

Chapter 3

Materials and Methods

Qualitative research embraces different disciplines, subject matters and fields. Case study, participatory inquiry, interviewing, participant observation and interpretive analysis are some of the methods and approaches applied under qualitative research. It is a naturalistic approach to the world—a situated activity that locates the observer in the world. Here the world is made visible through a set of interpretive material practices. In qualitative research, the world is converted to a series of representations such as field notes, interviews, conversations, photographs, recordings. It uses a variety of empirical materials: case study, personal experience, introspection, life story, interviews, artefacts, cultural texts and productions along with observational, historical, interactional and visual texts. For a better understanding of the subject matter, qualitative research deploys a wide array of interpretive, interconnected practices, each practice making the world visible in a different way (Norman K Denzin, 2011).

The present research comes under the Constructivist theory, which is one of the Interpretive Paradigms of qualitative research. Constructivism is a search for participatory research that empowers the exploited and supports social transformation. In order to create context dependent knowledge, this study has adopted case study research which is suited for this purpose. The selection of the four case studies was not random as they include the four peace accords that have been signed in Assam to address insurgency. In constructivist theory, the types of narrative include interpretive case studies and ethnographic fiction. Case study is characterised by what Karl Popper called ‘falsification’, a type of rigorous test to which a scientific proposition can be subjected. A proposition can be considered invalid and therefore must be either revised or rejected even if one observation does not fit with it (Norman K Denzin, 2011). In this study, the research question of whether there is a relationship between the government’s peace strategy and prolonged militancy and socio-political unrest in the region finds evidence in the peace accords that have not been able to deliver real peace dividend as insurgency and conflict continued. The case-study approach was adopted

to capture the complexities of the phenomenon. The case studies form a critical component that can assume strategic importance while concerning the general problem of insurgency in the region.

It is difficult to summarise into general propositions or theories through case studies. As this study tries to unearth the particularly problematic issue of the government's policy to address insurgency, the choice is to tell the story in its diversity. The different sides of the complex and at times conflicting expressions made by the actors in the cases are presented leaving scope for readers of diverse milieu to make different interpretations that can lead to varied conclusions. As the facts speak for themselves, it is difficult to summarise the cases in a few main results. In fact, the cases themselves bear results.

3.1 Participants

The participants were experiential experts on the problem taken for this study. The sample was not drawn in a random manner. Instead, selection of participants was based on criteria sampling—who closely match the criterion of the study. The study includes two types of subjects as participants: documents and individuals. For documents, the four peace accords signed in Assam were taken. The individuals who participated were former insurgents, insurgent leaders who are participators in peace processes, student leaders who are involved in identity movements and agitations, police officers who were engaged in bringing militants to peace mode and those who have led counterinsurgency operations, intellectuals and civil society leaders who were involved in peace processes, academics who have engaged themselves in research and analysis of insurgency and peace of the region, journalists and writers who have been reporting and analysing insurgency conflicts, government administrative officers who dealt with the issue in field, people who were directly or indirectly affected by insurgency and violence. All the individual participants were aged above 30, included both the genders and belong to different communities such as, Bodos, Dimasas, Karbis and the Assamese speaking communities. The study involves identifying and locating individual participants who have experienced the phenomenon undertaken for the study. It focuses on the individual and the case studies attempting to understand the

full complexity of the experience without claiming to generalise to a specific population. The findings are relevant from the perspective of the user of the findings. This study engages relatively small number of participants, a reasonable number being 30. Each participant was engaged in the interview for more than two hours, while one third of them were interviewed for several times for more details. The documents for case study too were chosen in a way that enhances the possibility of comparative analysis. Data was gathered until no new relevant data was discovered regarding a theme or until the themes were developed and validated.

3.1.1. sampling procedures.

