Country/entity	India Darjeeling
Region	Asia and Pacific
Agreement name	The Darjeeling Gorkha Hill Council (Amendment) Act 1994
Date	28 Feb 1994
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

India-Adivasi Conflicts (1955 -) (Northeast India)

Several of seven sister states in Northeast India have had ongoing conflicts with the central Indian government, as well as among themselves following India's independence from the British Empire in 1947. Northeast India, in particular, lags behind the rest of India in infrastructure development. Tensions also exist between the various ethnic groups and Indian nationals migrated from elsewhere.

Bodoland:
The Bodo are a predominantly Christian group of about four million people living in the mountainous region of eastern Assam, India. Since 1986, the guerrilla organization – the National Democratic Front of Bodoland (NDFB) – fought for independence of Bodoland. An initial truce was signed in 1989 and negotiations began with the Assam government. However, the NDFB resumed the conflict and new attempts to reach a peace settlement have not been successful. In 2005, a faction of the NDFB entered negotiations and signed a ceasefire agreement after suffering heavy losses. This splintered the NDFB and more radical factions that continue to fight.

Darjeeling:
Gorkhas in the state of West Bengal waged a guerrilla war against the central government from 1986-1988. Anti-foreign riots started in 1979 after a steady infiltration of Hindus and Muslims from other parts of Bengal. Tensions continued until the Accord of Darjeeling peace agreement was concluded in 1988. This accord provided for an autonomous Gorkha district around Darjeeling, which would remain part of West Bengal. It was implemented in The Darjeeling Gorkha Hill Council (Amendment) Act of 1994. After 2007, a second wave of enthusiasm for Gorkhaland was revived by the Gorkha Janmukti Morcha, however, this time by non-violent means. Nonetheless, the introduction of Bengali into schools, raised tensions in a Nepali-speaking region and as of 2017 conflict appears to be increasing.

Hmar:
Tension in Mizoram were primarily due to political domination by the Assamese over the Mizo. The Mizo National Front was formed in 1961 in the aftermath of a devastating famine in the Mizo Hills in objection to Indian Government response, or lack of. With popular support the MNF staged an uprising in 1966, but was unable to take control. It was only in 1986 that a peace accord was signed granting Mizoram statehood and the MNF became a political party. The same year the Hmar People's Convention was formed as a political party advocating for the rights of the Hmar which were ignored by the 1986 peace accord. The movement aimed to create an autonomous state in the north of Mizoram. A 1994 agreement between the HPC and Indian government resulted in the formation of the Sinlung Hills Development Council. However, a splinter group - the Hmar People's Convention-Democracy - was formed in 1995 demanding a separate administration.

Manipur:
The Manipur insurgency is linked to national, ethnic and political identity issues that occupy many of the conflicts in India's northeast that emerged following the independence of India in 1947. Among the largest groups are the United National Liberation Front, the People's Revolutionary Party of Kangleipak, the People's Liberation Army of Manipur, and the Kanleipak Communist Party. The conflict continues as of 2017.

Nagaland:
The exception is Nagaland, wherein tensions predate 1947 and the Nagas announced

Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	India-Darjeeling peace process
Parties	The Full list parties involves is unclear from the agreement but includes the West Bengal Legislature and, presumably, the Darjeeling Gorkha Hill Council. By order of the Governor, S.K., Phaujdar, Secy. to the Govt. of West Bengal
Third parties	-
Description	This agreement provides for a number of amendments to the Darjeeling Gorkha Hill Council Act (1988) and largely focuses on altering procedural arrangements for the council.

Agreement document	IN_940228_Darjeeling Gorkha Hill Council Amendment.pdf (opens in new tab) | Download PDF

Groups

Children/youth	Groups→Children/youth→Substantive Page 5, Amendment of section 24, 18: In section 24 of the principal Act, ...(e) after clause (xix), the following clauses shall be inserted:- "(xx) sports and youth services;
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	Groups→Racial/ethnic/national group→Rhetorical Page 2, Amendment of section 5, 3: In section 5 of the principal Act, ...(d) for sub-section (3), the following subsection shall be substituted :-"(3)The Government may provide for due representation of minorities, Scheduled Castes, Scheduled Tribes and women, while nominating the remaining Councillors."
Religious groups	No specific mention.

