

Country/entity	India Bodoland
Region	Asia and Pacific
Agreement name	Memorandum of Settlement on Bodoland Territorial Council
Date	10 Feb 2003
Agreement status	Multiparty signed/agreed
Interim arrangement	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

Stage	Framework/substantive - partial
Conflict nature	Government/territory
Peace process	India Bodoland peace process
Parties	(Hagrama Basumatary) Chairman, Bodo Liberation Tigers (P K Dutta) Chief Secretary, Govt. of Assam (R C A Jain, Secretary (BM), Ministry of Home Affairs, Government of India
Third parties	Signed on 10th February, 2003 at New Delhi in the presence of Shri L.K. Advani, Hon'ble Deputy Prime Minister of India and Shri Tarum Gogoi, Chief Minister of Assam.
Description	This agreement establishes the Bodoland Territorial Council (BTC). The agreement specifies the administrative borders of the BTC; the political status of the BTC; the power and functions of the BTC; revisions to the police administration; amendments to the list of Scheduled Tribes in the Indian Consitution; the status of ethnic groups in the BTC; development issues, protection and recognition of the Bodo Language; and DDR and refugee relief provisions.

Agreement document	IN_030210_MemorandumSettlementBodolandTerritorialCouncil.pdf (opens in new tab) Download PDF
---------------------------	--

Groups

Children/youth	<p>Groups→Children/youth→Substantive Page 3, 5. Power and Functions: Subjects to be entrusted to BTC by Assam Government ...19. Sports & Youth Welfare;</p> <p>Page 5, 10. Additional Development Package for BTC, List of projects: ...14. To set up model dairy, fishery, horticulture and poultry farms/training centres at different places in all the 4 districts to encourage youth for self-employment;</p> <p>Page 6, 12. Relief & Rehabilitation, 12.3. Bodo youth will be considered for recruitment in Police, Army and Paramilitary forces to increase their representation in these forces.</p>
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.

**Racial/ethnic/
national group**

Groups→Racial/ethnic/national group→Substantive

Page 6, 13. Special Rehabilitation Programme for the people affected by ethnic disturbances: The Special Rehabilitation Programme (SRP) for the people affected by ethnic disturbances in Assam, who are at present living at relief camps in Kokrajhar, Bongaigaon etc. shall be completed by the Government of Assam with active support of BTC. Necessary funds for their rehabilitation shall be provided by the Government of India and lands which are free from all encumbrances required for such rehabilitation shall be made available by the BTC.

Religious groups

No specific mention.

Indigenous people Groups→Indigenous people→Substantive

Page 1, 1: The Government of India and the Government of Assam have been making concerted efforts to fulfil the aspirations of the Bodo people relating to their cultural identity, language, education and economic development. Towards this end, a series of talks were held between Government of India, Government of Assam and Bodo Liberation Tigers (BLT) since March, 2000. As a result, it is agreed to create a self-governing body for the Bodo Areas in the State of Assam as follows:...

Page 1, 2. Objectives

The objectives of the agreement are: to create an Autonomous self governing body to be known as Bodoland Territorial Council (BTC) within the State of Assam and to provide constitutional protection under Sixth Schedule to the said Autonomous Body; to fulfil economic, educational and linguistic aspirations and the preservation of land-rights, socio-cultural and ethnic identity of the Bodos; and speed up the infrastructure development in BTC area.

Page 1, 3. Area,

3.2: A committee comprising one representative each from Governments of India & Assam and BLT will decide by consensus on the inclusion of additional villages and areas in the BTC from out of 95 villages and areas on the basis of the criteria of tribal population being not less than 50%, contiguity or any other agreed relevant criteria within a period of three months of signing of this MoS.

Page 1, 4. Status of Bodoland Territorial Council:

The provision of the Sixth schedule and other relevant Articles of the Constitution of India will apply to BTC, mutatis mutandis in terms of this agreement. The safeguards/modifications for the non-tribals in BTC area, inter-alia, will include the following:
...4.2. A provision will be made in para 2(1) of the Sixth Schedule for increasing the number of members for BTC up to 46 out of which 30 will be reserved for Scheduled Tribes, 5 for non-tribal communities, 5 open for all communities and 6 to be nominated by Governor of Assam from the unrepresented communities for BTC area of which at least two should be women. Nominated members will have the same rights and privileges as other members, including voting rights. Election from the 40 constituencies of BTC shall be on the basis of adult franchise. The term of the elected members of BTC shall be for 5 years.

Page 3, 5. Power and Functions:

Subjects to be entrusted to BTC by Assam Government

...24. Tribal Research Institute;

...32. Welfare of Plan Tribes and Backward Classes;

Page 4, 7. Revision of list of ST: Consequent to the inclusion of BTC area into the Sixth Schedule, the list of ST for the State of Assam shall be so modified so as to ensure that the tribal status of Bodos and other tribals living outside the BTC area does not get affected adversely.

Page 5, 8. Grant of ST status of Bodo Kacharis of Karbi Anglong and NC Hills districts, The Government of India agrees to consider sympathetically the inclusion of the Bodo Kacharis living in Karbi Anglong and NC Hills Autonomous Council area in the ST (Hill) List of State of Assam.

Page 5, 9. Development of Bodo Language

9.1. The Government of India agrees to consider favourably the inclusion of Bodo Language in Devnagri Script in the Eighth Schedule of the Constitution.

