

THE EIGHTH SCHEDULE

[See section 71 (i)]

AMENDMENTS TO THE SIXTH SCHEDULE TO THE CONSTITUTION

1. In the Sixth Schedule to the Constitution (hereinafter in this Schedule referred to as the Sixth Schedule), in the heading, for the word “Assam”, the words “the States of Assam and Meghalaya and in the Union territory of Mizoram” shall be substituted.

2. In paragraph 1 of the Sixth Schedule,—

(i) in sub-paragraph (1), for the word and letter “Part A”, the words and figures “Parts I and II and in Part III” shall be substituted;

(ii) in sub-paragraph (3),—

(i) in clauses (a) and (b), for the word and letter “Part A”, the words “any of the Parts” shall be substituted;

(ii) after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that any order made by the Governor under this sub-paragraph may contain such incidental and consequential provisions (including any amendment of paragraph 20 and of any item in any of the Parts of the said table) as appear to the Governor to be necessary for giving effect to the provisions of the order.”.

3. In paragraph 3 of the Sixth Schedule, in the proviso to clause (a) of sub-paragraph (1), for the words “by the Government of Assam or the Government of Meghalaya”, the words “by the Government of the State concerned” shall be substituted.

4. In paragraph 4 of the Sixth Schedule,—

(i) in sub-paragraph (3), the words “of Assam” shall be omitted;

(ii) in sub-paragraph (5), for the words “after consulting the Government of Assam or, as the case may be, the Government of Meghalaya”, the words “after consulting the Government of the State concerned” shall be substituted.

5. In paragraph 6 of the Sixth Schedule, in sub-paragraph (2), the words “of Assam or Meghalaya, as the case may be,” shall be omitted.

6. In paragraph 8 of the Sixth Schedule, in sub-paragraph (1), for the words “by the Government of Assam in assessing lands for the purpose of land revenue in the State of Assam generally”, the words “by the Government of the State in assessing lands for the purpose of land revenue in the State generally” shall be substituted.

7. In paragraph 9 of the Sixth Schedule, in sub-paragraph (1), for the words “the Government of Assam”, in both the places where they occur, the words “the Government of the State” shall be substituted.

8. In paragraph 12 of the Sixth Schedule,—

(i) for the heading, the following heading shall be substituted, namely:—

“Application of Acts of Parliament and of the Legislature of the State of Assam to autonomous districts and autonomous regions in the State of Assam.”;

(ii) in sub-paragraph (1), —

(a) in clause (a), for the words “Legislature of the State”, in both the places where they occur, the words “Legislature of the State of Assam” shall be substituted and after the words “any autonomous district or autonomous region”, the words “in that State” shall be inserted;

(b) in clause (b), for the words “Legislature of the State”, the words “Legislature of the State of Assam” shall be substituted and after the words “an autonomous district or an autonomous region”, the words “in that State” shall be inserted.

9. For paragraph 12A of the Sixth Schedule, the following paragraphs shall be substituted, namely:—

“12A. Application of Acts of Parliament and of the Legislature of the State of Meghalaya to autonomous districts and autonomous regions in the State of Meghalaya.—Notwithstanding anything in this Constitution,—

(a) if any provision of a law made by a District or Regional Council in the State of Meghalaya with respect to any matter specified in sub-paragraph (1) of paragraph 3 of this Schedule or if any provision of any regulation made by a District Council or a Regional Council in that State under paragraph 8 or paragraph 10 of this Schedule, is repugnant to any provision of a law made by the Legislature of the State of Meghalaya with respect to that matter, then, the law or regulation made by the District Council or, as the case may be, the Regional Council whether made before or after the law made by the Legislature of the State of Meghalaya, shall, to the extent of repugnancy, be void and the law made by the Legislature of the State of Meghalaya shall prevail;

(b) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the State of Meghalaya, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.

12B. Application of Acts of Parliament and other Acts to autonomous districts and autonomous regions in the Union territory of Mizoram.—Notwithstanding anything in this Constitution, the President may with respect to any Act of Parliament and the Administrator may with respect to any other Act, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the Union territory of Mizoram or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect”.

10. In paragraph 13 of the Sixth Schedule, the words “of Assam” shall be omitted.

11. In paragraph 14 of the Sixth Schedule, in sub-paragraph (2), for the words “the Government of Assam”, the words “the Government of the State” shall be substituted.

12. In paragraph 17 of the Sixth Schedule, for the words “the Legislative Assembly of Assam”, the words “the Legislative Assembly of Assam or Meghalaya” shall be substituted and after the words “autonomous district”, the words “in the State of Assam or Meghalaya, as the case may be,” shall be inserted.

13. Paragraph 18 of the Sixth Schedule shall be omitted.

14. For paragraphs 20 and 20A of the Sixth Schedule, the following paragraphs shall be substituted, namely:—

“20. Tribal areas.—(1) The areas specified in Parts I, II and III of the table below shall respectively be the tribal areas within the State of Assam, the State of Meghalaya and the Union territory of Mizoram.

(2) Any reference in the table below to any district shall be construed as a reference to the territories comprised within the autonomous district of that name existing immediately before the day appointed under clause (b) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971:

Provided that for the purposes of clauses (e) and (f) of sub-paragraph (1) of paragraph 3, paragraph 4, paragraph 5, paragraph 6, sub-paragraph (2), clauses (a), (b) and (d) of sub-paragraph (3) and sub-paragraph (4) of paragraph 8 and clause (d) of sub-paragraph (2) of

paragraph 10 of this Schedule, no part of the area comprised within the Municipality of Shillong shall be deemed to be within the United Khasi-Jaintia Hills District.

TABLE

PART I

1. The North Cachar Hills District.
2. The Mikir Hills District.

PART II

1. The United Khasi-Jaintia Hills District.
2. The Jowai District.
3. The Garo Hills District.

PART III

The Mizo District.

20A. Interpretation.—Subject to any express provision made in this behalf, the provisions of this Schedule shall, in their application to the Union territory of Mizoram, have effect—

(1) as if references to the Governor and Government of the State were references to the Administrator of the Union territory appointed under Article 239 and references to State (except in the expression “Government of the State”) were references to the Union territory of Mizoram;

(2) as if—

(a) in sub-paragraph (3) of paragraph 1,—

(i) after clause (g), the following clause had been inserted, namely:—

“(h) divide any autonomous region into two or more autonomous regions and define the boundaries thereof”;

(ii) the first proviso had been omitted;

(b) in sub-paragraph (5) of paragraph 4 the provisions for consultation with the Government of the State concerned had been omitted;

(c) in sub-paragraph (2) of paragraph 9, the words “in his discretion” had been omitted;

(d) paragraph 13 had been omitted;

(e) sub-paragraphs (2) and (3) of paragraph 14 had been omitted;

(f) sub-paragraph (2) (including the proviso thereto) of paragraph 15 had been omitted;

(g) in paragraph 16,—

(i) in sub-paragraph (1), in clause (b), the words “subject to the previous approval of the Legislature of the State” and the second proviso to that sub-paragraph had been omitted;

(ii) sub-paragraph (3) had been omitted.’