed Union Territory contains 42,96,000 tribal population out of total 64 lakhs tribal population in Assam. The tribal population is 70% of the total population in the proposed Union Territory. The proposed Union Territory comprises only the tribal major

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ity areas and excludes the non-tribal majority areas. Therefore, the proposed Union Territory area is a tribal compact area. On the other hand, natural boundary is not an overall necessary factor for creating a Separate State which is evident from the existing states. Even, Contiguity is also not a rigid factor for a Separate State as is evident from the undivided Goa, Daman, Diu Union Territory. As regards area, Assam and the proposed Union Territory will have enough area after the division of Assam as well. Population, we do have enough. Bodos alone constitute 40 lakhs population in Assam out of which 33 lakhs 50 thousand population will fall within the proposed Union Territory. Mizos have got a Separate State with merely 5 lakhs Mizo population.

The minority tribal population living in the south bank of the Brahmaputra should be given District Councils in the tribal compact areas for their minimum protection because, they will have to live in Assam after the creation of Union Territory in the north bank of the Brahmaputra.

POLITICAL PHILOSOPHY

(i) POLITICAL SELF-DETERMINATION :

The Plains Tribals of Assam must have to enjoy the internationally accepted principle of right to political self-determination. As such tribals must have a Self-Government in Assam. Let the Assamese also enjoy the right to political self-determination, survive and prosper in a Separate Homeland and the Plains Tribals also must be allowed to survive and prosper in a Separate Homeland. Political self-determination only will be able to bring complete and concrete political as well as all-round security to the Plains Tribals people of Assam. Alternative to that, nowhere the Tribals can feel safe and secure. A Separate State—a Homeland for Tribals only would be able to make the Tribals prosperous nationalities.

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PHILOSOPHY OF SMALLER STATES :

The idea and political philosophy of smaller states given by Late Jay-Prakash Narayan should be experimented. The smaller states should be made true federating units of India with more autonomy. This theory will solve the problems of communal clashes, unemployment to a great extent. The small Administrative units may also progress rapidly. Of course, a socialistic political philosophy, administrative set-up, economic structure and systems will be much more favourable for solving our multi-farious problems of India in a radical manner.

THE CONSTITUTION OF INDIA

What does the constitution of India provide in its preamble to the people of India? It guarantees democracy, liberty, justice, equality of status and opportunity, security to the people of India. Have the tribals got those guarantees? Definitely not.

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens :

JUSTICE, social, economic and political ; LIBERTY of thought, expression, belief, faith and worship ; EQUALITY of status and of opportunity ; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation ;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

The tribals have not got democracy, liberty and justice in true sense.

Tribals have been deprived of equality of status and opportunity and they have no security under Assam Government.

Article 2. Admission or establishment of new states.

Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.

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Art. 3 : Formation of new states and alteration of areas, boundaries or names of existing states.

Parliament may by law :—

a) Form a new state by separation of territory from any state or by uniting two or more states or parts of states or by uniting any territory to a part of any state, (b) increase the area of any state, (c) diminish the area of any state, (d) alter the boundaries of any state, (e) alter the name of any state.

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the states, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.

[Explanation I.— In this article, in clause (a) to (e), "State" includes a union territory, but in the proviso, "State" does not include a union territory.

Explanation II.— The power conferred on Parliament by clause (a) includes the power to form a new state or union territory by uniting a part of any state or union territory to any other State or Union territory.]

Art. 4. Laws made under articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.

1) Any law referred to in article 2 or article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary.

2) No such law as aforesaid shall be deemed to be an amendment of this constitution for the purposes of article 368.

The All Bodo Students' Union has been demanding to create a Separate Union Territory in the north bank of the Brahmaputra for the Plains Tribals of Assam under the provisions of Articles 2, 3 and 4 of Indian Constitution.

The Plains Tribals of Assam have not been allowed to enjoy the provisions of Articles 2, 3 and 4 of Indian Constitution wherein the provisions of creation of new states lay.

As such the Plains Tribals of Assam must be allowed to enjoy full Constitutional Rights and Provisions in true sense and thus should be allowed to grow according to their own merits and genius through the creation of Separate State. They must not be kept under the suppression for an indefinite period.

UNITY AND INTEGRITY OF THE COUNTRY :

As because we are demanding a Union Territory i.e. a Centrally Ruled State, the unity and integrity of the country will be strengthened rather than taking separatist trend. Where is suppression of people's will by brutal force may lead to counter productive. The Plains Tribals of Assam want to be ruled by the Centre but not by the biased Assam Government.

QUESTION OF HUMAN RIGHTS

What is meant by Human Rights ?

