

Annexure - IV

Memorandum of Settlement (Bodo Accord) signed in Guwahati, Assam (On 20th February 1993)

1. Preamble

(i) Both the Government of India and the Government of Assam have been making earnest efforts to bring about an amicable solution to the problems of the Bodos and other Plains Tribals living in the north bank of river Brahmaputra within Assam.

(ii) Towards this end, the Government of India held a series of meetings with the State government as well as with leaders of All Bodo Students' Union (ABSU) and Bodo People's Action Committee (BPAC). The State Government has also separately held discussions with the Bodo leaders. As a result, it has been considered necessary to set-up an administrative authority within the State of Assam under a scheme, the details of which are outlined in the succeeding paragraphs:

2. Objective: The objective of this scheme is to provide maximum autonomy within the framework of the Constitution to the Bodos for social, economic, educational, ethnic and cultural advancement.

1. (a) Name: Bodoland Autonomous Council (BAC)

There shall be formed, by an Act of Assam Legislative Assembly, a Bodoland Autonomous Council (BAC) within the State of Assam comprising contiguous geographical areas between river Sankosh and Mazbat/river Pasnoi. The land records authority of the State will scrutinize the list of villages furnished by ABSU /BP AC having 50% and more of tribal population which shall be included in the BAC. For the purpose of providing a contiguous area, ever the villages having less than 50% tribal population shall be included. BAC will also include Reserve Forests as per the guidelines laid by Ministry of Defence and Ministry of Environment and Forests, Government of India, not otherwise required by the Government for manning the international border and tea gardens located completely within the BAC contiguous area.

(b) Powers: The BAC will comprise of a General Council comprising 40 members, 35 elected on the basis of adult suffrage and having a life of five years. The Government will have powers to nominate 5 members to the Council, particularly from groups which could not otherwise be represented. This Council will have powers to make bye-laws, rules and orders for application within the BAC area on the subjects enumerated in Schedule 'A'.

(c) The Executive Authority of the BAC would be exercised in its Executive Body to be known as Bodoland Executive Council (BEC). The BEC will be responsible for implementation within the BAC area of the laws on subjects enumerated in Schedule 'A'.

(d) The General Council and the BEC will hold office during the pleasure of the Governor of Assam. Consultation with the State Law Department of Government of

Assam would be necessary if the Governor proposed to dissolve either the General Council or the BEC before the expiry of its term in accordance with the provisions of law. The executive authority of the BEC will be exercised by the party enjoying a simple majority in the General Council. On completion of elections, the Governor would invite the leader of the majority party to constitute the BEC.

4. Finances:

(i) (a) The finances for the BAC will be earmarked under a separate subhead within the State budget, in keeping with the guidelines laid down by the Government of India from time to time. The government of Assam would have no powers to divert this earmarked allocation to other heads/areas except in exigencies when there is unavoidable overall Budget cut.

(b) The provisions made in 4 (i) (a) regarding allocation of funds should be in line with the spirit of the Constitution (seventy second) and (seventy third) amendment. (ii) The BAC would also receive grant-in-aid from time to time within the principles and policies enunciated by the Government of India. (iii) The General Council will have powers to raise finances from levies/fees/taxes etc., on subjects mentioned in Schedule 'A' subject to Constitutional amendment mentioned above. (iv) The finances for the BAC will be managed exclusively by its General Council and the statement of its annual audited accounts will be laid on the table of the State Assembly.

5. Powers of appointments:

The Bodoland Executive Committee would have powers to appoint Class III and Class IV staff within its jurisdiction for implementation of schemes connected with the subjects enumerated in Schedule 'A'.

6. Reservation of Seats: The Election Commission of India will be requested by the BAC to consider seat reservation and delimitation of constituencies, both Lok Sabha and State Assembly, within the BAC area to the extent permitted by the Constitution and the law.

7. Special provisions for the BAC area The General Council shall be consulted and its views shall be given due regard before any law made on the following subjects, is implemented in the BAC area: i) the religious or social practice of the Bodos; ii) the Bodo customary laws and procedures; and iii) the ownership and transfer of land within the BAC area.

8. Special status for the Bodoland Autonomous Council The BAC shall, within the laws of the land, take steps to protect the demographic complexion of the areas falling within its jurisdiction.

9. Special Courts: Action will be taken in consultation with the Guwahati High Court to set up within BAC area Special Courts as specified below to try suits and cases between

parties all of whom belong to Scheduled Tribe or Tribes in accordance with the tribal customary law and procedure, if any. (a) village Courts (b) Subordinate District Customary Law Courts within a civil Sub Divisional Territory, and (c) District Customary Law Court.

10. Appointment in the Central Bodies The claims of the Bodos shall be considered for appointment to the North Eastern Council.

