# THE KARBI ANGLONG AUTONOMOUS COUNCIL CODE VOLUME - 1

( Containing Acts, Rules, Regulations & Amendments from 1952 - 2015 )
[ As Amended up-to-date ]

2015

KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU

KDDC/L/3073




# The Karbi Anglong Autonomous Council Code Volume - 1

**2015 Edn.**

| Containing Acts, Rules, Regulations
&
Amendments from 1952-2015.|

*The Karbi Anglong Autonomous Council Code.*
Volume 1

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3rd Edition - 2015

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# FOREWORD

Since inception, the Karbi Anglong Autonomous Council has been exercising its power to make or amend various Laws, Rules, Regulations and Acts from time to time under the provisions of Sixth Schedule to the Constitution of India. The Karbi Anglong Autonomous Council made such Laws, Rules, Regulations, Acts etc. or amendments thereof within its purview with the previous approval of His Excellency the Governor of Assam which have been incorporated in the Code Volume-1 to eradicate the difficulties and inconvenience of the people and the administration.

In compiling this Edition of code Volume-1 of 2015 of such Act, Rules and Regulations and Amendments, Sri Rupsing Tisso, Joint Secretary and other officials of Legislative Department took pain in preparation, I express heartiest gratitude to them all and wish success in their lives.

Dhonsing Kro
Chairman
Karbi Anglong Autonomous Council,
DIPHU

## PREFACE

This is the 3rd Reprint Edition of the Karbi Anglong Autonomous District Council Code Volume-1 (containing Acts, Rules, Regulation & Amendments from 1952) (As amended up to date by the Karbi Anglong Autonomous Council).

As mandated by the Sixth Schedule to the Constitution of India, the Karbi Anglong Autonomous Council (earlier called as the Mikir Hills District Council) has been making various Acts, Rules and Regulations etc. under the relevant provisions of the Sixth Schedule since its inception and also made amendments to various Acts, Rules, Regulations etc. from time to time.

The Code Volume-1 which is the compilation of various Acts, Rules, Regulations etc. and amendments thereof hitherto been made by the Karbi Anglong Autonomous Council has been the referral source in use by officials, administrators and all concerned in performance of day to day administration of this Autonomous council. The copies of the Code Volume-1 have been exhausted and run out of stocks causing inconvenience to all concerned. The authority of Karbi Anglong Autonomous Council therefore, felt its necessity for a reprint of this Code Volume-1.

In fact, the Mikir Hills Autonomous District (Administration of Justice) Rules, 1954 made by then Mikir Hills District Council in exercise of the power conferred under Para 4 (4) of the Sixth Schedule to the Constitution of India has not been included in the Code Volume-1 so far and the Rules remained as a piecemeal compilation since the Rules were made in the year 1954 uptill date. Therefore, the Mikir Hills Autonomous District (Administration of Justice) Rules, 1954 have been duly incorporated in this reprint Edition of the Code Volume-1 of 2015 of the Karbi Anglong Autonomous Council for the convenience of all concerned.

In this Reprint Edition, the name of the Code Volume-1 has been changed from "The Karbi Anglong Autonomous District Council Code Volume-1" to "The Karbi Anglong Autonomous Council Code Volume-1" according to the changes form the "Karbi Anglong District Council" to that of the "Karbi Anglong Autonomous Council" as made by the Sixth Schedule to the Constitution (Amendment) Act, 1995 (42 of 1995) dated 12th September, 1995 and subsequantly inserted as the proviso to sub-para(3) of para 2 of the Sixth Schedule.

In bringing out this 3rd Reprint Edition of the Karbi Anglong Autonomous Council Code Volume-1 of 2015, I am deeply grateful to the hard work and sincerity put in by Sri Angtang Tisso, Language Officer, Sri Tendon Terang, Head Assistant and all other concerning Staff of Legislative Department of the Karbi Anglong Autonomous Council.

Dated Diphu
the 10th July 2015.

**RUPSING TISSO**
**Joint Secretary**
**Legislative Department**
**Karbi Anglong Autonomous Council**

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স্বাশাসিত জিলা পৰিষদৰ পৰিপূৰক
AUTONOMOUS DISTRICT COUNCILS
SUPPLEMENT
TO

অসম ৰাজপত্ৰ

সত্যমেব জয়তে

# The Assam Gazette

প্ৰাপ্ত-কৰ্ত্তৃত্ব দ্বাৰা প্ৰকাশিত

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সূকীয়া সঙ্কলন কৰিব পৰাকৈ এই খণ্ডটোত সূকীয়া ক্ৰমিক পৃষ্ঠা নম্বৰ দিয়া হৈছে।
*Separate paging is given on this Part in order that it may be filled as a separate compilation*

**OFFICE OF THE**
**KARBI ANGLONG DISTRICT COUNCIL : : DIPHU**
**NOTIFICATIONS**
**The 19th July, 1982.**

No. KACL/XVII/165/60 - In pursuance to the Government Notification No. HAD. 140/78/108, dated 31st May, 1982 the authority of the Karbi Anglong District Council is pleased to order that :-

In the principal Acts, Rules and Regulations in the titles and in all other provisions of the Acts, Rules and Regulations passed by the District Council since beginning, wherever the words " Mikir Hills" occur, the words " Karbi Anglong" shall be substituted, with immediate effect.

**S. N. CHAKARVARTY,**
**Secretary,**
Karbi Anglong District Council,
Diphu.

**The 23rd March - 1953**

In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation made by the Mikir Hills District Council is published for general information :-

## THE MIKIR HILLS DISTRICT ( REVENUE ASSESSMENT) Regulation No. II of 1952

Preamble, Whereas it is expendient to provide for the levy and collection of certain taxes and tolls; And whereas under sub paragraph (4) of paragraph 8 of the Sixth Schedule to the Constitution of India, hereafter referred to as 'the constitution', the District Council for an Autonomous District is empowered to make resolutions for the levy and collection of taxes on lands and buildings, tolls on persons, taxes on professions, trades, calling, and employments, taxes on animals, vehicles and boats, taxes on entry of goods into a market for sale therein, and tolls on passengers and goods carried in ferries and taxes for the maintenance of schools, dispensaries or roads.

Now, therefore, in exercise of the said powers and of all other powers enabling it in that behalf, the District Council of the Mikir Hills District is pleased to make the following regulation.

Short title, extent and commencement

1. (1) This Regulation may be called the Mikir Hills District ( Revenue Assessment) Regulation, 1952.

(2) It extends to the whole of the Mikir Hills Autonomous District.

(3) It shall come into force at once.

Definition, 2. In this Regulation, 'Law' means any Act, Ordinance, Regulation, Rule or order relating to any matters specified in sub-paragraphs

(2) and (3) of paragraph 8 of the Sixth Schedule to the Constitution, passed or made before the establishment of the District Council, by any legislature, authority or person having power to make such law, ordinance, regulation, rule or order.

3. All taxes and tolls which the District Council is competent to levy under sub-paragraphs (2) and (3) of paragraph 8 of the Sixth Schedule to the Constitution and which have hitherto been levied by the Government of Assam by or under the provisions of any law or laws for the time being in force shall be levied in accordance with the same rates for the time being followed by the Government of Assam and shall be collected by the Deputy Commissioner and other agencies of the Government of Assam. The taxes and tolls so collected shall be credited to the District Fund of the Mikir Hills Autonomous District constituted under sub-paragraph (1) of paragraph 7 of the said Sixth Schedule ;

Provided that the proportionate expenditure incurred by the Government of Assam on such levy and collection shall be borne by the District Council, the basis for calculating the proportionate expenditure being laid down by the Government of Assam in consultation with the District Council. In the event of any dispute arising as to the said basis for calculating the proportionate expenditure the decision of the Governor of Assam shall be final.

K.S. Terang,
Chief Executive Member,
Mikir Hills District Council

**The 24th August 1953**

**No. DCMH, 1664-** In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India the following Regulation made by the Mikir Hills District Council is published for general information :-

## THE MIKIR HILLS REGULATION NO. 1 OF 1953
## THE MIKIR HILLS LOCAL RATES REGULATION, 1953

**A**

**Regulation**

to levy and collect Local Rate in the Hill mauzas of Mikir Hills Autonomous District.

**Preamble -**

Whereas it is expedient to provide for the levy and collection of Local Rate in the Hills Mauzas under the administrative jurisdiction of the Mikir Hills District Council :

It is hereby enacted as follows :-

**1. Short title, extent and commencement -**

(1) This Regulation may be called the Mikir Hills Local Rate Regulation, 1953.

(2) It extends to the Hill Mauza under the administrative jurisdiction of the Mikir Hills District Council.

(3) It shall come into force at once.

**2. Definition -**

In this Regulation and in all rules made thereunder unless there is anything repugnant in the subject or context-

(1) "Assessee" means any person assessed to Local Rates under this Regulation .

(2) "Chief Executive Member" means the Chief Executive Member of the Executive Committee of the Mikir Hills District Council.

(3) "District" means the Mikir Hills Autonomous District.

(4) "District Council" means the District Council of the Mikir Hills Autonomous District.

(5) 'Executive Committee" means the Executive Committee of the Mikir Hills District Council.

(6) 'House' means any house assessed to house-tax under the executive instructions of the Assam Land and Revenue Regulation, 1886 ( Regulation I of 1886).

(7) 'House Tax' means the house-tax levied in the Hill Mauzas of the Mikir Hills District in place of land revenue under the executive instructions of Part VI of chapter I of the Assam Land Revenue Manual, Volume I, Sixth Edition.

**3. All houses liable to pay Local Rate-**

All houses shall be liable to payment of such rate, in addition to the house-tax assessed thereon as the Executive Committee may from time to time fix.

Provided that the rate shall not exceed annas four for every rupee of the annual value of the house-tax;

Provided further that different rates may be fixed for houses in different localities.

**4. Recovery of rate -**

All sums due on account of rate imposed on any house under this Regulation shall be payable by the assesses and shall be recoverble as if they were arrears of land revenue.

When such house is occupied jointly by two or more families such families shall be jointly and severally liable for such sums.

**5. Powers of the District Council to appoint assessing or collecting officer -**

The Executive Committee may, from time to time, by notification in the Assam Gazette or in any other manner as it may deem fit and proper-

(a) appoint officers to collect any rate under this Regulation and make rules for the guidance of such officers in assessing and collecting such rates ;

(b) prescribes by what instalments and at what time such rates shall be payable; and

(c) exempt any house from liablility to pay the whole or any part of such rate:

Provided that until rules are made by Executive Committee under this section, the rules or orders made under the Assam Land and Revenue Regulation, 1886 ( Regulation I of 1886) relating to assessment and collection of local rates as may be amended from time to time shall mutatis mutandis apply in respect of assessment and collection of local rates under this Regulation.

**6. Appeals -**

An appeal from the order of any officer under section 5 to assess or collect rate shall lie to the Chief Executive Member and his decision shall be binding subject to appeal to the District Revenue Tribunal to be appointed in this behalf by or under the orders of the District Council.

The orders passed on any such appeal by the District Revenue Tribunal shall be final.

**7. Limitation of such appeals -**

The period of limitation for an appeal under section 6 shall be thirty days from the date of order appealed against.

In computing such period in all respects not herein specified, the limitation of such appeals shall be governed by the Indian Limitation Act, 1877.

C.S. Booth
Chairman,
Mikir Hills District Council

**The 25th July, 1953**

No. TAD/R/94/52 - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information :-

## MIKIR HILLS ACT NO. 1 OF 1953
## THE MIKIR HILLS (LAND AND REVENUE) ACT, 1953

**( Passed by the Mikir Hills District Council)**
**( Received the assent of the Governor of Assam on 21st July, 1953).**

**( Published in the Assam Gazette, dated 29th July, 1953)**

**An**

**Act**

**to provide for the recognition of rights over land, settlement and assessment of land, etc. by the District Council,**

**Preamble:-** Whereas it is expedient to provide for the recognition of rights over land, settlement and assessment of land and for other ancillary matters, in the Mikir Hills Autonomous District;

And whereas, under clause (a) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India the District Council of an autonomous district is empowered to make laws with respect to the allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest, for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town :

And whereas, under Sub-paragraph (1) of paragraph 8 of the said Schedule to the Constitution of India, it is further empowered to assess and collect revenue in respect of all lands within the district in accordance with the principles for the time being followed by the Government of Assam in assessing lands for the purpose of land revenue in the state of Assam generally.

Now, therefore, in exercise of the said powers and of all

other powers enabling it in that behalf, the District Council of the Mikir Hills Autonomous District is pleased to enact and it is hereby enacted as follows :-

**1. Short title, and extent and commencement :-**

(1) This Act may be called the Mikir Hills ( Land and Revenue) Act, 1953.

(2) It extends to the whole of the Mikir Hills Autonomous District.

(3) It shall come into force at once.

**2. Application of the Assam Land and Revenue Regulation, 1886.**

The Assam Land and Revenue Regulation, 1886 (Regulation I of 1886) shall apply to the Mikir Hills Autonomous District subject to any amendments to which it is subject for the time being in other areas of the State of Assam and so far as it is applicable in the said district;

Provided that all references therein to the State Government and the Deputy Commissioner shall be read as referring to the District Council of the Mikir Hills Autonomous District and the Revenue Officer respectively.

S.K. Datta
Chief Secretary to the Govt. of Assam

**The 1st December 1958**

No. 12475 - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council is hereby published for general information :-

**ACT NO. V OF 1958**

**THE MIKIR HILLS ( LAND AND REVENUE) ( AMENDMENT ) ACT, 1958**

**(Passed by the Mikir Hills District Council)**

**[ Published in the Assam Gazette, dated the 24th December, 1958]**

**An**

**Act**

to amend the Mikir Hills (Land and Revenue) Act, 1953

**Preamble:-** Whereas it is expedient to amend the Mikir Hills (Land and Revenue) Act, 1953, hereinafter referred to as "Principal Act".

It is enacted in the Ninth Year of the Republic of India as follows :-

**1. Short title, extent and commencement :-**

(1) This Act may be called the Mikir Hills Land and Revenue (Amendment) Act, 1958.

(2) It shall extend to the whole of the Mikir Hills Autonomous District.

(3) It shall come into force at once.

**2. Amendment to section 2.-**

In Section 2 of the Principal Act insert "together with the Rules framed thereunder" in between "( Regulation 1 of 1886)" and "shall apply" in the second line.

C.S. Teron
Chairman,
Mikir Hills District Council, Diphu.

**The 14th July, 1960**

No. TAD/R/47/59. - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India the following Act of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information :-

**ACT No. III OF 1960**
**( Passed by the Mikir Hills District Council)**
**( Received the assent of the Governor of Assam on the 11th July, 1960)**
**( Published in the Assam Gazette dated the 27th July, 1960)**
**An**
**Act**
**to amend the Mikir Hills District ( Land and Revenue ) Act, 1953 ( Mikir Hills Act No. 1 of 1953)**

**Preamble :-** Whereas it is expedient to amend the Mikir Hills

District ( Land and Revenue) Act. 1953 ( Mikir Hills Act No. 1 of 1953 ) hereinafter called the Principal Act :-

It is hereby enacted in the Tenth Year of the Republic of India as follows :-

**1. Short title, extent and commencement :-**

(1) This Act may be called the Mikir Hills District ( Land and Revenue) (Scond Amendment) Act. 1959.

(2) It extends to the whole of the Mikir Hills Autonomous District.

(3) It shall come into force at once.

**2. In the Principal Act, add the following as Section 3:-**

"3 Notwithstanding anything contained in any provision of the Assam Land and Revenue Regulation, 1886 ( Regulation I of 1886), appeals against the orders of the Revenue Officer shall lie to the Chief Executive Member, Mikir Hills District Council within sixty days of the date of orders appealed against excluding the time needed for obtaining a copy of the order."

B. W. Roy
Jt. Secy. to the Govt. of Assam,
Tribal Areas and Welfare of Backward Classes Department.

**The 2nd December 1965**

No. TAD/R/23/65 ,- In Pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information-

**MIKIR HILLS ACT NO. II OF 1965**
**THE MIKIR HILLS ( LAND AND REVENUE)**
**(THIRD AMENDMENT ) ACT, 1965**
**( Passed by the Mikir Hills District Council)**

( Received the assent of the Governor on the 29th November 1965

[Published in the Assam Gazette, dated the 8th December, 1965]

**An**

**Act**

**further to amend the Mikir Hills ( Land and Revenue) Act, 1953**

**Preamble :-** Whereas it is expedient further to amend the Mikir Hills ( Land and Revenue) Act. 1953 hereinafter called the principal Act in the manner hereinafter appearing.

Now, therefore, in exercise of the powers under clause (a) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council of the Mikir Hills Autonomous District is pleased to enact as follows :-

**1. Short title, extent and commencement -**

(1) This Act may be called the Mikir Hills (Land and Revenue) ( Third Amendment) Act, 1965

(2) It extends to the whole of the Mikir Hills Autonomous District.

(3) It shall come into force at once.

**2. Amendment to proviso under Section 2 of the principal Act, -**

Insert the words "the Executive Committee of" between the word "to" and "the" appearing in the 3rd line of the proviso to the Section 2 of the principal Act.

J. N. Gohain
Under Secy. to the Govt. of Assam,
Tribals Areas and Welfare of
Backward Classes Department

**The 8th June 1973**

No. TAD/R/31/72/25. - In pusuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, which received the assent of the Governor of Assam on the 6th June 1973, is published for general information ;-

**( Act No. 1 of 1973)**

**THE MIKIR HILLS ( LAND AND REVENUE)**

**( FOURTH AMENDMENT) ACT, 1973**

[Published in the Assam Gazette dated the 13th June 1973]

An

Act

further to amend the Mikir Hills ( Land and Revenue) Act. 1953

**Preamble :-** Whereas it is expedient further to amend the Mikir Hills (Land and Revenue) Act, 1953 hereinafter called the principal Act in the manner hereinafter appearing.

Now, therefore, in exercise of the powers under clause (a) of sub-paragraph (1) of pargraph 3 of the Sixth Schedule to the Constitution of India, the District Council of the Mikir Hills Autonomous District is pleased to enact as follows :-

**1. Short title, extent and commencement ;-**

(1) This Act may be called the Mikir Hills ( Land and Revenue) (Fourth Amendment) Act, 1973.

(2) It extends to the whole of Mikir Hills Autonmous District.

(3) It shall come into foce at once.

**2. Amendment to proviso under Section 2 of the principal Act.-**

Substitute the following for proviso to Section 2 of the principle Act. " Provided that all references therein to the State Government, the Commissioner and the Deputy Commissioner shall be read as referring to the Executive Committee of the District Council of the Mikir Hills Autonomous District, the Executive Member in-charge of Revenue matters and the Revenue Officer respectively.'

**3. Amendment to Section 3 of the principal Act-**
**Delete Section 3 of the principal Act.**

R. R. Misra,
Jt. Secy. to the Govt. of Assam
Tribals Areas and Welfare of Backward Classes Department.

## GOVERNMENT OF ASSAM
## ORDERS BY THE GOVERNOR
## T.A. and W.B.C. DEPARTMENT - REFORMS BRANCH

### NOTIFICATION

**The 21st May 1975**

No. TAD/R/55/75 - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information :-

### ACT NO. 1 OF 1975
### THE MIKIR HILLS (LAND AND REVENUE) (FIFTH AMENDMENT) ACT, 1975.

( Received the assent of the Governor of Assam on the 19th May, 1975 )
( Published in the Assam Gazette, dated 21st May, 1975)

An
Act
to amend the Mikir Hills ( Land and Revenue) Act, 1953

**Preamble :-** Whereas it is expedient to amend the Mikir Hills (Land and Revenue) Act, 1953, hereinafter referred to as the "Principal Act".

It is hereby enacted in the Twenty Sixth Year of the Republic of India as follows :-

**1. Short title, extent and commencement -**

(1) This Act may be called the Mikir Hills (Land and Revenue) ( Fifth Amendment) Act, 1975.

(2) It shall extend to the whole of the Mikir Hills Autonomous District.

(3) It shall be deemed to have come into force with effect from 24th December, 1958.

**2. Amendment to Section 2 -**

In Section 2 of the Principal Act, insert "together with the Rules framed thereunder" in between "( Regulation I of 1886)" and "shall apply" in the second line.

**3. Repeal and savings -**

(1) The Mikir Hills ( Land and Revenue) ( Amendment) Act. 1958, ( Act No. V of 1958), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act No. V of 1958, as repealed shall be deemed to have been done or taken under the provision of this Act, as if this Act, had commenced on the 24th December 1958.

S.C. Bhattacherjee
Under Secretary to the Govt. of Assam
T.A. and W.B.C. Department.

**The 15th June 1959**

No. TAD/R/84/56 - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information:-

**ACT No. II OF 1959**

**THE MIKIR HILLS DISTRICT ( TRANSFER OF LAND) ACT. 1959**

( Passed by the Mikir Hills District Council)

( Received the assent of the Governor of Assam on the 11th June, 1959)

( Published in the Assam Gazette, dated the 24th June, 1959)

An

Act

to provide for control over transfer of land in the Mikir Hills District.

**Preamble :-** Whereas it is necessary to provide for regulation and control of transfer of land in the Mikir Hills District with a view to protect and promote the interest of the inhabitants thereof.

It is hereby enacted in the tenth year of the Republic of India as follows :-

**1. Short title, extent and commencement -**

(1) This Act may be called the Mikir Hills District (Transfer of land) Act, 1959.

(2) It extends to the whole of the Mikir Hills District,

(3) It shall come into force at once.

**2. Definition -**

In this Act, unless context otherwise requires-

(i) " District" means the Mikir Hills Autonomous District;

(ii) " District Council" means the Mikir Hills District Council;

(iii) " District Fund" means the Mikir Hills District Fund;

(iv) 'Executive Committee" means the Executive Committee of the Mikir Hills District Council.

(v) "Tribal" means a person who belongs to one of the Scheduled Tribes in Assam and specified as such by order made by the President of India in so far as the specification pertains to the Autonomous Districts of Assam;

(vi) "Land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth but shall exclude minerals, natural gas and petroleums;

(vii) "Family" means a person and his wife and children dwelling together with him; and

(viii) "Prescribed" means prescribed by rules framed under this Act.

**3. Control of transfer of land-**

No land under the District Council shall be sold, mortgaged, leased, bartered, gifted or otherwise transferred by a tribal to a non-tribal, or by a non tribal to another non-tribal except with the previous permission of the Executive Committee :

Provided that no permission will be necessary in the case of a lease of a building on rent :

Provided, further, that reasons shall be recorded for any refusal of transfer from a tribal to a non-tribal or from non-tribal to another non tribal.

**4. Status quo to be maintained in respect of rights already acquired;-**

Any right in respect of land acquired under any law In force shall not be affected by the coming into force of this Act.

**5. Ejectment :-**

If any person other than a tribal is found to be in possession of any land otherwise than in accordance with the provisions of this Act, or in such possession thereof as found contrary to Section 4 above, the Revenue Officer of the District Council may evict the person concerned after serving a notice on him requiring him to vacate the land within three months from the date of service of notice and to remove any buildings or fence which may have been raised on such land subject to the conditions that crops actually growing on the land may be allowed to remain till they are ripe for harvest.

**6. Penalty -**

Any person or persons intentionally disobeying an order or requisition to vacate under Section 5, shall be liable to a fine which my extend to two hundred rupees, and in case such disobedience is continued, to a further fine which may extend to fifty rupees for each day during which such breach continues.

**7. Application and transfer fees -**

(1) All application for sale, mortgage, lease, gift or any other form of transfer of land from a tribal to a non-tribal or from non- tribal to another non-tribal shall be made to the Secretary, District Council and affixed with the District Council Court-Fee Stamps of Rs. 5.

(2) All applications as in sub-section (i) above shall further, be accompanied by receipts showing payment of transfer fee at the rates specified below -

(i) One percent of the sale price in case of sale, subject to a minimum of Rs. 25 and a maximum of Rs. 1,000.

(ii) Half percent of the value of the property as may be valued by the Chief Executive Member in case of gift, subject to the maximum of Rs. 500. The valuation of the property shall be based on the current market value of the property taking into consideration the value of similar properties in the neighbouring area

(iii) One percent of the consideration money in the case of a lease subject to the maximum of Rs. 500 including the short term lease for a year or a part thereof.

(iv) Rupees 10 in the case of mortgage when the amount of the mortgage is Rs. 3,000 or below and Re. 1 for every additional Rs. 1000 or a part thereof.

(3) In the event of the application being rejected the transfer fee shall be refunded.

(4) No sanction shall be given to any such application without due enquiries and consideration by the authorities concerned.

**8. Power to make Rules -**

(1) The Executive Committee shall have power to make rules for the purpose of carring out the provisions of this Act, which will be published in the Assam Gazette.

(2) Such rules when confirmed by the District Council and published shall have the force of law.

B.W. Roy
Joint Secretary to the Govt. of Assam
Tribal Areas Department.

**The 4th November 1966**

No. TAD/R/217/66 - In Pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information -

**MIKIR HILLS ACT NO. II OF 1966**

**THE MIKIR HILLS DISTRICT (TRANSFER OF LAND) (AMENDMENT) ACT, 1966**

(Passed by the Mikir Hills District Council)
(Received the assent of the Governor of Assam on the 1st November, 1966)

An
Act

**to provide for amendment of the Mikir Hills District (Transfer of Land) Act. 1959.**

**Preamble -** Whereas it is expedient to amend The Mikir Hills District (Transfer of Land) Act, 1959, hereinafter referred to as principal Act in the manner hereinafter appearing -

It is hereby enacted in the Seventeenth Year of the Republic of India as follows :-

**1. Short title and commencement -**

(i) This Act may be called the Mikir Hills District (Transfer of Land) (Amendment) Act, 1966.

(ii) It shall come into force at once.

**2. Amendment to section 6 of the principal Act-**

Existing section 6 may be substituted by the following-

**"6. Penalty,-**

Any person or persons intentionally contravening any of the foregoing provisions or disobeying any order or requisition to vacate under Section 5, shall be liable to a fine which may extend to three hundred rupees and in case disobedience to order or requisition under Section 5 is continued, to a further fine which may extend to fifty rupees for each day during which such disobedience continues".

