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Country/ entity	India Bodoland
Region	Asia and Pacific Asia and Pacific
Agreement name	Memorandum of Settlement ('Bodo Accord')
Date	20 Feb 1993
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict (India-Adivasi Conflicts (1955 -) (Northeast India))
Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	India Bodoland peace process
Parties	S.K.Bwiswamutiary President, ABSU; Rabi Ram Brahma General Secretary, ABSU; Subhash Basumatari Chairman, BPAC; K.S. RAO, Add. Chief Secretary to the Government of Assam;
Third parties	In the presence of: Rajesh Pilot, Minister or State (Internal Security) Ministry of Home Affairs, Government of India; Hiteswar Saikia Chief Minister of Assam State Govt. of Assam;

Description Built on earlier agreements. Provided for establishment of a Bodoland Autonomous Council (BAC) within the State of Assam, to include villages with 50% and more of tribal population - 35 members to be elected by adult suffrage and 5 members nominated by the Government. Council to be consulted before law made in three areas: law affecting religious or social practices of Bodos; Bodo customary laws and procedures; and the ownership and transfer of land within BAC area. Also provided for establishment of Special Courts to deal with cases between parties who belong to Scheduled Tribes, and for changes in the geographical areas of the BAC. Agreed the General Council could lay down policy with regard to use of Bodo languages as medium of official correspondence within the BAC area, and that correspondence with offices outside the area would be in bilingual form. Agreement also reached on powers to regulate trade and commerce; employment opportunities with BAC having power to reserve jobs for Scheduled Tribes; civil and police services with the Central Government agreeing to hold special recruitment drives within the BAC area; relief and rehabilitation including the surrender of arms and protection of rights of non-tribals. An Interim Bodoland Executive Council was to be established for the transitional period. An appendix listed subjects and Departments over which the BAC would have control.

Agreement document

[IN_930220_BodoAccord.pdf](#) | [Download PDF](#)

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

Groups→Religious groups→Substantive

Page 2, 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;

Indigenous people Groups→Indigenous people→Rhetorical
Page 1,

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.

Groups→Indigenous people→Substantive
Page 1, Preamble

(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 Student's 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:...

Page 1, 3. (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, even 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.

Page 3, 10. Appointment in the Central Bodies

The claims of the Bodos shall be considered for appointment to the North Eastern Council.

Page 3, 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.

Page 3, 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 licences 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.

Other groups	<p>Groups→Other groups→Rhetorical Page 2, 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.</p> <p>Groups→Other groups→Substantive Page 4, 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.</p>
Refugees/ displaced persons	No specific mention.
Social class	<p>Groups→Social class→Substantive Page 3, 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.</p>

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) establishing autonomy for Bodo for social, educational, ethnic and cultural advancement: Bodoland Autonomous Council (BAC within the State of Assam, to include villages with 50% and more of tribal population - 35 members to be elected by adult suffrage and 5 members nominated by the Government. Council to be consulted before law made in three areas: law affecting religious or social practices of Bodos; Bodo customary laws and procedures; Also provided for establishment of Special Courts to deal with cases between parties who belong to Scheduled Tribes. Agreed the General Council could lay down policy with regard to use of Bodo languages as medium of official correspondence within the BAC area, and that correspondence with offices outside the area would be in bilingual form.

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)

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

Page 1, 3. (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, even 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.

Page 1, 3. (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'.

Page 1, 3. (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'.

Page 1-2, 3. (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.

Page 2, 4. Finances

(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.

Governance→Political institutions (new or reformed)→Temporary new institutions

Page 4, 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.

Elections	<p>Page 1, 3. (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 by-laws, rules and orders for application within the BAC area on the subjects enumerated in Schedule 'A'.</p> <p>Page 2, 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.</p> <p>Page 4, 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.</p>
Electoral commission	<p>Page 2, 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.</p>
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/ religious leaders	<p>Page 1, 1. Preamble (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 Student's 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:</p>
Public administration	No specific mention.

