

<b>Country/entity</b>	India Assam
<b>Region</b>	Asia and Pacific
<b>Agreement name</b>	Memorandum of Understanding
<b>Date</b>	1 Apr 1995
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes

### **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

<b>Stage</b>	Framework/substantive - partial
<b>Conflict nature</b>	Government/territory
<b>Peace process</b>	India-Assam agreement
<b>Parties</b>	<p>Sd/-(DHOROM SING TERON) CHAIRMAN, ASDC</p> <p>Sd/-(ROBINDRA RONGPI) PRESIDENT, KARBI STUDENTS' ASSOCIATION (KSA)</p> <p>Sd/-(PRAKANTO W ARISA) PRESIDENT, NORTH CACHAR HILLS STUDENT'S FEDERATION (NCHSF)</p> <p>Sd/-(JOITHON LONGMAILAI), PRESIDENT, DIMASA STUDENT'S UNION (DSU)</p> <p>Sd/-(HOLIRAM TERANG) SPOKESMAN, ASDC</p> <p>Sd/-(JAYANTA RONGPI) SPOKESMAN, ASDC</p> <p>Sd/-(HITESHWAR SAIKIA) CHIEF MINISTER OF ASSAM</p>
<b>Third parties</b>	In the Presence of (SHRI S. B. CHAVAN) HON'BLE UNION HOME MINISTER.
<b>Description</b>	This agreement provides for reforming parts of the constitution in order to grant greater devolved executive and legislative powers to the Karbi Anglong Autonomous Council and the North Cachar Hills Autonomous Council.
<b>Agreement document</b>	<hr/> <p><a href="#">IN_950401_Memorandum of Understanding.pdf (opens in new tab)</a>   <a href="#">Download PDF</a></p> <hr/>

## **Groups**

<b>Children/youth</b>	No specific mention.
<b>Disabled persons</b>	No specific mention.
<b>Elderly/age</b>	No specific mention.
<b>Migrant workers</b>	No specific mention.
<b>Racial/ethnic/ national group</b>	No specific mention.
<b>Religious groups</b>	No specific mention.
<b>Indigenous people</b>	No specific mention.
<b>Other groups</b>	No specific mention.
<b>Refugees/displaced persons</b>	No specific mention.
<b>Social class</b>	No specific mention.

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## **Gender**

<b>Women, girls and gender</b>	No specific mention.
<b>Men and boys</b>	No specific mention.
<b>LGBTI</b>	No specific mention.
<b>Family</b>	No specific mention.

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## **State definition**

<b>Nature of state (general)</b>	No specific mention.
<b>State configuration</b>	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.

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## **Governance**

**Political institutions (new or reformed)** No specific mention.

**Elections** No specific mention.

**Electoral commission** No specific mention.

**Political parties reform** No specific mention.

**Civil society** No specific mention.

**Traditional/religious leaders** No specific mention.

**Public administration** No specific mention.

**Constitution** Governance→Constitution→Constitutional reform/making  
Page 6, 3. (v)  
Action will be initiated for necessary amendment of the Sixth Schedule to provide for exercise of discretionary powers by the Governor of Assam in respect of matters specifically indicated or entrusted to the Councils in the manner provided for the paragraph 20-BB of the Sixth Schedule of the Constitution. However, the present formulation in paragraph 20-BB may be modified to provide that in addition to the Council of Ministers, the Governor shall consult the District Council by omitting the words "and if he thinks it necessary". Additional provisions viz. paragraph 2 (6), 2 (6A) excluding the first proviso thereunder, 8 (4) and 10 (3) may also be brought within the purview of para 20-BB.

Page 6, 3. (vi)  
Para 14 (2) of the Sixth Schedule be modified by omitting the words "with the recommendations of the Governor with respect thereto".

Page 6, 3. (vii)  
The State Government would propose to the Central Government to examine the feasibility of bringing paragraphs 4 (3), 4 (5), 12 (l) (b) and 17 of the Sixth Schedule within the purview of paragraph 20-BB.

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**Political power sharing**

No specific mention.