Indigenous people	Groups→Indigenous people→Substantive Page 2, Amendment of section 5, 3: In section 5 of the principal Act, ...(d) for sub-section (3), the following subsection shall be substituted :-"(3)The Government may provide for due representation of minorities, Scheduled Castes, Scheduled Tribes and women, while nominating the remaining Councillors."
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	Groups→Social class→Substantive Page 2, Amendment of section 5, 3: In section 5 of the principal Act, ...(d) for sub-section (3), the following subsection shall be substituted :-"(3)The Government may provide for due representation of minorities, Scheduled Castes, Scheduled Tribes and women, while nominating the remaining Councillors."

Gender

Women, girls and gender	Page 2, Amendment of section 5, 3: In section 5 of the principal Act, ...(d) for sub-section (3), the following subsection shall be substituted :-"(3)The Government may provide for due representation of minorities, Scheduled Castes, Scheduled Tribes and women, while nominating the remaining Councillors."
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	Page 5, Amendment of section 24, 18: In section 24 of the principal Act, (a) in clause (v), after the words "public health and sanitation,", the words "family welfare," shall be inserted; Page 7, Substitution of new section for section 38, 24: For section 38 of the principal Act, the following section shall be substituted:- ...(4) No Executive Councillor shall hold any office of profit for so long as he holds the office of Executive Councillor, and no Executive Councillor or member of his family shall, either directly or indirectly,- (a) enter into any contract, or (b) have any dealings or transaction with the Council without the specific and prior approval of the Council."

State definition

Nature of state (general)	No specific mention.
State configuration	No specific mention.
Self determination	No specific mention.
Referendum	No specific mention.
State symbols	No specific mention.
Independence/ secession	No specific mention.
Accession/ unification	No specific mention.
Border delimitation	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→New political institutions (indefinite)

[Summary: The entire agreement provides for the reform of the Darjeeling Gorkha Hill Council].

[Summary: A large number of the provisions in this agreement simply substitute different titles for structures and positions existing under the original act (e.g. Page 2, Amendment of section 5, 3: In section 5 of the principal Act,(a) in sub-section (1),-
(i) for the word "members", the word "Councillor" shall be substituted.)
Other substitutions include the replacement of the word 'Council' with 'General Council'; the words 'Executive Council' with 'Council'; and the words 'Chairman of the executive council' with 'Chief Executive Councillor'].

Page 1, Amendment of section 2 of West Ben. Act XIII of 1988, 2: In section 2 of the Darjeeling Gorkha Hill Council Act, 1988 (hereinafter referred to as the principal Act),-
(a) after clause (a), the following clause shall be inserted:-
(Section 3)
(a) "Council" means the Executive Council;
(b) after clause (b), the following clause shall be inserted:-
(b1) : Councillor" means a member of the
General Council;
(c) after clause (e), the following clause shall be inserted:-
(e1) "Executive Councillor" means the person nominated under clause (a) or clause (b) of sub-section (1) of section 38, and includes the Chief Executive Councillor or the Vice-Chairman of the General Council-
(d) clause (j) shall be omitted.

Page 2, Amendment of section 5, 3: In section 5 of the principal Act,
(a) in sub-section (1),-
...(ii) for the words "nominated by the Government," the word "nominated." shall be substituted;

Page 2, Amendment of section 5, 3: In section 5 of the principal Act,
...(d) for sub-section (3), the following subsection
shall be substituted :-"(3)The Government may provide for due representation of minorities, Scheduled Castes, Scheduled Tribes and women, while nominating the remaining Councillors.

Page 3, Amendment of Section 15, 10: Section 15 of the principal Act, shall be renumbered as sub-section (1) of that section
and,-
(a) in sub-section (I) as so renumbered,-
...(ii) for the words "the General Council shall be deemed", the words "the General Council shall, notwithstanding anything contained elsewhere in this Act, be deemed" shall be substituted;

Page 3, Amendment of Section 16, 11: In section 16 of the principal Act.-
... (b) after sub-section (I), the following sub-section shall be inserted:-
"(1A) If a member of Parliament or of the State Legislature is elected as a Councillor then, at the expiration of fourteen days from the date of publication in the Official Gazette of the declaration that he has been so elected, the seat of such Councillor in the General Council shall become vacant, and he shall be debarred from contesting any election to the General Council for a period of ten years unless he has previously resigned his seat in Parliament or the State Legislature, as the case may be."

