

(69)

GOVERNMENT OF ASSAM  
HILL AREAS DEPARTMENT

.....

31st December, 1996

No.HAD.57/95/309,

Dated Dispur, the 29th November, 1996.

OFFICE MEMORANDUM

Whereas in pursuance to the Memorandum of Understanding (MOU), reached between the Chief Minister, Assam and the Autonomous State Demand Committee, Karbi Students' Association, N.C. Hills Students' Federation and Dimas Students' Union on 1st April, 1995 in New Delhi, in the presence of the Union Home Minister, granting greater autonomy to the Autonomous Councils of Karbi Anglong and North Cachar Hills within the framework of the Sixth Schedule to the Constitution of India,

And whereas the Assam Legislative Assembly vide its Resolution, dated 12th April, 1995 adopted and approved the aforesaid Memorandum of Understanding, reached on 1st April, 1995 referred to above and the House resolved further that the jurisdiction of the Karbi Anglong Autonomous Council and North Cachar Hills Autonomous Council for the exercise of executive powers would extend to the 30 (thirty) subjects/ departments listed in Annexure-I of the Memorandum of Understanding and to that extent, the executive powers of the State shall stand entrusted and delegated to the above mentioned Councils.

And whereas the Governor of Assam has been pleased to entrust and delegate the functions relating to thirty subjects/ departments to which the executive powers of the State of Assam extends, with the consent of the N.C. Hills Autonomous Council and in exercise of the powers conferred under sub-para (2) of paragraph 6 of the Sixth Schedule to the Constitution, as listed in Annexure-I of the Memorandum of Understanding vide Notification No.HAD.57/95/268-269 dated 25.9.1996 and published in the official Gazette of the Government of Assam.

The following administrative changes and modalities are adopted for observance by the State Government and the N.C. Hills Autonomous Council for management of the subjects mentioned in the MOU Dated 1.4.1995. The word Council, wherever it occurs in this Memorandum shall mean "North Cachar Hills Autonomous Council, Haflong".

.....2/-



The modalities and administrative changes are :-

- (A) In order to enable the N.C. Hills Autonomous Council to finance the expenditure of the entrusted and delegated functions of the thirty subjects/ departments without difficulty, the State Government shall make funds available as advance under the Head - "K-Deposits Advances, part-III-Advance not bearing interest - Departmental Advance-Special Advance". The Administrative Departments of the State Government shall release the funds on a six monthly basis in April and October of each financial year. It shall be the duty of the Council to submit separate 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) It shall be the responsibility of the Council to ensure that the existing Rules, instructions, norms, guidelines, etc. of the Government of India and the State Government, governing the implementation of the plan schemes relating to the entrusted subjects/ departments and other matters including the Non-Plan matters relating to the entrusted subjects/ departments are followed strictly till the Council frames Rules on the same in terms of the provisions of the Sixth Schedule to the Constitution of India, it being understood that the Rules, directions, etc. of the Government of India, Comptroller & Auditor General of India and other sound financial management/ principles shall always be followed.
- (C) The Council shall be competent to sanction reappropriation of funds from one scheme to another within the same Major Head of Account. The State Government shall move for transfer of funds from one Major Head of Account to another Major Head of Account in respect of any of the thirty entrusted subjects/ departments only on receipt of proposal to this effect from the Council.
- (D) The Council shall be fully 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 Executive Committee of 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 of it in the rank of Commissioner & Secretary to the Government of Assam and for this purpose, the Government of Assam will place the services of one IAS Officer of Assam cadre of this rank at the disposal of the Council. The State Government will make available the services of two officers in the rank of Secretary to the Government of Assam ( one of whom will be from a Technical Department) for appointment as Secretaries of the Council. The State Government will also make available three Deputy Secretaries ( one of whom will be from a Technical Department and remaining ones from the Assam Civil Service ) for appointment as Deputy Secretaries of the Council. 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 the Council.

- (F) The Zonal Heads of Departments from Hill Areas shall be withdrawn by the State Government. Officers in the rank of Additional Chief Engineer, PWD and its equivalent in all the entrusted Departments with all administrative, Financial and technical powers of the Head of Departments delegated by the State Government, shall be posted and placed under the Administrative Control of the H.C. Hills, Autonomous Council.

The Additional Chief Engineer, P.W.D. and its equivalent Officers as mentioned above shall be posted within 31st January, 1997. During the interim period, the existing Zonal Heads of Department stationed in N.C. Hill District shall be placed under the Administrative Control of the N.C. Hills Autonomous Council.

- (G) The Chief Executive Member/Executive Member/ Principal Secretary/ Secretary to the Executive Committee of 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 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 Government shall exercise the 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 (IAS/ ACS, etc.).

(H) The State Government shall consult the Council, while posting and transferring the Officers of the entrusted subjects/ departments in or out of the Council. Under no circumstances, the Officers and-staff, not released by the Council shall be accepted by the State Government. Before deputing any Officer or staff the Government shall provide a panel of names, enabling the Council to select and accept the same. The State Government 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, even after they are repatriated to the State Government.

(I) 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 Government. In respect of Provident Fund, Group Insurance and other related matters, these officers and staff shall continue to be controlled by the State Government. 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 its administrative control.

JRK

31/12/96



- (J) The North Cachar Hills Autonomous Council shall prepare the estimated receipts and expenditures pertaining to N.C. Hills Autonomous District in respect of entrusted subjects/ Departments as per the allocations, norms, etc. communicated by the State Government.

