

Country/entity	India Assam
Region	Asia and Pacific
Agreement name	Memorandum of Understanding
Date	1 Apr 1995
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-Assam agreement
Parties	<p>Sd/-(DHOROM SING TERON) CHAIRMAN, ASDC</p> <p>Sd/-(ROBINDRA RONGPI) PRESIDENT, KARBI STUDENTS' ASSOCIATION (KSA)</p> <p>Sd/-(PRAKANTO W ARISA) PRESIDENT, NORTH CACHAR HILLS STUDENT'S FEDERATION (NCHSF)</p> <p>Sd/-(JOITHON LONGMAILAI), PRESIDENT, DIMASA STUDENT'S UNION (DSU)</p> <p>Sd/-(HOLIRAM TERANG) SPOKESMAN, ASDC</p> <p>Sd/-(JAYANTA RONGPI) SPOKESMAN, ASDC</p> <p>Sd/-(HITESHSWAR SAIKIA) CHIEF MINISTER OF ASSAM</p>
Third parties	In the Presence of (SHRI S. B. CHAVAN) HON'BLE UNION HOME MINISTER.
Description	This agreement provides for reforming parts of the constitution in order to grant greater devolved executive and legislative powers to the Karbi Anglong Autonomous Council and the North Cachar Hills Autonomous Council.
Agreement document	<hr/> <p>IN_950401_Memorandum of Understanding.pdf (opens in new tab) Download PDF</p> <hr/>

Groups

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

Gender

Women, girls and gender	No specific mention.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

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	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society No specific mention.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

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

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

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

Power sharing

Political power sharing

No specific mention.

Territorial power sharing

Power sharing→Territorial power sharing→Autonomous regions

Page 2-3, 3. (i)

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

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

Page 3, 3. (ii)

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

Page 3-5, 3. (iv)

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

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

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

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

veterinary training and practice; and Cattle Pounds;

(d) Primary and Secondary Education;

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

(f) Fisheries;

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

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

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

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

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

(l) Minor irrigation;

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

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

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

Page 6, 3. (v)

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

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

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

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

Rights institutions

NHRI	No specific mention.
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Regional or international human rights institutions	No specific mention.
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Justice sector reform

Criminal justice and emergency law	No specific mention.
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State of emergency provisions	No specific mention.
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Judiciary and courts	No specific mention.
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Prisons and detention	No specific mention.
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Traditional Laws	No specific mention.
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Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

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

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

1. Industry.

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

...

29. Excise.

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

Banks No specific mention.

Land, property and environment

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

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

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

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

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

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

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

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

Armed forces No specific mention.

DDR No specific mention.

Intelligence services No specific mention.

Parastatal/rebel and opposition group forces No specific mention.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

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.
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Other international signatory No specific mention.

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