H. S. Bajray,
Under Secy. to the Govt. of Assam
T. A. & W. B. C. Department

## GOVERNMENT OF ASSAM
## ORDERS BY THE GOVERNOR
## KARBI ANGLONG DISTRICT COUNCIL DIPHU

### NOTIFICATION

**The 2nd July 1979**

No. KAC/XVII/1/163- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Karbi Anglong District Council, which received the assent of the Governor of Assam, is hereby published for general information :-

### ACT. No. 1 OF 1979
### THE KARBI ANGLONG DISTRICT (LAND REFORMS) ACT, 1979

(Received the assent of the Governor of Assam on the 8th August, 1979)

( Published in the Assam Gazette, dated 14th August, 1979)

An

Act

to provide for regulation and control of use of agricultural land owned by the settlement holder in the District of Karbi Anglong.

**Preamble** - Whereas it is expedient to provide for regulation and control of use of agricultural land owned by the settlement holder in the district of Karbi Anglong.

It is hereby enacted in Thirtieth Year of the Republic of India as follows :-

Short title, extent and commencement.

**1.** This Act may be called the Karbi Anglong District (Land Refoms) Act, 1979.

(2) It extends to the whole of Karbi Anglong District.

(3) It shall come into force at once.

Definitions,

**2.** In this Act unless there is anything repugnant in the subject or contest;

(a) 'Adhi:-( Whether Guchi Adhi or Guti Adhi) means barga, chukti, bhag or chukani system or cultivating the land on conditions of delivering a share or quantity of produce to the settlement holder by the person cultivating the land,

b) " Adhiar" means a person who cultivates the land of another under the system generally known as Adhi, Guti Adhi, barga, Chukti, bhag or chukani on condition of delivering a share or quantity of the produce of the land occupied to the person to whom the land belongs.

c) " District" means the Karbi Anglong District.

d) " Dstrict Council" means the Karbi Anglong District Council.

e) "Executive Committee" means Executive Committee of the Karbi Anglong District Council.

f) " Mortgage" means creation of any interest in specific immovable property for the purpose of securing payment of money advanced,

g) " Land" includes benefits to arise out of land

and things attached to the earth or permanently fastened to anything attached to the earth but shall exclude mineral and natural gas or petroleum.

h) " Paikas" means a system prevalent under which an amount of money is taken in advance from a cultivator by a settlement holder for cultivation of the land by the cultivator and includes a person who cultivates any land under this system for a specific period.

i) " Settlement holder" means any person, other than a proprietor, who has enterred into an engagement with the Executive Committee to pay land revenue".

j) " Cultivator" mean a person who cultivates the land by himself or by other members of his family whether as an adhiar or as a pikas under the provision of this Act.

**Exception-**

This Act does not apply to land included in-

a) Any Reserved forests;

b) Land owned by the Union or the State Government

c) Land reserved for the purpose of professional grazing reserves, village grazing reserves, recreation grounds, burial or cremation grounds, and

d) For any other public purpose,

Encumbrances, release and eviction.

**3.** (a) All kinds of encumbrances of land existing by way of paikas, or mortgage shall be void upon coming into force of this Act.

Provided that on coming into force of this Act any amount if found due from the settlement holder out of the advance earlier made to him by the cultivator cultivating his land under current paikas, mortgage, the latter shall be allowed to

cultivate the land under the adhi system at the rate of 3 to 5 mounds of paddy per bigha according to the yield of the land as may be assessed by the Assistant Revenue Officer.

The value of paddy as may be assessed by the Assistant Revenue Officer at the rate fixed by him shall be adjusted towards repayment of the balance of the advance. After full repayment of the advance the land shall stand released, if after such release the cultivator cultivating the land remains on the land he shall be evicted there-from forthwith;

(b) If any application is received from settlement holder or from any source for release of land from paikas or mortgage, the Assistant Revenue Officer shall bring it to the notice of the Executive Committee and the Executive Committee shall proceed for release of the land under the provisions of the Act.

(c) If any settlement holder, after release of his land from paikas or mortgage again encumbers his land through paikas or mortgages, the patta shall be liable to cacellation and the mortgage shall be evicted forthwith;

**Exception:-**

Mortgage with financial institutions to secure agriculture loan are exempted from the operation of this section.

**Conditions of Adhi**

**4.** Use of land under Adhi system by person other than the settlement holder shall be allowed and shall be guided by the following conditions.

(i) If the settlement holder gives his land only, he shall get 50% of the total produce.

Adhi already in existance shall henceforth be guided by the terms and conditions provided in this Act.

Appeal

5. (a) An appeal under this Act shall lie to the Revenue officer against the order passed by the Assistant Revenue Officer.

(b) If any party feels aggrived by the order of the Revenue Officer, the party may prefer an appeal before the Executive Committee. The decision of the Executive Committee shall be final.

(c) An appeal may be filed under any of the previous two-sub-section of this Section within 60 days from the date of passing the order excluding the time required for taking out the copy.

Formation of land Reforms Committee

6. The Exeutive Committee may constitute land Reforms Committee in District, Circle and mouza levels with specific guidelines regarding thier functions.

bar of suit against public Servant

7. No suit shall lie against any public servant for anything done in good faith under this Act.

Power of the Executive Committee to make rules

8. The Executive Committee may from time to time make rules for the purpose of carrying out the provisions of this Act,

M. S. Ingti,
Chairman,
Karbi Anglong District Council, Diphu.

**The 30th September 1954**

No. TAD/R/94/53, - In pursuanceof paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information:-

**MIKIR HILLS REGULATION No. II**
**OF 1954**
**THE MIKIR HILLS DISTRICT ( JHUMING)**
**REGULATION, 1954**

( Passed by the Mikir Hills District Council)
( Received the assent of the Governor of Assam on
28th September, 1954)
[ Published in the Assam Gazette, dated the 20th October 1954]

A
Regulation
to provide for the regulation and control of Jhuming

**Preamble :-** Whereas it is expedient to provide for the Regulation and control of the practice of Jhuming within the Mikir Hills Autonomous District;

It is hereby enacted as follows :-

**1. Short title, extent and commencement -**

(1) This Regulation may be called the Mikir Hills District (Jhuming) Regulation, 1954.

(2) It extends to the whole of the Mikir Hills Autonomous District.

(3) It shall come into force at once.

**2. Definition,-**

**In this Regulation-**

(a) "District" means the Mikir Hills Autonomous District;

(b) "District Council"; means the District Council of the Mikir Hills Autonomous District;

(c) "Executive Committee" means the Executive Committee

of the Mikir Hills District Council constituted under the Assam Autonomous Districts ( Constitution of District Councils) Rules, 1951;

(d) "Jhuming" means any form of shifting cultivation;

(e) "Village land" means the land within the village boundary.

**3. Fixation of village boundary,-**

The boundaries of every village within the District shall be fixed by the District Council.

**4. Shifting of villages,-**

No village within this District shall be shifted from its existing site without the previous permission of the Executive Committee .

**5. No Jhuming within half a mile -**

No person shall Jhum or cut forest within a radious of half a mile from the village site.

**6. Fixation of rotation period and area-**

The rotation and period of Jhuming on certain part of the village land as well as the area to be jhumed by an individual cultivator may be fixed by the Executive Committee.

**7. Wet rice and other form of cultivation-**

The Executive Committee may, by an order in writing set apart land in any area for wet rice or other form of permanent cultivation.

**8. Penalty -**

If any person contravenes any of the provision of this Regulation he shall be liable to a fine which may extend to five hundred rupees.

**9. Saving -**

No appeal shall lie in any court against any order of the Executive Committee under this Regulation.

**10. Power of the Executive Committee to make rules**

The Executive Committee shall, with the previous approval of the Governor of Assam, have power to make rules to carry out the provisions of this Regulation.

D. Das,
Secy. to the Govt. of Assam
Tribal Areas Deptt.

**The 4th November 1966**

No. TAD/R/172/66 - In Pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information-

**MIKIR HILLS REGULATION NO. I OF 1966**
**THE MIKIR HILLS DISTRICT (JHUMING ) ( AMENDMENT) REGULATION, 1966**

(Passed by the Mikir Hills District Council)
( Received the assent of the Governor of Assam on the 1st November 1966)

**A**
**Regulation**
**to provide for amendment of the Mikir Hills District (Jhuming) Regulation, 1954**

**Preamble :-** Whereas it is expedient to amend the Mikir Hills District ( Jhuming) Regulation, 1954, hereinafter referred to as principal Regulation in the manner hereinafter appearing.

It is hereby enacted in the Seventeenth Year of the Republic of India as follows :

**1. Short title and commencement -**

(i) This Regulation may be called the Mikir Hills District ( Jhuming) ( Amendment) Regulation, 1966.

(ii) It shall come into force at once.

**2. Definition -**

In Section 2 of the principal Regulation the following further definitions be added as (f) and (g);

(f) " Sarkari Gaonbura" means village headman appointed as such by the District Council;

(g) " Mouzadar" means Mouzadar as defined in the Assam Land and Revenue Regulation, 1886 and adopted by the District Council.

**3. Amendment to Section 5 of the principal Regulation -**

Existing Setion 5 of the principal Regulation be renumbered as Section 5(a) and the following be inserted there below as sub-Sections '(b)' '(c)' '(d)' '(e)' '(f)' '(g)' and '(h)';

(b) Jhuming shall be gregarious and restricted to one particular area for a village irrespective of number of families jhuming and shall be selected by villagers in consultation with Sarkari Gaonbura and the local Mouzadar in accordance with provisions of this Regulation.

(c) Any disagreement about selection of jhuming site among the villagers, Sakari Gaonbura and Mouzadars shall be referred to the Executive Committee and decision of the Executive Committee in this respect shall be final.

(d) Individual plots within the selected area may be selected by the people themselves in consultation with the local Sarkari Gaonbura.

(e) The villagers shall be jointly and severally responsible for any damage to areas not selected for jhuming by spreading of fire from jhumed areas.

(f) Jhuming within two gunter's chain of any perennial stream on either or within one gunter's chain of any State Public Works Department and District Council roads respectively is prohibited.

(g) Any area which is covered by Sal or other valuable trees shall not be selected or allotted for jhum.

(h) The District Council reserves the right to dispose of the felled stuff in jhum areas in any manner it considers suitable without interfering jhuming.

H. S. Bajray.
Under Secy. to the Govt. of Assam
T. A. & W. B. C. Department

**The 6th September, 1954**

No. TAD/R/48/53, - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information :-

**THE MIKIR HILLS REGULATION No. 1 OF 1954**

**THE MIKIR HILLS GRAZING REGULATION, 1954**

(Passed by the Mikir Hills District Council)

(Received the assent of the Governor of Assam on the 6th September, 1954)

(Published in the Assam Gazette, dated the 29th September, 1954).

Whereas it is expedient to regulate grazing in the Mikir Hills Autonomous District;

It is hereby enacted as follows :-

1. (i) This Regulation may be called the Mikir Hills Grazing Regulation, 1954.

(ii) It extends to the whole of Mikir Hills Autonomous District.

(iii) It shall come into force at once.

**2. In this Regulation-**

(i) "District Council" means the Mikir Hills District Council.

(ii) "Chief Executive Member" means the Chief Executive Member of the Executive Committee of the Mikir Hills District Council.

3. (i) The Assam Land and Revenue Regulation, 1886 (Regulation 1 of 1886) and the rules made thereunder for the time being in force in the State of Assam in respect of regulation of grazing in the Mikir Hills Autonomous District, shall mutatis mutandis apply in respect of grazing in the Mikir Hills Autonomous District.

(ii) All references in the said laws of the State Government and to the Commissioner or to the Deputy Commissioner or his Assistants shall be construed as reference to the District Council and the Chief Executive Member respectively.

D. Das,
Secy. to the Govt. of Assam
Tribal Areas Deptt.

**The 28th November 1957**

No. TAD/R/51/53,- In pursuance of paragraph 11 of the Sixth Schedule to the Consitution of India, the following Act of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information -

**ACT NO. VI OF 1957**

**THE MIKIR HILLS DISTRICT (Forest) ACT, 1957**

**( Passed by the Mikir Hills District Council)**

**( Received the assent of the Governor of ASSAM on the 25th November 1957)**

( Published in the Assam Gazette, dated the 4th December, 1957)

An

Act

to provide for the management of any forest not being a reserved forest in the Autonomous District of Mikir Hills and for the levy and collection of forest revenue.

**Preamble :-** Whereas it is expedient to regulate the management of any forest not being a reserved forest in the Autonomous District of Mikir Hills and also to provide by law for the levy and collection of forest revenue;

It is hereby enacted in the Seventh year of the Republic of India as follows -

## CHAPTER I

**1. Short title, extent and commencement -**

(1) This Act may be called the Mikir Hills (Forest) Act, 1957.

(2) It extends the whole of the Mikir Hills Autonomous District except the areas constituted into Reserved Forest under the provisions of the Assam Forest Regulation, 1891 (Regulation VII of 1891).

(3) It shall come into force on such date as may be notified by the District Council in the Assam Gazette.

**2. Definition -**

In this Act and in all rules made thereunder, unless there is anything repugnant in the subject or context:-

(1) "Executive Member in-charge Forest" means the Executive Member of the Executive Committee of the District Council of the Mikir Hills holding the portfolio of Forests;

(2) "Council Reserved Forest", means any area constituted as such by or under the orders of the Mikir Hills District Council;

(3) "Council Forest Officer" means any person appointed as such by the name or as holding an office by or under the orders of the District Council and shall include Forest Guards, Assistant Foresters, Foresters, Forest Rangers, Chief Forest Officer and any other person appointed to discharge the duties and functions of a Council Forest Officer under this Act, or any rules thereunder;

(4) "Council Forest Offence" means any offence punishable under this Act or any rules made thereunder,

(5) "Cattle" includes also buffaloes, horses, mares, geldings, ponies colts, fillies, mules, asses, pig, rams, ewes, sheep, lambs, goats and kids.

(6) "Council Forest Board" means Forest Board constituted by the District Council;

(7) "District" means Mikir Hills Autonomous District

(8) "District Council" means Mikir Hills District Council;

(9) "District Forest Tribunal" means the District Forest Tribunal appointed by the Executive Committee under the provisions of this Act and for the purpose specified therein;

(10) "Executive Committee" means the Executive Committee of the Mikir Hills District Council;

(11) "Forest land at the disposal of the Mikir Hills District Council" means any land at the disposal of the Mikir Hills District Council, in respect of which no person has acquired a permanent heritable and transferable right of use and occupancy under any law for the time being in force constituted under this Act.

(12) **A**" Forest Produce" means anything excluding building stone, boulder, hingle, gravel, limestone and kankar used for lime burning murrum, brick-earth, ordinary clay, ordinary sand and road metal and other minerals (including laterite, mineral oils and all products of mines or quarries) when found in or brought from, a Forest under the jurisdcition of the District Council and shall include:-

(a) Trees, leaves and fruits and all other parts and produce of trees,

(b) Plants not being trees including grass, creepers, seeds, moss, orchids and all parts or produce of such plants;

**B.** "Forest Produce" shall also include the following, whether brought from a Council Reserved Forest or found in a Council Reserved Forest or not but excluding those brought from a Government Forest Reserves; timber, charcoal, wood-oil, resin, natural vernish, bark, lac, myrabolams;

(13) "Magistrate" means a Magistrate of the first or second class and included a Magistrate of the third class when he is specially empowered by the competent authority to try forest offences and also includes Judicial Officers of the District and Subpordinate Courts of the Mikir Hills District Council.

(14) "River" includes also streams, canals, creeks, and other channel, natural or artificial;

(15) "Right" means mere rights of user or of the nature of easement which does not include rights to property;

(16) "Tree" means a perennial plant and includes palms, bamboos, stumps, brushwood and canes;

(17) "Timber" means any material coming out of a tree;

(18) "Village Forest" means any area constituted as such under this Act or under rules thereunder for the benefit of any village community or group of village communities.

## COUNCIL RESERVED FOREST

**3. Power to constitute reserved forest -**

The District Council may constitute any forest land at the disposal of the District Council a reserved forest in the manner hereinafter provided.

**4. Inspection of the area proposed to be constituted a reseved forest by the Executive Member, In-charge, Forests and notification of such proposal-**

Whenever it is proposed to constitute any reserved forest the area shall be first inspected by the Executive Member, in-charge Forest, and when he is satisfied that the constitution of such reserve is justified he shall publish a notification in the Assam Gazette and also in the District in such menner as he may deem appropriate.

(a) specifying as early as possible the situation and limits of such land;

(b) declaring that it is proposed to constitute such land a reserved forest;

(c) inviting claims of rights and objections.

**5. Appointment of the Council Forest Officer, survey and demarcation of the area proposed to constitute a reserved forest and enquiry into existing right,-**

(1) After the issue of the notification under Section 4, an Officer (hereinafter called the Council Forest Settlement Officer) shall be appointed by the Executive Member in-charge, Forests for survey and demarcation of the areas and also for enquiry into any existing right or rights of any person in the said area.

(2) The Council Forest Settlement Officer shall ordinarily be a person other than a Council Forest Officer, but a Council Forest Officer may be appointed to assist the Council Forest Settlement Officer in the discarge of his duty specified in this section.

NOTE- For the purpose of Sections 5,6,7 and 8 the term right shall mean the right of user or of the nature of easement but shall not include the right to property.

**6. Recommendation by the Council Forest Settlement Officer-**

The Council Forest Settlement Officer shall, after survey and demarcation of the area and enquiry into any existing right or rights of any person, recommend to the Council Forest Board for issue of necessary notification, compensation if any, to be given and also continuance of any right.

**7. Council Forest Board to dispose of claims and objections**

(1) All claims of right or rights on the land proposed to be constituted into reserve and any objection against the proposal for the creation of the reserve shall be preferred to the Council Forest Board with ninety days of the date of publication of the notificaton under Section 4 of this Act. The said Board shall be competent to dispose of such claims and objection subject to appeal against the orders of such disposal to the District Forest Tribunal as provided for in Section 9.

(2) For the purpose of sub-section (1) the Council Forest Board shall have the power of the Courts of the District Council constituted under the provision of the Mikir Hills Autonomous District (Administration of Justice) Rules, 1954 and its decision shall be binding subject to the revision on appeal to the District Forest Tribunal appointed under Secton 9

**8. Preliminary notification constituting reserve forest-**

After the proposal for the constitution of a reserve has been approved by the Council Forest Board on recommendation of the Council Forest Settlement Officer, a preliminary notification shall be published by the Board in the Assam Gazette and also in any other manner that it may deem expedient specifying the limit of the forest which it is intended to reserve and detailing the extent and nature of rights proposed to be recognised therein.

**9. Appeal by aggrieved person-**

Any person aggrieved by an order of the Council Forest Board passed under sub-section (1) of Section 7, relating to the creation of a reserve, continuance or discontinuance of any right therein may, within a period of thirty days from the date of such notification prefer in appeal to the District Forest Tribunal appointed in that behalf by the Executive Committee. Every order in appeal passed by the District Forest Tribunal under this Section shall be final.

**10. Final notification constituting forest reserve-**

(1) After disposal of all apeeals by the District Forest Tribunal, the District Forest Board may modify the preliminary notification issued under Section 8 incorporating therein necessary changes, if any, ordered by the District Forest Tribunal as a result of such appeals and shall publish a final notification in the Assam Gazette specifying the limits of the

forest with the extent and nature of rights recognised therein and declaring the same to be reserved from the date fixed by such notification.

(2) From the date so fixed such forest shall be deemed to be the Council Reserved Forest.

(3) Thereafter no person other than those, if any referred, to under sub-section (1) shall acquire any right over such forest unless specially permitted by the Executive Committee.

**11. Penalties for trespass or damage in reserved forests:-**

Any person who in a Council Reserved Forests-

(a) trespasses, or pastures cattle or permits cattle to treapass or

(b) causes any damage by negligence in felling any tree or cutting or dragging any timber shall be punished with fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees to double the amount of such damge.

**12. Acts prohibited in such forests:-**

Any person who-

(a) set fire in Council Reserved Forest, or in contravention of any rules made by the Executive Committee kindless any fire or leaves any fire burning, in as much manner as to endanger such a forest, or who in any such forest-

(b) kindless, keeps or carries any fire except at such seasons and in such manner as- a Forest Officer specially empowered in this behalf may from time to time notify, or

(c) fells, cuts, girdles, marks, lops, taps, or injuries by fire or otherwise any tree, or

(d) quarries stone, burns lime or charcoal, or collects subjects to any manufacturing process, or removes any forest produce, or

(e) clears or breaks up any land for cultivation or any other purpose, or

(f) poisons water or in contravention of any rule made by the Executive Committee fishes or sets traps or spares, shall be punished with imprisonment for a term which may extend to six months, or with fine which may be extended to five hundred rupees or with both.

**13. Act exempted from Section 11 and 12 :-**

Nothing in Section 11 or 12 shall be deemed to prohibit-

(a) any practice of Jhum cultivation permitted by law,

(b) any act done with the permission in writing of Council Forest Officer especially empowered to grant such permission.

**14. Penalty for offences committed by person having right in reserved forests -**

Whenever fire is caused willfully or by gross negligence in a Council Reserved Forest by any person having rights in such forest or permission to practice jhum cultivation therein, or by any person, in his employment the Executive Committee, may, notwithstanding the infliction of any punishment under this Act, direct that in such forest, or any specified portion thereof, the exercise of all or any of the right of pasture or to forest produce shall be extinguished, or for such period as it thinks fit be suspended and with respect to the practice of jhum culativation may take such action under the law, if any relating to the practice of jhum as may seem to it to be proper.

**15. De-reservation of forest -**

Any area constituted as Council Reserved Forest will be dereserved only by or under the orders of the Executive Committee.

## CHAPTER- II

**16. Constitution of Village Forest -**

(1) The Executive Committee may, by notification in the Assam Gazette and also in the District in such manner as it may deem appropriate, constitute any land at the disposal of the District Council a Village Forest for the collective benefit of

any village community or group of village communities, and may in like manner vary or cancel any such notification.

(2) Every such notification shall specify the limit of such Village Forests.

**17. Powers to make rule for Village Forest -**

(1) The Executive Committee may make rules for regulating the Management of Village Forests, prescribing the conditions under which the community or group of communities, for the collective benefit of which any such forest is consituted, may be provided with forest produce or with pasture, and their duties in respect of the protection and improvement of such forests.

(2) The District Council may, by rules, declare any of the provisions of Chapter 1 of this Act to be applicable to Village Forests.

**8. Inquiry into and settlement of rights -**

All claims to any rights other than the right of the village community or groups of village communities for the collective benefit of which such Village Forest is constituted shall be enquired into and disposed of in the manner prescribed by Chapter 1 of this Act.

## CHAPTER III

**19. Application of Chapters IV, VI, VII, VIII, IX, X and XI of the Assam Forest Regualtion, 1891-**

(1) The provisions of the following chapters of the Assam Forest Regulation, 1891 ( Regulation No. VII of 1891) namely Chapters IV, VI, VII, VIII, excluding Section 63, IX, X and XI as may be amended from time to time shall mutatis

mutandis, apply in respect of the management of the Council Forests and levy and collection of Forest Revenues;

(2) The provision of all rules made under the Assam Forest Regulation, 1891 ( Regulation No. VII of 1891) having the force of law and the rules and orders issued thereunder relating to the forests and forms and registers as were in force immediately before the commencement of this Act shall mutatis mutandis, apply in respect of the management of the Council Forests and such cognate matters :

Provided that all references in the Assam Forest Regulation, 1891 ( No VII of 1891) and in the rules, order and forms and registers thereunder, to the terms, "State Government" ,"Conservator of Forests or Deputy Commissioner" "Divisional Forest Officer or Assistant Conservator of Forest" and "Forest Officer" shall be deemed to refer to "The District Council"; those to the Conservator of Forests and Deputy Commissioner to " the Executive Member, in charge Forests" those to the "Divisional Forest Officer or Assistant Conservator of Forests" to the "Chief Forest Officer of the District Council" and those to "other Forest Officers" shall be construed as "Officer" declared by the District Council in this behalf to be discharging in the duties of " other Forest Officer" in the Assam Forest Regulation,

**20. Power to make rule-**

The Executive Committee with the previous approval of the Governor may make rules for carrying out the purposes of the Act.

B. C. Bora,
Chairman
Mikir Hills District Council, Diphu

**The 17th June 1966**

No. TAD/R/22/65 - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, which received the assent of the Governor of Assam. is hereby published for general information :-

**ACT No. I OF 1966**

**THE MIKIR HILLS DISTRICT (FOREST) ( AMENDMENT) ACT, 1965**

**An**

**Act**

**Further to Amend the Mikir Hills District ( Forest) Act, 1957**

**Preamble** :- Whereas it is expedient further to amend the Mikir Hills District ( Forest) Act, 1957, hereinafter called the principal Act, in the manner hereinafter appearing.

It is hereby enacted in the Seventeenth Year of the Republic as follows :-

1. (i) This Act, may be called the Mikir Hills District (Forest ) (Amendment) Act, 1965.

**1. Short title and commencement -**

It extends to the whole of Mikir Hills Autonomous District except the areas constituted into Reserved Forests under the provision of the Assam Forest Regulation. 1891 ( regualtion VII of 1891).

(3) It shall come into force at once.

**2. Amendment to Section 19-**

Add a proviso after Section 19 (1) of the principal Act. viz. " Provided that notwithstanding anything contained in the foregoing Section the words " Fifty Rupees" appearing in the last line of sub-section (3) of Section 62 under Chapter VIII of the Assam Forest Regulation ( Regulation VII of 1891) shall be read as " two hundred and fifty rupees".

H. E. Bajray
Under-secy. to the Govt. of Assam
T. A. & W. B. C. Deptt.

**The 14th October 1953**

No. TAD/R/51/53,- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information:-

**MIKIR HILLS REGULATION NO. II OF 1953**

**The Mikir Hills District ( Trading by Non-Tribals) Regulation, 1953**

**( Passed by the Mikir Hills District Council)**

**(Received the assent of the Governor of Assam on 14th October 1953).**

(Published in the Assam Gazette, dated the 4th November, 1953)

A

Regulation

to provide for the regulation and control of trading by non-tribals,

**Preamble** :- Whereas it is expedient to provide for the regulation and control of trading within the Mikir Hills Autonomous District by persons other than Sheduled Tribes resident in the District;

It is hereby enacted as follows -

**1. Short title, extent and commencement** -

(1) This Regulation may be called the Mikir Hills District ( Trading by Non-tribals) Regulation, 1953.

(2) It extends to the whole of the Mikir Hills Autonomous District,

(3) It shall come into force at once.