"The most important of Human Rights are those that protect the security of the person. Violation of such rights includes genocide, slavery, torture, cruel, inhuman and degrading treatment or punishment, arbitrary arrest or imprisonment, denial of fair trial and invasion of the home.

Second is that bundle of rights affecting the fulfilment of such vital needs as food, clothing, shelter, healthcare and education in the scheme of President Franklin Roosevelt's four Freedoms, Freedom from want.

Third, there is the right to enjoy Civil and Political liberties, these include not only freedom of speech, freedom of press, freedom of religion and freedom of assemble and to petition to redress grievances."

Human rights in the United Nations Organisation provides a covenant which runs, thus— "The Covenant on civil and political rights which came into force on 23rd March, 1976 ensures the right to life, liberty, security and privacy of person and the right to be protected from torture and other cruel inhuman or degrading treatment, The Covenant provides that person belonging to ethnic, religious, or linguistic minorities, shall not be denied, the right in community with other members of group, to enjoy their own culture, to profess and practise their own religion or to use their own language."

The Plains Tribal people of Assam have been denied these human rights by the Government of Assam in one or the other way. Excessive abuses of human rights have been committed by the State Govt. in respect of the Bodos of Assam.

Excessive police atrocities, raid, mass arrest, inhuman tortures are being continued upon the ABSU activists, supporters and Bodo people due to the present political movement for a Separate State. The state Govt. of Assam, Police forces are out to commit genocide of Bodos, and crush down the movement of tribals for a Separate Homeland.

A Bodo student Sujit Narzary was attacked and killed by chauvinist Assamese people at Tihu Chowk on the 12th June, 1987. Another ABSU volunteer Sri Subhas Basumatary had to lose one eye-sight due to that attack by Assamese chauvinist people.

Police forces shot dead two ABSU volunteers viz. Kabiram Basumatary and Alendra Basumatary at Lailanpara in Darrang District on the 9th Sept. 1987. One Shri Sobin Goyary was seriously injured by bullet in that firing.

Again, Police fired and shot dead one ABSU volunteer Obiram Mushahary and seriously injured one Shri Shadev Brahma near Serfanguri in Kokrajhar District on the 25th Sept, 1987.

So, Bodos have no security of life in Assam. Excessive Police torture on ABSU activists and supporters cannot be vividly described here. So, Bodos have no Human Rights in Assam. That is why a safer Homeland is a must.

SURVIVAL AND SECURITY OF BODOS :

As it is evident from above discussions, Bodos cannot survive in Assam, their language, culture, ethnic identity and security are in peril in Assam. As such to save Bodos and other tribals a Separate Homeland is a must. In a Separate Homeland only, the Bodos and other downtrodden tribals can get their linguistic, political, administrative and all-round Separate Homeland within the

COMPARATIVE STUDIES

Let us have a look at some small States of North Eastern Region, the Union Territories of Indian Union and some Sovereign Countries for comparative studies as to the Area, Population, Economic viability, Geographical and Historical factors with that of the demanded proposed Union Territory.

STATES OF NORTH EASTERN REGION

1. ARUNACHAL PRADESH

Area : 83,743 Sq. Km.

Population : 6,32,000.

Created Union Territory on 20-1-1972.

Recently Conferred full Statehood.

2. MEGHALAYA

Area : 22,429 Sq. Km.

Population : 13,35,819.

Created full State on 21-2-1972.

3. MANIPUR

Area : 22,327 Sq. Km.

Population : 14,20,953.

Formerly Princely State. Merged with Indian Union in 1949.

4. MIZORAM

Area : 21,081 Sq. Km.

Population : 4,93,757.

Created Union Territory on 21-1-1972.

Recently Conferred Statehood.

Why Separate State

5. NAGALAND

Area : 16,579 Sq. Km.
Population : 7,74,930.
Created State on 13th December, 1963.

6. TRIPURA

Area : 10,416 Sq. Km.
Population : 20,53,058.
Formerly Princely State. Merged with Indian Union on the 15th October, 1949.

7. PROPOSED UNION TERRITORY (DEMANDED)

Area : 25,478.1 Sq. Km.
Population : 61,37,914 (Provisional)
Not yet created.

8. REST ASSAM

Area : 53,044.9 sq. km.
Population : 1,63,61,086.
Yet to be divided further.

Out of all the States of North Eastern Region except that of Assam, the demanded Proposed Union Territory will be more economically viable State than those of Arunachal Pradesh, Mizoram, Nagaland, Meghalaya etc. because, all these are Hills States with hilly terrains while the proposed Union Territory has extensive fertile agricultural lands from Sankosh to Sodiya. On the other hand, the proposed Union Territory has resources of forests and timber, Flora and Fauna, Tea Gardens and Petroleum Industry etc. Historical and Geographical factors for the creation of proposed Union Territory are self-evident. Tribal compactness was shattered only through calculated administrative convergence and infiltration of non-tribals into tribal areas, and Belt Blocks which require to be cared.

