

**GOVERNMENT OF ASSAM**  
**WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES DEPARTMENT**  
**DISPUR: GUWAHATI - 781006.**

No. TAD/BTC/222/03/51

Dated Dispur, the 16<sup>th</sup> October, 2004.

**OFFICE MEMORANDUM**

Whereas in pursuance to the memorandum of Settlement (MOS) reached between the Govt. of Assam, Govt. of India and Bodo Liberation Tigers on the 10th day of February, 2003 in New Delhi, in presence of the Deputy Prime Minister of India, it has been agreed to create Bodoland Territorial Council within the framework of amended Sixth Schedule of the Constitution of India, and

Whereas the Govt. of Assam, vide notification No. TAdBTC/161/2003/6, dated 31st October, 2003 adopted and approved the afore-said MOS and resolved to extend executive powers to the 40 (forty) subjects/Dept.s listed in Annexure - III of the MOS, and

Whereas the Governor of Assam has been pleased to entrust and delegate the functions relating to 39 (thirty nine) subjects/Dept.s, (excluding Relief & Rehabilitation Dept.) listed in para 3 (B) of the Sixth Schedule (as amended) of the Constitution of India and to which the executive powers of the State of Assam extends,

Now therefore, the following administrative procedure and modalities are framed by the State Government in consultation with the Bodoland Territorial Council for the purpose of day-to-day administration in respect of the thirty nine subjects/departments (excluding Relief & Rehabilitation) referred to above -

- (A) In order to enable the Bodoland Territorial Council to finance the expenditure of the thirty nine entrusted subjects/ departments without difficulty, the Government of Assam shall make Plan funds available as advance under the Head "8443-K-Deposits & Advances - (B) deposit not bearing interest - 8443 Civil deposit-K Deposits (Personnel) deposit (BTC)". The State Government of Assam shall release the funds on a six monthly basis in April and October of each financial year subject to the availability of resources with the State Govt. The Council shall submit the detailed accounts every month to the Accountant General, Assam, to make necessary adjustment by debit to the appropriate Head of Account of the State Budget
- (B) The Council shall ensure that the existing rules, instructions, norms, guidelines etc. of the Govt. of India and the State Govt., governing the implementation of the plan schemes relating to the

entrusted subjects/departments and other matters including non-plan matters relating to the entrusted subjects/departments are followed strictly till the Council frames Rules for the purpose in terms of the provisions of the Sixth Schedule to the Constitution of India, it being understood that the Rules, direction etc. of the Govt. of India, Comptroller and Auditor General of India and other sound financial management/principle shall always be followed.

- (C) The State Govt. would decide the modalities for the transfer of plan and non-plan funds to the BTC in due course of time.
- (D) The council shall be responsible to the State Legislature in all matters relating to the funds transferred to the council and for this purpose, the Principal Secretary and other Secretaries to the Council shall be made available for examination by the Public Accounts Committee and other Committees of the State Legislature.
- (E) The Council shall appoint a Principal Secretary who shall be an officer in the rank of Commissioner & Secretary to the Govt. of Assam, and for this purpose, the Govt. of Assam will place the services of an IAS, officer of Assam Cadre, of this rank, at the disposal of the Council. The State Govt. will make available the services of officers in the rank of Joint Secretaries to the Govt. of Assam for appointment as Secretaries to the Council. The State Govt. will also make available Deputy Secretaries, Under Secretaries from the Assam Civil Service and from Technical Departments as may be required for appointment of Joint Secretaries and Deputy Secretaries respectively of the Council. The services in the rank of EAC from Assam Civil Service and officers of equivalent rank from technical department also would be placed at the disposal of the Council for appointment as Under Secretaries. All these officers shall be on deputation from the State Government to the Council as per usual terms and conditions and their services shall be placed at the disposal of the Council with prior consultation with Council.
- (F) The executive functions of the BTC shall be exercised through its Principal Secretary. The sanctioning powers of the Govt. of Assam shall be vested with the Principal Secretary of BTC and sanctioning powers of the HODs, including the power of technical sanction shall be conferred on the senior most officer of that Dept. preferably not below the rank of Addl. Director, who may be desired as Director of BTC for the Dept. The Principal Secretary and other officers shall exercise their powers under the overall guidance and supervision of BTC.
- (G) The BTC shall have full control over the officers and staff connected with the entrusted subjects, working in the BTC area and shall be competent to transfer these officers and staff within the BTC area. ACRs of these officers shall also be written by the appropriate BTC authority.
- (H) BTC shall be competent to make appointment on all posts under its control in accordance with the Rules of appointment followed/prescribed by the Govt. of Assam. The Council shall constitute a Selection Board for appointment to be made by it and shall also make Rules, with the approval of Govt. of Assam, to regulate appointments. All circular relating to the filling up of vacancies and appointment issued by Govt. of Assam from time to time, shall be followed fully.

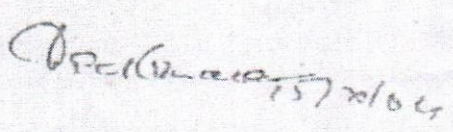
However, the posts where recruitment is to be made on the recommendation of APSC, shall not be covered under this provision.