9.2. Bodo language shall be the official language of BTC subject to the condition that

Other groups

Groups→Other groups→Substantive

Page 1, 4. Status of Bodoland Territorial Council:

The provision of the Sixth schedule and other relevant Articles of the Constitution of India will apply to BTC, mutatis mutandis in terms of this agreement. The safeguards/ modifications for the non-tribals in BTC area, inter-alia, will include the following:

...4.2. A provision will be made in para 2(1) of the Sixth Schedule for increasing the number of members for BTC up to 46 out of which 30 will be reserved for Scheduled Tribes, 5 for non-tribal communities, 5 open for all communities and 6 to be nominated by Governor of Assam from the unrepresented communities for BTC area of which atleast two should be women. Nominated members will have the same rights and privileges as other members, including voting rights. Election from the 40 constituencies of BTC shall be on the basis of adult franchise. The term of the elected members of BTC shall be for 5 years.

... 4.3: Safeguards for the settlement rights, transfer and inheritance of property etc. of non- tribals will be suitably incorporated in para 3 of the Sixth Schedule...

...4.8: ...The Amendments to the Sixth Schedule shall include provisions in such a manner that non- tribals are not disadvantaged in relation to the rights enjoyed by them at the commencement of BTC and their rights and privileges including land rights are fully protected.

Page 3, 5. Power and Functions, 5.2.: There shall be an Executive Council comprising of not more than 12 Executive Members, one of whom shall be the Chief and another one the Deputy Chief of the said Executive Council. There shall be adequate representation for the non-tribal members in the Executive Council. The Chief and the Deputy Chief of the Council shall have the status equivalent to the Cabinet Minister and the other Executive Members equivalent to the Minister of the State of Assam for protocol purposes in BTC area.

Page 7, 14. Interim Council: Immediately after signing of the agreement, Interim Executive Council for BTC shall be formed by Governor of Assam from amongst the leaders of the present Bodo movement, including the signatories to this settlement, and shall include adequate representation to the non-tribal communities in BTC area. The Interim Council shall not continue for a period beyond 6 months during which period election to the Council shall be held. Government of Assam shall dissolve the Bodoland Autonomous Council (BAC) and repeal the BAC Act.

Refugees/displaced persons

Groups→Refugees/displaced persons→Substantive

Page 6, 13. Special Rehabilitation Programme for the people affected by ethnic disturbances:

The Special Rehabilitation Programme (SRP) for the people affected by ethnic disturbances in Assam, who are at present living at relief camps in Kokrajhar, Bongaigaon etc. shall be completed by the Government of Assam with active support of BTC. Necessary funds for their rehabilitation shall be provided by the Government of India and lands which are free from all encumbrances required for such rehabilitation shall be made available by the BTC.

Social class

Groups→Social class→Substantive

Page 3, 5. Power and Functions:

Subjects to be entrusted to BTC by Assam Government

...32. Welfare of Plan Tribes and Backward Classes;

Gender

Women, girls and gender	Page 2, 4. Status of Bodoland Territorial Council 4.2. A provision will be made in para 2(1) of the Sixth Schedule for increasing the number of members for BTC up to 46 out of which 30 will be reserved for Scheduled Tribes, 5 for non-tribal communities, 5 open for all communities and 6 to be nominated by Governor of Assam from the unrepresented communities for BTC area of which atleast two should be women. Nominated members will have the same rights and privileges as other members, including voting rights. Election from the 40 constituencies of BTC shall be on the basis of adult franchise. The term of the elected members of BTC shall be for 5 years.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	Page 2, 5. Power and Functions, 5.1: The Council shall have legislative powers in respect to subjects transferred to it as enumerated below. All laws made under this paragraph shall be submitted forthwith to the Governor and until assented to by him, shall have no effect. The BTC shall have executive, administrative and financial powers in respect of subjects transferred to it. Page 3, 5. Power and Functions: Subjects to be entrusted to BTC by Assam Government ...14. Health & Family Welfare;

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 Page 1, 3. Area,

3.1. The area of proposed BTC shall comprise all the 3082 villages and areas to be so notified by the State Government. The above mentioned villages and areas shall be divided into 4 contiguous districts after reorganisation of the existing districts of Assam within a period of 6 months of the signing of the agreement on the lines of the proposal given by BLT subject to clearance of the Delimitation Commission.

Page 1, 3. Area,

3.2. A committee comprising one representative each from Governments of India & Assam and BLT will decide by consensus on the inclusion of additional villages and areas in the BTC from out of 95 villages and areas on the basis of the criteria of tribal population being not less than 50%, contiguity or any other agreed relevant criteria within a period of three months of signing of this MoS.

Page 2, 4. Status of Bodoland Territorial Council,

4.7/ Provision of Article 332(6) of the Constitution will be so modified that the existing status of representation of BTC area in the State Assembly is kept intact. After the creation of BTC, the Parliamentary & Assembly Constituencies shall be delimited by the Delimitation Commission in accordance with the provisions of the Constitution.

Cross-border provision

No specific mention.

Political institutions (new or reformed)

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

Page 1, 2. Objectives:

The objectives of the agreement are: to create an Autonomous self governing body to be known as Bodoland Territorial Council (BTC) within the State of Assam and to provide constitutional protection under Sixth Schedule to the said Autonomous Body; to fulfil economic, educational and linguistic aspirations and the preservation of land-rights, socio- cultural and ethnic identity of the Bodos; and speed up the infrastructure development in BTC area.

Page 2, 4. Status of Bodoland Territorial Council:

4.7. Provision of Article 332(6) of the Constitution will be so modified that the existing status of representation of BTC area in the State Assembly is kept intact. After the creation of BTC, the Parliamentary & Assembly Constituencies shall be delimited by the Delimitation Commission in accordance with the provisions of the Constitution.

Page 2, 5. Power and Functions:

5.1. The Council shall have legislative powers in respect to subjects transferred to it as enumerated below. All laws made under this paragraph shall be submitted forthwith to the Governor and until assented to by him, shall have no effect. The BTC shall have executive, administrative and financial powers in respect of subjects transferred to it.