The State Government shall prepare the estimated receipts and expenditures, pertaining to N.C. Hills Autonomous District in respect of non-entrusted subjects/ Departments and forward the same to the N.C. Hills Autonomous Council.

The N.C. Hills Autonomous Council in their Council session shall consider the estimated receipts and expenditures pertaining to N.C. Hills Autonomous District in respect of both entrusted and non-entrusted subjects/ Departments and send the same alongwith the synopsis of their consideration to the State Government within the stipulated time as provided for in paragraph 13 of Sixth Schedule to the Constitution of India.

Ordinarily no changes will be made in the estimated receipts and expenditures as considered by the N.C. Hills Autonomous Council in respect of the entrusted subjects/ Departments. However, for any reason, if it becomes necessary to do so, the Council shall be consulted and reasons for the proposed changes shall be explained.

The State Govt. shall then place the estimated receipts and expenditures as considered by the N.C. Hills Autonomous Council, alongwith the synopsis, before the State Legislature, as provided for in the paragraph 13 of the Sixth Schedule to the Constitution of India.

- (K) In respect of the entrusted subjects/ departments, the Council shall prepare the Annual Plan by taking into account the special needs, physical resources, priorities, etc., as per the Annual Plan allocation against each sector/ sub-sector, etc., by following the norms and guidelines of the Planning Commission of the Government of India. The Council shall send the Annual Plan in respect of the entrusted subjects/ departments to the Development
- JKK  
3/12/96



Commissioner for Hill Areas of the State Government for inclusion in the Hill Areas Sub-Plan of the State. The other plan activities such as evaluation, monitoring, compilation, quarterly review, etc. of the Hill Areas Sub-Plan shall be performed by the Development Commissioner for Hill Areas as usual. In the finalisation of the Hill Areas Sub-Plan of the State of Assam by the Planning Commission of the Government of India, the Officials of the Council shall be included in the State delegation.

- (L) There shall not be any 'common outly' in respect of N.C. Hills District. The existing schemes under 'common outly' shall be transferred to the Council as per their geographical locations.
- (M) 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 Government to the Council as per sanction and release by the Government of India to the State Govt. shall be implemented by the Council as per the norms and guidelines of the Government of India and Communicated by the State Government.
- (N) In case of any confusion/ doubt/ interpretation of any clause/ clauses of the MOU, etc. arising out of any matter in the exercise of the aforesaid delegated and entrusted powers, the matter shall be referred to the Governor for final decision.

This office memorandum is issued after due consultation and with the consent of the N.C. Hills Autonomous Council and it supersedes the Office Memoranda issued earlier from time to time on this subject in so far as they relate to the N.C. Hills Autonomous Council. However, all actions taken, acts done under the Office Memoranda, so superseded shall be deemed to have been validly taken or done.

This Office Memorandum comes into force with immediate effect.

*T.K. Kamilla*  
( T.K. KAMILLA )

31/12/96  
Chief Secretary to the Govt. of Assam.

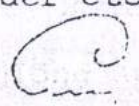


31st December, 1996.

Memo No.HAD.57/95/309 -A, Dated Dispur, the 31st December, 1996.  
Copy for information & necessary action to:-

1. The Secretary to the Governor of Assam, Dispur.
2. The Commissioner & Secretary to Chief Minister, Assam, Dispur.
3. PS to all Ministers/ Ministers of State, Assam, Dispur.
4. FPS to Chief Minister, Assam, Dispur.
5. PS to Chief Secretary to the Govt. of Assam, Dispur.
6. The Chairman, Assam Board of Revenue, Guwahati.
7. The Chairman, Assam Administrative Tribunal, Guwahati.
8. The Chairman, Assam State Electricity Board, Guwahati.
9. PS to all Additional Chief Secretaries to the Govt. of Assam.
10. The Joint Secretary to the Govt. of India (NE), Ministry of Home Affairs, North Block, New Delhi.
11. All Principal Secretaries/ Commissioners & Secretaries/ Secretaries to the Government of Assam.
12. All Heads of Departments.
13. All Zonal Heads of Departments for the Hill Areas, Diphu/Haflong.
14. All Administrative Departments.
15. The Principal Accountant General (Audit), Assam, Shillong/Guwahati.
16. The Accountant General (A&E), Assam, Shillong/ Guwahati.
17. The Development Commissioner for Hill Areas, Assam, Housefed Complex, Dispur, Guwahati-6.
18. All Commissioners of Division.
19. The Principal Secretary, Karbi Anglong Autonomous Council, Diphu.
20. The Principal Secretary, N.C.Hills Autonomous Council, Haflong.
21. All Deputy Commissioners.
22. All Sub-divisional Officers.
23. The Principal Secretary, Bodoland Autonomous Council, Kokrajhar.
24. The Principal Secretary, Rabha Hasong Autonomous Council, Dudhnoi.
25. The Principal Secretary, Mishing Autonomous Council, Gogamukh.
26. The Principal Secretary, Lalung (Tiwa) Autonomous Council, Morigaon.  
North Lakhimpur
27. The Deputy Secy. to the Govt. of Assam, Political (Cabinet Cell ) Department, Dispur, Guwahati-6.

By order etc.,

  
( A. MALIK )

Secretary to the Govt. of Assam,  
Hill Areas Department.