**2. Definition,- In this Regulation** -

(a) "District" means the Autonomous Mikir Hills District;

(b) "District Council" means the Mikir Hills District Council;

(c) "Executive Committee" means the Executive Committee of the Mikir Hills District Council constituted under the

Assam Autonomous Districts (Constitution of District Councils) Rules, 1951.

(d) " Tribal" means any person who is a member of a Scheduled Tribe specified as such by order made by the President of India under Article 342(1) of the Constitution of India as modified by law by Parliament from time to time in so far as the specification pertains to the Autonomous Districts of Assam.

(e) "Prescribed" means prescribed by rules made under this Regulation.

**3. Control of Trading by Non-Tribals** - No person, other than a Tribal resident in the District, shall carry on wholesale or retail business in any commudity in this district except under and in accordance with the terms of a licence issued in that behalf by the District Council under the provisions of this Regulation;

Provided that such a licence shall not be refused to a person who has been carrying on such business within the district since before the commencement of this Regulation;

Provided further that if such a license is refused, the grounds of refusal shall be recorded in writing by the District Council.

**4. Keeping of Accounts** -

Every person who has been granted a license under Section 3 of this Regulation ( hereinafter called " licensed trader") shall keep accounts in the form prescribed by the Executive Committee.

**5. Obligation to supply information and documents-**

Any officers appointed in that behalf by the District Council, may-

(a) call for and inspect any license and any account book kept by a licensed trader, and

(b) call for any other information he deems necessary in respect of any licence and the licensed trader concerned shall be bound to comply.

**6. Power of the Executive Committee to make rules -**

(1) Subject to the previous approval of the Governor of Assam the Executive Committee may make rules for carrying out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :-

(i) the form and conditions of licence;

(ii) the fees that should be paid for the licence;

(iii) the manner in which an application for licence shall be submitted;

(iv) the form in which the licensed trader shall keep accounts;

(v) any other matter connected with or ancillary to the matters aforesaid.

**7. Penalty-**

If any person contravenes any of the provisions of this Regulation he shall be liable to a fine which may extend to one thousand rupees.

**8. Appeal-**

Any order of conviction passed under this Regulation shall be appealable to the Court to which an appeal ordinarily lies under the existing rules for the Administration of Justice in the District.

**9. Cancellation of license,-**

If any person is convicted for the contravention of any of the provisions of this Regulation, the Executive Committee may cancel his license.

R. S. Subramanian,
Secy. to the Govt. of Assam,
Tribal Areas Deptt.

**The 16th September 1963**

No. TAD/R/83/60 - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information -

**REGULATION NO. I OF 1963**
**THE MIKIR HILLS DISTRICT (TRADING BY NON-TRIBALS) (AMENDMENT) REGULATION, 1963)**

**( Passed by the Mikir Hills District Council)**
(Received the assent of the Governor of Assam on the 7th September, 1963)
[ Published in the Assam Gazette, dated the 25th September, 1963]

**A**
**Regulation**
**to provide for amendment of the Mikir Hills District (Trading by Non-Tribals) Regulation, 1953**

**Preamble:-** Whereas it is expedient to amend the Mikir Hills District (Trading by Non-Tribals) Regulation, 1953 (hereinafter called the Principal Regulation). It is hereby enacted in the Fourteenth Year of the Republic of India as follows -

**1. Short title, extent and commencement -**

(1) This Regulation may be called the Mikir Hills District ( Trading by Non- Tribal) ( Amendment) Regulation, 1963

(2) It extends to the whole of the Mikir Hills Autonomous District.

(3) It shall come into force at once.

**2. Substitution of Section 7 of the Regulation No. 11 of 1953-**

For Section 7 of the Principal Regulation, the following shall be substituted, namely :-

**" 7. Penalty and composition -**

If any person contravenes any of the provisions of this Regulation, he shall be liable to a fine which may extend to two hundred rupees but such fine shall not be less than fifty rupees and

in default simple imprisonment for a term not exceeding one month:

Provided that trading without licence may be compounded by the Secretary to the District Council, or any other officer duly authorised by him, on realisation of composition fee not exceeding rupees one hundred".

**3.Amendment of Section 9 of Regulation No. II of 1953-**

Section 9 of the Principal Regulation shall be renumbered as Sub-section (I) thereof and after sub-section (1) as renumbered the following sub-section shall be inserted, namely :-

"**(2)** If any licence is found to have, or indulge in any activity against the interest of the Schedule Tribes of the District, Executive Committee may cancel his licence:

Provided that no licence shall be cancelled unless the licensee is given a reasonable opportunity of showing causes against proposed cancellation".

B. C. Hazarika
Under Secretary, to the Govt. of Assam
Tribal Areas and Welfare of Backward
Classes Department.

**The 21st September 1954**

In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act made by the Mikir Hills District Council is published for general information :-

**MIKIR HILLS ACT No II OF 1954**

**The Mikir Hills Market ( Management and Control) Act, 1954**

**An**

**Act**

for the management and control of markets within the Mikir Hills Autonomous District

Whereas it is necessary to make provision for the establishment and control of markets and to levy and collect tolls therefrom in the Mikir Hills Autonomous District;

It is hereby enacted as follows :-

1. **Title,**- This Act shall be called the Mikir Hills Market Management and Control) Act 1954.

2. **Extent,** - It extends to the whole of the Mikir Hills Autonomous District,

3. **Commencement,** - It shall come into force at once,

4. **Definition,**- In this Act unless there is anything repugnant in the subject or context.
   (a) "District" means the Mikir Hills Autonomous District.
   (b) "District Council" means the Mikir Hills District Concil.
   (c) "Executive Committee" means the Executive Committee of the Mikir Hills District Council.
   (d) "Chief Executive Member" means the Chief Executive Member of the Mikir Hills District Council.
   (e) "District Fund" means the District Fund of the Mikir Hills Autonomous District constituted under paragraph 7 of the Sixth Schedule to the Constitution.
   (f) "Private Market" means the markets established by an individual or a group of individuals working together and includes the markets held in the tea gardens daily, weekly or fortnightly.
   (g) "Government market" means a market under the control and management of the State Government.
   (h) "Prescribed" means prescribed by rules made under this Act.

5. **All markets under control of District Council-**
   (1) All markets whether private or Government shall be under the control of the District Council.
   (2) The District Council may, from time to time, by resolution, fix the rates of tolls to be levied on goods entering a market for sale therein.

**6. New markets should obtain permission,-**

(a) No person shall start any new market without the permission of the District Council.

(b) The District Council may give permission for the establishment of any market and lay down conditions for the establishment thereof as may be provided by rules prescribed

**7. Management of private markets,-**

Private markets shall be managed by the owners thereof and shall be subject to the rules made by the District Council

**8. Government Markets,-**

The District Council shall take over management of all the markets hitherto managed by the State Government Authorities with immediate effect.

**9. Sale of markets,-**

The Executive Committee shall by the 20th February every year sell the markets except private markets in auction to the highest bidder.

**10. Sale proceeds,-**

The successful bidder ( here-inafter called Lessee) shall deposit the $\frac{1}{4}$(one fourth) of the sale proceeds as soon as the sale is closed in his favour and the remaining $\frac{3}{4}$(three fourth) shall be paid by him in three instalments and within nine months from the date of sale.

**11. Power to make rules-**

(1) The Executive Committee may make rules for carrying out the purpose of this Act,

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may be provide for-

(a) Management of markets,

(b) The collection and credit of all tolls and taxes and revenues due to the District Council,

(c) The terms and conditions of the lease or agreement (between the Executive Committee and lessee).

J. B. Rajkower,
Chairman,
Mikir Hills District Council, Diphu.

**The 25th August 1956**

No. 4788.- In exercise of the powers conferred by Section 6 of the Mikir Hills District ( Trading by non-Tribals) Regulation, 1953 ( Regulation No II of 1953) the Executive Committee of the Mikir Hills District Council with the previous approval of the Governor is pleased to make the following rules:-

**THE MIKIR HILLS DISTRICT (TRADING BY NON-TRIBALS) RULES, 1956**

1. **Short Title And Commencement,-**
   (1) These Rules shall be called the Mikir Hills District (Trading by Non-Tribals) Rules, 1956.
   (2) It shall come into force at once.

2. **Definition,-** In these Rules, unless otherwise required by context,-
   (a) "Form" means a form appended to these Rules
   (b) "The Regulation" means the Mikir Hills District (trading by non-Tribals) Regulation, 1953.
   (c) "Section" means a section of the Regulation
   (d) "Secretary" means the Secretary to the Executive Committee of the Mikir Hills District Council;

3. **Application Form,-** Every person who requires a licence under Section 3 of the Regulation for carrying on wholesale or retail business in any commodity shall apply for the same in the form as in Appendix I appended hereto.

4. **Application Fees,-** Every application for a licence under Rule 3 shall be charged with a fee of Rs. 3 in cash. No action shall be taken on an application which does not comply with this condition.

5. **Licence Form,**- All licences shall be issued by the Secretary in the Form as in Appendix II, under terms and conditions prescribed therein.

6. **Licence Fee,**- Licence fees shall be levied at the following rates :-
   (1) For wholesale trade ... ... ... ... Rs. 20
   (2) For retail trade ... ... ... Rs. 10
   (3) Trading in weekly bazar
      (a) For one weekly bazar ... .... Rs. 10
      (b) For every additional weekly bazar .... Rs.5

7. **Terms of licence, renewal and issue of duplicate licence,**-
   (a) All licences shall be valid for one year only; but they may be renewed from time to time for a similar period on payment of fees provided for in Rule 6
   (b) All licences shall be renewed on or before the 31st December. A late renewal fees of Rs. 2 shall be charged for every renewal of licence after the 31st December, but no licence shall be renewed after the 31st January.
   (c) If a licence is lost, a duplicate may be issued on payment of Rs. 1,

8. **Enquiry,**- On receipt of application under Rule 3, the Secretary shall cause enquiry to be made as to the character, past antecedents and bonafides of the applicant and after being satisfied that the applicant is not in any manner undesirable to hold a licence of trade may issue a licence under Rule 5.

9. An appeal against the refusal to grant a licence by the Secretary shall lie within 30 days to the Chief Executive Member whose decision shall be final and no further appeal shall lie.

10. A register in the form as in Appendix III shall be maintained in which all application for licence shall be entered in serial order.

11. **Register of licence,**- A register of licence shall be maintained in the form as in Appendix IV.

## APPENDIX

**[Rule 3 of the Mikir Hills District ( Trading by non-Tribals) Rules, 1955]**

### FORM OF APPLICATION

1. Full name ( in block letters).
2. Father's name
3. Community.
4. Occupation.
5. Address.
6. Nature of business * Wholesale/ Retail/Weekly Market
7. * Place or places of business.
8. Special reason for consideration (if any)

Date .....

**Signature of the applicant,**

### DECLARATION

I have understood the provisions of the Mikir Hills District (Trading by non-Tribals) Regulation, 1953 and shall abide by the said provisions and Rules framed thereunder.

Date .....

**Signature of the applicant,**

---

*** Strike out the word or words not applicable.**

## APPENDIX II

**[ Rules 5 of the Mikir Hills District ( Trading by non-Tribals) Rules, 1956]**

**FORM OF LICENCE**

1. Licence No.
2. (a) Full name of licensee,
   (b) Father's name of licensee,
   (c) Address of licensee,
   (d) Occupation.
3. Class of business * Wholesale/Retail/Weekly Market.
4. * Place or places of business.
5. Date upto which this licence is valid
6. This licence is issued subject to the conditions specified below.

Date --------

**Secretary, Executive Committee,**
**Mikir Hills District Council.**

---

*** Strike out the word or words not applicable.**

**Conditions of Licence**

1. The fees charged for the grant of a licence shall be-
   (a) Rupees 20 for wholesale trade,
   (b) Rupees 10 for retail trade,
   (c) Rupees 10 for trading in one weekly bazar, and
   (d) Rupees 5 for each additional weekly bazar.

2. (a) This licence is valid for a period of one year and may be renewed from time to time for a similar period on a payment of the fee prescribed in condition 1.
   (b) In the event of loss of this licence, a duplicate may be obtained form the licencing authority on a payment of a fee of Re. 1.

3. This licence does not entitle the licensee to carry on business as a dealer of any class other than that described herein but it does not debar him from holding a licence as a dealer of any other class and carrying on business under that licence.

4. The licensee shall display the licence prominently at his place of business.

5. (i) The licensee shall furnish correctly such information as may be required of him and shall carry out such instruction as may from time to time be given by the District Council or the licensing authority.
   (ii) He shall keep Accounts Register in the form prescribed in Appendix V.

6. The licensee shall afford full facilities at all reasonable times to the licensing authority or any other person authorised by him in this behalf to inspect his shop or godown or any other place used for the sale or storage for sale of commodities or any book or other documents relating to his business.

7. If the licensee at any time holds any stock of the commodity at a godown or place other than the place of business specified in the licence, he shall furnish to the licensing authority the address of the godown or other place where such stocks are stored.

8. If the licensee contravenes any of the provisions of the Mikir Hills ( Trading by non-Tribals) Regulation, 1953 or any other conditions of this licence, or is found to have made any incorrect statement in his application for a licence, or in complying with condition 7 of this licence, his licence may be cancelled.

9. The licensee shall not sell any goods the sale of which are prohibited and goods which have been declared unfit for human consumption.

## APPENDIX III

**( Rule 10 of the Mikir Hills District ( Trading by non-Tribals ) Rules, 1955]**

**Form of Register of application**

| Serial No. | Date | Name of applicant with father's name | Address | Date of application | Class of business applied for | Place of business | Fee realised | Orders passed | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

## APPENDIX IV

**( Rule 11 of the Mikir Hills District ( Trading by non-Tribals ) Rules, 1955]**

**Form of Register of Licence**

| Serial No. | Date | Particulars | | | | Class of business | Place of business | Fees realised | Form of licence | Renewal | | Signature of Secretary with date | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Name of licensee | Father's name | Occupation | Address | | | | | Date | Fees ( with) late fees if nay) | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | | | | | | | | |

**APPENDIX V**

**( Section 4 of the Mikir Hills District (Trading by non-Tribals) Regulation, 1953]**

**Account Register to be maintained by licences traders**

**[Vide 5 (ii) condition of licence]**

**Name of Licensee.** _____

**Licence No .** _____

**Place of Business** _____

| Date | Item or Items of business | Nature of business | | Value of trade | | Export from the District | | Import into the District | | Stock in hand | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Whole sale | Retail | Quantity | Value | Quantity | Value | Quantity | Value | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | | | | | | | |

**CHATRASING TERON**
**Chief Executive Member**
**Mikir Hills District, Diphu**

**The 10th April, 1961**

No. 3177.- In exercise of the powers conferred by Section 6 of the Mikir Hills District ( Trading by non-Tribals) Regulation, 1953 ( Regulation No. 11 of 1953), the Executive Committee of the Mikir Hills District Council with the previous approval of the Governor of Assam is pleased to make the following amendment to the Mikir Hills District ( Trading by Non- Tribals) Rules, 1956.

**SUBSTITUTE THE FOLLOWING FOR RULE 4 :-**

"4. Application fees, - Every application for a Licence under rule 3 shall be submitted with a District Council Court fee stamp worth Rs. 3, duly affixed on such application."

C. S. Teron
Chief Executive Member,
Mikir Hills District Council, Diphu

**The 19th June, 1965**

No. MHC/XVII/52/65, - In exercise of the powers conferred by Section 6 of the Mikir Hills District ( Trading by Non-Tribals) Regulation, 1953 ( Regulation II of 1953) as amended, the Executive Committee of the Mikir Hills District Council with the previous approval of the Governor of Assam is pleased to make the following further amendment to the Mikir Hills District ( Trading by Non-Tribals) Rules, 1956, and order that these amended Rules will come into force from 1st January, 1966.

1. Substitute the following for Rule 6 :- (1) and (2)

(1) "6. Licence fees shall be levied as shown in Schedule 'A' of these rules.'

(2) Insert a Schedule called Schedule 'A' after Rule 11 as follows :-

## SCHEDULE "A"

### PART - 1-GENERAL.

| Serial No. | Name of commodity/ category of shope | Whole sale | Retail sale | General |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| 1. | Hotel | - | - | 20.00 |
| 2. | Tea stall | - | - | 10.00 |
| 3. | Milk and milk products | - | - | 10.00 |
| 4. | Sweet-meat and tea-stall and loaf etc. | - | - | 15.00 |
| 5. | Fish | 15.00 | 10.00 | - |
| 6. | Meat | 15.00 | 10.00 | - |
| 7. | Live-stock | 20.00 | 15.00 | - |
| 8. | Ornaments | - | - | 15.00 |
| 9. | Watch | - | - | 15.00 |
| 10. | Motor and parts | - | - | 50.00 |
| 11. | Electrical goods | - | - | 15.00 |
| 12. | Books, etc. | - | - | 10.00 |
| 13. | Medicine | - | - | 20.00 |
| 14. | Mills ( Rice, Flour, Oil, Saw etc. | - | 50.00 | |
| 15. | Tools and hardware | - | - | 15.00 |
| 16. | Petroleum products and Lubricants | - | - | 50.00 |
| 17. | Other commodities not covered by these commodities | - | - | 20.00 |

### PART-II AGRICULTURAL PRODUCE

| | | | | |
|---|---|---|---|---|
| 1. | Rice | 25.00 | 10.00 | - |
| 2. | Paddy | 30.00 | 10.00 | - |
| 3. | Cotton | 25.00 | 15.00 | - |
| 4. | Cotton piece goods | 25.00 | 15.00 | - |
| 5. | Wollen goods | 25.00 | 15.00 | - |
| 6. | Oil seeds | - | - | 25.00 |
| 7. | Jute | 20.00 | 15.00 | - |
| 8. | Betel nuts and leaves | 15.00 | 10.00 | - |
| 9. | Tobacco sewing or smoking | 20.00 | - | - |
| 10. | Spices | 15.00 | 10.00 | - |
| 11. | Vegetables | 20.00 | 10.00 | - |
| 12. | Stationery goods | - | 15.00 | - |
| 13. | Others | 15.00 | 10.00 | - |
| 14. | More than one commodity combined | 30.00 | 20.00 | - |

**PART-III-FOREST PRODUCE,**

| | | | |
|---|---|---|---|
| 1. Bamboo | 25.00 | 15.00 | - |
| 2. Timber and timber products | - | - | 25.00 |
| 3. Cane and cane products | 35.00 | - | 25.00 |
| 4. Hill brooms | 20.00 | - | 15.00 |
| 5. Thatch | 25.00 | 15.00 | - |
| 6. Others | 20.00 | 15.00 | - |
| 7. More than one commodity combined | 40.00 | 20.00 | - |

**3.** Substitute the following for the entries against serial No. I (a) to (d) under conditions of licence in Appendix II. Form of Licence) of the said Rules:-

"If the fees charged for the grant of a licence shall be as shown in the Schedule "A' Part-I, II and III',

D. R. Rongpi
Chief Executive Member,
Mikir Hills District Council, Diphu

## OFFICE OF THE
## MIKIR HILLS DISTRICT COUNCIL : DIPHU

**The 26th May 1976**

No. MHC/XVII/52/75/46,- In pursuance of paragraph 11 of the Sixth Schedule to the Constituion of India the following Act of the Mikir Hills District Council, is hereby published for general information -

ACT No I of 1976
An
Act
to make rules for trading by Non- Tribals in Mikir Hills

In exercise of the powers conferred by Section 6 of the Mikir Hills District ( Trading by non-Tribals) Regulation, 1953 (Regulation II of 1953) the Executive Committee of the Mikir Hills District Council with the previous approval of the Governor of Assam is pleased make the following rules :-

A. .D. C. SUPPLT. TO THE ASSAM GAZETTE, NOV. 30, 1077

## THE MIKIR HILLS DISTRICT (TRADING BY NON-TRIBALS) RULES, 1975

Published in the Assam Gazette, dated the 30th November, 1977

1. **Short title and commencement ,-**
   (1) These Rules shall be called the Mikir Hills District (Trading by Non-Tribals) Rules, 1976.
   (2) It shall come into force with effect from 1st January, 1976.

2. **Definition,-** In these Rules unless otherwise required by context,-
   (a) "Form" means a form appended to these Rules,
   (b) "The Regulation" means the Mikir Hills District (Trading by Non-Tribals) Regulation, 1953.
   (c) "The Rules" means the Mikir Hills District (Trading by Non-Tribals) Rules, 1976.
   (d) " Section" means a section of the Regulation;
   (e) " Secretary" means the Secretary to the Executive Committee of the Mikir Hills District Council which includes Principal Secretary.

3. **Application form,-** Every person who requires a licence under Section 3 of the Regulation for carrying on wholesale or retail business in any commodity in the District shall apply to the Secretary for the same in the form as in Appendix I on payment of Re. 1.00 being the application form fee.

4. **Application Fee** - Every application for licence under Rule 3 shall be submitted with District Council Court fee Stamp worth Rs. 10.00 duly affixed on such application. No action shall be taken on an application which does not comply with this condition.

5. **Licence form** - All licences shall be issued by the Secretary in the Form as in Appendix II, under terms and conditions prescribed therein.

6. **Licence fee** - Licence fee shall be levied as shown in Appendix III of these Rules,

7. **Terms of licence renewal and issue of duplicate licence**

(a) All licences shall be valid for one year only beginning from 1st January of the year; but they shall be renewed from time to time for similar period on payment of fees provided in Rule 6 of these Rules.

**(b) All licences shall be renewed on or before the 31st december of the year for which they were issued,**

A late renewal fee of Rs. 10.00 in addition to the normal renewal fee shall be charged for delayed renewal of licences after 31st December, and full licence fee for the year shall be charged even for a part of the year.

**(c) Issue of duplicate licence-** If a licence granted under these Rules is lost or destroyed, the licensing officer may, after making such enquiry as he may deems fit, issue a duplicate licence on payment of Rs. 5.00 only.

8. **Enquiry,** - On receipt of application under Rule 3, the Secretary shall cause enquiry to be made as to the character, past antecedents and bonafides of the applicant and after being satisfied that the applicant is not in any manner undesirable to hold a licence of trade may issue a licence under Rule 5

9. **Register of licence -**

(a) A register of licence shall be maintained in the form as prescribed by the Executive Committee.

(b) A Register in the form as an Appendix IV shall be maintained in which all application for licence shall be entered in serial order.

10. **Appeal,-** An appeal against the refusal to grant a licence by the Secretary shall lie within 30 days to the Chief Executive Member, whose decision shall be final and no further appeal shall lie.

11. **Repeal and savings -**

(1) The provisions of the Mikir Hills District (Trading by Non-Tribals) Rules, 1956 and all amendments subsquently made thereto are hereby repealed.

(2) Notwithstanding such repeal, every licence granted and any action taken under provisions of the Mikir Hills District (Trading by Non-Tribals) Rules, 1956 shall be deemed to have been granted or taken under these Rules.

(3) The provisions of the Mikir Hills District (Trading by Non-Tribals) Rules, 1976 shall have any effect on the payment of licence fees in respect of licences issued under former rules immediacly before the commencement of these Rules,

The above bill was passed by the Mikir Hills District Council in its Session held on 24th February 1976.

S. S. Terang,
Chairman,
Mikir Hills District Council, Diphu.

## APPENDIX I

**[ Rule 3 of the Mikir Hills District (Trading by Non-Tribals) Rule, 1976]**

## FORM OF APPLICATION

1. Full name ( in block letters) -
2. Father's Name -
3. Community -
4. Address -
5. Occupation -
6. Nature of business * Wholesale / Retail/ Weekly Markets.
7. *Place or places of business-
8. Special reason for consideration (if any) -

Date .....  Signature of Applicant

---

* Strike out the words not applicable.

## DECLARATION

I have understood the provision of the Mikir Hills District (Trading by Non- Tribals) Regulation, 1953 and shall abide by the said provision and Rules framed thereunder.

**Signature of the Applicant**

## APPENDIX II

**Rule 5 of the Mikir Hills District ( Trading by Non- Tribals) Rules, 1976.**

## FORM OF LICENCE

1. Licence No. -
2. (a) Full name of licensee -
   (b) Father's name of licensee -
   (c) Address of licensee -
   (d) Occupation -
3. Class of business * Wholesale / Retail/Weekly Market.
4. *Place of Places of business-
5. Date upto which this licence in valid -
6. This licence is issued subject to the conditions specified below.

Date -

**Secretary to the Executive Committee, Mikir Hills District Council, Diphu.**

## CONDITIONS OF LICENCE

1. The fees charged for the grant of licence shall be as shown in Appendix III of the Rules.

2. (a) This licence is valid for a period of one year ending 31st December and shall be renewed for a similar period on payment of the fee as per provision of Rule 7,
   (b) In the event of loss or damage of this licence, a duplicate may be obtained from the licencing authority on payment of fee of Rs. 5.00.

---

*** Strike out the word or words not applicable.**

3. The licence does not entitle the licensee to carry on business as a dealer of any class other than that described herein but it does not debar him from holding a licence as a dealer of any class and carrying on business on that licence.

4. The licensee shall display the licence prominently at his place of business.

5. (i) The licensee shall furnish correctly such information as may be required of him and shall carry out such instruction as may from time to time be given by the District Council or the licensing authority.

(ii) He shall keep Accounts in Register in the form prescribed in Appendix V of the Rules.

6. The licensee shall afford full facilities at all reasonable time to the licensing authority or any other person authorised by him in this behalf to inspect his shop or any other places used for the sale or storage for sale of comodities or any book or other documents relating to his business.

7. If the licensee at any time hold any stock of commodity at godown or place other than the place of business specified in the licence, he shall furnnish to the licensing authority the address of the godown or other place where such stocks are stored.

8. If the licensee contravenes any of the provisions of the Mikir Hills District ( Trading by Non-Tribals) Regulation, 1953, or any other conditions of this licence, or is found to have been made any incorrect statement in his application for a licence or in comlying with condition 7 of this licence, his licence may be cancelled.

9. The licensee shall not sell any goods, the sale of which are prohibited and goods which have been declared unfit for human consumption.