- (I) The Chief Executive Member/Executive Member/Principal Secretary/Secretary to the Council shall be competent to initiate /review/accept the Annual Confidential Reports (ACRs) of all the officers and staff placed under the administrative control of the Council. The administrative control of the Council over the officers and staff at its disposal shall be complete in all matters of intra Council transfer and posting. As regards disciplinary actions, against the officers and staff of the entrusted subjects/ departments, the Council shall exercise the powers as the Borrowing Authority and the State Govt. shall exercise powers as the lending authority and both the State Govt. and the Council shall follow the relevant rules, regulations etc. of the respective service rules.
- (J) The State Government shall consult the Council, while posting and transferring the officers of the entrusted subjects/departments in or out of the Council. The officers and staff not released by the Council shall normally not be accepted by the State Government. Before deputing any officer or staff, the Govt. shall provide a panel of names, enabling the Council to select and accept the same. The State Govt. shall take necessary action under the relevant rules and procedure against the officers and staff, found involved in any prima-facie case of misconduct/dereliction of duty etc. during the period of deputation to the Council and even after they are repatriated to the State Govt. In case of any difference of opinion between the State Govt. and the BTC on such matters, a reference will be made to the WPT & BC Dept. for final decision.
- (K) The salary and allowances of the Principal Secretary and other Secretaries / Deputy-Secretaries as well as the officers and staff of the entrusted subjects / departments who are on deputation to the Council shall be paid by the Council and necessary funds for this purpose shall be made available to the Council by the State Govt. In respect of Provident Fund, Group insurance and other related matters, these officers and the staff shall continue to be controlled by the State Govt. The council shall not be liable to pay any leave salary, pension contribution etc. in respect of these officers and staff of the entrusted subjects/departments placed under their administrative control.
- (L) The Bodoland Territorial Council shall prepare the estimate of receipt and expenditure pertaining to Bodoland Territorial Council in respect of entrusted subjects/departments as per the allocations norms etc. communicated by the State Government.

The Bodoland Territorial Council in their Council session shall consider the estimated receipts and expenditure pertaining to Bodoland Territorial Council in respect of entrusted subjects/departments and send the same along with the synopsis for consideration to the State Govt. within the stipulated time as provided for in the paragraph 13 of the Sixth Schedule to the constitution of India. Ordinarily no change will be made in the estimated receipts and expenditure

as considered by the Bodoland Territorial Council in respect of the entrusted subjects/departments. However, for any reasons, if it becomes necessary to do so, the Council shall be consulted and reasons for the proposed change shall be explained. The State Government shall then place the estimated receipts and expenditures as considered by the Bodoland Territorial Council, along with the synopsis before the State Legislature, as provided for in the paragraph 13 of the Sixth Schedule to the Constitution of India.

- (M) Bodoland Territorial Council authority shall prepare a plan with the amounts likely to be made available for development works, both under the State share and Central share, covering any or all the activities of the departments under their control. The Council shall have full discretion in selecting the activities and choosing the amount for the investment under the same in any year. This plan will be a sub-set of the State Plan and would be treated as its integral part. Once the plan of the State, including BTC plan, gets the approval of the Planning Commission, the BTC authority shall start execution of their plan in the BTC area. Modification, if any, made by the Planning Commission in the BTC proposal, shall be binding on the BTC authority. BTC shall have a Planning Dept. to prepare the plans for BTC area to be submitted to Planning Commission through the Govt. of Assam.
- (N) All Centrally sponsored schemes/Central sector schemes/NEC schemes/ Externally aided schemes, etc. in respect of the entrusted subjects /departments for which fund will be released by the State Govt. to the Council as per sanction and release by the Govt. of India to the State Govt. shall be implemented by the Council as per norms and guideline of the Govt. of India and the State Govt.
- (o) The BTC will exercise its legislative powers as conferred under clause 3(B) of the Sixth Schedule of the Constitution of India.
- (P) The delegation of executive powers in respect of Relief and Rehabilitation shall be notified separately.
- (Q) In case of any difficulty in interpretation of any of the clauses of the MOS or this OM, the matter shall be referred to the Governor, whose decision in the matter shall be final.

  
 Principal Secretary to the Govt. of Assam  
 WPT & BC Department.

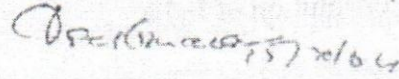
Memo No. TAD/BTC/222/03/51-A

Dated Dispur, the 16<sup>th</sup> October, 2004.

Copy to:

1. The Accountant General, Assam, Maidamgaon, Beltola, Guwahati - 29.
2. P.S. to the Chief Secretary to the Govt. of Assam, Dispur.
3. Addl. Chief Secretary to the Govt. of Assam, Dispur.
4. The Principal Secretary to the Govt. of Assam.  
\_\_\_\_\_ Department, Dispur.
5. The Commissioner & Secretary/Secretary to the Govt. of Assam  
\_\_\_\_\_ Department, Dispur.
6. Commissioner of Divisions \_\_\_\_\_
7. The Director \_\_\_\_\_
8. The Deputy Commissioner \_\_\_\_\_
9. Finance (Est. B)/E.C.-I/EC-II/EC-III Department.
10. The Principal Secretary, Bodoland Territorial Council, Kokrajhar.
11. The Director, Ministry of Home Affairs, Government of India, New Delhi-110001.

By order

Principal Secretary to the Govt. of Assam  
WPT & BC Department.