Let us look again at the small Union Territories of Indian Union and judge how they have been economically viable.

UNION TERRITORIES OF INDIAN UNION.

1. LAKSHADEEP :

Area : 32 sq. km. ; Population : 40,249.

2. ANDAMAN & NICOBAR

Area : 8249 Sq. Km. ; Population : 1,88,741.

3. DADRA & NAGAR HAVELI

Area : 491 Sq. Km. ; Population : 1,03,676.

4. PANDICHERY

Area : 492 Sq. Km. ; Population 6,04,471.

By the latest Goa has been conferred Statehood which is also very small in its area.

So, what constitutes the criteria for creating a State or Union Territory? Geographic, Historic, Political, Administrative and Economic viability factors or what? While Goa, Daman, Diu had been Union Territory together geographical contiguity factor was not taken into consideration. So, geographical contiguity also cannot be the factor of creating a Separate State.

Of course, all these factors are satisfied in respect of the proposed Union Territory.

Again, let us see how some small countries in the world have been economically viable and Independent and Sovereign.

INDEPENDENT COUNTRIES

1. NAURU

Area : 20.9 Sq. Km.

Population : 8421.

Location : Central Pacific

2. SAN MARIO

Area : 61 Sq. Km.

Pop : 50,000.

Loc : Adriatic side at the tip of Italy.

3. MALTA
Area : 316 Sq. Km.
Pop. : 3,80,000
Loc. : Cental Mediterranean Sea.
4. MONACO
Area : 195 Sq. Km.
Pop. : 27,063
Loc. : France's South-eastern Mediterranean coast.
5. MONTSERRAT
Area : 102 Sq. Km.
Pop. : 12,074
Loc. : Leeward Island
6. MALDIVES
Area : 298 Sq. Km.
Pop. : 1,68,000
Loc. : Indian ocean.
7. MACAO
Area : 15.5 Sq. Km.
Pop. : 2,61,680
Loc. : South China.
8. BERMUDA
Area : 53.3 Sq. Km.
Pop. : 54,893
Loc. : Western North Atlantic.
9. TUVALU
Area : 26 Sq. Km.
Pop. : 7349
Loc. : Western Pacific Ocean.
10. ANTIGUA & BARBUDA
Area : 280 Sq. Km.
Pop. : 79,000
Loc. : Islands in West Indies.
11. ST. KITTS-NEVIS
Area : 269 Sq. Km.
Pop. : 44,109
Loc. : Two islands in East Carribean.
12. VATICAN CITY STATE
Area : 0.4 Sq. Km.
Pop. : about 1000
Loc. : Inside the City of Rome.

Such examples of small Independent Countries can be given further. So, observing their Area, Population, Economic viability, Sovereignty, why cannot our proposed Union Territory be created within the Union of India? What is the harm if it is created?

A NATIONALITY ISSUE

The Problems of Bodos and the demand and movement of Bodos and other downtrodden Plains Tribals of Assam are nothing but a Nationality Issue. The Bodos have a genuine aspiration to establish a distinct Bodo Nationality and to get recognition in the world as a civilised and advanced Nationality. Without a Separate State it is not possible. As for example, a Bodo Cultural Party which won the first prize in National competition held at Hyderabad and was selected for sending to Moscow in Festival India was dropped by Assam Government and Assamese Bihu Cultural Party was sent in its place. On the other hand, Bodo cultural programmes have been exhibited as Assamese Bodo dance or like that as was done in the last Apna Utsav held in New Delhi. The first Bodo documentary film 'DAINA' was also recognised as Assamese Bodo language film and many instances are there.

FOR PEACE AND PROGRESS

Creation of a Separate State for the Plains Tribal people of Assam only will be able to bring peace for the Tribals of Assam and the ethnic clash between the Assamese and Tribals will meet an end. That is, both the Tribals and the Assamese will get peace only through division of Assam. No peace will come in Assam unless Separate State for Plains Tribals is created.

Further, it is obvious that a Separate Tribal State can bring rapid progress to the Plains Tribal people of Assam rather than the Anti-Tribal Assam Government. If the Tribals can achieve rapid progress,

Why Separate State

that all will be a part and parcel of prosperous India. India will be advanced only when the backward communities can march forward towards progress.