## APPENDIX II

## Rule 6 of the Mikir Hills District ( Trading by Non-Tribals) Rules, 1976.

## Licence Fee

### PART I - GENERAL

| Sl.No. | Name of Commodity / Category of Shops | Whole sale | Retailsale | |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| | | Rs. | Rs. | Rs. |
| 1. | Hotel | - | - | 50.00 |
| 2. | Tea Stall | - | - | 50.00 |
| 3. | Milk and Milk products | - | - | 20.00 |
| 4. | Sweet-meat and Tea Stall | - | - | 50.00 |
| 5. | Fish ( dry and fresh) | 25.00 | 25.00 | 30.00 |
| 6. | Meat | 25.00 | 25.00 | |
| 7. | Live-stock | 50.00 | 30.00 | - |
| 8. | Ornaments | - | - | 30.00 |
| 9. | Watch shop | - | - | 50.00 |
| 10. | Watch repairing | - | - | 20.00 |
| 11. | Motor & motor parts | - | - | 100.00 |
| 12. | Electrical goods | - | - | 30.00 |
| 13. | Books, etc. | - | - | 20.00 |
| 14. | Medicine | - | - | 50.00 |
| 15. | Mills (Rice, Flour, Oil, Saw, etc.) | - | 150.00 | |
| 16. | Tools and Hardware | - | - | 50.00 |
| 17. | Petroleum, Gas Mobile oil and Lubricants | - | - | 100.00 |
| 18. | Furniture Shops | - | - | 50.00 |
| 19. | Other Commodities which not covered by these commdodities | - | - | 30.00 |
| 20. | Utensil | - | - | 30.00 |
| 21. | Hair Cutting Saloon | - | - | 20.00 |
| 22. | Picture Shop | - | - | 20.00 |
| 23. | Bakery Shop | - | - | 30.00 |
| 24. | Cycle repairing | - | - | 30.00 |
| 25. | Cart wheel Shop | - | - | 30.00 |
| 26. | Hardware & Electrical | | | |

| Sl.No. Name of Commodity / Category of Shops | Whole sale | Retailsale | |
|---|---|---|---|
| (1) (2) | (3) | (4) | (5) |
| (combined) | - | - | 50.00 |
| 27. Stationery goods | - | - | 30.00 |
| 28. Egg | 20.00 | 15.00 | - |
| 29. Printing Press | - | - | 50.00 |
| 30. Cinema Hall | - | - | 150.00 |
| 31. Circus/ Magic Show | - | - | 50.00 |
| 32. Ice Factory | - | - | 50.00 |
| 33. Automobile Workshop | - | - | 75.00 |
| 34. Footware | - | - | 30.00 |
| 35. Brick manufacturing units | - | - | 150.00 |
| 36. Liquor Shop | - | - | 100.00 |
| 37. Arms and Ammunition | - | - | 50.00 |
| **PART-II AGRICULTURAL PRODUCE** | | | |
| 1. Rice | 30.00 | 15.00 | - |
| 2. Paddy | 40.00 | 15.00 | - |
| 3. Cotton | 40.00 | 20.00 | - |
| 4. Cotton piece goods | 40.00 | 20.00 | - |
| 5. Woolen goods | 50.00 | 20.00 | - |
| 6. Oil Seeds | - | - | 45.00 |
| 7. Jute | 50.00 | 30.00 | - |
| 8. Betel nuts and leaves | 20.00 | 15.00 | - |
| 9. Tobacco chewing or smoking | 50.00 | 20.00 | - |
| 10. Spices | 25.00 | 15.00 | - |
| 11. Vegetables | 30.00 | 15.00 | - |
| 12. Other | 30.00 | 20.00 | - |
| 13. More than one commodity (combined) | 60.00 | 40.00 | - |
| | Rs. | Rs. | Rs. |
| 14. Maize | 30.00 | 20.00 | - |
| 15. Fruits (Banana, Pine-apple, Mango, etc.) | 20.00 | 20.00 | 20.00 |
| 16. Grocery | 60.00 | 40.00 | - |
| 17. Yarn Shop | 40.00 | 20.00 | - |

| Sl.No. | Name of Commodity / Category of Shops | Whole sale | Retail sale | |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| | **PART III - FOREST PRODUCE** | | | |
| 1. | Bamboo | 75.00 | 35.00 | - |
| 2. | Timber and Timber products | - | - | 50.00 |
| 3. | Cane and Cane products | 50.00 | - | 25.00 |
| 4. | Brooms | 30.00 | - | 25.00 |
| 5. | Thatch | 50.00 | 30.00 | - |
| 6. | Others | 40.00 | 30.00 | - |
| 7. | More than one commodity (combined) | 100.00 | 50.00 | - |

**PART IV**

| Sl. No. | Name of Commodity/ Category of Shops | Whole Sale | Retail Sale | General |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| | | Rs. | Rs. | Rs. |
| 1. | General licence for Trading in more than three Scheduled Huts/ Bazars. | | | 40.00 |
| 2. | General licence for Trading in less than three Scheduled huts/ Bazars | | 30.00 | |
| 3. | A licence can be issued having jurisdiction over whole of Mikir Hills at double the rate of the Commodity concern | - | - | - |

## APPENDIX IV

**[ Rule 9 of the Mikir Hills District ( Trading by Non- Tribals) Rules, 1976]**

**Form of Register of Application**

| Serial | Date | Name to applicant with father,s name | Address | Date of application | Class of business applied for | Place of business | Fee realised | Orders passed | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |

**The 11th August - 1954**

No. DCMH/Leg/XVIII/13/54,- In pursuance of paragraph 11 of the Sixth Schedule to the Constituion of India the following Act made by the Mikir Hills District Council is published for general information:-

**MIKIR HILLS ACT NO. I OF 1954**

**The Mikir Hills Cart, Cycle and Boat (Taxation) Act. 1954**

**An**

**Act**

**to provide for imposition of tax on Carts, Cycles and Boats in the Mikir Hills Autonomous District.**

**Preamble-** Whereas it is expedient to impose taxes on Carts, Cycles and Boats in the Mikir Hills Autonomous District;

It is hereby enacted as follows :-

**1. Short title, extent and commencement :-**

(i) This Act may be called the Mikir Hills Carts, Cycles and Boats (Taxation) Act, 1954.

(ii) It extends to the whole of the Mikir Hills Autonomous District.

(iii) It shall come into force at once.

**2. Definition :**

In this Act and in all rules made thereunder unless there is anything repugnant in the subject or context -

(a) "District" means the Mikir Hills Autonomous District;

(b) "Licence" means a license issued in accordance with the provisions of this Act and the rules made thereunder.

(c) "Carts" means any wheeled vehicles drawn by human beings or animals used for the carriage of goods or passengers, whether plying for hire or reward or for personal use by the owner.

(d) "Cycles" means bi-cycles but not those exclusively propelled by machines and includes tri-cycles and cycles with attachments for propelling the same by mechanical power

either used or kept for hire or reward or for personal use by the owner.

(e) " Boat" means country crafts and includes dugout canoes and vessels either mechanically propelled or otherwise;

(f) " District Council" means the Mikir Hills District Council;

(g) " Chief Executive Member" means the Chief Executive Member of the Executive Committee of the Mikir Hills District Council.

(h) " Licensing Officer" means an officer appointed by the Executive Committee to perform the duties and exercise the powers vested on a Licensing Officer under this Act and rules made thereunder.

(i) " Magistrate" means any Magistrate of the first second or third class as defined in the Code of Criminal Procedure ( Act V of 1898) and shall include the officers of the District and Subordinate Courts of the Mikir Hills District Council who are duly empowered.

**3. Imposition of tax and registration -**

Save as otherwise provided by this Act no cart, cycle or boat shall be used in the district unless the owner thereof has paid in respect of it a tax as prescribed in the schedule. Such tax shall be payable annually in advance irrespective of whether the cart, cycle or boat may be out of use temporarily from time to time. And no boat, cart or cycle will be registered in the District Council unless the owner thereof pays the prescribed tax in advance;

Provided that no tax will be payable on a cart or a cycle or a boat once it is scrapped after finding it unfit for use any longer subject to the condition that the owner of such cart, cycle or boat shall prove to the satisfaction of the Licensing Officer that the cart, cycle or boat has become totally unfit for use and has therefore been scrapped.

**Days of grace -**

Provided further that a cart, cycle or boat in respect of which the tax becomes payable on the date on which this Act comes

into force may be so used for a period of two months from that date notwithstanding that such tax has not been paid.

**4. Payment of tax -**

The tax payable under section 3 for the year beginning on the 1st April shall be payable in one instalment on or before the 30th April of that year by the owner of a cart, cycle or boat and he shall be granted license under the provision of this Act.

**5. Declaration by person keeping cart, cycle or boat :-**

The owner of every cart, cycle or boat shall make a declaration in respect of it in the prescribed form and shall deliver the declaration within the prescribed time to the Licensing Officer who shall thereupon proceed to realise tax on such cart, cycle or boat and register it in the District Council.

Whenever the owner of any cart, cycle or boat liable to pay the prescribed tax is not resident within the territorial limits of the district, the person on whose immediate possession the cart, cycle or boat is kept shall take out a license for the same.

**6. Grant of License :-**

The Licensing Officer shall grant to every person who pays to him the tax in respect of any cart, cycle or boat a license in the prescribed form and a token of Registration Number for every cart, cycle or boat.

**7. Exhibition of token-**

The token of Registration Number granted under this Act shall be displayed in or on the cart, cycle or boat in such manner as may be prescribed by rules issued under this Act.

**8. Production of License on demand,-**

(a) Any officer authorised by the Executive Committee by notification in the Assam Gazette, may detain any cart, cycle or boat so long as may be required for the purpose of examining the license and token of registration number referred to in section 7.

(b) Any person in charge of a cart, cycle or boat who refuses to or wilfully neglects to stop the cart, cycle or boat or produce the license for exmination in compliance of the lawful direction of any officer duly authorised by the Executive Committee in that behalf shall be deemed to have contravened the provisions of sub-section (a) of this section.

**9. Renewal of Licence -**

All Licenses granted under this Act shall be renewed annually within the 30th April of every year and the holders of the licenses will pay the taxes in full in one instalment as prescribed in the schedule as renewal fees.

**10. Penalties under this Act,-**

Whoever contravenes any of the provisions of this Act or rules made thereunder shall, on conviction before a Magistrate or such contravention be punishable with a fine which may extend to fifty rupees and in the event of such persons having been previously convicted of an offence under this Act or under any rule made thereunder, with fine which may extend to one hundred rupees.

**11. Taxes to be realised as arrear of land revenue :-**

All arrears of taxes shall be realised or realisable as arrears of land revenue and the procedure laid down in the Assam Land and Revenue Regulation, 1986, shall be followed for the purpose of such realisation.

**12. Recovery of tax :-**

When any person fails or refuses to pay the tax the Licensing Officer may forward to the Chief Executive Member a certificate over his signature specifying the amount of tax due from such person, and the Chief Executive Member, on receipt of such certificate shall proceed to recover such tax including such penalty as he my deem fit not exceeding rupees twenty for every year for which the tax has not been paid, as it were an arrear of land revenue ;

Provided that the Chief Executive Member shall not proceed before the expiry of the period within which an appeal may be preferred under section 13, or, if such an appeal has been preferred before it has been decided.

**13. Appeal :-**

Any person aggrieved by an order relating to the assessment, imposition or recovery of a tax may within the period of 30 (thirty) days from the date of such order prefer an appeal to the Chief Executive Member, or if the Chief Executive Member is the officer who passes such order then to the Board specially constituted in that behalf by the Executive Committee. Every order in appeal passed by the Chief Executive Member or by the Board as the case may be under this section shall be final.

**14.** All appeals preferred to the Chief Executive Member or to a Board as laid down in section 13 above shall be made in a prescribed form on payment of Rs. 4 (four)

**15. Exemption :-**

The Exective Committee may by notificatiom in such manner and to such an extent as may be precribed exclude either wholly or patially any class of carts, cycles or boats from the opearation of this Act.

**16. Power of the Executive Committee to make rules :-**

(i) The Executive Committee may, subject to the condition of previous publication, make rules for carrying into effect the purpose of this Act.

(ii) In particular and without prejudice to the generality of the foregoing power, the Excutive Committee may make rules for all or any of the following purpose, namely ;-

(a) Prescribing the manner and the form in which and the authority to which application for licence under this Act shall be presented.

(b) Prescribing the form of any certificate declaration, license, notice or receipt for the administration of this Act and the manner of exhibiting the token of registration on the cart, cycle and boat.

(c) Notiying the authorities by whom, and the manner in which the duties in respect of or incidental to carrying into effect of the provisions of this Act are to be performed.

(d) Regulating the method of Assessment, payment and recovery of the tax.

(e) Regulating the manner in which the exemption from the remissions of the tax may be claimed and granted and the extent to which exemptions and liabilities to pay the tax may be claimed in respect of any cart, cycle or boat brought into and used in the Mikir Hills Autonomous District by persons visiting or making a temporary stay in the district.

(f) Regulating the manner in which appeals may be instituted and disposed of.

## SCHEDULE I

**Cycles, Carts or Boats plying for hire or reward**

| Description | Annual rate of tax | | |
|---|---|---|---|
| 1. Cycles - | Rs. | a. | p. |
| A. Bicycle - - | 4 | 0 | 0 |
| B. Tri-cycles - - | 10 | 0 | 0 |
| 2. Carts - - | 12 | 0 | 0 |
| 3. Boats - | | | |
| (1) Load capacity not exceeding 50 maunds | 6 | 0 | 0 |
| (2) Load capacity exceeding 50 maunds but not excerding 100 maunds. | 10 | 0 | 0 |
| (3) Load capacity exceeding 100 maunds but not exceeding 200 maunds | 18 | 0 | 0 |
| (4) Load capacity exceeding 200 maunds | 25 | 0 | 0 |

**SCHEDULE II**

**Cycles, Cart or Boats plying for personal use only**

| Description | Annual rate of tax | | |
|---|---|---|---|
| 1. Cycle | 0 | 0 | |
| A. Bicycle — — | 2 | 0 | 0 |
| B. Tri- Cycle - - | 5 | 0 | 0 |
| 2. Carts — — | 4 | 0 | 0 |
| 3. Boats— | | | |
| (1) Load capacity not exceeding 50 maunds | 2 | 0 | 0 |
| (2) Load capacity exceeeding 50 maunds but not exceeding 100 manuds. | 3 | 0 | 0 |
| (3) Load capacity exceeding 100 maunds but not exceeding 200 manuds. | 4 | 8 | 0 |
| (4) Load capacity exceeding 200 maunds | 6 | 4 | 0 |

(This bill was passed by the District Council on the 9th day of April 1954).

J. B. Rajkowar,
Chairman,
Mikir Hills District Council, Diphu

**The 25th July - 1958**

No. 5182-C.- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, is hereby published for general information :-

**THE MIKIR HILLS ACT NO. II OF 1958**

**The Mikir Hills District ( Members' Salary and Allowances) Act, 1958**

**An**

**Act**

**to provide for the salary and allowances of the Members of the Mikir Hills District Council.**

**Preamble** :- Whereas it is expedient to provide for the salary and allowances of the Members.

It is hereby enacted in the Ninth Year of the Republic of India as follows :-

**1. Title and commencement :-**

(1) This Act may be called the Mikir Hills District (Members' Salary and Allowances) Act, 1958 .

(2) It shall come into force at once

**2. Defintions** - In this Act -

(a) "Members" means the Members whether elected or nominated, of the Mikir Hills District Council.

(b) "Executive Committee" means the Executive Committee of the Mikir Hills District Council.

**3. Salary and Allowances** -

There shall be paid to every Member a salary of rupees one hundred per mensem from the day he takes the oath of allegiance.

4. The Executive Committee shall, subject to the approval of the District Council, make rules prescribing the rates of travelling and halting allowances of the members for attending Sessions of the District Council in connection with their duty as members of the District Council, or for attending meetings of any Committee constituted by the District council.

5. All previous orders of the District Council on the strength of which the salary and allowances of the Members were hitherto being paid, shall cease to be operative on the day this Act comes into force.

C. S. Booth,
Chairman,
Mikir Hills District Council.

**The 25th July 1958**

No. 5182-B,- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, is hereby published for general information :-

## THE MIKIR HILLS ACT No. III OF 1958
## THE MIKIR HILLS DISTRICT (SALARIES AND ALLOWANCES OF THE EXECUTIVE MEMBERS) ACT, 1958

**An**

**Act**

**to provide for the salaries and allownces of the Members of the Executive Committee of the Mikir Hills District Council**

**Preamble :-** Whereas it is expedient to provide for the salaries and allowances of the Members of the Executive Committee of the Mikir Hills District Council.

It is therefore enacted in the Ninth Year of the Republic of India as follows :-

**1. Title and commencement -**

(1) This Act may be called the Mikir Hills District (Salaries and Allowances of the Executive Members) Act, 1958.

(2) It shall come into force at once.

**2. Salary, Travelling and other Allowances and Concessions -**

There shall be paid to -

a) The Chief Executive Member -

i) a salary of rupees five hundred per mensem.

b) each of the other two Executive Members,-

ii) a salary of rupee three hundred and fifty per mensem.

3. The Chief Executive Member and other Executive Members shall also be entitled to a free furnished residence, with ground and appurtenants thereto maintained at the District Council expenses at Diphu free of all rents, assessments taxes, or cesses due to the District Council or to any other local bodies, or in lieu thereof rupees fifty per mensem.

4. The Chief Executive Member or other Executive Members, during the tenure of their office as such, shall not be entitled to the pay of a Member of the District Council.

5. The Chief Executive Member and the other two Executive Members shall be entitled to such travelling and halting allowances as are admissible to the Class I Officers of the State Government.

6. All orders previously issued in respect of salaries and allowances of the Executive Members shall cease to operate at once.

C. S. Booth,
Chairman,
Mikir Hills District Council.

**The 25th July 1958**

No. 5182-A, - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, is hereby published for general information :-

**THE MIKIR HILLS ACT No. 1 OF 1958**
**The Mikir Hills District ( Deputy Chairman's Salary And Allowances ) Act, 1958**
**An**
**Act**
**to provide for the salary and allowances of the Deputy Chairman of the Mikir Hills District Council**

**Preamble :-** Whereas it is expedient to provide for the salary and allowances of the Deputy Chairman of the Mikir Hills District Council.

It is hereby enacted in the Ninth Year of the Republic of India as follws -

**1. Title and commencement -**

(1) This Act may be called the Mikir Hills District ( Deputy Chairman's Salary and Allowances) Act. 1958.

(2) It shall come into force at once.

**2. Salary, Travelling and other Allowances -**

**There shall be paid to the Deputy Chairman of the Mikir Hills District Council-**

(a) Salary of rupees one hundred and seventy-five per mensem; and

(b) such travelling and halting allowances as are admissible to the Class I Officers of the State Government.

3. The Deputy Chairman, during the tenure of his office, shall not be entitled to the salary admissible to a Member of the District Council.

4. All previous orders in respect of salary and allowances of the Deputy Chairman shall cease to operate at once.

C. S. Booth,
Chairman,
Mikir Hills District Council.

**The 14th August 1959**

No. 10741A, - In Pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council is hereby published for general information :-

## THE MIKIR HILLS ACT No. III OF 1959

## The Mikir Hills District ( Members' Salary and Allowances) Amendment Act 1959

**An**

**Act**

**to provide for the amendment of the Mikir Hills District (Members' salary and Allowances) Act, 1958**

**Preamble** :- Whereas it is expedient to amend the Mikir Hills District (Members' Salary and Allowances) Act, 1958 (hereinafter called the Principal Act);

It is hereby enacted in the Tenth Year of the Republic of India as follows :-

**1. Short title and commencement-**

(1) This Act may be called the Mikir Hills District (Members' Salary and Allowances) (Amendment) Act 1959.

(2) It shall come into force with retrospective effect from the 1st of April, 1959.

**2. Amendment to Section 3, -**

Insert the words "and fifty" in between the words "one hundred" and "per mensem" appearing in Section 3 of the Principal Act.

No. 10741 B. - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council is hereby published for general information.

**THE MIKIR HILLS ACT No. IV OF 1959**

**The Mikir Hills District (Deputy Chairman's Salary and Allowances) Act, 1959**

**An**

**Act**

**to provide for amendment of the Mikir Hills District (Deputy Chairman's Salary and Allowances) Act, 1958.**

**Preamble** - Whereas it is expendient to amend the Mikir Hills District ( Deputy Chairman's Salary and Allowances) Act, 1958 (hereinafter called the Principal Act).

It is hereby enacted in the Tenth Year of the Republic of India as follows :-

**1. Short title and commencement-**

(1) This Act may be called the Mikir Hills District (Deputy Chairman's Salary and Allowances) Amendment, Act, 1959.

(2) It shall come into force at once.

**2. Amendment to Section 1 -**

(1) In sub-section (1) of Section 1 of the Principal Act, insert the words "Chairman and" just after the bracket before the word "Deputy".

**3. Amendment to Section 2, -**

(1) In section 2 of the Principal Act, insert the words "the Chairman and" in between the words "shall be paid to" and "the Deputy Chairman", and

(2) In clause (a) to Section 2 of the Principal Act, insert "rupees three hundred and fifty" and in between the words "Salary of" and "rupees one hundred", and "respectively" in between the words, "seventy five" and "per mensem".

**4. Amendment to Section 3,-**

After the article "The" first appearing in Section 3 of the

Principal Act, insert the words "Chairman and the".

**5. Amendment to Section 4.-**

Insert the words 'the Chairman' in between the words 'allowances' and 'the Deputy Chirman'.

C. S. Teron,
Chief Executive Member,
Mikir Hills District Council, Diphu.

**Shilong- Printed and published by the Special Officer $^{1}/_{C}$, Assam Government Press (Gazette) 81-262-14-10-59**

**The 6th March 1961**

No. 1016,- In pursuance of paragraph 11 of the Sixth Schedule to the Constituion of India, the following Act of the Mikir Hills District Council which received the assent of the Governor of Assam is hereby published for general information:-

**THE MIKIR HILLS DISTRICT ACT No. I OF 1961**
**The Mikir Hills District ( Deputy Chairman's Salary and Allowances ( Second Amendment) Act, 1961.**

**An**
**Act**

**to further amend the Mikir Hills District (Deputy Chairman's Salary and Allowances) Act, 1958 (No. 1 of 1958)**

**Preamble :-** Whereas it is expedient to further amend the Mikir Hills District (Deputy Chairman's Salary and Allowances) Act, 1958 (No. 1 of 1958 hereinafter called the principal Act);

It is hereby enacted in the Twelveth Year of the Republic of India as follows -

**1. Short title and Commencement,-**

(1) This Act may be called the Mikir Hills District ( Deputy Chairmans' Salary and Allowances) (Second Amendment) Act, 1961 ( Act No. III of 1960).

(2) It shallcome into force at once.

**2.** Insert the following as Section 5 after Section 4 of the Principal Act :-

"5. The Chairman and the Deputy Chairman shall also be entitled to a free furnished residence with grounds and appurtenants thereto maintained at the District Council expenses at Diphu free of all rents, asessments, taxes or cesses due to the District Council or to any other local bodies or in lieu thereof rupees fifty per mensem".

C. S. Teron,
Chairman,
Mikir Hills Distict Council, Diphu

**The 13th November 1962**

No. 6244-A, - In pursuance of paragraph 11 of the Sixth Schedule to the Constituion of Inda, the following Act of the Mikir Hills District Council is hereby published for general information :-

**ACT No. II 1962**

**THE MIKIR HILLS DISTRICT (DEPUTY CHAIRMAN'S SALARY AND ALLOWANCES) (AMENDMENT) ACT, 1962**

**An**

**Act**

**to further amend the Mikir Hills District ( Deputy Chairman's Salary and allowances) Act, 1958 (No 1 of 1958)**

**Preamble** :- Whereas it is expedient to further amend the Mikir Hills District ( Deputy Chairman's Salary and Allowances) Act, 1958 (No. 1 of 1958) hereinafter called the Principal Act.

It is hereby enacted in the Thirteenth Year of the Republic of India as follows :-

**1. Short title and commencement.**

(1) This Act may be called the Mikir Hills District ( Deputy Chairman's Salary and Allowances) ( Amendment) Act, 1962 (Act, No. III of 1960)

(2) It shall come into force with retrospective effect from 28th July, 1962.

**2. Amendment to Section 2, -**

Substitute the words, "Two hundred fifty" for the words "One hundred and Seventy five" in between the words 'Salary of Rupees" and "Per mensem" appearing in sub-section (a) of Section 2 of the Principal Act.

C. S. Teron,
Chairman,
Mikir Hills District Council, Diphu.

**The 2nd July 1963**

No. 5287.- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council is hereby published for general information -

**ACT No. II OF 1963**

**THE MIKIR HILLS DISTRICT (SALARIES AND ALLOWANCES OF THE EXECUTIVE MEMBERS) (1ST AMENDMENT) ACT, 1963**

**An**

**Act**

**to amend the Mikir Hills District (Salaries and Allowances of the Executive Members ) Act, 1958.**

**Preamble :-** Whereas it is expedient to amend the Mikir Hills District (Salaries and Allowances of the Executive Members) Act, 1958 hereinafter called the Principal Act.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows :-

**1. Short title and commencement,-**

(1) This Act may be called the Mikir Hills District (Salaries and Allowances of the Executive Members) (1st Amendment) Act, 1963.

(2) It shall come into force with retrospective effect from 1st April 1963.

**2. Amendment to Section 2, -**

Substitute the words "four hundred" for the words "three hundred and fifty" in between the words 'Salary of rupees' and "per mensem" appearing in sub- section (b) (ii) of Section 2 of the Principal Act.

C. S. Teron,
Chairman,
Mikir Hills District Council, Diphu.

**The 27th July - 1963**

No. 5286- In Pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, is hereby published for general information.

**THE MIKIR HILLS ACT NO. III OF 1963**
**The Mikir Hills District ( Chairman and Deputy Chairman's Salary and Allowances) Act, 1963**

An
Act
to provide for the salary and allowances of Chairman and Deputy Chairman of the Mikir Hills District Council.

**Preamble :-** Whereas it is expedient to provide for the salary and allowances of the Chairman and the Deputy Chairman of the Mikir Hills District Council.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows :-

**1. Title, extent and commencement;**

(i) This Act may be called the Mikir Hills District (Chairman and Deputy Chairman's Salary and Allowances) Act, 1963.

(ii) It extend to the whole of Autonomous District of Mikir Hills.

(iii) It shall come into force with retrospective effect from the 1st April, 1963.

