

**BODOLAND TERRITORIAL COUNCIL SECRETARIAT:.....BODOFA NWGWR:.....KOKRAJHAR
PLANNING & DEVELOPMENT DEPARTMENT**

No. BTC/P&D-61/2013/14

Dated Kokrajhar, the 11th July 2013.

From : Shri M C Sahu IAS,
Principal Secretary,
Bodoland Territorial Council,
Kokrajhar.

*Pl. make a copy & give
to D(SFC) and to Shri Dutta
Consultant.*

To : Shri. M.P. Bezbaruah, IAS(Retd.)
Chairman, 5th Assam State Finance Commission,
Finance Department, Dispur, Guwahati-6.

Return this copy to me

*MLA
13/7*

Sub : The Status note in connection with 5th Assam State Finance Commission.

Sir,

I have the honour to inform you that a brief note on present status of the Urban and Rural local bodies of Bodoland Territorial Council area have already submitted to the Commissioner and Secretary to the Govt. of Assam, WPT&BC Department vide this office letter No. BTC/P&D-61/2013/11, dtd. 26-07-2013. However, a copy of the said status note is submitted herewith for favour of your kind necessary action.

Enclose: As stated above.

Yours faithfully,

[Signature]
Principal Secretary
Bodoland Territorial Council,
Kokrajhar

*SRO(MS)
15/7/13*

**Status note on Rural and Urban Local Bodies under BTC area to the 5th Assam
State Finance Commission**

Bodoland Territorial Council (BTC) was created in the year 2003 by enacting the Sixth Schedule to the Constitution of India (Amendment) Act, 2003 (Act 44 of 2003), and accordingly the four districts of Assam namely Kokrajhar, Chirang, Baksa and Udalguri falls under Bodoland Territorial Council and are administered under the provision of the Sixth Schedule to the Constitution of India.

Just before the creation of the BTC, the areas now falling under the BTC had similar Rural and Urban Local Bodies as were prevalent in other parts of Assam at that point of time. However, as Chapter IX and Chapter IXA of the Constitution of India, which are meant for Panchayats and Municipalities respectively, are not applicable in the Sixth Schedule areas as per Article 243M(1) and 243ZC(1) respectively, the Constitutional provision to mandatorily have the Rural and Urban Local Bodies was no longer there.

However, soon after its creation, the BTC realized the need to have both Rural and Urban Local Bodies. Accordingly, in place of the Gram Panchayats (or Gaon Panchayats), BTC created Village Council Development Committee (VCDC) having bodies nominated by the BTC. Similarly bodies for all existing Town Committees and Municipal Boards were also formed with nominated members. These nominated bodies discharges the functions of Gram Panchayats and Town Committees. Having nominated members for the local bodies was only the beginning and the next step was to have elected bodies. As Panchayat & Rural Development and Urban Development-Town and Country Planning are departments for which BTC is empowered under Paragraph 3-B of the Sixth Schedule to make laws, BTC passed the Bodoland Municipal Rule, 2009 and the Bodoland Village Council Act, 2012 with provisions for elected Urban and Rural Local Bodies respectively. It may be mentioned here that the Bodoland Village Council Act, 2012 has provision for only single tier elected Rural Local Body (corresponding to Gram Panchayat). As per Paragraph 3(3) of the Sixth Schedule, laws enacted by the BTC shall have no effect until assented by the Governor. These laws, having been passed by the BTC, have been submitted to the Govt. of Assam for obtaining the assent of the Governor, which is still awaited. Hence, the transition from nominated bodies to elected bodies could not take place till date, but the bodies continue to exist and discharge its functions.

As of now, Bodoland Territorial Council has 415 nos. of Village Council Development Committees in place covering all rural areas. For urban areas, there is one Municipal Board namely Kokrajhar Municipal Board, which was created initially as Town Committee in the year 1956 and was later upgraded to Municipal Board in the year 1970. In addition, there are 5(five) Town Committees namely Gossaigaon Town Committee (created in the year 1973), Bijni Town Committee (created in 1971), Basugaon Town Committee (created in the year 1973), Tongla

Town Committee (created in 1962) and Udalguri Town Committee (created in the year 1985). The Village Council Development Committees are functioning without any regular staff of its own. The officers and staffs of Block Development Offices are providing necessary assistance to the extent possible. For effective discharge of the duties of the Village Council, a proposal has been submitted to the Govt of Assam for creating basic staff structure for the Village Councils, which is pending with the State Govt. It may be stated here that posts in transferred departments of BTC are created by the State Govt. The Municipal Board and Town Committees are functioning with their own officers and staff. They are themselves bearing the burden of salary from whatever revenue they are generating. Though these urban bodies are discharging same functions as other general area Municipal Boards and Town Committees, they are not getting any assistance from State Government.

From the above, it is evident that BTC area has similar Rural and Urban Local bodies as in other parts of Assam. One major difference is that there is no provision of Anchalik Panchayat (Block Level) and Zila Parishad (District Level) in Bodoland Village Council Act, 2013. The nominated body will change elected body for both Rural and Urban Local Bodies once the Acts/Rules passed by the BTC is assented by the Governor. Post creation for the Village Councils will help bring structure and functional autonomy to the Village Councils.

One of the main objective of the Fifth Assam State Finance Commission (5th ASFC) is to make recommendation on the matter of principle which will govern distribution between the State and Rural and Urban Local bodies of the net proceeds of the taxes and duties levied and collected by the State. The taxes and duties are levied and collected by the State in BTC area also, so there is no doubt that due share of it must also come back for the benefit of the Rural and Urban Local bodies of BTC also. The fact that no such share was given to BTC area by the earlier ASFC may be kept in mind and necessary steps may be taken to compensate the same. The 5th ASFC is also to make recommendation on the measures needed to improve the financial position of the Rural and Urban Local bodies. The Rural and Urban Local bodies of BTC area also needs financial strengthening.

Hence, it is placed before the 5th ASFC that recommendation for BTC area must also be made by the Commission in similar pattern as will be made for other parts of Assam. In fact, having been deprived by earlier ASFC and considering the facts that areas like BTC deserves more thrust than other developed parts of the State, the Commission is requested to suggest suitable mechanism for corrective measure. The fact that the Rural and Urban Local bodies in BTC are not having elected members, but nominated members should not have any bearing on the recommendation by the Commission for two reasons- (1) the task that is being performed by the nominated bodies are the same as being done by elected bodies elsewhere, and (2) election has not yet been held not for BTC but because the Act/Rule passed by the BTC and submitted to the State is not yet assented by the Governor.

Handwritten signature or initials, possibly "M. K. (1)".