

*Annexure IV***MEMORANDUM OF SETTLEMENT ON BODOLAND TERRITORIAL COUNCIL (BTC) NEW DELHI, 10th FEBRUARY 2003**

1. The Government of India and the Government of Assam have been making concerted efforts to fulfill 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:

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 fulfill 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.

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 reorganization 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.

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.

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-tribal 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 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.

4.3. Safeguards for the settlement rights, transfer and inheritance of property etc. of nontribal 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. 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.

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.

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.

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.

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.

5.3. 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.

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.

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.

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.

5.7. The offices of the Dy. Commissioner and Superintendent of Police will be outside the superintendence and control of BTC.

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 installments 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.

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.

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.

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.

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 are does not get affected adversely.

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.

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 Assamese and English shall also continue to be used for official purpose.

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.

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:

1. To establish a centre for development and research of Bodo language;
2. Upgradation of existing educational infrastructure by way of renovation/addition of buildings, providing modern facilities for teaching such as computers, science laboratories etc. from primary level to college level in BTC area;
3. A cultural complex to be established at Kokrajhar to promote and develop Bodo tradition and cultural heritage;
4. To establish a super-speciality hospital with all modern facilities at Kokrajhar Government Hospitals shall be established in all district, sub-divisional and block headquarter;
5. To establish sports complexes in all the district headquarters;
6. Food processing plants and clod storage facilities at Kokrajhar, Kajolgaon, Udalguri and Tamulpur;
7. Construction of a bridge over river Aai to connect Koilamoila, Amguri etc. with the rest of the district;
8. To build a Bodoland Bhawan in Delhi;
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;
12. To complete Champa, Suklai and Dhansiri irrigation projects;
13. To construct a highway on the Indo-Bhutan border from Jamduar to Bhairabkunda to connect remote places located adjacent to the border;
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;
15. To enhance the existing facilities in veterinary hospitals in BTC area.

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

11. Centrally funded University

11.1. A centrally funded Central Institute of Technology (CIT) will be set up to impact education in various technological/vocational disciplines such as Information Technology, Bio-Technology, Food Processing, Rural Industries, Business Management, etc.

11.2. The CIT will be subsequently upgraded to a centrally funded State University with technical and non-technical disciplines to be run by the BTC.

12. Relief & Rehabilitation

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 over ground Bodo movement since 1987 shall be considered according to the existing policy of the State of Assam.

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.

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

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.

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.

15. Government of Assam will consider inclusion of all tribals including Bodos in RHAC/MAC/LAC in consultation with leaders of these Councils.

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.

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.

(Hagrama Basumatary)
Chairman
Bodo Liberation Tigers

(P K Dutta)
Chief Secretary
Govt. of Assam

(R C A Jain)
Secretary (BM)
Ministry of Home Affairs
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