**2. Salary, travelling and other allowances of the Chairman and the Deputy Chairman:-**

There shall be paid to Chairman and the Deputy Chairman of the Mikir Hills District Council-

(a) Salary of rupees four hundred and rupees two hundred and fifty respectively, per mensem, and

(b) Such travelling and halting allowances as are admissible to the Class I Officers of the State Government.

(c) The Chairman and Deputy Chairman shall also be entitled to a free furnished residence with ground and appurtenants thereto maintained at the District Council expenses at Diphu free of all rents, assessments, taxs or cesses due to the District Council or to any other local bodies or in lieu thereof rupees fifty per mensem.

**3.** The Chairman and the Deputy Chairman, during the tenure of their office, shall not be entitled to the salary admissible to a member of the District Council.

**4.** All previous laws and orders in respect of salary and allowances of the Chairman and the Deputy Chairman shall cease to operate with effect from the date of commencement of the Act.

C. S. Teron,
Chairman,
Mikir Hills District Council, Diphu.

**The 21st November 1964**

No. 13869,- In pursuance of paragraph II of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council is published for general information;-

**ACT NO. II OF 1964**

**THE MIKIR HILLS DISTRICT (MEMBERS' SALARY AND ALLOWANCES) (SECOND AMENDMENT) ACT, 1964.**

**An**

**Act**

**to povide for amendment of the Mikir Hills District ( Members Salary and Allowances) Act, 1958.**

**Preamble :-** Whereas it is expedient further to amend the Mikir Hills District ( Members' Salary and Allowances) Act, 1958, (hereinafter called the principal Act).

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

**1. Short title and commencement :-**

(i) This Act may be called the Mikir Hills District (Members' Salary and Allowances) (Second Amendment) Act, 1964.

(ii) It shall come into force with retrospective effect from the 1st April, 1964.

**2. Amendment to Section 3 :-**

Substitute the words "two hundred" for the words "one hundred and fifty" in between words "Rupees" and "per mensem" appearing in Section 3 of the principal Act.

L.S. Tisso
Deputy Chairman
Mikir Hills District Council, Diphu.

**The 21st November 1964**

No. 8358,- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council is published for general information

**ACT No. I OF 1964**
**THE MIKIR HILLS DISTRICT (SALARIES AND ALLOWANCES OF THE EXECUTIVE MEMBERS) (SECOND AMENDMENT) ACT 1964.**

**An**
**Act**
**to provide for amendment of the Mikir Hills District (Salaries and Allowances of the Executive Members) Act, 1958**

**Preamble :-** Wheras it is expedient further to amend the Mikir Hills District (Salaries and Allowances of the Executive Members) Act. 1958 ( hereinafter called the Principal Act).

It is hereby enacted in the Fifteenth Year of the Republic of India as follows -

**1. Short title and commencement -**

(i) This Act may be called the Mikir Hills District (Salaries and Allowances of Executive Members ) ( Second Amendment) Act, 1964.

(ii) It shall come into force with retrospective effect from the 1st April, 1964.

**2. Amendment to Section 2 -**

Substitute the words "Six hundred" for the words "Five hundred" in between the words "a salary of Rupees" and "per mensem" appearing in sub-section (a) (i) of the Section 2 of the principal Act.

L.S. Tisso,
Deputy Chairman
Mikir Hills District Council, Diphu.

**The 29th November 1965**

No. MHC/XVII/13/65/47/7209.- In pursuance of paragraph 11 of the Sixth Schedule to the Consitution of India, the following Act of the Mikir Hills District Council is published for general information-

**ACT No. I OF 1965**

**THE MIKIR HILLS DISTRICT COUNCIL**

**THE MIKIR HILLS DISTRICT (SALARIES AND ALLOWANCES OF THE EXECUTIVE MEMBERS) (THIRD AMENDMENT)**

**Act, 1965**

**An**

**Act**

to provide for amendment of the Mikir Hills District (Salaries and Allowances of the Executive Members) Act, 1958.

**Preamble :-** Whereas it is expedient further to amend the Mikir Hills District (Salaries and Allowances of the Executive Members) Act, 1958 ( hereinafter called the principal Act)

It is hereby enacted in the Sixteenth Year of the Republic of India as follows -

**1. Short title and commencement,-**

(1) This Act may be called the Mikir Hills District (Salaries and Allowances of Executive Members) (Third Amendment) Act, 1965.

(2) It shall come into force with retrospective effect from the 1st of April 1965.

**2. Amendment to Section 5,-**

Substitute the words "Senior Grade" for the words "Class I" appearing in Section 5 of the principal Act,

L.S. Tisso,
Chairman
Mikir Hills District Council, Diphu.

**The 22nd July 1969**

No. MHC/XVII/13/69/122,- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council is published for general information:-

**THE MIKIR HILLS ACT No. III OF 1969**
**The Mikir Hills District (Salries and Allowanees of the Executive Members) (Fourth Amendment) Act, 1969**
**An**
**Act,**
**to provide for amendment of the Mikir Hills District (Salaries and Allowanees of the Executive Members) Act, 1958**

**Preamble :-** Whereas it is expedient further to amend the Mikir Hills District (Salaries and Allowances of the Executive Members) Act, 1958 (hereinafter called the Principal Act).

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

**1. Short title and commencement :-**

(1) This Act may he called the Mikir Hills District (Salaries and Allowances of the Executive Members) (Fourth Amendment) Act, 1969.

(2) It shall come into force with retrospective effect from the 1st April, 1968.

**2. Amendment to Section 2,-**

Substitute the words "eight hundred" for the words "six hundred" and the words "Six hundred" four the words" for hundred in between the words "rupees" and "per mensem" appearing in clause (a) (i) and (a) (ii) respectively of the Principal Act.

The above bill was passed in the Mikir Hills District Council Meeting held on 25th June 1969.

L.S. Tisso,
Chairman
Mikir Hills District Council, Diphu.

**The 22nd July 1969**

No. MHC/XVII/13/69/120, - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, is published for general information:-

**THE MIKIR HILLS DISTRICT ACT No. 1 OF 1969**

**The Mikir Hills District (Chairman and Deputy Chairman's Salary and Allowances) (Amendment) Act, 1969**

**An**

**Act**

to provide for amendment of the Mikir Hills District (Chairman and Deputy Chairman's Salary and Allowances) Act, 1963.

**Preamble :-** Whereas it is expedient to amend the Mikir Hills District Chairman and Deputy Chairman's Salary and Allowances) Act, 1963 (hereinafter called the Principal Act).

It is hereby enacted in the Twentieth Year of the Rpublic of India as follows :-

**1. Short title and commencement :-**

(i) This Act may be called the Mikir Hills District (Chairman and Deputy Chairman's Salary and Allowances) (Amendment) Act, 1969.

(ii) It shall come into force with retrospective effect from the 1st April 1968.

**2. Amendment to Section 2,-**

Substitute the words "Six hundred and rupees four hundred" for the words "four hundred and rupees two hundred and fifty" in between the words "Rupees" and respectively" appearing in clause (a) of the Principal Act.

The above bill was passed in the Mikir Hills District Council Meeting held on 25th June 1969.

L.S. Tisso,
Chairman
Mikir Hills District Council, Diphu.

**The 22nd July 1969**

No. MHC/XVII/13/69/121, - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, is published for general information:-

## THE MIKIR HILLS DISTRICT ACT No. II OF 1969

**The Mikir Hills District (Members' Salary and Allowances) (Third Amendment) Act, 1969**

An

**Act**

to provide for amendment of the Mikir Hills District (Members' Salary and Allowances) Act, 1958.

**Preamble :-** Whereas it is expedient further to amend the Mikir Hills District ( Members' Salary and Allowances) Act, 1958 (hereinafter called the Principal Act).

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

**1. Short title and commencement :-**

(i) This may be called the Mikir Hills District (Members' Salary and Allowances) (third Amendment) Act, 1969.

(ii) It shall come into force with retrospective effect from the 1st April 1968.

**2. Amendment to Section 3, -**

Substitute the words "three hundred" for the words "two hundred" in between the words "Rupees" and "per mensem" appearing in Section 3 of the Principal Act.

The above bill was passed in the Mikir Hills District Council Meeting held on 25th June 1969.

L.S. Tisso,
Chairman
Mikir Hills District Council, Diphu.

**The 26th June 1971**

No. MHC/XVII/13/71/122,- In pursuance of paragraph 11 of the Sixth Schedule to the Constituion of India, the following Act of the Mikir Hills District Council, is herebby published for general information:-

## ACT No. 3 OF 1971

## The Mikir Hills District (Deputy Executive Members' Salary And Allowances) Act, 1971

**An**

**Act**

to provide for the salary and allowances of the DEPUTY EXECUTIVE MEMBERS of the Mikir Hills District Council published in the Assam Gazette dated 7th July, 1971.

**Preamble :-** Whereas it is expedient to provide for the Salary and allowances of the Deputy Executive Members of the Mikir Hills District Council.

It is hereby enacted in the twenty-first year of the Republic of India as follows :-

**1. Short title and commencement -**

(1) This Act may be called the Mikir Hills District (Deputy Executive Members' Salary and Allowances) Act, 1971.

(2) It shall come into force at once.

**2. Salary, Travelling and Other Allowances -**

There shall be paid to the Deputy Executive Member of the Mikir Hills District Council.

(a) A salary of rupees four hundred per mensem.

(b) Such Travelling and halting allownces as are admissible to the Class I Officer of the State Government.

(c) The Deputy Executive Member shall be entitled to free furnished residence with ground and appurtenants thereto maintained at the District Council expenses at Diphu free of all rent, assessment, taxes or cesses due to the District Council or to any other local bodies or in lieu thereof rupees fifty per mensem.

3. The Deputy Executive Member during the tenure of his Office, shall not be entitled to the Salary admissible to a Member of the District Council.

This bill was passed by the Mikir Hills District Council in its 80th Session on 15th June 1971.

J. S. Doloi
Chairman
Mikir Hills District Council, Diphu.

## NOTIFICATION

**The 2nd January, 1974**

No. MHC/XVII/13-A/74/134.- In Pursuance of paragraph 11 of the Sixth Schedule to the Consitution of India, the following Act of the Mikir Hills District Council, is published for general information :-

## THE MIKIR HILLS DISTRICT COUNCIL ACT NO. 1 OF 1974

## The Mikir Hills District (Members' Salary and Allowances) Act, 1974

**Preamble :-** Whereas it is expedient to provide for the Salaries and Allowances of the Members of the Mikir Hills District Council at enhanced rate.

It is therefore enacted in the twenty-fourth Year of the Republic of India as follows :-

**1. Title and commencement,-**

(1) This Act may be called Mikir Hills District (Members' Salaries and Allowances) Act, 1974.

(2) It shall come into force with retrospective effect from the first day of April, 1973.

**2. Defination -** In this Act-

(a) " Members' means the Members whether elected or nominated of the Mikir Hills District Council.

(b) 'Executive Committee" means the Executive Committee of the Mikir Hills District Council,

**3.** Salaries and Allowances - There shall be paid to every Member, a Salary of Rupees five hundred per mensem.

**4.** The Executive Committee shall, subject to the approval of the District Council, make rules prescribing the rates of travelling and halting allowances of the Members for attending Sessions ,of the District Council in connection with their duty as members of the District Council, or for attending meeting of any Committee constituted by the District Council.

**5.** All previous laws enacted or orders issued on the strength of which the Salaries and Allowances of the Members were hitherto being paid, shall cease to operate from the first day of April, 1973.

The above bill was passed in the Mikir Hills District Council meeting held on 28th December, 1973.

S. S. Terang,
Chairman,
Mikir Hills District Council, Diphu.

## NOTIFICATION

**The 2nd January, 1974**

No. MHC/XVII/13-B/74/7- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, is published for general information :-

### THE MIKIR HILLS DISTRICT ACT NO. 2 1974
### The Mikir Hills District (Chairman and Deputy Chairman's Salaries and Allowances) Act, 1974 .

**Preamble :-** Whereas it is expedient to provide for Salaries and Allowances of the Chairman and the Deputy Chairman of the Mikir Hills District Council at enhanced rate.

It is therefore enacted in the twenty-fourth Year of the Republic of India as follows :-

**1. Title and Commencement -**

(i) This Act may be called the Mikir Hills District (Chairman's and Deputy Chairman's Salaries and Allowances) Act, 1974.

(ii) It shall come into force with retrospective effect from the first day of April, 1973.

**2. Salary, Travelling and other allowances and concession - There shall be paid to -**

(a) The Chairman,

(i) a Salary of rupees Eight hundred per mensem,

(b) The Deputy Chairman,

(ii) a Salary of rupees Six hundred per mensem.

3. The Chairman and the Deputy Chairman shall also be entitled to free furnished residence with ground and appurtenants thereto maintained at the District Council expenses at Diphu free of all rents, assessments, taxes or cesses due to the District Council or

to any other local bodies or in lieu thereof rupees two hundred and fifty per mensem.

**4.** The Chairman and the Deputy Chairman, during the tenure of their office as such shall not be entitled to the pay of a member of the District Council.

**5.** The Chairman and the Deputy Chairman shall be entitled to such Travelling and halting allowances as are admissible to the Senior Grade Officer of the State Government.

**6.** All previous laws enacted and orders issued on the strength of which the Salaries and Allowances of the Chairman and the Deputy Chairman were hitherto being paid, shall cease to operate from the first day of April, 1973.

S. S. Terang,
Chairman,
Mikir Hills District Council, Diphu.

## NOTIFICATION

**The 2nd January, 1974**

No. MHC/XVII/13(C)/74/136 - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, is published for general information :-

## THE MIKIR HILLS DISTRICT COUNCIL ACT NO. 3 OF 1974

**The Mikir Hills District (Salaries and Allowances of the Members of the Executive Committee) Act, 1974.**

**Preamble :-** Whereas it is expendient to provide for salaries and Allowances of the Members of the Executive Committee of the Mikir Hills District Council at enhanced rate.

It is therefore enacted in the twenty-fourth year of the Republic of India as follows :-

**1. Title and commencement :-**

(1) This Act may be called the Mikir Hills District (Salaries and Allowances of the Members of the Executive Committee) Act, 1974.

(2) It shall come into force with retrospective effect from the first day of April, 1973.

**2. Salary, Travelling and other Allowances and concession; There shall be paid to ;-**

(a) The Chief Executive Member -

(i) a Salary of Rupees one thousand per mensem,

(b) Each of the other Executive Members -

(i) a Salary of Rupees eight hundred per mensem.

(c) Each of the other Deputy Executive Members -

(i) a Salary of Rupees six hundred per mensem.

3. The Chief Executive Member, the other Executive Members and the other Deputy Executive Members shall also be entitled to a free furnished residence with grounds and appurtenants thereto maintained at the District Council expenses at Diphu, free of all rents, assessments, taxes or cesses due to the District Council or to any other local bodies, or in lieu thereof Rupees two hundred and fifty per mensem,

4. The Chief Executive Member, the other Executive Members or the other Deputy Executive Members during the tenure of their office as such shall not be entitled to the pay of a Member of the District Council.

5. The Chief Executive Member, the other Executive Members and the other Deputy Executive Members shall be entitled to such travelling and halting allowances as are admissible to the senior Grade officer of the State Government.

**6.** All laws previously enacted and all order previously issued in respect of Salaries and Allowances of the Chief Executive Member, the other Executive Members and the other Deputy Executive Members shall cease to operate with effect from the first day of April, 1973.

The above bill was passed in the Mikir Hills District Council meeting held on 28th December, 1973.

S. S. Terang,
Chairman,
Mikir Hills District Council, Diphu.

**The 14th October 1953**

No. TAD./R/51/53 (a) - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information -

**MIKIR HILLS REGULATION, NO. III OF 1953.**

**The Mikir Hills District (Money-lending by Non-Tribals) Regulation, 1953.**

(Passed by the Mikir Hills District Council)

(Received the assent of the Governor of Assam on 14th October 1953).

(Published in the Assam Gazette, dated the 4th November 1953)

Regulation

to provide for the regulation and control of money-lending by non- tribals.

**Preamble** :- Whereas it is expedient to provide for the regulation and control of money-lending within the Mikir Hills District by persons other than Scheduled Tribes resident in the District.

It is hereby enacted as follows :-

**1. Short title, extent and commencement -**

(1) This Regulation may be called the Mikir Hills District (Money-lending by Non-tribals) Regulation, 1953.

(2) It extends to the whole of the Mikir Hills District.

(3) It shall come into force at once.

**2. Definition - In this Regulation -**

(a) " District" means the Mikir Hills Autonomous District;

(b) "District Council" means the District Council of the Mikir Hills.

(c) " Executive Committee" means the Executive Committee of the Mikir Hills District Council constituted under the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951;

(d) "Non-tribals" means any person who is not member of a Scheduled Tribe specified as such by order made by the President of India under Article 342(1) of the Constitution of India as modified by law made by Parliament from time to time in so far as the specification pertains to the autonomous district of Assam,

(e) "Prescribed" means prescribed by rules made under this Regulation;

(f) "Interest" includes any interest which accrued on a loan before the commencement of this Regulation;

(g) " Money -lender" means a person who grants a loan;

(h) "Loan' means an advance (whether of money or in kind) at interest.

**3. Control of Money-lending :-**

No non-tribal shall grant any loan except under, and in accordance with, the terms of a licence issued in that behalf by the District Council under the provisions of this Regulation.

Provided that such a licence shall not be refused to a non-tribal who has been carrying on the business of money-lending within the district since before the commencement of this Regulation;

Provided further that if such a licence is refused, the grounds, of refusal shall be recorded in writing by the District Council.

**4. Interest,-**

No money-lender who has obtained a licence under Section 3 (hereinafter called the "licensed money-lender") shall (1) charge interest exceeding $6\frac{1}{4}$ per cent, per annum in the case of a secured loan or $12\frac{1}{4}$ percent, per annum in the case of an unsecured loan, and (ii) recover, on account of interest, and principal, a sum greater in aggregate than double the principal of the loan.

**5. Keeping of account -**

Every licensed money-lender shall keep accounts in the form prescribed by the Executive Committee.

**6. Obligation to supply information and documents;-**

An officer appointed in that behalf by the District Council may-

(a) call for and inspect any licence and any account book kept by a licensed money-lender and may,

(b) call for any other information he deems necessary in respect of any loan and the licensed money-lender concerned shall be bound to comply.

**7. Power of the Executive Committee to make rules :-**

(1) Subject to the previous approval of the Governor of Assam, the Executive Committee may make rules for carrying out the purpose of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters namely;-

(i) the form and conditions of the licence;

(ii) the fees that should be paid for the licence;

(iii) the manner in which application for licence shall be submitted;

(iv) the forms in which the licensed money-lender shall keep accounts;

(v) any other matter connected with or ancillary to the matters aforesaid.

**8. Penalty ;-**

If any person contravenes any of the provisions of this Regulation he shall be liable to a fine which may extend to one thousand rupees.

**9. Appeal,-**

Any order of conviction passed under this Regulation shall be appealable to the court to which an appeal ordinarlily lies under the existing rules for the Administration of Justice in the District.

**10. Cancellation of licence,-**

If any person is convicted for the contravention of any of the provision of this Regulation, the Executive Committee may cancel his licence.

R. V. Subrahmanin,
Secy. to the Govt. of Assam
Tribals Areas Deptt.

**The 22nd March, 1956**

No. 5938, - In exercise of the powers conferred by Section 7 of the Mikir Hills District ( Money-lending by Non- Tribals) Regulation, 1953 the Executive Committee of the Mikir Hills District Council, with the previous approval of the Governor, is pleased to make the following Rules :-

**MIKIR HILLS DISTRICT (MONEY-LENDING BY NON-TRIBALS) RULES, 1955.**

1. (1) These Rules shall be called the Mikir Hills District (Money-lending by Non-Tribals) Rules, 1955.
   (2) They shall come into force at once.

2. In these Rules, unless otherwise required by context-
   (a) "Form" means a form appended to these Rules;
   (b) "The Regulation" means the Mikir Hills District (Money-lending by Non-Tribals) Regulation, 1953.
   (c) "Section" means a section of the Regulation ;

(d) "Secretary" means the Secretary to the Executive Committee of the Mikir Hills District Council.

3. (1) Every person who is required to take a licence under Section 3 of the Regulation for the purpose of Money-lending in the Mikir Hills Autonomous District shall have to apply for the licence in the form prescribed in Appendix I.

(2) Every application under sub-rule (1) shall be charged with a fee of Rs. 3 in cash.

(3) No action on any application shall be taken which does not comply with the condition provided in sub-rule (2)

(4) On receipt of an application, the Secretary shall cause enquiries to be made into the character and antecedent of the applicant for obtaining a licence for money-lending, and licence shall be issued to such applicants as would be found to be desirable and honest money-lenders.

(5) There shall be maintained a register of applications in the form shown in Appendix II

(6) All licences shall be issued by the Secretary in the form prescribed in Appendix III, under the terms and conditions embodied therein.

(7) A fee of Rs. 25 shall be levied on every licence.

(8) (1) All licences shall be valid for one year only; but these may be renewed from time to time for a similar period on payment of fees prescribed in rule 5.

(2) In the event of loss of a licence, a duplicate may be issued on payment of fee of Re. 1.

(9) All licences shall be renewed on or before 31st December of every year; but they may be renewed after that dates on payment of a late fine of Rs. 2 each within 31st January of the following year after which no licence shall be renewed.

(10) A register of licences shall be maintained in the form shown in Appendix IV.

(11) (1) Every licenced money-lender shall maintain an account in the form prescribed in Appendix V.

(2) He shall also submit a quarterly return in the form prescribed in Appendix VI, to the Secretary.

(3) The quarterly returns under sub-rule (2) above shall reach the District Council Office not later than the 15th day of April, July, October and January for the quarters ending the 31st March, the 30th June, the 30th September and the 31st December respectively.

N. Rongpher
Chief Executive Member,
Mikir Hills District Council, Diphu.

## APPENDIX I

## FORM A

**Rule 3 (1)**

Form of application for money-lending by non-tribals.

1. Full name (in Block letters)
2. Father's name
3. Occupation
4. Community
5. Address in full
6. Place of business
7. Special reason for consideration (if any).

Date . Signature of the applicant

**DECLARATION**

I have fully understood the provisions of the Mikir Hills District (Money-lending by Non-Tribals) Regulation, 1953 and the Rules framed thereunder and I agree to abide by these provisions.

Date Signature of the applicant

## APPENDIX II
## FORM B
**Rule 3 (5)**
**Form of Register of Application**

| Sl. No | Date | Name of applicant | Father's Name | Address | Date of application | Fee realised | Particular of orders passed | Remarks |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |

## APPENDIX III
## FORM C
### Rule 4
## FORM OF LICENCE

1. Full name of licensee.
2. Father's name.
3. Occuapation
4. Address
5. Place of business
6. Date upto which this licence is valid
7. This licence is issued subject to the conditions specified below

Signature of the Secretary

**Conditions of licence :-**

1. The fees charged for the grant of a licence is Rs. 25.
2. (a) The licence is valid for a period of one year and may be renewed from time to time for a similar period on payment of the fees stated above.
   (b) In the event of loss of this licence a duplicate may be obtained from the licensing authority on payment of a fee of Re. 1.
3. The licensee shall display his licence prominently at the place of business.
4. The licensee shall furnish correctly such information as may be required of him and shall carry out such instructions as may from time to time be given by the District Council or licensing authority.
5. The licensee shall afford full facilities at all reasonable time to the licensing authority or any other person authorised by such authority in this behalf, to inspect his shop or any other place used for storing any mortgaged articles, any book of accounts or other documents relating to his business.
6. If the licensee contravenes any of the provisions of the Mikir Hills District ( Money-lending by Non-Tribals) Regulation, 1953 or any other conditions of this licence, or is found to have made any incorrect statement in his application for a licence or in complying with condition 5 of this licence, his licence may be cancelled.

## APPENDIX IV
## FORM D
## Rule 8
## Form of Register of licences

| | | Particular of licence | | | | | | | Renewal | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Sl No. | Date | Name | Father's Name | Occupation | Address | Place of business | Fee realised | Term of licences | Date | Fees with late fine (if any) | Signature of Secretary | Remarks |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |

## APPENDIX V
## FORM E
### Rule 9 (1)
### Form of Account to be kept by the licensed money-lenders

| | | | | | | | Nature of loan | | | | | | Repayments | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Serial No. | Name of borrowers | Father's name | Occupation | Address | Purpose | Amount of loan | Rate of Interest | Secured | Unsecured | Nature of security in case of secured loan | Value of security | Rate of issue of loan | Date | Principal | Interest | Remarks |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |

## APPENDIX VI
## FORM F
**Rule 9 (2)**

Form of returns to be submitted by money-lenders

Quarterly returns for the quarter ending .....

| | |
|---|---|
| 1. Amount of loan issued during the quarter | a) Secured<br>b) Un-Secured |
| 2. Total loan outstanding including the amount issued during the quarter | a) Principal<br>b) Interest |
| 3. Amount realised during the quarter | a) Principal<br>b) Interest |
| Balance outstanding ..... | a) Principal<br>b) Interest. |

Signature of money-lender

**The 2nd January, 1963**

No. TAD/R/85/62,- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information :-

## Act No. 1 of 1963
## THE MIKIR HILLS DISTRICT (CHRISTIAN MARRIAGE) ACT, 1962

**( Passed by the Mikir Hills District Council)**

(Received the assent of the Governor of Assam on the 28th December, 1962)

**An**

**Act**

to provide for solemnisation of marriage of the Christians in the Mikir Hills District.

**Preamble :-** Whereas it is necessary to provide for solemnisation of marriage of persons professing Chirstian religion;

And whereas it is expedient to adapt and modify the Indian Christian Marriage Act, 1872 (Act No. XV of 1872), in its application to the Mikir Hills District :-

It is therefore, enacted in the Thirteenth Year of the Republic of India as follows :-

**1. Short title, extent and commencement :-**

(1) This Act may be called the Mikir Hills District (Christian Marriage) Act, 1962

(2) It shall extend to the whole of the Mikir Hills District.

(3) It shall come into force at once.

**2. Definition, -**

In this Act, unless there is anything repugnant in the subject or context:-

(1) "District Council" means the Mikir Hills District Council;

(2) "Executive Committee" means the Executive Committee of the Mikir Hills District Council, and the terms "Chief Executive Member" and " Executive Member" shall be construed accordingly;

(3) " Section" means a section of the Indian Christian Marriage Act, 1872.