Page 3, 5. Power and Functions:

Subjects to be entrusted to BTC by Assam Government

1. Small, Cottage and Rural Industry; 2. Animal Husbandry & Veterinary; 3. Forest; 4. Agriculture; 5. PWD; 6. Sericulture; 7. Education (Primary Education, Higher Secondary Including vocational training, Adult Education, College Education (General); 8. Cultural Affairs; 9. Soil Conservation; 10. Co-operation; 11. Fisheries; 12. Panchayat and Rural Development; 13. Handloom and Textile; 14. Health & Family Welfare; 15. Public Health Engineering; 16. Irrigation; 17. Social Welfare; 18. Flood Control; 19. Sports & Youth Welfare; 20. Weights and Measures; 21. Library Services; 22. Museum & Archaeology; 23. Urban Development – Town and Country Planning; 24. Tribal Research Institute; 25. Land & Revenue; 26. Publicity/Public Relations; 27. Printing & Stationery; 28. Tourism; 29. Transport; 30. Planning and Development; 31. Municipal Corporation, Improvement Trust, District Boards and other local authorities; 32. Welfare of Plan Tribes and Backward Classes; 33. Markets and fairs; 34. Lotteries, Theatres, Dramatic performance and cinema; 35. Statistics; 36. Food and Civil supply; 37. Intoxicating liquors, opium and derivatives etc.; 38. Labour and employment; 39. Relief and Rehabilitation; 40. Registration of Births and Deaths.

Page 3, 5. Power and Functions:

5.2. There shall be an Executive Council comprising of not more than 12 Executive Members, one of whom shall be the Chief and another one the Deputy Chief of the said Executive Council. There shall be adequate representation for the non-tribal members in the Executive Council. The Chief and the Deputy Chief of the Council shall have the status equivalent to the Cabinet Minister and the other Executive Members equivalent to the Minister of the State of Assam for protocol purposes in BTC area.

Page 3, 5. Power and Functions:

5.3. The BTC shall have the full control over the officers and staff connected with the delegated subjects working in the BTC area and shall be competent to transfer officers and staff within the BTC area. ^{Page 10 of 11} ACRs of these officers shall also be written by the appropriated BTC authority.

Elections

Page 2, 4. Status of Bodoland Territorial Council

4.2. A provision will be made in para 2(1) of the Sixth Schedule for increasing the number of members for BTC up to 46 out of which 30 will be reserved for Scheduled Tribes, 5 for non-tribal communities, 5 open for all communities and 6 to be nominated by Governor of Assam from the unrepresented communities for BTC area of which atleast two should be women. Nominated members will have the same rights and privileges as other members, including voting rights. Election from the 40 constituencies of BTC shall be on the basis of adult franchise. The term of the elected members of BTC shall be for 5 years.

**Electoral
commission**

No specific mention.

**Political parties
reform**

No specific mention.

Civil society

No specific mention.

**Traditional/
religious leaders**

No specific mention.

**Public
administration**

Page 3, 5. Power and Functions,

5.3. The BTC shall have the full control over the officers and staff connected with the delegated subjects working in the BTC area and shall be competent to transfer officers and staff within the BTC area. ACRs of these officers shall also be written by the appropriated BTC authority.

Page 3, 5. Power and Functions,

5.4. BTC shall also be competent to make appointments for all posts under its control in accordance with the rules of appointment followed by the Government of Assam. However, the posts, where recruitment is made on the recommendation of APSC, shall not be covered under this provision. The Council may constitute a Selection Board for appointments to be made by it and may also make rules, with the approval of the Governor of Assam to regulate appointments and to ensure adequate representation for all communities living in the Council area.

Page 3, 5. Power and Functions,

5.5. No posts shall be created by BTC without concurrence of the Government of Assam and it shall also abide by the decision of the Government of Assam in respect of abolition of/temporarily keeping vacant any post.

Page 4, 5. Power and Functions,

5.8. The State Government would provide an amount, to be decided every year on population ratio basis, as grants-in-aid in two equal instalments to the BTC for executing development works. The proportionate share for the BTC shall be calculated on the basis of the plan funds available after setting aside the funds required for earmarked sectors and the salary. This amount may be reduced proportionately if the state plan allocation is reduced or there is plan cut due to resource problem. In addition, the Council will be paid a suitable amount of plan funds and non-plan funds to cover the office expenses and the salaries of the staff working under their control. The BTC shall disburse the salaries of the staff under their control and would ensure strict economy in the matter.

Page 6, 10. Additional Development Package for BTC,

10.3. Government of India will provide necessary one time financial assistance required for development of administrative infrastructure in the newly created district headquarters, sub- divisional headquarters and block headquarters, besides the BTC Secretariat Complex at Kokrajhar.

Page 6, 12. Relief & Rehabilitation,

12.2. The Government of India will initiate steps for review of action against the Bodo employees of Government of India and subordinate officers as well as in respect of Central Government Undertakings. Similar action would be taken by the Government of Assam.

Constitution

Governance→Constitution→Constitutional reform/making

Page 1, 4. Status of Bodoland Territorial Council:

The provision of the Sixth schedule and other relevant Articles of the Constitution of India will apply to BTC, mutatis mutandis in terms of this agreement. The safeguards/modifications for the non-tribals in BTC area, inter-alia, will include the following:

4.1. Provision of para 1(2) of Sixth Schedule regarding Autonomous Regions will not be applicable to BTC.

4.2. A provision will be made in para 2(1) of the Sixth Schedule for increasing the number of members for BTC up to 46 out of which 30 will be reserved for Scheduled Tribes, 5 for non-tribal communities, 5 open for all communities and 6 to be nominated by Governor of Assam from the unrepresented communities for BTC area of which atleast two should be women. Nominated members will have the same rights and privileges as other members, including voting rights. Election from the 40 constituencies of BTC shall be on the basis of adult franchise. The term of the elected members of BTC shall be for 5 years.