Needless to speak that creation of a Separate State for Tribals will evolve broad avenue for job opportunities for hundreds of thousands of Tribal youths and thus will bring sound economic condition to thousands of Tribal families. That Administration too will not be Anti-Tribal as because Tribal officers will be available to administer impartially at the instance of the new Government under the Separate State. As such, Progress will be rapid.

THE NEED FOR POLITICAL POWER

What a nationality needs for redressal of all its grievances is the Political power. Without political power, also a nationality cannot grow as a distinct nationality.

(i) FINANCIAL POWER :

For the solutions of the Bodos and other Plains Tribals a special financial assistance is necessary. But, the Plains Tribals of Assam has no Separate Financial Power to redress their grievances. So, the tribals must get a Separate Financial Power for their development.

(ii) ADMINISTRATIVE POWER :

The Plains Tribals of Assam have no Separate Administrative Power of their own and they have been very badly discriminated by the Administration of Assam Government. Their state is just like underdog in Assam. So, a Separate Administrative set-up is necessary for the Plains Tribals of Assam.

(iii) POWER TO LEGISLATION :

The Problems of the Plains Tribals require many special legislation for their protection of language, land, ethnic identity and culture etc. which the Plains Tribals lack in Assam. It is one of the most important factors for a Separate State.

(iv) EXECUTIVE POWER AND INDEPENDENCY :

An Executive Power is : must to carry out independently the schemes for the development and security of the Plains Tribals of Assam. So, the ABSU does not want any arrangement within Assam, autonomy or sub-state within the State Assam. The arrangement must not be subordinate to Assam.

So, a Separate State with the status of Union Territory with FINANCIAL, ADMINISTRATIVE, LEGISLATIVE AND EXECUTIVE POWERS is a must for the Plains Tribals of Assam.

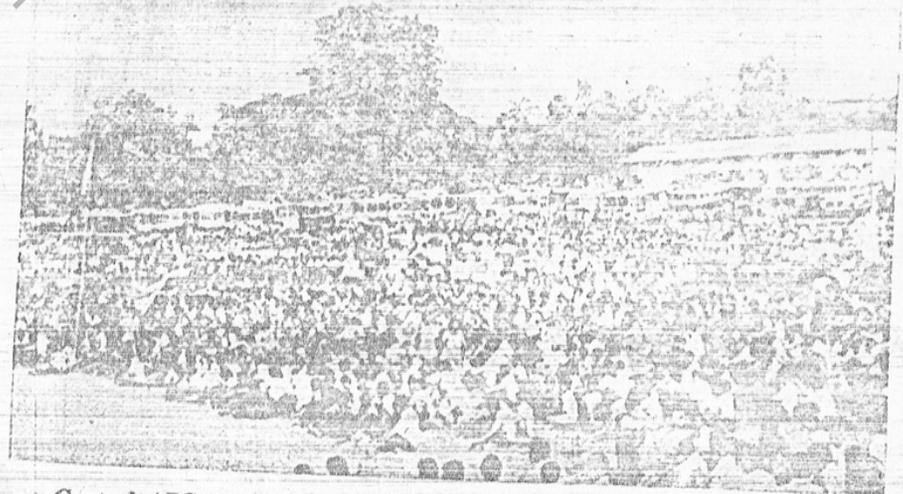
THE MOVEMENT FOR SEPARATE STATE

The All Bodo Students' Union (ABSU) has been launching a democratic, peaceful and non-violent movement the 2nd March, 1987 for the creation of a Separate Union Territory for the Plains Tribals of Assam in the north bank of the Brahmaputra, creation of District Councils in the Tribal Compact areas in the south bank of the Brahmaputra, inclusion of Bodo-Kocharis of Karbi-Anglong into the sixth schedule of Indian Constitution and other 89-point demands.

A GLANCE AT THE ABSU MOVEMENT

1st Phase : 2nd March, 1987.

Held Mass Rallies in the levels of District Committees, ABSU.
Declaration of starting of Mass Revolution.



Why Separate State

Central ABSU Mass Rally at Judge field, Gauhati on June 12, 1987.

Why Separate State

2nd Phase : 3 March, 1987.