**3. Adaptation of the Indian Christian Marriage Act, 1872-**

In its application to the Mikir Hills District, the Indian Christian Marriage Act, 1872 (Act No XV of 1872), shall have effect subject to the following adaption and modification;

(1) Reference to the terms 'State Government" and "Government" shall be construed as referring to the "Executive Committee" of the Mikir Hills District Council.

(2) Reference to the "Magistrate of the District" occurring in Section 7 shall be construed as referring to the "Magistrate of the State Government posted is Mikir Hills" till the constitution of the courts of the District Council and after the constitution of such courts to the "Judges of the District Council Courts".

(3) The words "Mikir Hills District Council" shall be substituted for the word "India" occurring in Section 27.

B. C. Hazarika
Under Secy. to the Govt. of Assam
Tribal Areas and Welfare of Backward Classes Deptt.

**The 22nd August, 1963**

No. MHC/XVII/Leg/99/63, - In exercise of the powers conferred by clause (a) of sub-paragraph (1) of paragraph 12 of the Sixth Schedule to the Constitution of India, the District Council of Mikir Hills directs that the Assam Embankment and Drainage Act. 1953 as amended from time to time shall apply to the Mikir Hills Autonomous District subject to the following exceptions and modifications :-

1. after the end of the sentence in section 2 (vi) (c) the words "or the District Council" shall be added.

2. the term 'owner", shall include "settlement holders" and "land holder" as defined in the Assam Land and Revenue Regulation, 1886 and Rules made thereunder, adapted under the Mikir Hills ( Land and Revenue) Act, 1953, and amended form time to time

3. In section 8, the words, "or the District Council" shall be inserted between the words "Committee" and "likely".

D. R. Rongpi
Chief Executive Member,
Mikir Hills District Council, Diphu.

**( Published in the Autonomous District Council Supplement to the Assam Gazette of 4-9-65).**

**The 23rd May 1965 (1966)**

No. MHC/XVII/110/66/16/6069, - In exercise of the powers conferred under clause (a) of sub-paragraph (1) of paragraph 12 of the Sixth Schedule to the Constitution of India, the District Council of the Mikir Hills is pleased to direct that the Assam Town and Country planning Act, 1959 (Assam Act II of 1960), hereinafter called the principal Act, as amended, shall apply to the Mikir Hills Autonomous District subject to the following exception and modifications :-

**1.** For sub-section (1) of section 2 of the principal Act, the following shall be subsituted, namely :-

"2. (1) 'Authority' shall in respect of any area for which a Town Committee has been constituted by or under the Mikir Hills District ( Administration of Town Committee) Act, 1954 ( Mikir Hills Act No. III of 1954) mean that Town Committee and in respect of other areas the District Council.

**2.** For the figures letters and words, "1st January, 1957" occurring in sub-section (2) of Section 33 of the principal Act, the words "date ,of acquisition", shall be substituted.

**3.** Sub-sections (3) and (4) of Section 33 of the principal Act shall be deleted.

D. R. Rongpi
Chief Executive Member,
Mikir Hills District Council, Diphu.

**The 23rd October 1970**

No. MHC/XI/99/70/22, - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules framed by the Mikir Hills District Council, are published for general information :-

## THE MIKIR HILLS DISTRICT COUNCIL (EMPLOYEES' CONTRIBUTORY PROVIDENT FUND) Rules, 1970

**Published in the Assam Gazette dated 18th Oct.1970**

**1. Short title and definition -**

(1) These Rules may be called the Mikir Hills District Council Employees' Contributory Provident Fund Rules, 1970.

(2) They shall come into force with effect from the first day of April, 1970

**2. In these Rules-**

(1) "Chief Executive Member" means the Chief Executive Member of the Mikir Hills District Council;

(2) "District Council" means the Mikir Hills District Council;

(3) "Fund" means the Constributory Provident Fund constituted under these Rules;

(4) "Family" means-

(i) In the case of a male subscriber, his wife and children provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under any law for the time being in force to be a member of his family for the purpose of these Rules unless the subscriber subsequently indicates in writing to the Secretary that she shall continue to be so regarded; and

(ii) In the case of a female subscriber her husband and children, provided that if a subscriber proves that she has been judicially separated from her husband he shall no longer be regarded as a member of her family for the purpose of these Rules unless the subscriber subsequently indicates in writing to the Secretary that he shall continue to be so regarded;

**Note:-** (1) "Children" means legitimate children.

**Note :-** (2) An adopted child shall be considered to be a child when the Secretary is satisfied that under the personal law of the subscriber, adoption is legally recognised conferring the status of a natural child, but in this case only. The Secretary shall, in case of doubt obtain legal opinion on the matter of recognition of adopted child.

**Note :-** (3) "Wife and Husband" means legally married wife and legally married husband.

(5) "Pay" means the amount drawn monthly by an Officer of the District Council but does not include technical or personal pay and other allowances:

(6) "Secretary" means the Secretary to the Executive Committee of the Mikir Hills District Council;

(7) "Leave" means any variety of leave recognised as leave under the Fundamental Rules or the Assam Revised Leave Rules;

(8) "Year" means the financial year;

(9) Permanent superior service shall include all employees under the Mikir Hills District Council who have rendered not less than eighteen months uninterrupted service and whose appointment is likely to continue for atleast three years from the date of appointment but shall exclude personal peons, orderlies, jugalies of the workshop, handiman, gangman, malies, sweepers, mahuts and all other employees who are borne on the temporary establishment of the Council but shall include office peons and chowkidars if taken to the permanent establishment.

**Note:-** Any other expressions used in these Rules but not defined in these Rules, shall be construed to have the same meanings as used in the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951, and the Fund Rules of the Mikir Hills District Council as amended from time to time.

**Constitution of the Fund**

**3.** (1) There shall be a Contributory Provident Fund open to all officers of the District Council in the Permanent Service.

(2) Provided that it shall be open to any person already in the service of the District Council prior to 1st April, 1970. All other officers ,of the Council who are not in Permanent Superior Service and hence are not eligible to join the Provident Fund, but who have rendered five years uninterrupted service to the Council, shall, on retirement, or in the event of his death occurring earlier than the due date of retirement or earlier quitting the service on invalidation of in the event of his resignation before the normal date of retirement, be granted a gratuity for the whole of his service at the rate of one month average pay, for each year of completed service subject to the maximum of 18 months' pay.

**Note:-** "Average pay" means the average monthly pay drawn by the officer concerned from the date of his appointment to the date of his retirement.

(3) Such temporary District Council Srvants (excluding those in work charged establishment but including those in work-charged establishment who have rendered five years uninterrupted service and who are likely to be retained for not less than 3 years) as are classed as superior and are likely to be retained in service for at least 3 years may be permitted to join the Fund.

**4.** (1) An Officer who had been in service prior to 1st April, 1966, and who would have been eligible to be in the provident Fund had these Rules been in force at the time of his appointment shall be entitled to a gratuity for the whole of service prior to the above date at the rate on one month's average pay for each year of completed service.

**Note:-** 'Average pay" means the average monthly pay drawn by the Officer concerned from the date of his appointment till 31st March 1966.

(2) The Gratuity earned under sub-rule (1) may either be credited to the Officer's Provident Fund Account or may be drawn and paid to the Officer concerned at any time after the coming into force of these rules at the discretion of the Chief Executive Member.

5. No officer on deputation shall be eligible to contribute to the fund.

**Note:-** Officer on deputation include members of the Assam Civil Service Classes I and II, Forest Officers. Land Record Staff, Lower Primary School teachers and any other officer deputed or transferred to the District Council Service and for whom the Council has or has not to pay leave salary and pension contributions, special pay and/or deputation allowance.

6. (1) If a subscriber to the fund is degraded from the permanent superior service he shall cease to subscribe to the fund till he is reinstated to his former service.

(2) If a subscriber cease to subscribe under sub-rule (1) he shall nevertheless retain his other rights and liabilities as a subscriber to the fund; and no final withdrawal of his deposits shall be allowed except on the happening of one or other contingencies provided for in Rules 13 and 14.

7. (1) Each subscriber shall, at the time of joining the fund, make nomination conferring the right to receive the amount that may stand to his credit in the fund in the event of his death before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made.

(2) Subscriber who, at the time of joining the fund has a family, shall send to the Secretary, a nomination in the form set fourth in the first schedule in favour of one or more members of his family.

(3) A subscriber who has no family shall similarly nominate a person or persons in the form set forth in the second schedule;

Provided that a nomination made under this sub-rule shall be deemed to have been duly made in accordance with these rules only for so long as the subscriber has no family.

(4) If a subscriber who, at the time of joining the fund, has no family, at any time acquires a family he shall send to the Secretary a nomination as provided for in sub-rule (2) and, if he has under sub-rule (3) nominated any person other than a member of his family, he shall formally cancel the previous nomination.

(5) A subscriber may in his nomination distribute the amount that may stand to his credit in the fund amongst his nominees at his own discretion.

(6) A nomination may be cancelled by a subscriber provided that it is replaced at the same time by any other nommination which is permitted to be made under this rule.

(7) A nomination shall take effect to the extent that it is valid on the date on which it is received by the Secretary.

(8) On the death of a nominee a subscriber shall make a fresh nomination.

(9) If minors are nominated, the person or persons to whom sums intended for their benefit are to be paid, should be stated in the nomination.

(10) The Secretary shall satisfy himself that the nomination is in order and shall be responsible for its safe custody.

**Subscriber's Accounts, Contributions and Deposits.**

**8.** (1) An account shall be prepared in the name of each subscriber in the form set forth in the 3rd Schedule and shall show the Account number, the amount of his subscription and the Council's contributions thereto.

(2) All deductions, from the officers' pay and the District Council's constributions shall be remitted to the Postmaster, DIPHU for credit in the Savings Bank Account of the subscriber.

(3) The District Council's contribution shall be charged to the Head "Allowances and Honararia" sub-head "Contributions to service funds, Provident Fund Contributions".

(4) The remittance to the Post Office shall be made before the 7th of each month in order that interest may accrue for the month of deposit. In cases, however where due to circumstances beyond control, it may not be possible to remit

to the Post Office, the subscription and the contribution within the 7th day of the month concerned, no claim for any compensation for loss of interest will be entertained from the subscriber.

(5) The Contribution by the District Council shall be at the rate of $\frac{1}{4}$ percent of the subscriber.

(6) An account in the name of a subscriber shall be opened in the Post Office Savings Bank to which the subscription together with the District Council's Contribution thereto shall be credited

(7) The total amount subscribed by each subscriber together with the sum contributed by the District Council and the interest accrued thereon shall constitute the Provident Fund of the subscriber.

**Conditions of subscriptions**

**9.** (1) All subscribers shall subscribe monthly to the fund except during the period of suspensions.

Provided that a subscriber may elect not to subscribe during leave.

Provided further that a subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying in one sum or in instalment, any sum not exceeding the maximum amount of arrear subscriptions permissible for that period.

(2) The Officer shall intimate his election not to subscribe during leave in the following manner :-

(i) If he is an officer who draws his own pay bills, by making no deduction on account, of his subscriptions in his first pay bills drawn after proceeding on leave,

(ii) If he is not an officer who draws his own pay bills, by written communication to the Secretary before he proceeds on leave. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

The opinon of a subscriber intimated under this sub-rule shall be final.

**10.** The amount of subscription shall be fixed by the subscriber himself subject to the following comditions :-

a) It shall not be less than $6\frac{1}{4}$ percent of his pay

b) It shall not be varied during the year.

c) A fraction of a rupee shall be rounded to the nearest higher or lower rupee according as the fraction of a rupee does or not exceed 50 P.

**11.** The Officer's subscription to the fund shall be deducted from every salary bill presented and the net salary only shall be paid to the Officer.

**Advances from the fund**

**12.** (1) A temporary advance may be granted to a subscriber from the amount standing to his credit in the fund at the discretion of the Secretary subject to the following conditions:

(i) The subscriber must satisfy the Secretary of the necessity for the advance;

(ii) The Secretary shall record in writing his reasons for granting the advance;

(iii) Except for special reasons to be recorded in writing and on the written order of the Chief Executive Member an advance shall not-

(a) Exceed $\frac{3}{4}$ of the amount standing at the credit of the subscriber, or,

(b) exceed three months pay, or,

(c) be granted uptill at least twelve months after the final re-payment of all previous advances together with interest thereon.

(2) In fixing the amount of an advance the sanctioning authority shall pay due regard to the amount at the credit of the subscriber in the fund.

(3) The Secretary shall be competent to grant an advance not exceeding Rs. 250. All advances exceeding Rs. 250 shall be granted by the orders of Chief Executive Member in accordance with this Rule.

**Note:-** The following shall be deemed to be good and sufficient reasons for the grant of an advance, provided the sanctioning authority is satisfied that the applicants pecuniary circumstances justify an advance, and that the amount advanced will be expended on the object for which it is given :-

(i) To pay expenses incurred in connection with the prolonged illness of a subscriber or any person actually, dependent on him;

(ii) To pay obligatory expenses on a scale appropriate to the subscriber's status ,in connection with marriages, funerals or ceremonies which by religion or custom it is incumbent on him to perform;

Sanctioning authority should reject an application for an advance to repay a debt incurred of illness or any other recognised purpose, made 3 years after the event to which it relates.

Advances are not rigidly confined to the objects mentioned in clause (i) and (ii) above, but may be sanctioned only for reasons no less cogent.

(4) Subject to the sanctioning authority being satisfied that the pecuniary circumtances of the subscriber justify the grant of the advance, the Secretary or the Chief Executive Member, as the case may be, allow temporary advances from the fund standing at the credit of the subscriber for the following purpose:

(i) For Payment of insurance premium subject to the condition that it shall not be withdrawn more than once a year;

(ii) For the education of the subscribers' children or dependent whether for an academic technical, professional or vocational courses;

(iii) For medical, engineering and other technical specialised courses;

(iv) For building or purchasing a house for the occupation by the subscriber himself at the place where he is serving.

(5) The amount of withdrawal will be limited to that prescribed in Rule 12 (i) (iii) (a).

(6) The withdrawal shall not be permissible more than once a year and the second advance shall not be granted untill the first advance shall have been repiad in full together with due interest thereon.

(7) The subscriber concerned shall satisfy the sanctioning authority within a period of six months from the date of drawing the money that it has been utilised in full for the purpose for which it was intended; otherwise the whole amount of withdrawal together with interest shall become liable to recovery in one lump-sum or by such instalments as the sanctioning authority may direct.

(8) Any amount withdrawn from the fund, which is found to be in excess of that actually required by the subscriber for the purpose should be re-deposited forthwith into the fund together with the interest due thereon.

(9) Advances shall be recovered in not less than 12 instalments or more than twenty-four. A subscriber, may, however, at his own option repay in less than twelve instalments or may repay two or more instalments in advance at the same time.

(10) Recoveries shall be made monthly, commencing from the first payment of a full month pay after the advance is granted, but no recovery shall be made from a subscriber while he is on leave except casual leave.

(11) Recovery may also be postponed by the written order of the Chief Executive Member while an advance granted to the officer other than from the fund is being recovered, and for any other reason which the Chief Executive Member may deem proper.

(12) The instalment shall be recovered by compulsory deductions from pay, and shall be paid in addition to the usual subscriptions.

(13) After the principal of the advance has been paid in full, interest shall be recovered at the rate of 3 percent per annum on the monthly balances of the principal after crediting the instalments or instalment recovered within the 7th of each month.

(14) The interest due shall be recovered in one instalment in the month after complete re-payment of the principal but if the period of the re-payment of the principal exceeds twenty months it should be recovered in two equal instalments.

**Final withdrawal from the accumulations of the fund**

**13.** No final withdrawal from the accumulations of the fund standing at the credit of the subscriber shall be allowed untill the subscriber quits the service or dies.

Provided that in the following cases a subscriber may be permitted to withdraw the deposit at his credit before the actual date of his retirement on the conditions laid down against each:

(1) A subscriber proceeding on leave preparatory to retirements, at any time, between the date of his proceeding on leave and the date of retirement, subject, however, to the condition that he may be required, should he return to duty at the end of his leave, to re-pay to the fund the whole amount withdrawn by him with interest thereon.

(2) A subscriber who obtains a medical certificate of incapacity for further service any time between the date of his obtaining such certificate and the date of retirement.

(3) In the case of subscriber who have either rendered not less than 25 years service (including broken periods of service, if any) or have less than 5 years to attain the age of superannuation, when the withdrawal is required for any of the purpose prescribed under Rule 12.

**14.** On the retirement of a subscriber the amount standing to his credit in the fund shall become payable to him.

**15.** On the death of a subscriber before his retirement from the service.

(1) When the subscriber leaves a family :-

(i) Is the nomination made by the subscriber in accordance with the provision of Rule 7 in favour of a member or members of his family subsists, the amount, standing to his credit in the fund or the part thereof to which the

nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination;

(ii) If no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the fund, the whole amount or the part thereof which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any persons other than a member or members of his family, become payable to the members of his family in equal shares.

(2) When the subscriber leaves no family, if a nomination made by him in accordance with the provision of Rule 7 in favour of any person or persons subsists, the amount standing to his credit in the fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

**Note I:-** When the person named in the form of nomination dies before the subscriber the nomination shall, in the absence of a direction contrary to the form of nomination become null and void in respect of that person, and his or her share shall be distributed among the members of the family as defined in these rules or paid to his or her legal representative as the case may be.

**Note 2:-** A husband may make a written application for the exclusion of his wife from participation under Rule 7 if she has been judicially separated from him. In the absence of such application, the widow shall retain her right under sub-rule (7) of Rule7.

**16.** When the amount standing to the credit of a subscriber in the fund becomes payable, it shall be the duty of the Secretary to make payment without any undue delay.

**17.** All payments under these rules shall be made at DIPHU. Payment outside DIPHU if it can be arranged shall be made at the cost of the payee.

**Miscellaneous Provisions**

**18.** (1) As soon as possible after the close of each year, the Secretary shall send to each subscriber a statement of his account in the fund showing the opening balance as on 1st April of the year, the total amount credited or debited during the year and the closing balance on 31st March of the year.

(2) Subscribers should satisfy themselves as to the correctness of the annual statement and errors should be brought to the notice of the Secretary in writing within 30 days from the date of the Receipt of the Statement.

**19.** The accumulation of a subscriber is not liable to attachment under any decree or order of any civil, revenue or criminal court in respect of his debt or liability incurred by him.

**20.** If the subscriber is dismissed or discharged from service on account of misconduct or incapacity; or if he resigns within 5 years of the commencement of his service, the Chief Executive Member may withhold all or any part of the contribution credited in the favour of such subscribers by the District Council with interest accrued thereon and pay only the balance.

**21.** In case of there being any outstanding dues against a subscriber at the time of final withdrawal the Secretary may deduct the amount outstanding from the amount of the contribution allotted to him and the interest accured thereon and not from any portion of the subscription made by the officer and the interest accrued thereon.

**22.** Any contribution and interest thereon withheld from a dismissed or discharged employee shall be credited to the District Council fund.

**23.** A Provident Fund ledger in the form as set forth to Schedule III having a separate page for each depositor's account, shall be maintained by the Secretary.

**24.** Calculation of interest due on each account on the balance in the Post Office Savings Banks shall be made at the rate in force from to time under the Post Office Saving Bank Rules. Such interest shall be allowed for each calender month on the lowest balance at the credit of an account balance on the closing of the 4th day and the end of the month. The interest shall be accounted for in such form and in such manner as the Executive Committee may, by order, prescribe.

**25.** To afford facilities for earning a higher rate of interest than that allowed by the Post Office Savings Bank the subscribers may be allowed the option to convert part or whole of the accumulated balances at their credit into Government Securities or for the purchase of Post Office Cash Certificates, National Savings Certificates or Defence Bonds.

The accounts of such investments shall be kept in such form and in such manner as the Executive Committee may, by order, prescribe.

**D. R. Rongpi,**
**Chief Executive Member,**
**Mikir Hills District Council, Diphu.**

**L. S. Tisso,**
**Chairman,**
**Mikir Hills District Council, Diphu.**

## FIRST SCHEDULE

[Rule 7 (2) ]

**Form of Nomination when Subscriber has a Family**

I hereby direct that the amount at my credit in the Mikir Hills District ( Council Services) Contributory Provident Fund Account No ..... at the time of my death shall be distributed among the members of my family mentioned below in the manner shown against: their names :-

| Name and address of the nominee or nominees | Relationship with the subscriber | Age of the nominee | Amount of share of accumulation |
|---|---|---|---|
| | | | |

Date .....

Station .....

**Signature of subscriber,**

Witnesses - 1

2

## SECOND SCHEDULE

[Rule 7 (3)]

**Form of Nomination when Subscriber has no Family**

I hereby declare that I have no family (as defined in these Rules) and I direct that the amount at my credit in the Mikir Hills District ( Council Services) Contributory Provident Fund Account No ..... at the time of my death shall, in the event of my having no family, be distributed among the persons mentioned below in the manner shown against their names :-

| Name and address of the nominee or nominees | Relationship with the subscriber | Age of the nominee | Amount of share of accumulation |
|---|---|---|---|
| | | | |

Date :.....

Station.....

Witness - 1

2

Signature of subscriber.

## THIRD SCHEDULE

[Rule 8 (1)]

Account No. ..... Name of Subscriber .....

Post Office Savings Bank Account ..... Appointment held subscriber .....

| Deposits | | | | | | | Withdrawals | | | | | | | | Account of investment made | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Amount remitted to the Savings Bank | | | | | | | | | Columns for calculation of Savings Banks deposits | | | | | | | |
| 1 Voucher No. | 2 Date | 3 Cheque No | 4 Date | 5 Depositor's subscription | 6 District Council's contribution | 7 Recovery of advance | 8 Amount received on maturity of Life Insurance Policy | 9 Amount received on account of bonus of Life Insurance Policy | 10 Total | 11 Amount withdrawn for advance to the depositors, date of withdrawal and payment of the advance | 12 Amount withdrawn for investment in Government security and the date of such investment | 13 Amount withdrawn for purchasing Post Office Cash Certificate and the date of such purchase | 14 Amount withdrawn for payments of premia or for the purchase of a single payment Life Policy | 15 Balance of each transaction | 16 Initial of secretary | 17 Principal or lowest sum of complete rupees between the close of the seventh day and the end of the month | 18 Amount of interest at the rate per annum in force from time to time under the Post Office Savings Bank rules on the amount shown in column 17 | 19 Amount invested in Government security with the rate of interest and the date of investment | 20 Amount of interest accrued on Government security | 21 Value of Government security on maturity or at the time of refund to the depositor | 22 Amount invested in purchasing Post Office Cash Certificates with the date of such purchase | 23 Value of Cash Certificate on maturity or at the time of refund to the depositor | 24 Initial of Secretary | 25 Remarks |
| | | | | | | | | | | | | | | | | | | | | | | | | |

**The 15th March, 1973.**

In pursuance of paragraph 11 of the Sixth Schedule to the Constituion of India, the following Act made by the Mikir Hills District Council, is published for general information :-

**Act. No. 2 of 1973**

# THE MIKIR HILLS DISTRICT COUNCIL (EMPLOYEES' CONTRIBUTORY PROVIDENT FUND) (FIRST AMENDMENT) RULES, 1973

**An**

**Act**

**to amend the Mikir Hills District Council (Employees' Contributory Provident Fund) Rules, 1970**

(Published in the Assam Gazette dated 20th June 1973)

**Preamble** :- Whereas it is expedient to amend the Mikir Hills District Council (Employees' Contributory Provident Fund) Rules, 1970, hereinafter referred to as the principal Rules in the manner hereinafter appearing :

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

**1. Short title and commencement :-**

(1) The Act may be called the Mikir Hills District Council (Employees' Contributory Provident Fund) (First Amendment) Act, 1973.

(2) It shall come into force with retrospective effect from the first day of April, 1970.

**2. Amendment of the Rule 4 (1) of the principal Rules :-**

Insert the following as a provision to the Rule 4 (1) of the principal Rules-

**"Provided that the officers employed or reemployed to the services of the district council after their retirement**

**from the state or the central government services or from any other sources shall not be eligible for contribution to the fund and that the provision of rule 4 (1) shall not be attracted in their cases**

This bill was passed by the Mikir Hills District Council held on 15th March 1973.

K. Borah,
Chairman,
Mikir Hills District Council, Diphu.

**The 29th Jun, 1974**

No. MHC/XI/99/74 :- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act made by the Mikir Hills District Council, is published for general information :-

**Act. No. 4 of 1974**

**THE MIKIR HILLS DISTRICT (EMPLOYEES' CONTRIBUTORY PROVIDENT FUND) (SECOND AMENDMENT) RULES, 1974**

**Published in the Assam gazette dated 13th Nov. 1974**

**An**

**Act**

futher to amend the Mikir Hills District Council (Employees' Contributory Provident Fund) Rules, 1970.

**Preamble** :- Whereas it is expedient further to amend the Mikir Hills District Council (Employees' Contributory Provident Fund) Rules, 1970 hereinafter called the principal Rule as referred to below:-

Be it enacted in the twenty-fifth year of the Republic on India as follows :-

**1. Short title, commencement and extent :-**

(a) The Act shall be called the Mikir Hills District Council (Employees' Contributory Provident Fund) Rules (Second amendement) Act, 1974.

(b) It shall come into force with retrospective effect from 1st April 1970.

(c) It shall have the like extent and power of the Principal Rules.

**2. Amendment of the Rule 3 of the Principal Rules :-**

(a) Insert the following as a proviso to the Rule 3 (1) of the Principal Rules :

"Provided that it shall be compulsory for all the Officers of the District Council, in the permanent Superior Service, to contribute to the Fund at the rate provided under Rule 10(a) of these rules."

(b) Add the word "further" between the words "Provided" and "that" occuring in the first line of sub-rule (2) of the rule 3 of the principal Rules.

(c) Insert the following as Sub-rule (4) of Rule 3 of the principal Rules.

Rule 3 (4) - "An officer borne on the Permanent Superior Service of the District Council having five years qualifying service at his credit, shall, on his retirement, or, in the event of his death occuring earlier than the due date of retirement or earlier quitting the service on invalidation or in the event of his resignation before the normal date of retirement be granted a gratuity at the rate of one month's average pay calculated on the last three years' basic pay for every completed year of service subject to the maximum of eighteen".

This bill was passed in the Mikir Hills District Council held on 29 June, 1974.