Elections

Page 3, Amendment of Section 15, 10: Section 15 of the principal Act, shall be renumbered as sub-section (1) of that section
and,-
(a) in sub-section (I) as so renumbered,-
(i) the words "or nominated" shall be omitted,
(ii) for the words "the General Council shall be deemed", the words "the General Council shall, notwithstanding
anything contained elsewhere in this Act, be deemed" shall be substituted;
(b) after sub-section (1), the following sub-section shall be inserted:-
(2) The names of persons nominated to the General Council by the Government or the Chairman of the General Council, as the case may be, shall be published by the Government in the Official Gazette."

[Summary: Section 15 of the principal act referred to in the above provision covers the publication of results of elections].

Page 3, Amendment of Section 16, 11: In section 16 of the principal Act.-
... (b) after sub-section (I), the following sub-section shall be inserted:-
"(1A) If a member of Parliament or of the State Legislature is elected as a Councillor then, at the expiration of
fourteen days from the date of publication in the Official Gazette of the declaration that he has been so elected, the seat of such Councillor in the General Council shall become vacant, and he shall be debarred from contesting any election to the General
Council for a period of ten years unless he has previously resigned his seat in Parliament or the State Legislature, as the case may be."

Page 3, Amendment of Section 17, 12: In section 17 of the principal Act:
...(c) for sub-section (2), the following subsection shall be substituted,-
"(2) An elected Councillor, other than the Chairman and Chief Executive Councillor of the General Council, shall cease to hold office if-
(a) he ceases to be a Councillor, or
(b) he resigns his office in writing under his hand addressed to the Chairman of the General Council, in which case the
resignation shall take effect from the date of its acceptance by the General Council.
(3) A nominated Councillor shall hold office until-
(a) he resigns his office in writing under his hand addressed to the Government, if he is nominated by the Government, or to the Chairman of the General Council, if he is nominated by him, and, in each such cases, the resignation shall take effect from the date of its acceptance by the Government or the Chairman of the General Council, as the case may be,
or
(b) his nomination is cancelled by the Government, if he is nominated by the Government, or by the Chairman of the General Council, if he is nominated by him, or
(Sections 13-15)
(c) a fresh nomination is made in his place by the Government, if he is nominated by the Government, or by the Chairman of
the General Council, if he ts nominated by him, or
(d) a new General Council is constituted after a General Election held under sub-section (1) of section 13.".

Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/ religious leaders	No specific mention.

Public administration

[Summary: A large number of the provisions in this agreement simply substitute different titles for structures and positions existing under the original act e.g. Page 8, Amendment of Section 48, 34: In section 48 of the principal Act,
...(f) in sub-section (5),-
...(ii) for the words "Chief Executive Officer" in the two places where they occur, the words "Principal Secretary" shall be substituted,].

Page 8, Amendment of Section 48, 34: In section 48 of the principal Act,
(a) for the marginal note, the following marginal note shall be substituted: -
"Principal Secretary to Council.":
(b) for sub-section (1), the following subsection shall be substituted:-
"(1)There shall be a Principal Secretary to the Council (hereinafter referred to as the Principal Secretary) appointed by the Government in consultation with the Chief Executive Councillor.";
(c) for sub-section (2), the following sub-section shall be substituted:-
"(2)The Principal Secretary shall be paid out of the Council Fund such salaries and allowances as may, from time to time, be fixed by the Government."
...(e)for sub-section (4), the following subsection shall be substituted:-
"(4)(a) The Principal Secretary shall act under the direction of the Chief Executive Councillor.
(b) The Principal Secretary shall be responsible for the maintenance of the records of the Council.";
(f) in sub-section (5),-
...(iv) for the proviso, the following proviso shall be substituted:-
"Provided that the Government may, at any time, withdraw the Principal Secretary appointed under subsection (I)."