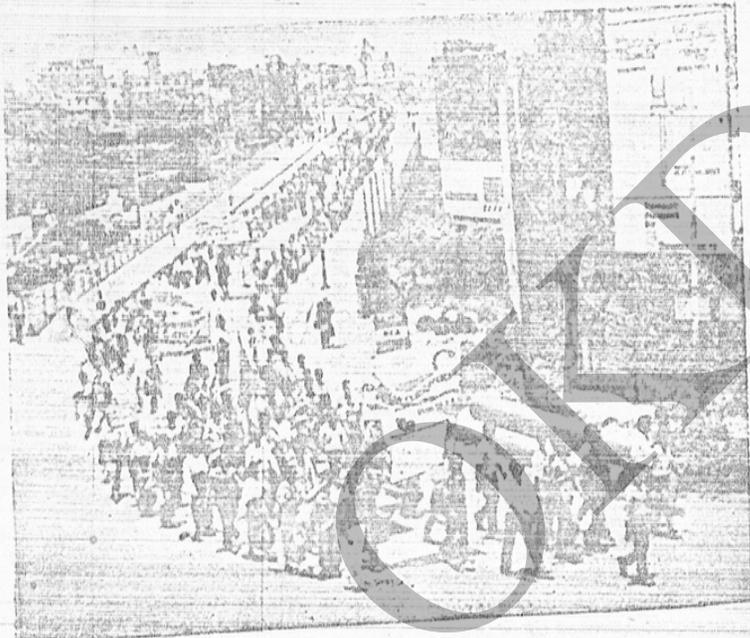
Mass demonstration in front of D.C., S.D.O. and S.D.C. Offices and submission of Copies of Memorandum which were submitted to the President and the Prime Minister of India and the Chief Minister and the Governor of Assam.

3rd Phase : 13th April, 1987.

Anchalik Committee (ABSU) Level Mass Rallies throughout the State of Assam.

4th Phase : 12th June, 1987.

Central ABSU Mass Rally at Judge Field, Gauhati. That was the ever largest Mass Rally at Gauhati held by the Bodos of Assam.



Procession at Gauhati on June 12, 1987.

Sujit Narzary, a class X student of Kokrajbar Higher Secondary School was attacked and killed by the chauvinist Assamese people at Tihu Chowk while he was returning to Kokrajbar after attending the Rally at Gauhati. He is the first Martyr of ABSU's movement for Separate State. Sri Subhas Basumatary lost one eye in that attack.

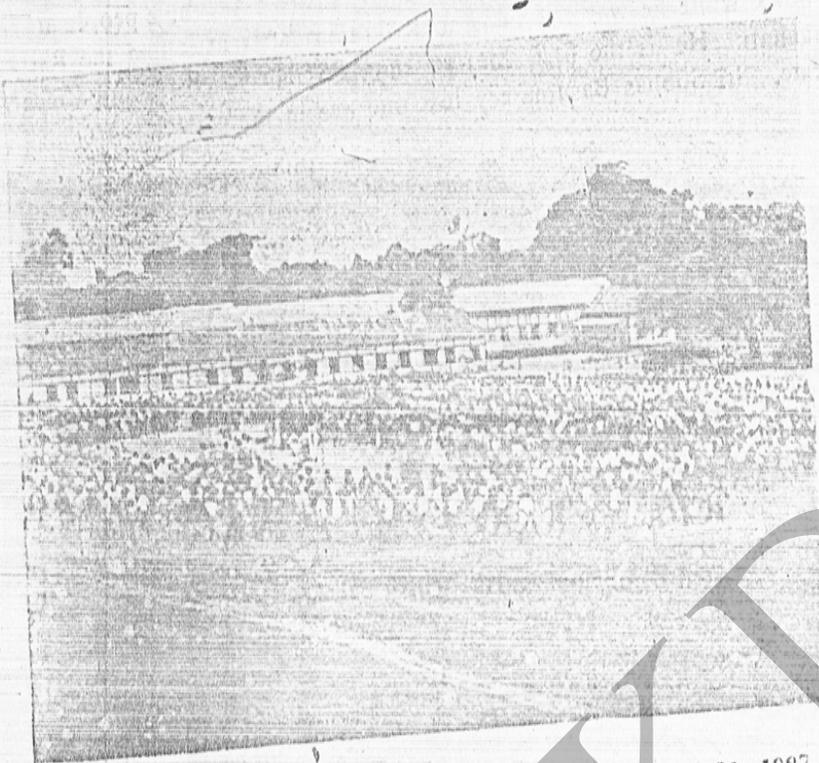


Cremation of Sujit Narzary who was murdered by chauvinist Assamese people.

16th June, 1987 : Protest day against the killing of Sujit Narzary by the chauvinist Assamese people. Rallies, boycott of classes, submission of Memorandum, wearing of black badges were the parts of the protest day.

5th Phase : 2nd July, 1987. Central ABSU Mass Demonstration in front of Janata Bhawan, Dispur.