11. Official Language: The General Council can lay down policy with regard to use of Bodo language as medium of official correspondence within the BAC area. However, while corresponding with offices outside the BAC area, correspondence will have to be in bilingual form in accordance with the Article 345 of the Constitution and the provision of law in this behalf.

12. Changes in Geographical Boundary: The geographical area of the Bodoland Autonomous Council as agreed upon can be changed with the mutual consent of the BAC and the Government of Assam.

13. Revision of List of Scheduled Castes and Scheduled Tribes: The scheduling and de-scheduling of Scheduled Castes and Scheduled Tribes residing within the Bodo areas will be done as per the Commission appointed by the Government of India under the Constitution.

14. Trade and Commerce: The General Council will have powers to regulate trade and commerce within its jurisdiction in accordance with the existing law. For this purpose, it can issue permits and licenses to individuals within the BAC area. The Government of Assam and the Union Government while considering allotment of permits to people residing within the BAC area will give preference to the Bodos.

15. Employment opportunities: The BAC will have powers to reserve jobs for Scheduled Tribes within its jurisdiction. However, exercise of such powers shall be in accordance with the existing constitutional and legal provisions.

16. Civil and Police Services (i) The Government of Assam may from time to time post officers of the rank of Class II and above to posts within the BAC in accordance with the exigencies. While making these postings due regard will be given to, views of BAC about officers being so posted.

(ii) The officers posted to the BAC area will be accountable to the BAC for their performance and the assessment of their work recorded by the BEC authorities, will be incorporated to their ACRs by the State Government.

(iii) The Central Government, while making recruitments from the State of Assam to the Army, para military forces and police units, will hold special recruitment drives within the BAC area.

17. Appointment of Interim Bodoland Executive Council: The Government of Assam will take steps for the formation of an Interim Bodoland Executive Council for the BAC from amongst the leaders of the present Bodoland movement who are signatories to this settlement, during the transition period, i.e. prior to the holding of election. Such Interim Council would be formed before a prescribed date mutually agreed between the Central and State Governments.

18. Relief and Rehabilitation: (i) ABSU - BPAC leaders will take immediate steps to bring overground and deposit with the District authorities all arms, ammunition and explosives in the possession of their own supporters and will cooperate with the administration in bringing overground all Bodo militants along with their arms and ammunition etc. within one month of the formation of the Interim BEC. In order to ensure the smooth return to civil life of the cadre and to assist in the quick restoration of peace and normalcy, such surrenders made voluntarily will not attract prosecution. (ii) The Government of Assam will consider sympathetically the withdrawal of all cases against persons connected with the Bodoland Movement excluding those relating to heinous crimes. (iii) The Government of India will initiate steps for review of action against the Bodo employees of Government of India and subordinate offices as well as in respect of Central Government Undertakings. Similar action would be taken by the Government of Assam. (iv) The Government of Assam will initiate immediate steps for suitable rehabilitation of the Bodo militants coming overground as a result of this settlement. Similarly, the Government will organize ex-gratia payments as per rules to next of the kins killed during the Bodo agitation.

19. Share in collection of excise duty on tea The Government of Assam will deposit in the BAC Fund revenue collected from the tea gardens falling within the BAC area.

20. Protection of rights of non-tribals The Government of Assam and the BAC will jointly ensure that all rights and interests of the non-tribals as on date living in BAC area in matters pertaining to land as well as their language are protected.

21. Ad-hoc Central grant for launching the BAC After the signing of this settlement, and ad-hoc Budget on reasonable basis will be prepared by Interim BEC and discussed with the State and Central Governments for necessary financial support.

Sd/- S.K.Bwiswamutariy President, ABSU

Sd/ - Rabi Ram Brahma General Secretary, ABSU

Sd/ - Subhash Basumatari Chairman, BPAC

Sd/- K.S. RAO Add. Chief Secretary to the Government of Assam

In the presence of Sd/- Rajesh Pilot, Minister or State (Internal Security) Ministry of Home Affairs, Government of India.

Sd/- Hiteswar Saikia Chief Minister of Assam State Govt. of Assam

List of subjects and Departments over which BAC will have control within the BAC area

1. Cottage Industry.
2. Animal Husbandry and Veterinary.
3. Forests.
4. Agriculture.
5. P.W.D.
6. Sericulture.
7. Education. (a) Adult Education. (b) Primary Education. (c) Upto Higher Secondary including Vocational training.
8. Cultural Affairs.
9. Soil Conservation.
10. Co-operation.
11. Fisheries.
12. Panchayat and Rural Development.
13. Handloom and Textiles.
14. Health and Family Welfare.
15. Public Health Engineering.
16. Irrigation.
17. Social Welfare.
18. Flood Control schemes for protection of villages (not of highly technical nature)
19. Sports and Youth Welfare.
20. Weights and Measures.
21. Library Services.
22. Museums and Archaeology.
23. Urban Development - Town and Country Planning.

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