## **Territorial power sharing**

Power sharing→Territorial power sharing→Autonomous regions

Page 2-3, 3. (i)

Following initiation of a dialogue by Chief Minister, Assam in January 1992 with the leaders of the Hill Tribals, a series discussions have been held by the Union Home Minister. The following understanding has been reached : -

The Autonomous District Councils of Karbi Anglong and the North Cachar Hills District will be renamed as KARBI ANGLONG AUTONOMOUS COUNCIL AND THE NORTH CACHAR HILLS AUTONOMOUS COUNCIL;

Page 3, 3. (ii)

The jurisdiction of the two Councils for the exercise of executive powers will extend to the subjects/departments listed in Annexure-I. A resolution to this effect will also be passed by the State Legislature. To the above extend, the executive powers of the State will stand delegated to the above Councils;

Page 3-5, 3. (iv)

Action will be urgently initiated for amendment of Para (1) of the Sixth Schedule for transferring legislative powers to the Councils in respect of the following subjects, in addition to powers already available to them under the Sixth Schedule;

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

(b) Communications, that is to say roads, bridges, ferries and other means of communication not specified in List I: municipal tramways, ropeways, inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles;

(c) Preservation, Protection and improvement of stock and prevention of animal diseases;

veterinary training and practice; and Cattle Pounds;

(d) Primary and Secondary Education;

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

(f) Fisheries;

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

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

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

(j) Theaters and dramatic performances, cinemas subject to the provisions of entry 60 of List I; Sports, entertainments and amusements;

(k) Public Health and sanitation, hospitals and dispensaries;

(l) Minor irrigation;

(m) Trade and Commerce in, and the production, supply and distribution of Foodstuffs, Cattlefodder, raw cotton and raw jute; and

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

Additionally, the feasibility of inclusion of "alienation of land" in Clause (a) of Sub-para (i) of para 3 of the Sixth Schedule will be examined. The laws relating to List III of the Seventh Schedule of the Constitution enacted by the Councils shall be reserved for consideration and approval of the President.

Page 6, 3. (v)

Action will be initiated for necessary amendment of the Sixth Schedule to provide for exercise of discretionary powers by the Governor of Assam in respect of matters specifically indicated or entrusted to the Councils in the manner provided for the

<b>Economic power sharing</b>	<p>Power sharing→Economic power sharing→Sharing of resources</p> <p>Page 3, 3. (iii)</p> <p>The State Government will, before the beginning of the financial year, give an indication to the Councils of the overall financial allocations for them. The Councils will, thereafter, prepare and pass their own budget and forward it to the State Government for being included in the overall State budget. Ordinarily, no change will be made in the budget as proposed by the Councils. However, if for any reasons it becomes necessary to do so, the Councils would be consulted and would be explained the reasons for change;</p>
<b>Military power sharing</b>	No specific mention.

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## **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.

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## **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.

<b>Protection measures</b>	<p>Rights related issues→Protection measures→Other</p> <p>Page 3-5, 3. (iv)</p> <p>Action will be urgently initiated for amendment of Para (1) of the Sixth Schedule for transferring legislative powers to the Councils in respect of the following subjects, in addition to powers already available to them under the Sixth Schedule;</p> <p>(c) Preservation, Protection and improvement of stock and prevention of animal diseases;</p> <p>veterinary training and practice; and Cattle Pounds;</p> <p>(e) Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases;</p> <p>(i) Flood control schemes for protection of villages, paddy fields, markets, towns etc. (not of technical nature);</p>
<b>Other</b>	No specific mention.

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## Rights institutions

**NHRI** No specific mention.

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

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## 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.

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## **Socio-economic reconstruction**

**Development or socio-economic reconstruction** No specific mention.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

**International funds** No specific mention.

**Business** Page 3-5, 3. (iv)  
Action will be urgently initiated for amendment of Para (1) of the Sixth Schedule for transferring legislative powers to the Councils in respect of the following subjects, in addition to powers already available to them under the Sixth Schedule;  
(a) Industries, subject to the provisions of entries 7 and 52 of List I of Seventh Schedule;...  
(m) Trade and Commerce in, and the production, supply and distribution of Foodstuffs, Cattlefodder, raw cotton and raw jute;...

Page 10, Annexure-I, DEPARTMENT FOR ENTRUSTMENT TO THE N.C. HILLS & KARBI  
ANGLONG AUTONOMOUS DISTRICT COUNCILS UNDER PARA 5 (2) OF SIXTH SCHEDULE  
TO THE CONSTITUTION OF INDIA

1. Industry.

**Taxation** Socio-economic reconstruction→Taxation→Power to tax  
Page 11, Annexure-I, DEPARTMENT FOR ENTRUSTMENT TO THE N.C. HILLS & KARBI  
ANGLONG AUTONOMOUS DISTRICT COUNCILS UNDER PARA 5 (2) OF SIXTH SCHEDULE  
TO THE CONSTITUTION OF INDIA

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29. Excise.