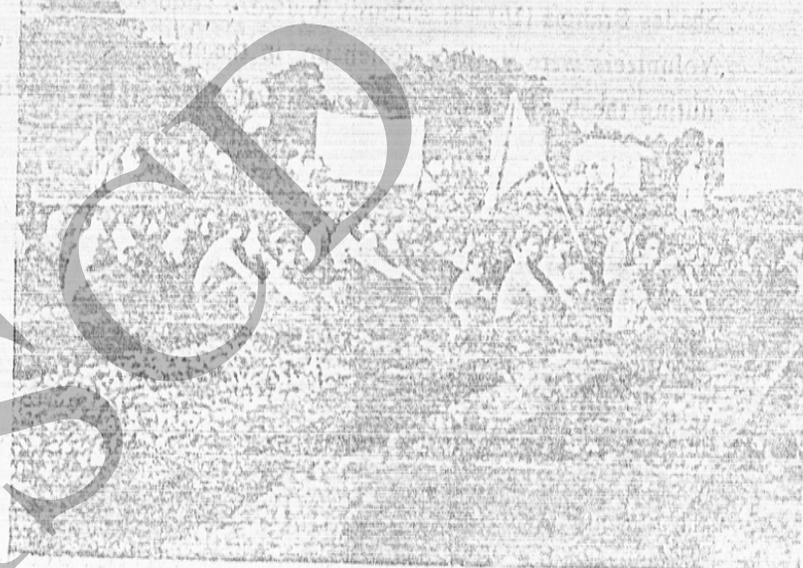
6th Phase : 21st July, 1987. Mass Dharmayogna (Religious Prayer) and oath taking for Separate State in District Committee levels. ABSU activists and supporters prayed the Almighty God and took oath to "Do or Die" for a Separate State. The Prayers were performed through their traditional Bathou, Brahma and Christian religious methods.



Dharmayogna and oath taking at Kokrajhar on July 21, 1987.

7th Phase : 10th August, 1987. Mass Hunger Strike in front of D.C., S.D.O. & S.D.C. Offices. Thousands of ABSU volunteers were arrested.

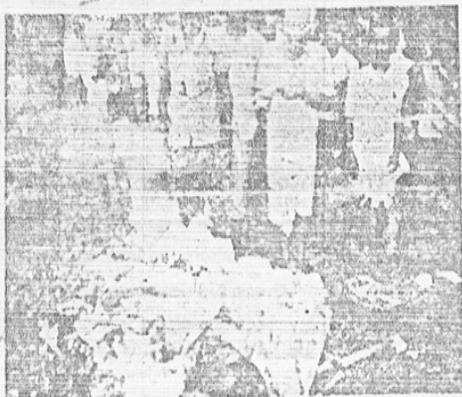
8th Phase : 27th August, 1987. 12-hour Tribal Area Bandh which was spontaneous and a grand success throughout the State of Assam. Hundreds of ABSU volunteers were arrested and tortured.



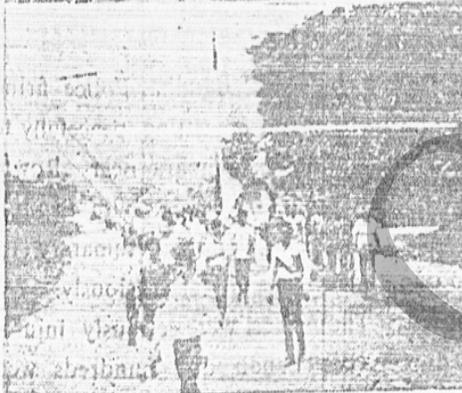
ABSU Volunteers blocking railway at Kokrajhar during 12-hour Tribal Area Bandh.

9th Phase : 9th Sept., 1987. 24-hour Tribal Area Bandh. Police firing upon peaceful ABSU Volunteers who were sitting peacefully to block the 52 National Highway at Lailangpara near Rowta Chariali in Darrang District at about 2-30 P. M. of 9th Sept./87 killing Kabiram Basumatary (28) and Alendra Basumatary (18) on the spot and injured one Shri Sobin Goyary seriously. The Bandh was a grand success. Thousands, were seriously injured in Police lathicharge during the bandh and hundreds were arrested and tortured after the bandh.

10th Phase : 24th & 25th Sept., 1987. 36-hour Tribal Area Bandh Police firing a National Highway near Serfanguri in Kokrajhar District at about 8-45 a.m. on the 25th Sept., 1987 killing Obiram Mushahary (25). He was shot dead from behind. One Shri Shudev Brahma (16) was seriously injured. Thousands of ABSU Volunteers were heavily beaten up in the police lathicharge during the bandh and arrested and tortured after the bandh.



Top : Dead body of Obiram Mushahary who was shot dead in police firing during 36-hour Tribal Area Bandh.



bottom : Silent procession with dead body.

3rd Oct, 1987 : Protest rallies in Anehalik ABSU Committee levels against the police firing, atrocities and killing of ABSU Volunteers. The District Administrations tried to prohibit the rallies by imposition of section 144 of Cr. P. C. but failed.