S. S. Terang,
Chairman,
Mikir Hills District Council, Diphu

**The 24th September, 1954**

No. TAD/R/102/53.- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Mikir Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information :-

## MIKIR HILLS ACT, NO. III OF 1954
## THE MIKIR HILLS DISTRICT (ADMINISTRATION OF TOWN COMMITTEE) ACT, 1954

(Passed by the Mikir Hills District Council)
(Received the assent of the Convenor of Assam on 24th September, 1954)
(Published in the Assam Gazette, dated 6th October, 1954.)

**An**

**Act**

to provide for the establishment and administration of Town Committee in the Mikir Hills District.

**Preamble:-** Whereas it is expedient to provide for the establishment of Town Committees in the Mikir Hills District:

It is hereby enacted as follows:

**1. Short title, extent and commencement :-**

(1) This Act may be called the Mikir Hills District (Administration of Town Committees ) Act, 1954.

(2) It extends to the whole of the Mikir Hills Autonomous District.

(3) It shall come into force at once.

**2. Definition, - in this Act-**

(a) "District" means the Mikir Hills Autonomous District;

(b) "District Council" means the District Council of the Mikir Hills;

(c) "Executive Committee" means the Executive Committee of the Mikir Hills District Council constituted under the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951;

(d) The terms "Municipality," "Municipal Board" and "Municipal Fund" shall have the same meaning as assigend to them by the Assam Municipal Act, 1923 (Act I of 1923)

**3. Constitution of notified areas -**

(1) The Executive Committee of the District Council may by notification signify its intention to constitute a Town Committee for any specified area wherein it consider improved arrangement are necessary to deal with all or any of the matters referred to in the Schedule appended to this Act.

(2) A copy of the notification under sub-section (1) shall be published in such places as the Executive Committee may by general or special order direct.

(3) Should any inhabitant of the specified area aforesaid desire to object to the notification issued under sun-section (1) he may, within six weeks from the date of its publication, submit his objection in writing to the Executive Committee and the Executive Committee shall take his objection into consideration.

(4) When six weeks from the date of publication have expired, and the Executive Committee has considered and passed orders on such objection as may have been submitted to it, the Executive Committee may by notification declare the specified area aforesaid or any portion thereof to be a notified area.

(5) The Executive Committee may by notification declare that any area previously notified under sub-section (4) shall cease to be a notified area.

**4. Constitution of Town Committee** - (1) There shall be established for each notified area a committee for the purpose of clauses (b) and (c) of sub-section (1) of Section 5, consisting of such number of members to be appointed or elected on the basis of adult suffrage or partly so appointed and partly so elected as the Executive Committee may by notification direct.

The Executive Committee may by notification make rules subject to the approval of the District Council for the appointment and electioin of members to such a Committee and the conduct of such elections.

(2) A Committee established under sub-section (1) of this section shall be called a Town Committee, and every such Town Committee shall have a Chairman and Vice-Chairman.

(3) The Executive Committee may appoint any person, whether a member of the Town Committee or not, to be its Chairman or Vice-Chairman or may authorise any Town Committee to elect its Chairman or Vice-Chairman or both and fix the term of office of the Chairman and Vice-Chairman of the Town Committee.

**5. Power of the District Council to impose taxation, regulate expenditure of proceeds thereof,-**

(1) The District Council may -

(a) impose in any notified area any tax which could have been imposed therein if such area were a municipality,

Explanation :- The words "any tax" in the above clause shall be deemed to include all fees, tolls, cesses, rates and duties.

(b) apply or adopt to the notified area, for the assessment and recovery of any tax imposed under clause (a) any of the provisions of the Assam Municipal Act, 1923, as amended from time to time, or any of the rules framed thereunder in regard to the assessment and recovery of any tax imposed under the said Act.

(c) arrange for the due expenditure of the proceeds of taxes imposed under clause (a) and of any other funds which may be placed at the disposal of the Town Committee for any general or special purpose of the notified area and for the preparation and maintenance of proper accounts.

2. Notwithstanding any of the provisions contained in sub-section (1), the District Council may, in addition to, or in lieu of, the exercise of any of the foregoing powers, extend to any notified area the provisions of any section of the Assam Municipal Act, 1923, subject to such restrictions and modifications as the District Council may think fit or subject to the approval of the District Council the Executive Committee may make rules for the purpose of carrying out the provisions of this Regulation.
3. The proceeds of any tax levied under this section shall be expended in the same manner in which the Municipal Fund of such notified area might have been expended if the notified area were a municipality under the Assam Muncipal Act, 1923.
4. Any reference to a Muncipal Board and Municipality in any section of the Assam Municipal Act, 1923, which may be extended to notified area, shall be construed as references to the Town Committee and that notified area, respectively.

**6. Application of funds of areas ceasing to be notified areas.** If an area previously notified ceases to be a notified area, the unexpended proceeds of any taxes levied therein under section 5 shall be utilised for the benefit of the inhabitants of such area in such manner as the District Council may deem fit.

## SCHEDULE

1. Payment of the expenses of paupers, lunatics and lepers who are inhabitants of the Town Committee and are sent to public asylums from the Town Committee.
2. Construction, maintenance, repair, improvement and cleansing of roads, bridges, squares, gardens, tanks, ghats, wells, channels, drains, latrines and urinals.
3. Planting, reservation and felling of trees and bamboos
4. Supply of water and the lighting and watering of roads.

5. Erection and maintenance of Town Halls, Office and other buildings required for the purpose of the Town Committee.
6. Establishment and maintenance of a market or the taking of a market on lease.
7. Establishment and maintenance of primary schools and of hostels to be used in connection with such Schools.
8. Establishment and maintenance of hospitals and dispensaries.
9. Promotion of free Vaccination.
10. Acquiring and keeping of open spaces for the promotion of physical exercise and recreation.
11. Employment of medical practitioners and of veterinary practitioners.
12. Establishment and maintenance of veterinary dispensaries for the reception and treatment of horses, cattle and other animals.
13. Establishment and maintenance of free public libraries and reading rooms.
14. Maintenance of fire brigade.
15. Provision of burial and burning grounds.
16. Taking of a census other than Census ordered by the Central Government.
17. Holding of fairs and Industrial exhibitions.
18. Destruction of noxious animals or diseassed or unclaimed dogs.
19. Establishment and maintenance of grazing grounds for cattle.
20. Taking of such measures as may appears to the Town Committee to be necessary during the prevalence of diseases.
21. Establishment and maintenance of dairies.
22. Other works of public utility calculated to promote the health, comfort or convenience of inhabitants.
23. Generally the carrying out of the purpose of this Act.

Sd/- D. Das,
Secy. to the Govt. of Assam, Tribal Areas Deptt.

**The 29th August 1958**

No. 9334.- In connection with the constitution of a Town Committee at Diphu under the Mikir Hills District (Administration of Town Committee) Act, 1954, the rules framed by the Executive Committee, Mikir Hills District Council for constitution and management of the Town Committee at Diphu are hereby published for general information:-

## THE MIKIR HILLS DISTRICT (CONSTITUTION OF TOWN COMMITTEES) RULES, 1958

### CHAPTER- I

### Preliminary

1. (1) These Rules may be called the Mikir Hills District (Constitution of Town Committee) Rules, 1958.
   (2) These Rules shall extent to the whole of the Mikir Hills Autonomous District.
   (3) They shall come into force at once.

**2. In these Rules, unless the context otherwise requires-**

(a) "Act" means the Mikir Hills District (Administration of Town Committees) Act, 1954 (Mikir Hills Act III of 1954).

(b) "autonomous district" means an area deemed as such under sub-paragraph (1) of paragraph 1 of the Sixth Schedule to the Constitution of India;

(c) "areas under a Town Committee" means the notified area declared as such under sub-section (1) of Section 3 of the Mikir Hills District (Administration of Town Committee) Act. 1954.

(d) "Chief Executive Member" means the Chief Executive Member of the Mikir Hills District Council:

(e) "Chairman" means the Chairman of the Town Committee and includes any person for the time being performing the duties of the Chairman;

(f) "corrupt practice" and 'illegal practice' shall have the same meanings as assigned to them by rule 2 of the Assam Autonomous Districts (Constitution of District Councils.)

Rules, 1951, reference to an election in relation thereto being construed as referring to an election to fill a seat or seats in a Town Committee;

(g) "District Council" means the District Council of the Mikir Hills autonomous district constituted under provisions of the Sixth Schedule to the Constitution of India and in accordance with the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951 and within which district the Town Committee concerned is established;

(h) 'election" means an election to fill a seat in a Town Committee;

(i) 'Gazette" means the Assam Gazette;

(j) 'general election' means the election held at the end of every three years to fill the elected seats in a Town Committee;

(k) 'Member' means a member of the Town Committee;

(l) " Town Committee" means a Town Committee as constituted under sub-section (1) of Section 4 of the Act,

(m) 'ward' means one of the wards into which the area under a Town Committee is divided for the purpose of election of members thereof;

(n) 'qualifying date' means the date with reference to which the electorial qualifications are to be applied and tested and with reference to which electoral rolls of the area under a Town Committee are directed to be made up and revised from time to time.

**Note:-** Any expressions not defined in these rules but occuring therein, shall be deemed to have the same meanings in which they are used in the Constitution of India.

**3.** If any dificulty arises as to the interpretation of these Rules, it shall be referred for the decicsion of the Governor and the decision of the Governor shall be final.

## CHAPTER - II

### COMPOSITION AND DURATION OF TOWN COMMITTEE

(1) Each Town Committe shall consist of six members of whom four shall be elected and two nominated;

Provided that if the District Council in any case so directs, all the members of a particular Committee may be appointed by the District Council for such period as may be specified.

(2) The nominated members shall be appointed by the District Council, and a member so appointed shall hold office during the pleasure of the District Council.

**5.** Notwithstanding anything contained in the preceding rule the District Council may, by notification in the Gazette increase the number of both the elected and nominated members of a particular Town Committee.

**6.** (1) The Town Committee shall, unless sooner disolved, continue for a period of three years from the date of holding its first meeting held after each general election or appointment.

**Provided that -**

(a) the said period may be extended by the District Council by notification in the Gazette for a period not exceeding one year at a time;

(b) when the District Council has directed that all the member shall be appointed, they shall hold office for such period as may be stated in the direction.

(2) Subject to the provisions of sub-rule (2) of Rule 4, all members, both elected and nominated, shall hold office during the life of the Committee;

Provided that the member elected or nominated to fill a casual vacancy shall hold office for the remainder of the term of office of the member whom he replaced.

(3) Notwithsatnding anything contained in the foregoing provision of this rule, the period mentioned in sub-rule (1) shall include any period which may elapse between the expiration of the said period and the date of first meeting of the reconstituted Committee.

**7.** For the purpose of elections to a Town Committee the District Council shall, by notification in the Gazette, divide the area under the Town Committee into two or more wards and fix the number of members to be elected from each such ward or wards :

Provided that if the District Council in any case so directs, the whole area under a particular Town Committee may be one plural-member ward.

**8.** (1) At the first meeting of the Town Committee held after the general election and hereafter at the first meeting of the Committee held after the occurrence of a vacancy in the Vice-Chairmanship or Chairmanship, as the case may be, the members shall elect a Vice-Chairman from among their number, and if authorised by the District Council to elect a Chairman as well, shall proceed to elect one of their number to be Chairman.

In the event of the Committee being unable to elect a Chairman it shall report the matter to the District Council for such action as the District Council may deem fit.

(2) A Chairman or Vice-Chairman shall hold office for three years, or if the residue of his term of office as a member be less than three years for such residue;

Provided that the term of office fixed under this rule shall be held to include any period which may elapse between the expiration of the said period and the date of the first meeting of the Town Committee newly appointed or elected at which a quorum shall be present.

## CHAPTER- III

## ELECTIONS

### General

**9.** A general eletion shall be held under these rules for the first constitution of a Town Committee, and thereafter for the reconstitution of the Town Committee on the expiration of the duration thereof or on its dissolution, as the case may be;

Provided that the first election to a Town Committee under these rules may be held at any time as may be directed by the District Council.

**10.** The District Council shall by a notice published locally, fix the date for each election-

(a) In the case of a general election under Rule 9 or otherwise, by a notice issued not less than sixty days before the date fixed for such election;

(b) In the caese of any other election or by-election, by a notice issued as soon as possible after the vacancy occurs, but at least forty days before any such elecion or by-election.

**11.** (1) Subject to the provisions of Rules 12, 17 (2) and 45 (4), when the seat of an elected member of a Town Committee falls vacant or the election of a member is declared void, the District Council shall direct a fresh election to be held to fill the vacancy within such time as may be specified in the direction, and these rules shall apply mutatis mutandis to such by-election.

(2) If a vacancy occurs in the case of a nominated member, the District Council shall nominate to the vacancy a person having the necessary qualification under these rules.

**12.** If any person having been elected or nominated is found to have been subject at the time of his election or nomination to any of the disqualifications prescribed in Rule 18, the District Council may, if the disqualification has not been removed, declare his seat to be vacant;

Provided that in the event of any successful candidate being found to be so disqualified or unwilling to serve as a member, within one week from the declaration of the result of the election under Rule 42, the District Council may declare the unsuccessful candidate who secured the next larger number of valid votes, to be duly elected.

**13.** No person in the employment on pay of the Town Committee shall, directly or indirectly, engage in canvassing for votes, or otherwise, assist in the election of any candidate, otherwise then by giving his own vote. Any breach of this rule will render him liable to dismissal.

**14.** Whoever commits a corrupt practice or an illegal practice at an election, he or she shall be punishable with a fine not exceeding

(i) five hundred rupees in the case of a corrupt practice and
(ii) two hundred rupees in the case of an illegal practice.

**15.** The District Council shall see that the elections are conducted with the least possible inconvenience to candidates and voters, and the least possible expense to the Town Committee. Although the voting for each ward shall be completed on a single day, the voting for different wards may, in the interest of economy and convenience, be fixed on different dates.

## QUALIFICATION OF MEMBERS

**16.** A person shall not be qualified to be elected as a member of a Town Committee unless he is a citizen of India and is entitled to vote at the election of members of the Town Committee.

**17.** (1) If a person is elected to more than one seat in a Town Committee, then unless within seven days from the date of publication of the name of that person as having been so elected or, where such publication has been made on different dates, unless within seven days from the latest of such dates, such person resigns all but one of the seats, all the said seats shall become vacant. If he resigns all but one seat; the remaining seat or seats shall become vacant. Such a vacancy or vacancies shall be notified by the District Council.

(2) In the event of any vacancy arising in a ward under sub-rule (1) the District Council shall declare the candidate, polling the next highest number of valid votes in that ward as shown in the papers forwarded to the District Council by the presiding officer under Rule 42, as the duly elected member from that ward.

**18.** (1) A person shall be disqualified for being elected as, and for being, a member of a Town Committee-

(a) If he is not a citizen of India or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;

(b) If he is a unsound mind and stands so declared by a competent court, or such other authority as may be recognised by the District Council;

(c) If he is an undischarged insolvent;

(d) If, during the three years immediately preceding the date of the election, he has been convicted of an offence under Chapter IX A of the Indian Penal Code, 1860;

(e) If, during the three years immediateley preceding the date of election, he has been convicted by a Court in India of any offence and sentenced to transportation or imprisonment for not less than six months;

(f) if during the three years immediately preceding the date of the election, he has been declared to be disqualified for employment in the public service;

(g) if, during the three years immediately preceding the date of election, he has been debarred from practising as a legal practitioner by order of any competent authority;

(h) if he is a salaried employee of the State or Central Government or of the District Council or is an employee of a Town Committee;

Provided that in the cases under clauses (d), (e) , (f) and (g) the disqualification may be removed by an order of the District Council in this behalf.

(2) Nothing in this rule shall restrict the power of the District Council to nominate a person who is a salaried employee, to be a member of the Town Committee.

(3) For the purpose of Clause (f) of sub-rule (1) 'public service' shall include service under the District Council,

## FRANCHISE

**19.** (1) Save in so far as is otherwise provided in these rules, every person who is -

(a) a citizen of India and ordinary resident in the area under a Town Committee for not less than 180 days immediately preceding the qualifying date.

(b) not below the age twenty-one on the qualifying date,

(c) not of unsound mind and does not stand so declared by a competent court, or such other authority as may be empowered by the District Council in this behalf, shall be entitled to vote at any election to Town Committee.

## PREPARATION OF ELECTORAL ROLLS

**20.**(1) There shall be an electoral roll for every ward for election to a Town Committee.

(2) The roll shall be preparaed by the District Council in accordance with the provisions of these rules

**21.**(1) The preparation of all electoral rolls for the area under a Town Committee shall be undertaken by the District Council immediately after the date has been fixed for a general election under rule 10.

(2) The roll shall be prepared in the form Appendix I to these rules and printed or typed in such language or laguages as the District Conuncil may direct.

**22.** The District Council shall, by a notification published locally, fix a date which shall be the 'qualifying date' as defined in Rule 2 (o) and which shall be at least fifteen days before publication under Rule 10.

**23.**(1) At least six weeks before the date fixed for a general election, the District Council shall cause the draft electoral rolls containing the names of persons qualified to vote to be typed and then published locally or to be published in manuscript.

(2) Any person may within 15 days from its publication, submit to the District Council a written claim to have his name or any other name entered in or omitted from the roll;

Provided that the person filing the claim or objection is authorised in writing by the person interested on whose behalf such claim or objection is filed.

(3) The District Council shall hear and dispose of all claims and objections and its decision shall be final. The District Council

shall then, after causing it to be printed or typed, republish the draft roll with such amendments and in such manner as the District Council may have decided, at least 15 days before the date fixed for the election.

Provided that the name of any person shall not be removed from the draft roll unless he has been given an opportunity of stating his case by serving on such person a notice stating the grounds of obejction to the inclusion of his name in the roll and specifying the place and time fixed for hearing such obejction and also notifying that he may produce or cause to be produced such evidence as he may wish.

**24.**(1) The electoral roll of a ward amended in accordance with Rule 23 shall be the electoral roll for such ward and shall remain in force untill a fresh electral roll is prepared and published for the next general election held under Rule 10.

(2) For the pupose of election held during each year subsequent to that in which the general election was held, the District Council shall, during the month of April of each such year, have the electoral roll corrected by including in it the names of all persons not on the roll who possess the necessary qualification for being voters for the year and by exclusion therefrom of the names of such persons who have since died or otherwise become disqualified for being voters for the year. The District Council shall, for this purpose, publish a notice calling for claims for the inclusion of names and objections against any entry in the existing roll. The District Council shall hear and dispose of all claims and objections in the manner prescribed in Rule 23.

**25.** All or any of the functions of the District Council under these rules may be performed by the Chief Executive Member or any officer appointed in this behalf by the District Council.

**26.** The District Council shall appoint an officer for the purpose of election of members to a Town Committee, who shall be called the Returning Officer for that Town Committee.

## NOMINATION OF CANDIDATES

**27.** Every person who is a candiate for election shall send, not less than 15 days before the date fixed for the election, his name to the Returning Officer in writing in the form in Appendix II to these rules, with necessary particulars filled in and supported by the signature of two electors of the ward or wards in which he proposes to stand, as proposer or seconder of the candidate. On the last date fixed for the receipt of nomination the Returning Officer shall publish the preliminary list of all candiates in the same form, at the Town Committee's office.

**28.**(1) The Returning Officer shall then fix a date for the hearing of objections of candiadtes, such date to be not less than seven days before the date fixed for the election.

(2) The Returning Officer shall hear all objections to candidates and his decision shall be final. The Returning Officer shall also examine the symbols selected by the candidates, and if such symbols are found to conflict with each other or with any symbols already assigned, he shall allocate the symbols in conformity, as far as possible, with the wishes of the candidates, and if necessary by lot, and his decision in this respect shall be final. Each candidate shall at the same time be informed of the symbol assigned to him and shall be given a specimen thereof. Immediately after the scrutiny, the Returning Officer shall publish the final list of candidates indicating therein the symbols assigned to each candidate, at the Town Committee's Office.

(3) Any candidate may withdraw his candidature by a notice in writing addressed and delivered to the Returning Officer within three days of the publication of the final list of candidates.

**29.**(1) If no candidate be duly nominated, the Returning Officer shall report the fact to the District Council and the District Council shall thereupon appoint a member or members to make up the number.

(2) If the number of candidates duly nominated for any ward be less than the number of vacancies in that wards, the Returning Officer shall declare all such candidates to be elected and shall report the fact to the District Council in order that the District Council may appoint a member or members to fill up the remaining vacancy or vacancies.

(3) If the number of candidate duly nominated for any ward be equal to the number of vacancies in that ward the Returning Officer shall declare all such candidates to be elected.

(4) If the number of candidates duly nominated be greater than the number of vacancies a poll shall be held in the manner provided in the succeeding rules.

## VOTING AT ELECTIONS

**30.** The poll shall be held at such place or places as the Returning Officer may determine. The place so determined (hereinafter referred to as 'the polling station') and also the hours of polling fixed under Rule 35 shall be notified by beat of drums and by the publication of notice within the area.

**31.** The Returning Officer shall appoint a person not being himself a candidate for election in that ward to preside at the election for each ward.

**32.** (1) Voting at elections to a Town Committee shall be conducted by symbol system. The symbols to be utilised for the purpose shall be those as may be prescribed by the District Council by notification in the Gazette.

(2) At elections in every ward where a poll is taken, votes shall be given by ballot in the manner hereinafter provided in these rules, and no votes shall be received by proxy.

**33.** (1) No person who is not for the time being included in the electoral roll of any ward shall be entered to vote in the ward.

(2) No person shall vote at an election in more than one ward, and if a person votes in more than one ward, his votes in all such wards shall be void.

(3) No person shall vote at any election in the same ward more than once notwithstanding that his name may have been included in the electoral roll for that ward more than once, and if he does so votes, all his votes in that ward shall be void.

(4) No person shall vote at an election if he is confined in a prison, whether under sentences of imprisonment in or transportation or otherwise or in the lawful custody of the police.

**34.** Notwithstanding the provisions of Rule 33 each voter shall be entitled to give as many votes as there are vacancies for the ward in which he is entitled to vote :

Provided that where the area under the Town Committee has not been divided into wards, each voter shall be entitled to vote for as many candidates as there are vacancies in the entire number of elected members.

**35.**(1) The District Council shall fix the hours during which the poll will be taken,

(2) No voter shall be allowed to vote after close of the poll but all voters who arrived at the polling station before the close of the poll shall be allowed to cast their votes.

**36.**(1) The Returning Officer shall provide at each polling station one ballot box for each candidates.

(2) The symbol assigned to a candidate shall be fixed to the ballot box provided for the candidate. The ballot box of each candidate shall also be clearly marked with his name.

(3) Outside and inside each such polling station there shall be affixed in a conspicuous place by the Presiding Officer before the commencement of the poll a notice showing the name of each candidate, together with a copy of the symbol affixed to each candidate's ballot box.

**37.** The voters shall attend personally at the polling station and shall record their votes personally. Before delivery to the voter,

each ballot paper shall be stamped with an official mark. The Presiding Officer shall maintain order at the polling station and satisfy himself as to the identity of the voters.

**38.** The voter on receiving the ballot paper or papers shall record his vote or votes by dropping the ballot paper or papers in the box or boxes containing the symbol or symbols assigned to the candidate or candidates of his choice. Every voter shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper or papers into the ballot box or boxes. The voters before recording his vote shall show the Presiding Officer the official mark on his ballot paper or papers;

Provided that not more than one ballot paper shall be put by a voter into one ballot box.

**39.** The Presiding Officer shall give such assistance as may be required to any voter who, by reason of infirmity or ignorace, is unable to vote in the manner prescribed.

**40.** Any ballot paper on which any mark has been made by which the voter may be identified shall be invalid.

**41.** The ballot paper shall be in the form in Appendix III and shall be printed or typed. The ballot papers shall be serially numbered, the serial number being printed or typed on the foil and counterfoil.

## DECLARATION OF RESULTS OF ELECTION

**42.**(1) On the conclusion of the poll, the Presiding Officer shall then and there count all the votes and shall declare such candidate or candidates as has or have the largest number of valid votes to be duly elected, and shall promptly forward all papers (viz., used and unused ballot papers, electoral rolls and other relevant papers relating to votes given at the polling station) to the District Council.

(2) Any ballot paper which does not bear the official mark shall be invalid and shall be rejected.

The decision of the Presiding Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat.

**43.** If there be an equality of votes for the same vacancy and if the number of vacancies does not admit of all the candidates who have obtained an equality of votes being elected the Presiding Officer shall decide the issue by the casting of lots.

**44.** The Returning Officer shall publish the result of the elections by a public notice within the noticed area, and shall at the same time communicate it to the District Council.

## ELECTION PETITION

**45.** (1) Within one week from the declaration of the result of the election undr Rule 44, an election petition calling in question the validity of the election of the successful candidate may be presented to the Commissioner appointed for the purpose by the District Council. Any person who has lodged such a petition may, in addition to calling in question the validity of the election as aforesaid, claim a declaration that he himself or any other candidate has been duly elected. A sum of rupees twenty-five will have to be deposited in the District fund of the District Council as security for the costs likely to be incurred and the receipt thereof submitted along with the petition:

Provided that the validity of such election shall not be questioned in any such petition-

(a) on the ground that the name of any person qualified to vote has been ommitted from the electoral roll; or

(b) on the ground that name of any person not qualified to vote has been inserted in the electoral roll.

(2) If the Commissioner, after making or causing to be made such enquiry as he sees fit and after hearing both parties, is

satisfied that (a) substantial irregularity which materially affected the result or (b) a corrupt practice or an illegal practice on the part of successful candidate for any person who acted under the general or special authority of such candidate with reference to election has been committed, the election of the candidate shall be void.

The Commissioner shall submit this report to this effect to the District Council. In his report the Commissioner shall also be recommended as to -

(a) the total amount of costs which are payable and the persons by and to whom such costs should be paid; and

(b) the manner of disposal of deposit of the rupees twenty-five. In disposing of the aforesaid deposit the Commissioner may state that the whole or any part of it shall be forfeited to the District Council or paid towards the costs awarded in the case.

(3) For the purpose of any enquiry under this rule the Commissioner is empowered to summon witnesses, call for the production of any document and examine witness on oath or affirmation

(4) On receipt of the Commissioner's report under sub-rule (2), the District Council shall issue orders in accordance with the report. In the event of the recommendation being made by the Commissioner that the election of the candidate should be void, the District Council shall set aside the election, and either may declare the candidate who secured the next largest number of valid votes to be elected or may order that a fresh election shall be held, as the case may be .