4.3. Safeguards for the settlement rights, transfer and inheritance of property etc. of non-tribals will be suitably incorporated in para 3 of the Sixth Schedule. Any such law as may be made by the BTC in this regard will not, in particular:

(a) Extinguish the rights and privileges enjoyed by an citizen of India in respect of their land at the commencement of BTC, and

(b) Bar any citizen from acquiring land either by way of inheritance, allotment, settlement or by way of transfer if such citizens were eligible for such bonafide acquisition of land within the BTC area.

4.4. Provision will be added in para 6 of Sixth Schedule that in BTC area, language and medium of instruction in educational institutions will not be changed without approval of the State Government.

4.5. Provision of para 8 of Sixth Schedule regarding power to assess and collect land revenue and impose taxes shall be applicable to BTC.

4.6. Para 10 of the Sixth Schedule will not be applicable to BTC area.

4.7. Provision of Article 332(6) of the Constitution will be so modified that the existing status of representation of BTC area in the State Assembly is kept intact. After the creation of BTC, the Parliamentary & Assembly Constituencies shall be delimited by the Delimitation Commission in accordance with the provisions of the Constitution.

4.8. ...The Amendments to the Sixth Schedule shall include provisions in such a manner that non-tribals are not disadvantaged in relation to the rights enjoyed by them at the commencement of BTC and their rights and privileges including land rights are fully protected.

Page 5, 9. Development of Bodo Language,

9.1. The Government of India agrees to consider favourably the inclusion of Bodo Language in Devnagri Script in the Eighth Schedule of the Constitution.

Power sharing

Political power sharing

Power sharing→Political power sharing→Executive coalition

Sub-state level

Page 3, 5. Power and Functions

5.2. There shall be an Executive Council comprising of not more than 12 Executive Members, one of whom shall be the Chief and another one the Deputy Chief of the said Executive Council. There shall be adequate representation for the non-tribal members in the Executive Council. The Chief and the Deputy Chief of the Council shall have the status equivalent to the Cabinet Minister and the other Executive Members equivalent to the Minister of the State of Assam for protocol purposes in BTC area.

5.5. No posts shall be created by BTC without concurrence of the Government of Assam and it shall also abide by the decision of the Government of Assam in respect of abolition of/temporarily keeping vacant any post.

Power sharing→Political power sharing→Proportionality in legislature

Sub-state level

Page 1, 4. Status of Bodoland Territorial Council

The provision of the Sixth schedule and other relevant Articles of the Constitution of India will apply to BTC, mutatis mutandis in terms of this agreement. The safeguards/modifications for the non-tribals in BTC area, inter-alia, will include the following:

4.1. Provision of para1(2) of Sixth Schedule regarding Autonomous Regions will not be applicable to BTC.

4.2. A provision will be made in para 2(1) of the Sixth Schedule for increasing the number of members for BTC up to 46 out of which 30 will be reserved for Scheduled Tribes, 5 for non-tribal communities, 5 open for all communities and 6 to be nominated by Governor of Assam from the unrepresented communities for BTC area of which at least two should be women. Nominated members will have the same rights and privileges as other members, including voting rights. Election from the 40 constituencies of BTC shall be on the basis of adult franchise. The term of the elected members of BTC shall be for 5 years.

Power sharing→Political power sharing→Other proportionality

Sub-state level

Page 4, 5. Power and Functions

5.10. The executive functions of the BTC shall be exercised through its Principal Secretary who shall be an officer of the rank not below of Commissioner/Secretary to Government of Assam. The sanctioning powers of the Government of Assam shall be vested with the Principal Secretary of BTC and sanctioning powers of head(s) of the Department(s) including for technical sanction shall be conferred on the senior most officer of that Department preferably not below the rank of Additional Director, who may be designated as Director of BTC for that department. The Principal Secretary and other officers shall exercise their powers under the overall guidance and supervision of BTC.

Power sharing→Political power sharing→Segmental autonomy

Sub-state level

Page 2, 4. Status of Bodoland Territorial Council, 4.4. Provision will be added in para 6 of Sixth Schedule that in BTC area, language and medium of instruction in educational institutions will not be changed without approval of the State Government.

Power sharing→Political power sharing→Other

Sub-state level

Page 1, 3. Area

3.2 A committee comprising one representative each from Governments of India & Assam and BLT will decide by consensus on the inclusion of additional villages and areas in the BTC from out of 95 villages and areas on the basis of the criteria of tribal population being not less than 50%, contiguity or any other agreed relevant criteria within a period of three months of signing of this MoS.

Territorial power sharing

Power sharing→Territorial power sharing→Local/municipal government

Page 1, 2. Objectives:

The objectives of the agreement are: to create an Autonomous self governing body to be known as Bodoland Territorial Council (BTC) within the State of Assam and to provide constitutional protection under Sixth Schedule to the said Autonomous Body; to fulfil economic, educational and linguistic aspirations and the preservation of land-rights, socio- cultural and ethnic identity of the Bodos; and speed up the infrastructure development in BTC area.

Page 2, 5. Power and Functions:

5.1. The Council shall have legislative powers in respect to subjects transferred to it as enumerated below. All laws made under this paragraph shall be submitted forthwith to the Governor and until assented to by him, shall have no effect. The BTC shall have executive, administrative and financial powers in respect of subjects transferred to it.