Page 9, Substitution of new section for section 49, 35: For section 49 of the principal Act, the following section shall be substituted:-
"Appointment of Secretary. 49. The Government may place at the disposal of the Council the services of such officers of the Government for appointment as Secretary to the Council as the Government may think fit.".

Page 9, Amendment of Section 51, 37: Section 51 of the principal Act shall be renumbered as sub-section (1) of that section and-
(a) in sub-section (1) as so renumbered-
...(iii)for the second proviso, the following proviso shall he substituted:-
"Provided further that where any disciplinary or other action is required to he taken against any such employee, the Council shall have the power to initiate such disciplinary or other action against such employee whereupon the Council shall report the same forthwith to the Government may think fit.":
(b) after sub-section (1), the following sub-section shall be inserted:-
"(2) Notwithstanding anything contained in sub-section 91, the Council may, without the approval of the Government, make appoint of persons to such categories of sanctioned posts as are equivalent to Group 'C' and Group 'D' posts under the Government after making regulations relating to conditions of service of such persons with the approval of the Government.".

Page 10, Amendment of Section 57, 39: In sub-section (2) of section 57 of the principal Act, for the words "be deemed to be employed by the General Council", the words "be deemed to be on deputation to the Council" shall be substituted.

Constitution	No specific mention.

Power sharing

Political power sharing

The Government may provide for due representation of minorities, Scheduled Castes, Scheduled Tribes and women, while nominating the remaining Councillors
Power sharing→Political power sharing→General
Sub-state level
Summary: Agreement provides for sub-state power sharing at the level of Darjeeling, see below.
Power sharing→Political power sharing→Executive coalition
Sub-state level
Page 7, Substitution of new section for section 38, 24: For section 38 of the principal Act, the following section shall be substituted:-
"Executive Council. 38. (1)There shall be an Executive Council consisting of the Chief Executive Councillor, the Vice-Chairman of the General Council and fifteen other Councillors of whom-
(a) thirteen shall be nominated by the Chief Executive Councillor from amongst the elected Councillors, and
(b) two shall be nominated by the Government from amongst the nominated Councillors:
Provided that non nominated Councillor, who is in Government service, shall be eligible to be nominated as an Executive Councillor.
(2) The manner of transaction of business of the Council shall be such as may be determined by the Council by regulations with the approval of the Government.
(Sections 25)
(3) The Council shall be responsible to the General Council.
(4) No Executive Councillor shall hold any office of profit for so long as he holds the office of Executive Councillor, and no Executive Councillor or member of his family shall, either directly or indirectly,-
(a) enter into any contract, or
(b) have any dealings or transaction with the Council without the specific and prior approval of the Council."
Power sharing→Political power sharing→Proportionality in legislature
Sub-state level
Page 2, Amendment of section 5, 3: In section 5 of the principal Act,
...(b) after sub-section (1), the following subsection shall be inserted:-
"(1) Of the nominated Councillors, eleven shall be nominated by the Government and three shall be nominated by the Chairman of the General Council."
...(c) for sub-section (2), the following subsection shall be substituted:-
"(2) Subject to the provisions of sub-section (1A), the Councillors to be nominated by the Government may include -
(a) all or any of the members of the Legislative Assembly of the State of West Bengal elected from the constituencies of Darjeeling Kurseong and Kalimpong.
(Sections 4- 7)
(b) the member elected to the House of the People from the Darjeeling Parliamentary constituency, or
(c) all or any of the Chairman of the Municipalities within the Hill Areas.";

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 2, Amendment of section 5, 3: In section 5 of the principal Act,
...(b) after sub-section (1), the following subsection shall be inserted:-
"(1) Of the nominated Councillors, eleven shall be nominated by the Government and three shall be nominated by the Chairman of the General Council."
...(c) for sub-section (2), the following subsection shall be substituted:-
"(2) Subject to the provisions of sub-section (1A), the Councillors to be nominated by the Government may include -
(a) all or any of the members of the Legislative Assembly of the State of West Bengal elected from the constituencies of Darjeeling Kurseong and Kalimpong.
(Sections 4- 7)
(b) the member elected to the House of the People from the Darjeeling Parliamentary constituency, or
(c) all or any of the Chairman of the Municipalities within the Hill Areas.";