11th Phase : 12th Oct, 1987. Mass crying for Separate Homeland was observed in village levels where thousands of villagers participated.

12th Phase : 28th Oct., 1987. Cultural Rally and Procession at important public places throughout the state of Assam. Bodo culture and traditional musical instruments were exhibited in the rally.

13th Phase : 10th & 11th Nov., 1987. Mass Demonstration at Boat Club, New Delhi.

14th Phase : 26th to 28th Nov, 1987. 48-hour Rail Roko.

15th Phase : 9th to 11th Dec, 1987. 48-hour National Highway Bandh.

PRESS CLIPPINGS

THE INDIAN NATION

Published from Patna, Saturday, June 20, 1987.

Tribal Unrest in Assam

by Ghanshyam Pardesi.

The Bodos are the second group of tribals in Assam who are demanding a separate state. In the last newsletter we had discussed the problems of the Karbis who are a hill tribe. The Bodos occupy most of the Assam Plains on the north bank of the river.

The Bodo country starts right from the West Bengal-Assam Border in the Western Assam and ends at Sadiya in the extreme north eastern Assam. Last week as a part of the agitation the Bodo Students Union organised one of the biggest rallies ever held in Guwahati by Assam's tribals.

Men, women clad in the traditional Bodo costumes and students from all over Assam assembled in the city to participate in the rally. More than ten thousand people walked the city streets in a three kilometer-long procession. Their

main slogan was 'divide Assam 50 : 50'.

The growing feeling of alienation among Bodo is chiefly due to the 'anti-tribal attitude and policies of the past and the present Assam governments' says Mr. Upendra Nath Brahma president of All Bodo Students' Union (ABSU). Our biggest problem is the land problem. If all our land passes into the hands of the non-tribals where would the Bodos go "he complains.

At many places along the national highway I saw the huge signboards on which the Bodo demands were written. We want a separate homeland Mr. Brahma says. The alienation and the separatist tendencies have increased during the 16-month long rule of the Asom Gana Parishad Government.

Why Separate State

To-day nearly 60 percent of a total number of four million Bodos and other plains tribals are estimated to be landless. Since more than 90 percent of them depend on land directly the increase in the population and the division of ancestral land among brothers have reduced the size of landholdings. Thus many landless Bodo peasants who earlier made a living out of the ADHIYAR SYSTEM are now of business. This has forced thousands of Bodos to enter the reserved forests which abound in their territory.

The problem has been further complicated by the government's policy of allowing non-tribals to settle down on the protected tribal lands. In 1971 about 5400 highas of forest land cleared of trees was opened for settlement in the Amtika forest range area near the Bhutan border. But the government also decided to settle 20,000 Hindu Bengali refugee families in the area.

Since then thousands of Bangladeshis have managed to bribe their way into the unreserved area. To-day the position is like this: around 60 percent of the total number of settlers are the non-tribal Bangladeshis; one-fourth of about 12,000 are Bodo families.

Why Separate State

There was a great rush of the Bangladeshis in 1976 to the Amtika area. This was a time when many tribal families were leaving the area and moving to Bishmuri forest range near the national highway and closer to the Bodo majority area. The Bangladeshis have settled in the area with the connivance of the Assamese forest revenue and police officers.

Later in 1984 the landless Bodos again came to Amtika area. But by this time there was no land available. The lakhs of non-tribals have no business to be in the protected tribal belt. Mr. Brahma says. The non-availability of land in the unreserved forest area has compelled the Bodo to move into the reserve forest areas nearby.

Around 17000 families are today living in the reserved Amtika forest area along the Thakial river coming from Bhutan. This reporter spent a day and a night in the forest area to understand the Bodo problem. Though the living conditions are very bad the encroachers do not seem to have any other option. They are in a minority in this area. Also the poorest.

In comparison, the Nepali and the Bengali settlers are far more prosperous. They have received political protection from the past Congress-I

governments and control it from the officials. The tribal absolutely no political protection they are opposing the government also they have no protection

On the contrary they are facing the constant threat of eviction. In fact in May the forest and police officials carried out an indiscriminate violent campaign in the forest area. They destroyed the small mud huts of the tribals broke their utensils and took away the chickens.

These incidents took place in Amtika area in the Bitni village; Shibara, Bhadbaranpur, and Dharampur villages in Bishmuri forest range and Lakhipur village in the same range.

Evictions and the constant fear that any time the police might enter their homes have forced the poor tribals to join the Separatist movement.