Page 3, 5. Power and Functions

Subjects to be entrusted to BTC by Assam Government

1. Small, Cottage and Rural Industry; 2. Animal Husbandry & Veterinary; 3. Forest; 4. Agriculture; 5. PWD; 6. Sericulture; 7. Education (Primary Education, Higher Secondary Including vocational training, Adult Education, College Education (General); 8. Cultural Affairs; 9. Soil Conservation; 10. Co-operation; 11. Fisheries; 12. Panchayat and Rural Development; 13. Handloom and Textile; 14. Health & Family Welfare; 15. Public Health Engineering; 16. Irrigation; 17. Social Welfare; 18. Flood Control; 19. Sports & Youth Welfare; 20. Weights and Measures; 21. Library Services; 22. Museum & Archaeology; 23. Urban Development – Town and Country Planning; 24. Tribal Research Institute; 25. Land & Revenue; 26. Publicity/Public Relations; 27. Printing & Stationery; 28. Tourism; 29. Transport; 30. Planning and Development; 31. Municipal Corporation, Improvement Trust, District Boards and other local authorities; 32. Welfare of Plan Tribes and Backward Classes; 33. Markets and fairs; 34. Lotteries, Theatres, Dramatic performance and cinema; 35. Statistics; 36. Food and Civil supply; 37. Intoxicating liquors, opium and derivatives etc.; 38. Labour and employment; 39. Relief and Rehabilitation; 40. Registration of Births and Deaths.

Page 3, 5. Power and Functions

5.2. There shall be an Executive Council comprising of not more than 12 Executive Members, one of whom shall be the Chief and another one the Deputy Chief of the said Executive Council. There shall be adequate representation for the non-tribal members in the Executive Council. The Chief and the Deputy Chief of the Council shall have the status equivalent to the Cabinet Minister and the other Executive Members equivalent to the Minister of the State of Assam for protocol purposes in BTC area.

Page 3, 5. Power and Functions

5.3. The BTC shall have the full control over the officers and staff connected with the delegated subjects working in the BTC area and shall be competent to transfer officers and staff within the BTC area. ACRs of these officers shall also be written by the appropriated BTC authority.

Page 3, 5. Power and Functions

5.4. BTC shall also be competent to make appointments for all posts under its control in accordance with the rules of appointment followed by the Government of Assam. However, the posts, where recruitment is made on the recommendation of APSC, shall not be covered under this provision. The Council may constitute a Selection Board for appointments to be made by it and may also make rules, with the approval of the Governor of Assam to regulate appointments and to ensure adequate representation for all communities living in the Council area.

Economic power sharing

Power sharing→Economic power sharing→Sharing of resources

Page 4, 5. Power and Functions

5.8. The State Government would provide an amount, to be decided every year on population ratio basis, as grants-in-aid in two equal instalments to the BTC for executing development works. The proportionate share for the BTC shall be calculated on the basis of the plan funds available after setting aside the funds required for earmarked sectors and the salary. This amount may be reduced proportionately if the state plan allocation is reduced or there is plan cut due to resource problem. In addition, the Council will be paid a suitable amount of plan funds and non-plan funds to cover the office expenses and the salaries of the staff working under their control. The BTC shall disburse the salaries of the staff under their control and would ensure strict economy in the matter.

Page 4, 5. Power and Functions

5.9. BTC authority shall prepare a plan with the amounts likely to be available for development works, both under State share and Central share, covering any or all the activities of the departments under their control. The Council shall have full discretion in selecting the activities and choosing the amount for the investment under the same in any year covering all groups of people in a fair and equitable manner. This plan will be a sub set of the State plan and would be treated as its integral part. Once the plan of the State, including BTC plan, gets the approval of the Planning Commission the BTC authority will start execution of their plan in the BTC area. Modifications, if any, made by the Planning Commission in the BTC proposal, shall be binding on the BTC authority. The State Government shall not divert the funds allocated to the BTC to other heads and also ensure its timely release. BTC may have Planning Department to prepare the plans for BTC area to be submitted to Planning Commission through the Government of Assam.

Military power sharing

Power sharing→Military power sharing→Proportionality

Page 6, 12. Relief & Rehabilitation,

12.3. Bodo youth will be considered for recruitment in Police, Army and Paramilitary forces to increase their representation in these forces.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation 4. Status of Bodoland Territorial Council
... The Amendments to the Sixth Schedule shall include provisions in such a manner that nontribals are not disadvantaged in relation to the rights enjoyed by them at the commencement of BTC and their rights and privileges including land rights are fully protected.

Civil and political rights No specific mention.

Socio-economic rights Human rights and equality→Socio-economic rights→Property
Page 2, 4. Status of Bodoland Territorial Council,
4.3: Safeguards for the settlement rights, transfer and inheritance of property etc. of non-tribals will be suitably incorporated in para 3 of the Sixth Schedule. Any such law as may be made by the BTC in this regard will not, in particular:
(a) Extinguish the rights and privileges enjoyed by an citizen of India in respect of their land at the commencement of BTC, and
(b) Bar any citizen from acquiring land either by way of inheritance, allotment, settlement or by way of transfer if such citizens were eligible for such bonafide acquisition of land within the BTC area.