Constitution No specific mention.

Power sharing

Political
power
sharing

Power sharing→Political power sharing→Executive coalition
Sub-state level
Page 4,

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

Power sharing→Political power sharing→Proportionality in legislature
Sub-state level

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

...

(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'.

Page 2,

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.

Page 3, 10. Appointment in the Central Bodies

The claims of the Bodos shall be considered for appointment to the North Eastern Council.

Power sharing→Political power sharing→Other proportionality
Sub-state level

Page 3,

10. Appointment in the Central Bodies

The claims of the Bodos shall be considered for appointment to the North Eastern Council.

Power sharing→Political power sharing→Segmental autonomy
Sub-state level

Page 4,

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.

Territorial
power
sharing

Power sharing→Territorial power sharing→Autonomous regions

Page 1, 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.

Page 1, 3. (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, even 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.

Page 1, 3. (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'.

Page 2, 4. Finances

(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.

Page 2, 4. Finances

(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.

Page 6, 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) Up to 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.

Economic power sharing	<p>Power sharing→Economic power sharing→Sharing of resources Page 2, 4. Finances</p> <p>(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.</p> <p>(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.</p> <p>(ii) The BAC would also receive grant-in-aid from time to time within the principles and policies enunciated by the Government of India.</p> <p>Page 3, 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 licences 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.</p> <p>Page 4, 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.</p>
Military power sharing	<p>Power sharing→Military power sharing→Merger of forces Page 3-4</p> <p>16. Civil and Police Services</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>

Human rights and equality

Human rights/RoL general	Page 4, 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.
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	Page 2, 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.

Protection measures	<p>Rights related issues→Protection measures→Protection of groups age 4, 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.</p> <p>Rights related issues→Protection measures→Other Page 2, 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.</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	[Summary] See Traditional Laws for establishment of Tribal courts
Prisons and detention	No specific mention.

Traditional Laws	<p>Page 2, 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: ... ii) the Bodo customary laws and procedures; and</p> <p>Page 2-3, 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.</p>
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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	<p>Page 3, 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 licences 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.</p>

Taxation	<p>Socio-economic reconstruction→Taxation→Power to tax Page 2, 4. Finances (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.</p> <p>Page 4, 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.</p>
Banks	No specific mention.

Land, property and environment

Land reform/ rights	<p>Land, property and environment→Land reform/rights→Land reform and management Page 2, 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: ... iii) the ownership and transfer of land within the BAC area.</p>
Pastoralist/ nomadism rights	No specific mention.

Cultural heritage	<p>Land, property and environment→Cultural heritage→Intangible Page 3, 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 from in accordance with the Article 345 of the Constitution and the provision of law in this behalf.</p> <p>Land, property and environment→Cultural heritage→Promotion Page 2, 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</p> <p>Page 4, 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.</p>
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Environment No specific mention.

Water or riparian rights or access	No specific mention.
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Security sector

Security Guarantees	No specific mention.
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Ceasefire	No specific mention.
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Police	<p>Page 3-4, 16. Civil and Police Services</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>
Armed forces	<p>Page 4, 16. Civil and Police Services</p> <p>... (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.</p>
DDR	<p>Security sector→DDR→DDR programmes</p> <p>Page 4, 18. Relief and Rehabilitation</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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 organise ex-gratia payments as per rules to next of the kins killed during the Bodo agitation.</p>
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 Transitional justice→Amnesty/pardon→Relief of other sanctions
Page 4, 18. Relief and Rehabilitation
... (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.

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	Transitional justice→Reparations→Material reparations Page 4, 18. Relief and Rehabilitation (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 organise ex-gratia payments as per rules to next of the kins killed during the Bodo agitation.
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	No specific mention.
Related cases	No specific mention.

Source reproduced in Datta (1995)
UN Peacemaker