Page 5, Amendment of section 24, 18: In section 24 of the principal Act,
(a) in clause (v), after the words "public health and sanitation,", the words "family welfare," shall be inserted;
(b) for clause (viii), the following clause shall be substituted:-
(viii) public works;";
(c) for clause (ix), the following clause shall be substituted:-
"(ix) roads except national highways and State highways;";
(Sections 19-20)
(d) in clause (xviii), after the words "higher secondary", the words "including social, adult and mass education and nonformal education" shall be inserted;
(e) after clause (xix), the following clauses shall be inserted:-
"(xx) sports and youth services;
(xxi) such other matters as the Government may, be notification in the Official Gazette, place under the control and administration of the General Council."

Page 7, Substitution of new section for section 38, 24: For section 38 of the principal Act, the following section shall be substituted:-
"Executive Council. 38. (1)There shall be an Executive Council consisting of the Chief Executive Councillor, the Vice-Chairman of the General Council and fifteen other Councillors of whom-
(a) thirteen shall be nominated by the Chief Executive Councillor from amongst the elected Councillors, and
(b) two shall be nominated by the Government from amongst the nominated Councillors:
Provided that non nominated Councillor, who is in Government service, shall be eligible to be nominated as an Executive Councillor.
(2) The manner of transaction of business of the Council shall be such as may be determined by the Council by regulations with the approval of the Government.
(Sections 25)
(3) The Council shall be responsible to the General Council.
(4) No Executive Councillor shall hold any office of profit for so long as he holds the office of Executive Councillor, and no Executive Councillor or member of his family shall, either directly or indirectly,-
(a) enter into any contract, or
(b) have any dealings or transaction with the Council without the specific and prior approval of the Council."

Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.
Civil and political rights	No specific mention.
Socio-economic rights	No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction	Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development Page 5, Amendment of section 24, 18: In section 24 of the principal Act, (a) in clause (v), after the words "public health and sanitation,", the words "family welfare," shall be inserted; (b) for clause (viii), the following clause shall be substituted:- (viii) public works;"; (c) for clause (ix), the following clause shall be substituted:- "(ix) roads except national highways and State highways;"; (Sections 19-20) (d) in clause (xviii), after the words "higher secondary", the words "including social, adult and mass education and nonformal education" shall be inserted; (e) after clause (xix), the following clauses shall be inserted:- "(xx) sports and youth services;
National economic plan	No specific mention.
Natural resources	No specific mention.

International funds	No specific mention.
Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights	Land, property and environment→Land reform/rights→Land reform and management Page 5, Amendment of Section 26, 19: In section 26 of the principal Act, after the words "in all cases of acquisition or disposal of immovable property," the words "the value of which exceeds rupees one crore or which is outside the hill areas," shall be inserted.
Pastoralist/ nomadism rights	No specific mention.
Cultural heritage	No specific mention.
Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	No specific mention.
Ceasefire	No specific mention.
Police	No specific mention.
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.

Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	Page 7, Substitution of new section for section 38, 24: For section 38 of the principal Act, the following section shall be substituted:- ...(4) No Executive Councillor shall hold any office of profit for so long as he holds the office of Executive Councillor, and no Executive Councillor or member of his family shall, either directly or indirectly,- (a) enter into any contract, or (b) have any dealings or transaction with the Council without the specific and prior approval of the Council." Page 10, Substitution of new section for section 56, 38: For section 56 of the principal Act, the following section shall be substituted:- "Inspection of accounts etc. 56. Notwithstanding anything contained elsewhere in this Act, the Government may,- (a) if it is of opinion that it is necessary or expedient so to do, cause an inspection to be made of the accounts of the Council from time to time and may, for the conduct of such inspection, appoint in consultation with the Council such officer or officers as the Government may think fit, and (b) advice the Council on the account of the Council.".
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.

Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/ similar	No specific mention.
Enforcement mechanism	No specific mention.