Rights related issues

Citizenship Rights related issues→Citizenship→Citizens, specific rights
Page 2, 4. Status of Bodoland Territorial Council,
4.3. Safeguards for the settlement rights, transfer and inheritance of property etc. of non-tribals will be suitably incorporated in para 3 of the Sixth Schedule. Any such law as may be made by the BTC in this regard will not, in particular:
(a) Extinguish the rights and privileges enjoyed by an citizen of India in respect of their land at the commencement of BTC, and
(b) Bar any citizen from acquiring land either by way of inheritance, allotment, settlement or by way of transfer if such citizens were eligible for such bonafide acquisition of land within the BTC area.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access	<p>Page 5, 10. Additional Development Package for BTC, 10.2. In order to accelerate the development of the region and to meet the aspirations of the people, the Government of India will provide financial assistance of Rs 100 crores per annum for 5 years for projects to develop the socio-economic infrastructure in BTC areas over and above the normal plan assistance to the State of Assam. The size of the Corpus will be reviewed after a period of 5 years. Suitable mechanism will be built in the system to ensure that the funds are transferred to BTC in time and at regular intervals. An illustrative list of projects which may be considered to be taken up in BTC given below:</p> <p>Page 5, 10. Additional Development Package for BTC, List of projects: ...7. Construction of a bridge over river Aai to connect Koilamoila, Amguri etc. with the rest of the district; ...11. To develop adequate infrastructure to promote Manas sanctuary as an international tourist spot; ...13. To construct a highway on the Indo-Bhutan border from Jamduar to Bhairabkunda to connect remote places located adjacent to the border;</p>
Protection measures	<p>Rights related issues→Protection measures→Protection of groups Page 1, 4. Status of Bodoland Territorial Council: ...4.8: ...The Amendments to the Sixth Schedule shall include provisions in such a manner that non- tribals are not disadvantaged in relation to the rights enjoyed by them at the commencement of BTC and their rights and privileges including land rights are fully protected. Rights related issues→Protection measures→Other Page 1, 2. Objectives The objectives of the agreement are: to create an Autonomous self governing body to be known as Bodoland Territorial Council (BTC) within the State of Assam and to provide constitutional protection under Sixth Schedule to the said Autonomous Body; to fulfil economic, educational and linguistic aspirations and the preservation of land-rights, socio-cultural and ethnic identity of the Bodos; and speed up the infrastructure development in BTC area.</p>
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 Page 2, 4. Status of Bodoland Territorial Council,
4.8: In the event, Panchayati Raj system ceases to be in force in the council area, the powers of the Panchayati Raj Institutions in such matters shall be vested with the Council.

Page 2, 5. Power and Functions:
5.1. The Council shall have legislative powers in respect to subjects transferred to it as enumerated below. All laws made under this paragraph shall be submitted forthwith to the Governor and until assented to by him, shall have no effect. The BTC shall have executive, administrative and financial powers in respect of subjects transferred to it.

Page 3, 5. Power and Functions:
Subjects to be entrusted to BTC by Assam Government
...12. Panchayat and Rural Development;

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

Page 1, 1: The Government of India and the Government of Assam have been making concerted efforts to fulfil the aspirations of the Bodo people relating to their cultural identity, language, education and economic development.

Page 1, 2. Objectives: The objectives of the agreement are: to create an Autonomous self governing body to be known as Bodoland Territorial Council (BTC) within the State of Assam and to provide constitutional protection under Sixth Schedule to the said Autonomous Body; to fulfil economic, educational and linguistic aspirations and the preservation of land-rights, socio- cultural and ethnic identity of the Bodos; and speed up the infrastructure development in BTC area.

Page 2, 5. Power and Functions:

5.1. The Council shall have legislative powers in respect to subjects transferred to it as enumerated below. All laws made under this paragraph shall be submitted forthwith to the Governor and until assented to by him, shall have no effect. The BTC shall have executive, administrative and financial powers in respect of subjects transferred to it.

Page 3, 5. Power and Functions:

Subjects to be entrusted to BTC by Assam Government:

...7. Education (Primary Education, Higher Secondary Including vocational training, Adult Education, College Education (General);

...12. Panchayat and Rural Development;

...14. Health & Family Welfare;

...15. Public Health Engineering;

...17. Social Welfare; 18. Flood Control;

...21. Library Services;

...22. Museum & Archaeology;

...23. Urban Development – Town and Country Planning;

...30. Planning and Development;

...36. Food and Civil supply;

...39. Relief and Rehabilitation;

Page 3, 5. Power and Functions,

5.6: Development functions and bodies within the competence of BTC shall be transferred to BTC. In respect of DRDA, concurrence of Government of India will be obtained.

Page 4, 5. Power and Functions,

5.8. The State Government would provide an amount, to be decided every year on population ratio basis, as grants-in-aid in two equal instalments to the BTC for executing development works. The proportionate share for the BTC shall be calculated on the basis of the plan funds available after setting aside the funds required for earmarked sectors and the salary. This amount may be reduced proportionately if the state plan allocation is reduced or there is plan cut due to resource problem. In addition, the Council will be paid a suitable amount of plan funds and non-plan funds to cover the office expenses and the salaries of the staff working under their control. The BTC shall disburse the salaries of the staff under their control and would ensure strict economy in the matter.

Page 4, 5. Power and Functions,

5.9. BTC authority shall prepare a plan with the amounts likely to be available for development works, both under State share and Central share, covering any or all the activities of the departments under their control. The Council shall have full discretion in selecting the activities and choosing the amount for the investment under the same in

National economic plan No specific mention.

Natural resources Page 3, 5. Power and Functions,
Subjects to be entrusted to BTC by Assam Government
...11. Fisheries;

International funds No specific mention.

Business

Page 2, 4. Status of Bodoland Territorial Council, 4.6. Para 10 of the Sixth Schedule will not be applicable to BTC area. [see political powersharing for further details].

Page 2, 5. Power and Functions: 5.1: The Council shall have legislative powers in respect to subjects transferred to it as enumerated below. All laws made under this paragraph shall be submitted forthwith to the Governor and until assented to by him, shall have no effect. The BTC shall have executive, administrative and financial powers in respect of subjects transferred to it.