## MAINTENANCE OF ELECTION RECORDS

**46.**(1) On the expiry of 30 days from the date of the declaration of the result of election under rule 44, or if an election petition has been filed under Rule 45, as soon as possible after the disposal of the petition, the voting papers in the ballot boxes and the sealed books containing unused voting papers and

counterfoils shall be destroyed in the presence of such members or officers as the District Council at a meeting may appoint for this purpose.

(2) Subject to the provisions of sub-rule(1), the following rules shall be observed for the preservation and destruction of election papers enumerated below ;

(i) Preliminary electoral roll in Form A.

(ii) Claims and objections with reference to the preliminary electoral roll in Form A

(iii) Final electoral roll in Form A

(iv) Nomination paper in Form B

(v) Election petitions and proceedings of the Commissioner and orders of the District Council thereon.

The papers in items (i), (iv), shall be preserved in the office of the Town Committee and those in items (v), in the office of the District Council.

The papers in items (i), (ii), (iv) and (v) shall be destroyed after three years or as soon as the next general election has been completed and those in item (iii) shall be preserved for twelve years and shall, before deposit in the Town Committee's office, be duly authenticated by the Returning Officer.

## CHAPTER - IV

## CONDUCT OF BUSINESS

**47.** Ordinary meetings shall be called by the Chairman at not less than 30 (thirty) days' interval. Special meeting may be called by the Chairman at shorter intervals if he consider such special meetings necessary.

**48.** The quorum necessary for the transaction of business at a meeting shall be three members including the Chairman or Vice-Chairman;

Provided that if a meeting is adjourned for want of a quorum the quorum at the adjourned meeting shall be a single member in additon to the Chairman or Vice-Chairman.

**49.** The Chairman or in his absence, the Vice-Chairman shall preside at every meeting, and in the absence of both the Chairman and Vice-Chairman the members shall choose some one of their number to preside over the particular meeting;

Provided that no candidate for election to the office of Chairman or Vice-Chairman shall preside at the meeting convened for such election.

**50.** The Chairman shall exercise all the powers of a Town Committee:

Provided that he shall not, without the sanction of the District Council, act in opposition, to, or in contravention of, any order of the Committee at a meeting or exercise any power which is directed to be exercised by the Committee at a meeting.

**51.** The minutes of a meeting of the Committee shall be recorded under the hand of the President of the meeting.

**52.** The Town Committee at a meeting may determine the establishment to be employed by it and may fix the salaries, allowances, pensions, gratuities and conditions of service of such establishment;

Provided that the appointment of any person on pay exceeding Rs. 50 per mensem shall have to be approved by the District Council, and that the pay and allowances and pensions and gratuities shall not exceed those admissible to District Council servants of a like standing.

**53.** All the proposals and questions submitted to the meeting of a Town Committee shall be decided by a majority of votes of the Committee including the vote of the Chairman. Is the votes are equally divided the Chairman shall have a casting vote in addition to his ordinary vote.

**54.** The Town Committee at a meeting may, subject to the approval of the District Council, provide by subsidiary rules not inconsistent with these rules for -

(a) the conduct of its proceedings ;

(b) the duties, appointment, leave and punishment of its establishment

(c) the establishment of a provident fund for its employees;
(d) matters concerned with the assessment, collection and refund of taxes which are not specially provided for in these rules ;
(e) other similar matters,

**55.** Every notice or bill under these rules may be served by presentation to the person to whom it is addressed or by leaving it at his usual place of abode, A notice upon the owner of any holding shall be deemed to have been served. If it has been served on the occupier, and a copy in registered cover sent to the last known place of abode of the owner.

**56.** The Town Committee shall submit an annual report to the District Council after the close of the financial year, A statment in form in Appendix IV shall be attached to the report,

## CHAPTER V

## TAXATION

**57.** The following taxes may be imposed within the area under a Town Committee :-

(a) A general tax, payable by the owner, on holdings situated within the area:

**Explanation :-**

For the purposes of these Rules 'holding" shall mean land held under one title or agreement and surrounded by one set of boundaries;

Provided that where two or more adjoining holdings form part and parcel of the site or premises of a dwelling house, manufactory, warehouse, or place of trade or business, such holdings shall be deemed to be one holding;

(b) A water tax, payable by the occupier, on the anuual value of the holding; and
(c) A latrine tax, payable by the occupier, on the annual value of holdings.

**58.** In fixing the rates of latrine and water tax, regard shall be had

to the principle that the proceed of any such tax together with any other receipt in respect of the service for which the tax is imposed shall, as nearly as possible, correspond with the cost of bringing such services into existence and maintaining and extending the same.

**59.** The Committee at a meeting shall determine the valuation of all holdings after making such enquiries as may be necessary and shall cause the same to be entered in a valuation list. The list shall be revised not less often than once in five years, or earlier if the District Council so directs, and shall be deposited in the office of the Town Committee, where it shall be open to the inspection of any rate-payer. It shall take effect from the begining of the quarter following the date of each revision. The Committee may call for returns from the owner or occupier of any holding in order to determine the annual value.

**60.** The annual value of a holding shall be deemed to be seven and one half percent or such other percent as may be fixed by the District Council, of the cost of erection of any building or buildings upon such holding;

Provided that where such cost is not ascertainable, the gross annual rent at which such holding may reasonably be expected to let shall be deemed to be the annual value.

**61.** Before the close of each financial year the Town Committee at a meeting shall determine the percentages on the annual value to be taken for the tax on holdings and for any other tax on the annual value of holdings. This percentage shall be applicable from the begining of the next financial year and until the begining of the financial year following any subsequent change which might be made in the said percentage.

**62.** When the percentage has been fixed, an assessment register shall be prepared containing the following particulars-

a) the number of the holding in the Register;

b) the annual value,

c) the names of the owner and occupier;

d) the amount of the tax on the holding, the water tax and the latrine tax;

e) the amount of the quarterly instalment;

f) if the holding is exempted, a note to that effect,

**63.** The Town Committee at a meeting may exempt from any tax holdings below an annual value to be fixed by th District Council, and may at any time revise the valuation of any holding if it has been altered, and may rectify any error or remission. With the sanction of the District Council the Town Committee at a meeting may exempt any building from any tax or reduce the assessment thereof for the current year.

**64.** The amount of the tax due from any person shall be deemed to be the amount entered in the register and shall be due on the first day of each quarter. The Town Committee shall present a bill for the amount due to the person liable, if the amount is not paid within one month from the date of presentation, the Committee may issue a warrant for the realisation of the arrear by attachment and sale of any movable property belonging to the defaulter. The officer charged with the execution of the warrant shall be responsible for the custody of any property seized and shall give ten day's notice of the sale thereof by beat of drum and by serving a notice upon the defaulter. If the demand be not paid within the period of the notice the property seized shall be sold in public auction and the proceeds applied so far as necessary to the dicharge of the arrear and costs, if any,. The surplus shall be paid on demand to the owner of the property.

**65.** The Town Committee may charge rents, tolls and fees for the right to expose goods, for sale in a market under its control, and for the use of shops, stalls and standings therein.

**66.** All rents, tolls, and fees, and all costs, expenses or other moneys due in the exercise of the powers given by these rules may be recovered in the manner provided in Rule 64.

**67.** A receipt shall be given for all sums paid to the Town Committee under these rules, signed by some officer authorised in this behalf by the Committee.

## CHAPTER VI

### Powers For Sanitary Purposes

**68.** Any person who without the permission of the Town Committee encroaches upon any road, drain, sewer or water courses, by making any excavation or by erecting any obstruction or by depositing any movable property, shall for every such offence be punishable with fine not exceeding fifty rupees.

**69.** The Town Committee may after issue of one week's notice to the owner or occupier of any land removes any encroachment upon any public property.

**70.** (1) The Town Committee may require any owner or occupier to trim or prune the hedges bordering on any road, to cut and remove any trees or bamboos or branches thereof, to eradicate any vegitation which may appear to it to be injurious to health or offensive, or to drain any land which may appear to be in a state injurious to health or offensive for want of drainage.

(2) If the owner or occupier fails to comply with a requisition made under this rule within the period named in the notice, not being less than eight days, the Committee may carry out the work equire by its own agency and may recover the cost from the said owner or occupier. The said owner or occupier shall be liable for default in payment of the cost to a penalty not exceeding ten rupees for evey day during which the default is continued after the expiration of eight days from the service of the notice requiring such payment.

**71.** No person shall erect or re-erect a building without the sanction of the Town Committee. The Committee may require any building erected without such sanction to be demolised within

a period to be named, not being less than one month, and in default may demolish the building by its own agency. Any person committing a breach of this rule shall be liable to a penalty not exceeding fifty rupees.

72. The Town Committee shall mention by its own agency any water supply under its control, and shall provide for protection of the water-works and for the supply of water within the area under its jurisdiction.

73. The Town Committee may set aside tanks, steams or wells for drinking, bathing or washing and may prohibit the use of any tanks, steam or well for bathing or washing.

74. Any person defiling the water supply or using any place for washing and bathing in contravention of a prohibition made by the Town Comittee shall be liable to a fine not exceeding fifty rupees.

75. No person shall erect a latrine of a description other than such as may be approved by the Town Committee. Any person erecting a latrine in contravention of this rule shall be liable to a fine not exceeding rupees fifty.

76. The Town Committee may require the owner or occupier of any land to repair, make efficient, remove or fill up any latrine, urinal, cess pool, drain or receptable for sewage or other offensive matter within such period, not being less than eight days as may be named in the notice. Any person failing to comply with such a requisition shall be liable to a penalty not exceeding five rupees for every day of default.

77. The Town Committee shall provide for the removal and disposal of sewage, rubbish and offensive matter, and may require the occupiers of holdings to deposit the same at such hours and places as it may fix. Any owner or occupier of holding, depositing or allowing such matter to be deposited at any time or place other than that appointed by the Committee or allowing any rubbish, sewage or offensive matter to be kept upon such

holding for more than twenty-four hours or allowing such holding to be in a filthy or noxious state shall be liable for every such offence to a penalty not exceeding fifty rupees.

**78.** The Town Committee when required by the District Council to do so shall provide for the registration of birth and deaths within the limits of the areas under the Committee in accordance with the provisions of the Bengal Births and Deaths Registration Act, 1873, or any other similar law for the time being in force.

## CHAPTER VII

### WATER SUPPLY

**79.** The Committee may execute any works necessary for the management of the water supply in the areas under its jurisdiction subject to the payment of compensation for any damage done to private property.

**80.** Any person interfering with the distribution of pipes without the sanction of the Town Committee or damaging the water supply shall be liable to a fine not exceeding one hundred rupees.

**81.** The Town Committee at a meeting may at any time determine that a fixed quantity of water shall be supplied daily per rupee of tax, or, in case of emergency according to the number of persons occupying each holding.

**82.** The Town Committee at a meeting may grant private connections to the water supply on such terms as it may determine, and may by any officer enter upon private property for the inspection of the water installation.

**83.** The Town Committee may cut off the supply of water to any holding if the person liable to pay the water tax neglects to pay the same or if he wilfully or negligently causes waste of water, and any person so causing waste shall be liable to a fine not exceeding twenty rupees.

## CHAPTER VIII

### TOWN FUND AND ACCOUNTS

**84.**(1) There shall be formed for each Town Committee a fund, to be called the "Town Fund", to which shall be credited all moneys received by the Town Committee in the course of its working in accordance with these rules.

(2) The Town Fund shall be vested in the Town Committee, and may be kept in a Government Treasury or in the Post Office Savings Bank.

**85.**(1) The Town Committee shall set apart and apply out of the Town Fund such sums as may be required to meet the charges of its own establishment.

(2) Subject to the charges specified in sub-rule (1), the Town Committee shall provide, so far as the Town Fund permits, for the maintenance and repairs of all roads, bridges, tanks, wells, drains, latrines, urinals and water supplies within the area under its jurisdiction and for the clearing of the area, and may apply the Town Fund, subject to the control of the District Council, to any purpose in respect of a matter or matters referred to in the Schedule appended to the Mikir Hills District (Administraion of Town Committees) Act, 1954.

**86.** A Pass Book shall be maintained for all money paid into or withdrawn from the Town Fund. No entries or marks shall, in any circumstances be made in the Pass Book except by the custodian of the Town Fund.

**87.** All receipts of the Town Fund shall be sent daily to the custodian of the Fund along with the Pass Book and the custodian shall acknowledge the receipt of the money credited by writing up and initialling both sides of the Pass Book.

When money is kept in a Government Treasury, a Challan shall be sent with the Pass Book and money on every Treasury day.

**88.** Subject to the provisions of Rules 89 and 91, money may be withdrawn from the Town Fund only by cheque (or requisition on the Post Office) signed by the Chairman or in his absence by the Vice-Chairman or by both the said officers, as the case may be. No cheque may be drawn for less than Rs. 10 except in recoupment on the last day of the month of the permanent advance.

**89.** For the purpose of meeting petty payment a sum not exceeding Rs. 50 shall be drawn, once for all, from the Fund to be held as a permanent advance by the Chairman or the Vice-Chairman, as the case may be. A similar acknowledgement shall be obtained whenever there is a change in the Chairman or the Vice-Chairman.

"I hold a permanent advance of Rs. ..... which sum is due by me to the Town Committee, and I am personaly responsible for the amount."

All payments of less than Rs. 10 shall be made out of the permanent advance and all payments so made shall be recorded in a separate register in the form in Appendix V as each payment is made; this register shall be totalled and a cheque drawn in recoupment of the advance for the amount of petty payments made, the amount of the cheque being at the same time charged under the appropriate heads of expenditure in the classified cash book referred to in next rules.

**90.** The Town Committee shall maintain a classified cash book in form in Appendix VI in which each item of revenue and the amount of each cheque drawn will be recorded under the appropripate heads. The balance shall be struck monthly and proved in the classified cash book by a note in the form below:-

Balance as per cash book.

Add-

Cheques drawn but not yet cashed

No ..... ..... dated

No ..... ..... dated

Deduct -

Money received too late to be remitted to the treasury Ballance as per Pass Book.

**91.** All orders for the payment of money from the Town Fund if for a sum not above five hundred rupees shall be signed by the Chairman or Vice-Chairman, and all orders for larger sums by both the said officers. No such order shall be issued otherwise than for the payment of money of which the expenditure has been authorised by competent authority.

**92.** The Town Committee shall prepare a budget of receipts and charges for each financial year and submit it on or before the 1st March to the District Council for sanction. The Committee may, at any time during the year, prepare a supplementary budget, if necessary, and submit it similarly for the sanction of the District Council. All expenditure provided for in a budget or supplementary budget sanctioned by the District Council may be incurred by the Committee.

**93.** No expenditure not provided for in a budget or supplementary budget may be incurred by the Town Committee without the specific sanction of the District Council. The Chairman of the Committee may sanction re-appropriation within his budget upto Rs. 100 in any one case provided that the closing balance sanctioned by the District Council in the budget is not reduced.

**94.** The accounts of the Town Committee shall be audited periodically by the examiner, Local Accounts of the State Government.

**95.**(1) In auditing the accounts, the Examiner shall see that they have been kept and are presented in proper form, that the particular items of receipts and expenditure are stated in sufficient detail and that the payments are supported by adequate vouchers and authority. He shall examine whether all sum received or which ought to have been received are brought into account and also whether the expenditure in all cases is such as might under the rules be made. He shall also reduce such payments and charges as are exorbitant

and shall surcharge money not duly accounted for, or lost by negligence, upon the person who ought to account for the same or whose negligence or improper conduct has caused the loss, and shall disallow and strike out such payments as are not authorised by rules or by competent authority.

(2) Copies of the reports of such audit shall be forwarded by the Examiner to the Chairman of the Town Committee and the District Council. The Chairman shall be bound to remedy any defects or irregularties that may be pointed out by the Examiner, and within three months of the date of the receipt of the audit report he shall submit a report giving particulars to the action taken threreon, to the District Council which shall forward the same with its remarks to the Examiner.

**96.** For payments to labourers a Nominal Muster Roll shall be maintained in form in Appendix VII.

**97.** A Stock Register shall be maintained in form in Appendix VIII which will also serve the purpose of a Register of Tools and Plant.

**98.** To check the progress of work a Register of Bills shall be maintained in form in Appendix IX.

**99.** The Register of works shall be maintained in form in Appendix-X.

**100.** Form in Appendix XI shall be used by the Commiuee in paying salaries of establishment.

**101.** The following is a list of miscellaneous register which shall be kept by each Committee-

(1) Measurement Book in form in Appendix XII.

(2) Order Book in form in Appendix XIII.

(3) Attendance Register.

(4) Gaurd Book for challans in form in Appendix XIV.

(5) Any other Register that may, with the approval of the District Council be necessary.

## CHAPTER IX

### Miscellaneous

**102.** The Chief Executive Member or any Officer of the District Council authorised in this behalf by the Executive Committee of the District Council may -

(1) enter upon or into and inspect, or for the purpose of his own inspection, cause any other person to enter upon or into-

(a) any immovable property in the occupation, or

(b) any work in progress under the orders, or

(c) any instruction under the control and administration of.

(2) The Town Committee call for and inspect any book or document which may be, for the purpose of these Rules, in the possession or under the control of the Committee.

**103.** The Executive Committee of the District Council of its own motion may, or on direction by the Governor through the Deputy Commissioner shall, by order in writing suspend the execution of any resolution or order of the Town Committee or prohibit the doing of any act which is about to be done, or is being done in pursuance of or under the cover of these Rules, or in pursuance or any sanction or permission granted by the Committee in the exercise of its powers under these Rules, if, in the opinion of the Executive Committee or of the Governor, as the case may be, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order or the doing of the act is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public, or to any class or body of persons.

**104.**(1) If in the opinion of the District Council the Town Committee is not competent to perform or persistently makes default in the performance the duties imposed on it by or under

these Rules, or otherwise by law, or exceeds or abuses its powers, the District Council may, by notification stating the reasons for so doing, declare such Committee to be in competent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the notification or dissolve the Committee and order fresh election.

(2) When an order of supersession has been passed under sub-rule (1) the following consequences shall ensue -

(a) all the members of the Committee shall as from the date of the order vacate their offices as such members;

(b) all the powers and duties which under the Regulation or these Rules may be exercised and performed by the Committee, whether at a meeting or otherwise, shall, during the period of supersession, be exercised and performed by such person as the District Council may direct;

(c) all property vested in such Committee shall, during the period of supersession vest in the District Council

(3) The District Council shall report to the Governor any action taken by it under sub-rule (1) and the consequential arrangements made under sub-rule (2)

**105.** Notwithstanding anything contained in these Rules and subject to the provisions of Rule 93, the Chairman shall normally perform all the function and duties vested in the Chairman or the Vice-Chairman.

**106.** Offences under these Rules shall be tried under law by competent courts.

**107.** Save as is otherwise provided, any person aggrieved by an order of the Town Committee may appeal within thirty days of such order to the District Council. The decision of the District Council on the appeal shall be final.

## APPENDIX I
[Rule 27 (2) ]
**Draft Electoral Roll**
**Final**

**1 ..... Town Committee**

**2. Ward .....**

| Serial No | House No | Name of Voter | Father's or husband name | Male or Female | Age | Remarks |
|---|---|---|---|---|---|---|
| | | | | | | |

**Date :**

**Returning Officer,**

**..... Town Committee**

## APPENDIX II
## [Rule 27 (2) ]
## Nomination Paper

| Serial No | Name of candidate | Age and Address | Ward or Wards in which election is sought | Signature of elector proposing and his serial number in the final Electoral Roll | Signature of elector seconding and his serial number in the final Electoral Roll | Name of symbol selected for election | Signature of candidate for seeking election | Serial number of candidate as a voter in the final Election Roll | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

This nomination paper was delivered to me at my office at (date and hour) .....

Returning Officer.

## APPENDIX III
[Rule 41 ]
**Form of Ballot Paper**
**(Front)**

| **Counterfoil** | **Outerfoil** |
|---|---|
| **Serial No.** _____ | **Serial No.** _____ |
| _____ **Town Committee** | _____**Town Committee** |
| **Election, 19** | **Election, 19** |
| **Ward** _____ | **Ward** _____ |
| **Voter's No.** _____ | |

**(On the back of outerfoil)**

**Instruction to Voters**

You have only one vote. Place the ballot paper in the ballot box of the candidate for whom you wish to vote.

* You have _____ votes. Place each ballot paper in the ballot box of each candidate for whom you wish to vote. *Not more than one ballot paper shall be put into one ballot box.*

---

* These instructions should used in the case of a Ward in which the number of member to be elected is more than one.

## APPENDIX IV

**[Rule- 56 )**

**Statement showing the Income and Expenditure of the ..... Town Committee for the year 19**

| Income | | | | | | | | Expenditure | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Opening Balance | | | | | Other Tax | Other sources of income | Total Income | General establishment | | | | | | Miscellaneous | Total Expenditure | Balance at close of year | Remarks |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| | | | | | | | | | | | | | | | | | |

N.B. Entries in column 2-5 and 10-14 are to be made per heads in the Cash Book.

Chairman,

..... Town Committee

# APPENDIX - V

## ( Rule 89 )

## Register of Petty Payments of the ............. Town Fund.

## Amount of Permanent Advance Rs. ................

| Date | No. of Sub -voucher | To Whom paid | Head of Expenditure | Amount | |
|---|---|---|---|---|---|
| | | | | Rs. | P. |
| | | | Total drawn by<br>Cheque No. ___<br>Dated ______ | | |

## APPENDIX - VI
## (Rule - 90)
## Classified Cash Book

| Date | Receipts | | | | | | Payments | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Parti-culars | | | | Total | No. of Challan | Date | No. of Voucher | Parti-culars | | | | | Total | No. of challan |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| | | | | | | | | | | | | | | | |

N.B. - Entries in columns 3-5 and 11-14 are to be according to various budget heads required, e.g., house-tax, conveyance, lighting, etc.

## APPENDIX - VII
## (Rule - 90)
## Nominal Muster Roll - Name of Work

| Description of labourers | No. | Name | Father's name | Days | | | | | | | | | | | Rate | Amount | | Initials and remarks of paying officer or signature of labourer when he is able to write his name |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | Total | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| | | | | | | | | | | | | | | | | | | |

Grand total of the Muster Roll

Certified that the above payments have been made by me in person _____

Signature _____

Designation of paying officer.

## APPENDIX - VIII

**(Rule - 97)**

Stock and Store Register of the _____ Town Committee

Name of Article _____

| Balance | received | | | | Issued | | No. of article | Balance | Signature of verifying officer |
|---|---|---|---|---|---|---|---|---|---|
| | Date | No. and date of voucher for purchase | No. of article | Total | Date | Purpose for which issued | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

## APPENDIX - IX

**(Rule - 98)**

**Register of Bill for the _____ Town Committee**

| Serial No. | No. and date of bill | Name of contractor | Names of works | Date of Commencement | Date measured | Date of receipt of bills | Amount | Date of payment | Remarks (to explain cause of non-payment and difference between amount of bills and amount paid) |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

*Note:-* Inspection of column 6 will inform the Chairman if the Town Committee Surveyor is taking measurements of the works with sufficient frequency, and if bills are prepared and submitted for payment without undue delay.

# APPENDIX - X
## (Rule - 99)
## Register of Works
## Work commenced on

| Name of work and authority<br>Estimate ..... .....<br>Appropriation ..... ..... | | | Rs.<br>Rs. | | |
|---|---|---|---|---|---|
| Voucher number | Date | Total value of work done | Deduct unpaid amount | Total charge | Initials of Chiarman of Accountant |
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |
| Expenditure of previous year brought forward (if any) ..... | | | | | |

Work completed, completion report received on-

Chairman

## APPENDIX - XI
## (Rule - 100)
### Salary Bill of Establishment

Voucher No. of 19 District

Salary Bill of the Town Committee Establishment for the month of 19

| Name | Post | Pay | Fines or savings | Other deduction, if any | Net amount payable | Signature of payee |
|---|---|---|---|---|---|---|
| | | Rs. a. p. | Rs. a. p. | Rs. a. p. | Rs. a. p. | |
| | Total | | | | Rupees ( in words ) | |

Certified that all salaries drawn on former bills with the exception for these detailed below (whereof the total has been refunded by deduction from this bill) have been disbursed to the proper person and their receipts have been taken with receipt stamps duly defaced for every payment in excess of Rs. 20

Dated the 19

Pay Rs

Paid by cheque No. dated

Chairman, Town Committee

Chairman, Town Committee

Chairman, Town Committee.

## APPENDIX XII
[Rule 101 (1) ]

**Measurement Book ..... Town Committee**

| | Particular | No. | L | B | H | Contents or area |
|---|---|---|---|---|---|---|
| | | | Length | Breadth | Height | |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| Town Committee .... | | | | | | |
| Measurement Book .... | | | | | | |
| Name of officer .... | | | | | | |
| Designation .... | | | | | | |
| Date of first entry .... | | | | | | |
| Date of last entry .... | | | | | | |

Should be printed in a title page.

## APPENDIX XIII
[Rule 101 (2) ]
Order Book

No.
Town Committee
To

(Particulars of orders for supplies of execution of works).

Vice- Chairman

Dated the
Order completed on
Bill received on

Rs. as. p.

Amount of bill
Payment made on Voucher No.
Balance carried to register of unpaid bills.

No. Town Committee
Municipality of
To

(Particulars of order for supplies of execution of works).

Dated the

Chairman

## APPENDIX XIV
**[Rule 101 (4) ]**
**Challan**

Challan of money paid into the Treasury on 19

By whom brought | Head of Account | Amount

| Rs. | as. | p. |
|---|---|---|
| | | |

Total Rs. (in words)

Note as on back, Silver Copper

| Rs. | as. | p. |
|---|---|---|
| | | |

Total

Chairman

Received

Date Treasurer Treasury Accountant

Challan of money paid into the Treasury on 19

By whom brought | Name of town committee | Amount

| Rs. | as. | p. |
|---|---|---|
| | | |

Total Rs. (in words)

Note as on back, Silver Copper

| Rs. | as. | p. |
|---|---|---|
| | | |

Total

Chairman

Examined and entered

Date Treasurer Treasury Accountant

S.C. DAOLAGUPU,
**Secy. Mikir Hills, District Council Diphu**