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NOTIFICATION

No. H. 12017/4/95-LJD, the 28th February, 1996. The following Act is hereby published for general information.

Rolura Sailo,
Deputy Secretary to the Govt. of Mizoram.

THE SIXTH SCHEDULE TO THE CONSTITUTION (AMENDMENT) ACT 1995

AN ACT

further to amend the Constitution of India in its application to the State of Assam.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows :—

1. This Act may be called the Sixth Schedule to the Constitution (Amendment) Act, 1995. Short title.

2. The Sixth Schedule to the Constitution shall, in its application to the State of Assam, have effect subject to the following modifications, namely :— Application of Sixth Schedule to the State of Assam.

(1) in paragraph 2, in sub-paragraph (3), the following proviso shall be inserted, namely :—

Application of Sixth Schedule to the State of Assam.

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

(2) in paragraph 3, for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:

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

(3) after paragraph 3, the
namely :—

"3A. Additional powers of the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council to make laws :—

(1). Without prejudice to the provisions of paragraph 3, the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council within their respective districts, shall have power to make laws with respect to—

(a) industries, subject to the provisions of entries 7 and 52 of List I of the Seventh Schedule;

(b) communications that is to say, roads, bridges, ferries and other means of communication not specified in the Seventh Schedule; waterways and traffic thereon subject to List III of the Seventh Schedule with regard to such waterways; vehicles other than mechanically propelled vehicles;

(c) preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice; cattle pounds;

(d) primary and secondary education;

(e) agriculture, including agricultural education and research, protection against pests and prevention of plant diseases;

(f) fisheries;

(g) water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I of the Seventh Schedule;

(h) social security and social insurance; employment and unemployment;

(i) flood control schemes for protection of villages, paddy fields, markets, towns etc. (not of technical nature);

(j) theatre and dramatic performances, cinemas subject to the provisions of entry 60 of List I of the Seventh Schedule; sports entertainments and amusements;

(k) public health and sanitation, hospitals and dispensaries;

(l) minor irrigation;

(m) trade and commerce in, and the production supply and distribution of, food stuffs, cattle fodder, raw cotton and raw jute;

(n) libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records other than those declared by or under any law made by Parliament to be of national importance; and

(o) alienation of land.

(2) All laws made by the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council under paragraph 3 or under this paragraph shall, in so far as they relate to matters specified in List III of the Seventh Schedule, be submitted forthwith to the Governor who shall reserve the same for the consideration of the President.

(3) When a law is reserved for the consideration of the President, the President shall declare either that he assents to the said law or that he withholds assent therefrom:

Provided that the President may direct the Governor to return the law to the North Cachar Hills Autonomous Council or the Karbi Anglong Autonomous Council, as the case may be, together with a message requesting that the said Council will reconsider the law or any specified provisions hereof and, in particular, will, consider the desirability of introducing any such amendments as he may recommend in his message and, when the law is so returned, the said Council shall consider the law accordingly within a period of six months from the date of receipt of such message and, if the law is again passed by the said Council with or without amendment it shall be presented again to the President for his consideration.”;

(4) in paragraph 12 in sub-paragraph (1), for the words and figure “matters specified in paragraph 3 of this Schedule”, the words, figures and letter “matters specified in paragraph 3 or paragraph 3A of this Schedule” shall be substituted;

(5) in paragraph 14, in sub-paragraph (2), the words, “with the recommendations of the Governor with respect thereto” shall be omitted;

(6) after paragraph 20B, the following paragraph shall be inserted, namely:—

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