Page 3, 5. Power and Functions

Subjects to be entrusted to BTC by Assam Government:

- ...1. Small, Cottage and Rural Industry;
- ...4. Agriculture;
- ...6. Sericulture;
- ...10. Co-operation [cooperatives];
- ...11. Fisheries;
- ...13. Handloom and Textile;
- ...20. Weights and Measures;
- ...28. Tourism;
- ...31. Municipal Corporation, Improvement Trust, District Boards and other local authorities;
- ...33. Markets and fairs;
- ...37. Intoxicating liquors, opium and derivatives etc.;
- ...38. Labour and employment;

Page 5, 10. Additional Development Package for BTC,

10.1: The State Government, within the limitation of financial and other constraints, may offer or allow the Council to offer, possible and sustainable additional incentives for attracting private investment in the Council area and would also support projects for external funding.

Page 5, 10. Additional Development Package for BTC,

10.2. In order to accelerate the development of the region and to meet the aspirations of the people, the Government of India will provide financial assistance of Rs 100 crores per annum for 5 years for projects to develop the socio-economic infrastructure in BTC areas over and above the normal plan assistance to the State of Assam. The size of the Corpus will be reviewed after a period of 5 years. Suitable mechanism will be built in the system to ensure that the funds are transferred to BTC in time and at regular intervals. An illustrative list of projects which may be considered to be taken up in BTC given below:

Page 5, 10. Additional Development Package for BTC,

List of projects:

- ...6. Food processing plants and cold storage facilities at Kokrajhar, Kajolgaon, Udalguri and Tamulpur;
- ...9. To set up integrated agro-processing park and textile-cum-apparel park;
- ...10. Revitalisation of Kokilabari Agricultural Farm;
- ...11. To develop adequate infrastructure to promote Manas sanctuary as an international tourist spot;
- ...14. To set up model dairy, fishery, horticulture and poultry farms/training centres at different places in all the 4 districts to encourage youth for self-employment;

Taxation

Socio-economic reconstruction→Taxation→Power to tax

Page 2, 4. Status of Bodoland Territorial Council,

4.5. Provision of para 8 of Sixth Schedule regarding power to assess and collect land revenue and impose taxes shall be applicable to BTC.

Page 2, 4. Status of Bodoland Territorial Council,

4.6. Para 10 of the Sixth Schedule will not be applicable to BTC area. [see political powersharing for further details].

Page 2, 5. Power and Functions,

5.1. The Council shall have legislative powers in respect to subjects transferred to it as enumerated below. All laws made under this paragraph shall be submitted forthwith to the Governor and until assented to by him, shall have no effect. The BTC shall have executive, administrative and financial powers in respect of subjects transferred to it.

Page 3, 5. Power and Functions,

Subjects to be entrusted to BTC by Assam Government

...25. Land & Revenue;

Banks

No specific mention.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Land reform and management
Page 1, 2. Objectives:

The objectives of the agreement are: to create an Autonomous self governing body to be known as Bodoland Territorial Council (BTC) within the State of Assam and to provide constitutional protection under Sixth Schedule to the said Autonomous Body; to fulfil economic, educational and linguistic aspirations and the preservation of land-rights, socio- cultural and ethnic identity of the Bodos; and speed up the infrastructure development in BTC area.

Page 2, 4. Status of Bodoland Territorial Council,

4.3. Safeguards for the settlement rights, transfer and inheritance of property etc. of non-tribals will be suitably incorporated in para 3 of the Sixth Schedule. Any such law as may be made by the BTC in this regard will not, in particular:

(a) Extinguish the rights and privileges enjoyed by an citizen of India in respect of their land at the commencement of BTC, and

(b) Bar any citizen from acquiring land either by way of inheritance, allotment, settlement or by way of transfer if such citizens were eligible for such bonafide acquisition of land within the BTC area.

Page 3, 5. Power and Functions,

Subjects to be entrusted to BTC by Assam Government

...23. Urban Development – Town and Country Planning;

...25. Land & Revenue;

...30. Planning and Development;

Land, property and environment→Land reform/rights→Property return and restitution

Page 6, 13. Special Rehabilitation Programme for the people affected by ethnic disturbances:

The Special Rehabilitation Programme (SRP) for the people affected by ethnic disturbances in Assam, who are at present living at relief camps in Kokrajhar, Bongaigaon etc. shall be completed by the Government of Assam with active support of BTC. Necessary funds for their rehabilitation shall be provided by the Government of India and lands which are free from all encumbrances required for such rehabilitation shall be made available by the BTC.

Land, property and environment→Land reform/rights→Other land rights

Page 2, 4. Status of Bodoland Territorial Council,

4.8: ...The Amendments to the Sixth Schedule shall include provisions in such a manner that non- tribals are not disadvantaged in relation to the rights enjoyed by them at the commencement of BTC and their rights and privileges including land rights are fully protected.

**Pastoralist/
nomadism rights**

No specific mention.

Cultural heritage

Land, property and environment→Cultural heritage→Tangible

Page 3, 5. Power and Functions

Subjects to be entrusted to BTC by Assam Government

...22. Museum & Archaeology;

...24. Tribal Research Institute;

...34. Lotteries, Theatres, Dramatic performance and cinema;

Page 5, 10. Additional Development Package for BTC

List of projects:

1. To establish a centre for development and research of Bodo language;

...3. A cultural complex to be established at Kokrajhar to promote and develop Bodo tradition and cultural heritage;

...8. To build a Bodoland Bhawan in Delhi;

...11. To develop adequate infrastructure to promote Manas sanctuary as an international tourist spot;

Land, property and environment→Cultural heritage→Intangible

Page 1,

1. The Government of India and the Government of Assam have been making concerted efforts to fulfil the aspirations of the Bodo people relating to their cultural identity, language, education and economic development.

