Appendix E

Memorandum of Settlement on Bodoland Territorial Council (BTC), 2003

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. Toward 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 known as the Bodoland Territorial Council (BTC) within the State of Assam and to provide Constitutional protection under the 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 will compromise all the 3082 villages and the areas shall be divided into 4 contiguous districts after reorganization of the existing districts of Assam within a period of 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 compromising 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 less than 50%, contiguity and any other agreed relevant criteria within a period of three months of signing its 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-tribals in BTC area, inter-alia, will conclude 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 Schedule Tribes, 5 for non-tribal communities, 5 open for all communities and 6 to be nominated by governor of Assam from the unrepresented communities from 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. The term of the elected members of BTC shall be for five years.

4.3 Safeguards for the settlement rights, transfer and inheritance for property etc. of non-tribal 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 any 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 the Sixth Schedule that in BTC area, language and medium of instruction in educational institutions will not be changed without the approval or 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 power of the Panchayati Raj institutions in such 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.
5. Powers 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.

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 State of Assam for protocol purpose in BTC areas.

5.3 The BTC shall have the full control over the officials and staff connected with the delegated subjects working on 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 appropriate 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 appointment 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 any vacant posts.

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 Deputy 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 ration basis, 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 salary. This amount may be reduced proportionately if the state plan allocated 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 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 the 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 BCT to other heads and also ensure its timely release. BTC may have Planning Depart 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 Government of Assam shall be vested with the Principal Secretary of BCT and sanctioning powers of head(s) of the Department(s) including the technical section 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, 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 BCT 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 modified so as to ensure that the tribal status of Bodos and other tribals living outside the BTC area does not get affected adversely.
8. Grants of ST status of Bodo -Kacharis of Karbi Anglong and N C Hills districts
The Government of India agrees to consider sympathetically the inclusion of the Bodo Kacharis living in Karbi Anglong and N C 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 Devanagiri Script in the Eight 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, with in 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 Corers per annum for five years for projects to develop the socio-economic infrastructure in BTC areas over and above normal plan assistance to the State of Assam. The size of the Corpus will be reviewed after a period of five 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 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 specialty hospital with all modern facilities at Kokrajhar. Government hospitals shall be established in all district, sub-divisional and block headquarters. 5. To establish sports complexes in all district headquarters. 6. Food processing plants and cold storage facilities at Kokrajhar, Kalaigaon, 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. Revitalization of Kokilabari Agricultural Farm. 11. To develop adequate infrastructure to develop Manas sanctuary as an internal 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 diary, fishery, horticulture and poultry farms/training centers 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 areas.

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 Secretariate Complex at Kokrajhar.

11. Centrally Funded University

11.1 A centrally Funded Central Institute of Technology (CIT) will be set up to impart education in various technological / vocational disciplines such as Information Technology, Bio-technology, Food Processing, Rural Industries, and 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 organization and will 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 polity of the State. Financial support in such cases, however, shall be limited to the 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 offices as well as in respect of Central Government Undertakings. Similar action will 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 the signing of the agreement, Interim Executive Council for BTC shall be formed by the 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 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 the leaders of these Councils.

16. The implementation of the provision of the Memorandum of Settlement shall be periodically reviewed by a Committee compromising representatives of Government of India, Government of Assam and BTC.
Signed on 10 February, 2003 at New Delhi in the presence of Shri L.K. Advani, Hon’ble Deputy Prime Minister of India and Shri Tarun Gogoi, Chief Minister of Assam.

Sd/-
(Hagrama Basumatary)
Chairman
Bodo Liberation Tigers

(Sd/-)
(P.K. Dutta)
Chief Secretary.
Govt. of Assam

(R.C.A. Jain)
Secretary (B M)
Ministry of Home Affairs, Govt. of India