30. Finance including Sales Tax on purchase of good other than Newspapers, Excise, Professional Tax.

**Banks** No specific mention.

## **Land, property and environment**

**Land reform/rights** Land, property and environment→Land reform/rights→Land reform and management  
Page 11, Annexure-I, DEPARTMENT FOR ENTRUSTMENT TO THE N.C. HILLS & KARBI  
ANGLONG AUTONOMOUS DISTRICT COUNCILS UNDER PARA 5 (2) OF SIXTH SCHEDULE  
TO THE CONSTITUTION OF INDIA  
...24. Land Reforms.  
Land, property and environment→Land reform/rights→Other land rights  
Page 5, 3. (iv)  
...Additional, the feasibility of inclusion of "alienation of land" in Clause (a) of Sub-para  
(I) of para 3 of the Sixth Schedule will be examined. The laws relating to List III of the  
Seventh Schedule of the Constitution enacted by the Councils shall be reserved for  
consideration and approval of the President.

**Pastoralist/  
nomadism rights** No specific mention.

**Cultural heritage** Land, property and environment→Cultural heritage→Tangible  
Page 5, 3. (iv)  
Action will be urgently initiated for amendment of Para (1) of the Sixth Schedule for  
transferring legislative powers to the Councils in respect of the following subjects, in  
addition to powers already available to them under the Sixth Schedule;  
...(n) Libraries, museums and other similar institutions controlled or financed by the  
State; ancient and historical monuments and records other than those declared by or  
under law made by Parliament to be of national important...  
Land, property and environment→Cultural heritage→Promotion  
Page 10-11, Annexure-I, DEPARTMENT FOR ENTRUSTMENT TO THE N.C. HILLS & KARBI  
ANGLONG AUTONOMOUS DISTRICT COUNCILS UNDER PARA 5 (2) OF SIXTH SCHEDULE  
TO THE CONSTITUTION OF INDIA  
...8. Cultural Affairs.

**Environment** Page 3-5, 3. (iv)  
Action will be urgently initiated for amendment of Para (1) of the Sixth Schedule for  
transferring legislative powers to the Councils in respect of the following subjects, in  
addition to powers already available to them under the Sixth Schedule;  
...(i) Flood control schemes for protection of villages, paddy fields, markets, town etc.  
(not of technical nature);...

Page 10-11, Annexure-I, DEPARTMENT FOR ENTRUSTMENT TO THE N.C. HILLS & KARBI  
ANGLONG AUTONOMOUS DISTRICT COUNCILS UNDER PARA 5 (2) OF SIXTH SCHEDULE  
TO THE CONSTITUTION OF INDIA  
...18. Flood Control Department.

**Water or riparian  
rights or access** Page 3-5, 3. (iv)  
Action will be urgently initiated for amendment of Para (1) of the Sixth Schedule for  
transferring legislative powers to the Councils in respect of the following subjects, in  
addition to powers already available to them under the Sixth Schedule;  
...(f) Fisheries;...(g) Water, that is to say water supplied, irrigation and canals, drainage  
and embankments, water storage and water power subject to the provisions of entry 56  
of List I;...(1) Minor irrigation;

## **Security sector**

**Security Guarantees** No specific mention.

**Ceasefire** No specific mention.

**Police** Page 7, 3. (viii)  
While law and order will continue to be the responsibility of the State Government, it would, however, evolve a mechanism for consultation with the C.E.M. of the Council concerned regarding the posting of senior Police and law and order Officers i.e. the Superintendent of Police and below the Deputy Commissioner and below in the area of the Councils. Similarly, the State Government will also evolve a mechanism for associating the C.E.M. of the Council concerned in the performance appraisal/recording of Confidential Report in respect of the above-mentioned Officers in accordance with the procedure being followed by the State Government.

**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** No specific mention.

**Crime/organised crime** No specific mention.

**Drugs** No specific mention.

**Terrorism** No specific mention.

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## **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	No specific mention.
<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	No specific mention.

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## **Implementation**

<b>UN signatory</b>	No specific mention.
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**Other international signatory** No specific mention.

<b>Referendum for agreement</b>	No specific mention.
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<b>International mission/force/similar</b>	No specific mention.
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<b>Enforcement mechanism</b>	No specific mention.
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<b>Related cases</b>	No specific mention.
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<b>Source</b>	<a href="http://artassam.nic.in/Hills%20Areas%20Deptt/Memorandum%20of%20Understanding.pdf">http://artassam.nic.in/Hills%20Areas%20Deptt/Memorandum%20of%20Understanding.pdf</a>
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