This reporter toured the Bodo countryside for five days and met a cross section of the Bodos: intellectuals, landless peasants, big landowners and a large number of students. It was quite evident that in the past one year or so the movement for a Separate Union territory has gained sufficient momentum.

The Bodos feel that the political power is necessary to safeguard their lands and the cultural identity. Apart from this the area has not economically developed. It has remained an appendage to the main Assamese land mass in the valley and has received secondary attention from the Assamese rulers.

The present Assam government has adopted a hard line. The government is using, the students said naked police power to terrorise us instead of solving our problems politically—? This writer also feels that the government is following a counter-productive policy.

In the past few months the police has arrested many ABSU activists and has raided many homes to drive away the student workers into hiding in the forests. This may eventually force the students to go underground. In one case that was the house of ABSU assistant general secretary Mr. Garla Batha Basumatary the police party enjoyed pouring kerosene on 400 kilograms of rice and 500 kilograms of paddy which had been stored for future use. This is considerable loss for a farmer's family.

THE HINDU

Delhi Edition, January 29, 1987.

Separate Union Territory for Bodos demanded in Assam.

From Our Staff Reporter

New Delhi, Jan. 28.

A nine member delegation of the All Bodo Students' Union (ABSU) Assam which called on the Prime Minister, Mr. Rajiv Gandhi recently has demanded through a 25-point memorandum, the creation of a Union Territory for the plains tribal people of Assam in the northern valley of Brahmaputra. The Bodos number 40 lakhs of the two-crore population of Assam on the basis of their language affinity.

Addressing a press conference here today the President of the ABSU, Mr. Upendra Nath Brahma said the partisan and discriminatory policies being pursued by the Asom Gana Parishad (AGP) government has injected a sense of insecurity among the plains tribals in the State. The only alternative course to ensure their security and development was the creation of a separate

administrative unit with the status of a Union Territory.

In his meeting with the ABSU leaders on January 22 the Prime Minister reportedly promised to examine their demands. Subsequently the delegation had a meeting with the Union Home Minister, Mr. Buta Singh, who promised to intervene in the matter of alleged eviction of thousands of indigenous tribals by the AGP Government on the pretext of encroachments.

Besides the creation of a union territory the memorandum was for extending the Sixth Schedule of the Constitution to the tribal compact areas in the southern valley of the Brahmaputra, including Bodo-Kocharis of Karbi Anglong in the Sixth Schedule or creating a regional council for the non-Karbi tribes such as Bodo and Rengma Nagas within Karbi Anglong Autonomous

the Centre would intervene was a perplexing question before the Bodos. The union leaders stated that 14,000 tribal families were already served with eviction notices by the Assam Government in order to 'protect' the forest land.

There are three important organisations of the tribal people in Assam—All-Bodo Students' Union (ABSU), United Tribal Nationalist Liberation Front (UTNLF) and the Plains Tribal Council of Assam (PTCA).

The UTNLF is supporting the demands of the ABSU, including the creation of a separate state under Articles 2 and 3 of the Constitution. But the PTCA, according to the ABSU leaders, is likely to accept some kind of an "autonomous region" under the Sixth Schedule of the Constitution. "Here we differ from the PTCA. It has given up its earlier demand for a separate state-Udayachal. It has betrayed the people," said Mr Brhama,

THE NEW STATE AND GOVERNMENT

There will be a Legislative Assembly and Council of Ministers in the proposed Union Territory. The Union Territory shall have financial, administrative, legislative, executive and political power to safeguard the interests of the Plains Tribals.

A Lt. Governor will be appointed by the Centre in the Union Territory.

No. of total villages in the proposed Union Territory : 10,000 (approx)

No. of Total village, in Assam : 22,000 (approx); 21,995 (1971 census).

No. of total Tribal villages to be included in the proposed Union Territory : 8,500 (approx).

No. of total Tea Gardens in Assam : 780 (Provisional)

No. of total Tea Gardens to be included in the proposed

U.T. 400 (approx)

No. of Oil Refinery : 1 (Bongaigaon Refinery & Petrochemicals)

No. of Thermal Project : 1 (Bongaigaon Thermal Project, Salakati)

Total Reserved Constituencies of Legislative Assembly for Plains Tribals in Assam : 12.

Total S.T. (P) Reserved constituencies of Legislative Assembly to be included in the Union Territory : 9.

Total S.T. (P) Reserved Parliamentary Constituency to be included in the Union Territory : 1 (Kokrajhar).

No. of Police Stations : More than 22.

Natural Resources : Vast valuable forest area including Manas Game Sanctuary falls within the Union Territory.

Food Staff : Vast granary area falls within the proposed U.T.

No. of Colleges : Not less than 15.

Why Separate State

Why Separate State

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