Page 5, 9. Development of Bodo Language,

9.1. The Government of India agrees to consider favourably the inclusion of Bodo Language in Devnagri Script in the Eighth Schedule of the Constitution.

Page 5, 9. Development of Bodo Language,

9.2. Bodo language shall be the official language of BTC subject to the condition that Assamese and English shall also continue to be used for official purpose.

Land, property and environment→Cultural heritage→Promotion

Page 3, 5. Power and Functions

Subjects to be entrusted to BTC by Assam Government

...8. Cultural Affairs;

Environment

Page 2, 5. Power and Functions,

5.1. The Council shall have legislative powers in respect to subjects transferred to it as enumerated below. All laws made under this paragraph shall be submitted forthwith to the Governor and until assented to by him, shall have no effect. The BTC shall have executive, administrative and financial powers in respect of subjects transferred to it.

Page 3, 5. Power and Functions

Subjects to be entrusted to BTC by Assam Government

...3. Forest;

...4. Agriculture;

...9. Soil Conservation;

...11. Fisheries;

...16. Irrigation;

...18. Flood Control;

Water or riparian rights or access	<p>Page 3, 5. Power and Functions, Subjects to be entrusted to BTC by Assam Government ...16. Irrigation; ...18. Flood Control</p> <p>Page 5, 10. Additional Development Package for BTC, 10.2. In order to accelerate the development of the region and to meet the aspirations of the people, the Government of India will provide financial assistance of Rs 100 crores per annum for 5 years for projects to develop the socio-economic infrastructure in BTC areas over and above the normal plan assistance to the State of Assam. The size of the Corpus will be reviewed after a period of 5 years. Suitable mechanism will be built in the system to ensure that the funds are transferred to BTC in time and at regular intervals. An illustrative list of projects which may be considered to be taken up in BTC given below: ... List of projects: ...12. To complete Champa, Suklai and Dhansiri irrigation projects;</p>
---	--

Security sector

Security Guarantees	No specific mention.
Ceasefire	No specific mention.
Police	<p>Page 4, 5. Power and Functions, 5.7. The offices of the Dy. Commissioner and Superintendent of Police will be outside the superintendence and control of BTC.</p> <p>Page 4, 6. Law and Order, To strengthen the Police Administration, Government of Assam shall appoint an IGP for 4 districts of BTC and the jurisdiction of the DIG Kokrajhar shall also be modified to cover these 4 districts.</p> <p>Page 6, 12. Relief & Rehabilitation, 12.3. Bodo youth will be considered for recruitment in Police, Army and Paramilitary forces to increase their representation in these forces.</p>
Armed forces	<p>Page 6, 12. Relief & Rehabilitation, 12.3: Bodo youth will be considered for recruitment in Police, Army and Paramilitary forces to increase their representation in these forces.</p>

DDR	<p>Security sector→DDR→DDR programmes</p> <p>Page 6, 12. Relief & Rehabilitation,</p> <p>12.1. The BLT would join the national mainstream and shun the path of violence in the interest of peace and development. After the formation of the interim council of BTC, BLT will dissolve itself as an organisation and surrender with arms within a week of swearing-in of the interim council. The State Government would provide full support to relief and rehabilitation of the members of BLT who would surrender with arms in this process in accordance with the existing policy of the State. Financial support in such cases, however shall be limited to be provisions of the scheme prepared and funded by the Government of India. Withdrawal of cases against such persons and those related to overground Bodo movement since 1987 shall be considered according to the existing policy of the State of Assam.</p>
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 6, 12. Relief & Rehabilitation,</p> <p>12.3: Bodo youth will be considered for recruitment in Police, Army and Paramilitary forces to increase their representation in these forces.</p> <p>~</p> <p>Page 6, 12. Relief & Rehabilitation,</p> <p>12.1. The BLT would join the national mainstream and shun the path of violence in the interest of peace and development. After the formation of the interim council of BTC, BLT will dissolve itself as an organisation and surrender with arms within a week of swearing-in of the interim council. The State Government would provide full support to relief and rehabilitation of the members of BLT who would surrender with arms in this process in accordance with the existing policy of the State. Financial support in such cases, however shall be limited to be provisions of the scheme prepared and funded by the Government of India. Withdrawal of cases against such persons and those related to overground Bodo movement since 1987 shall be considered according to the existing policy of the State of Assam.</p>
Withdrawal of foreign forces	No specific mention.
Corruption	<p>Page 2, 4. Status of Bodoland Territorial Council,</p> <p>4.6. Para 10 of the Sixth Schedule will not be applicable to BTC area.</p> <p>[Summary note]: Para 10 of the Sixth Schedule of the Indian Constitution grants the District Council power to make regulations controlling money-lending and trading by non-tribals in their district. In particular, councils can restrict non-tribal money lending to those who hold an approved licence; cap the level of interest that non-tribal money lenders can charge; require money-lenders to keep accounts; inspect money-lenders' accounts; and prevent non-tribals from trading in the district without a licence.</p>
Crime/organised crime	No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Relief of other sanctions
Page 6, 12. Relief & Rehabilitation,
12.1. ... Withdrawal of cases against such persons and those related to overground Bodo movement since 1987 shall be considered according to the existing policy of the State of Assam.

Page 6, 12. Relief & Rehabilitation,
12.2. The Government of India will initiate steps for review of action against the Bodo employees of Government of India and subordinate officers as well as in respect of Central Government Undertakings. Similar action would be taken by the Government of Assam.

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 Page 7, 16: The Implementation of the provision of the Memorandum of Settlement shall be periodically reviewed by a Committee comprising representatives of Government of India, Government of Assam and BTC.

Related cases No specific mention.

Source UN Peacemaker
<http://peacemaker.un.org/>