Information-rich cases were selected for the purposes of the study. The four peace documents were the limited samples to be collected from the state of Assam. Three individual participants were chosen during field interviews with two other participants who suggested their names and expertise. For permission of interviews and other communications to get access to data, a certificate from the Supervisor of this research was obtained which was produced along with the identity card of this researcher before the concerned persons. As the interviews were conducted at different locations in Assam, including both private and official sites, permission for access to the venues was acquired ahead of the interview dates. After selection of participants, the actors were contacted personally through e-mail or telephonic communication for appointments. Visits to the respective venues were done according to the given time. Punctuality was taken care of as the interviewer was present in the venue at least 15 minutes ahead of appointments. The venue was used for conducting in depth interviews with the help of open ended questions. Permission from the participants was taken for use of audio recorder for the purpose of transcription of the interviews. Since all the interviews took long hours to be conducted, certain disruptions had to be faced during some interviews. This happened mainly in the official sites where other official activities had to be continued even during the interviews. The visits to the Special Branch of Assam Police at Kahilipara in Guwahati, visits to the office of WPT&BC (Welfare of Plain Tribes and Backward Classes) at Assam Secretariat, visits to the office of Commissioner Hill Area, visits to the office of Director General

of Police Assam were such events that required official permission while the interactions had to bear some kind of interruptions. Travels were also made to Kokrajhar under BTC area, to Haflong town which is located in Dima Hasao district and to Diphu which is in Karbi Anglong district. The interview protocols have been placed in appendices to this dissertation. While the documents regarding the texts of the two Bodo accords were available in public domain, the copies of the UPDS and DHD accords could not be found in public domain. Collection of the two documents required personal communication with the members of the respective groups. One of the Council members of Dima Hasao was approached for Reports of Accord Review Meetings concerning Dima Hasao and Karbi Anglong districts. His help in providing photocopies of the review meeting reports was appreciated.

3.2 Instrumentation / Measures of the Study

Interviews were used to generate discussions surrounding the research questions under study. Though the interviews were not structured and were rather flexible, some common questions were prepared in advance keeping the choice open to alter them if it needs be as the interview session progresses. The open-ended questions gave the participants opportunity to express their opinions and give detailed replies. Few questions were a combination of closed and open questions. In such case, closed-ended question was asked first, which was followed by an open-ended one allowing the participant to express his or her choice. The wordings of the questions sometimes varied for different participants. Questions related to implementation status of various clauses of the peace accords were asked to some of the participants who were aware of the process.

In any empirical research study, utmost care must be taken for reliability and validity of the instruments of the study (The Method Chapter, 2007). The study intends to ascertain the trustworthiness of the findings which are based on critical investigation. The truth value or credibility of findings was determined by exploring the participants' experience in sufficient detail, audio taping the interviews for comparison with recorded data, clarifying tentative findings with the interviewees and revising the research questions in the process. The multiple sources of data, such as

written records, field notes, diaries, website information and articles were checked or cross checked in order to provide reliability to the study.

Interview techniques were accompanied by journals and other written records. This study has mainly used individual interview technique. It required immense patience and sensitivity to listen to the arguments expressed by the participants. The most common opening question in the interviews was: “Do you believe that the Government of India has a specific ‘peace policy’ in dealing with insurgent groups in Northeast India? If so, what in your view is the core of that policy?” Depending on the subsequent flow of the interview, some other follow up questions were:

- Do you agree that the Government’s policy of holding peace talks with each and every militant group is actually encouraging militancy in the region by giving even splinter groups legitimacy?
- Do you think that the Government should put a moratorium on peace talks with newer militant groups while continuing with the dialogue with groups who have already embarked on the peace process, like the ULFA and NDFB?
- Should peace talks have a time frame?
- Do you think signing peace deals on ethnic lines rather than granting autonomy or packages for under-developed regions within states has been encouraging deprived communities to take up arms and launch militant movements?
- Should the civil society be made a party to any ongoing peace process?
- Do you think women organizations should be involved in the peace talks and processes?

3.2.1 A Matrix of the Process of Peace Accords and Review of the Issues Involved

The concept of forming a matrix of peace accords in the context of Assam is expected to provide an in depth understanding of the Peace Accords and their implementation. This will further help for a review of the issues and a detailed analysis of the clauses of the accords under study. The framework of this matrix is based on an internationally accepted matrix known as the Peace Accords Matrix (PAM) which was developed by the Kroc Institute for International Peace Studies,

University of Notre Dame. There are 51 provisions in PAM that form the corpus of issues or topics found within 34 peace agreements worldwide negotiated between 1989 and 2012 (Peace Accords Matrix, 2015). However, considering the fact that the present study is limited to the north-eastern region of India, especially to the state of Assam, 11 provisions present in PAM are not included in this matrix as they are considered redundant or not relevant in the present context. These include—Citizenship Reform, Paramilitary groups, Ceasefire, Independence Referendum, International Arbitration, Media Reform, Donor Support, Refugees, UN Peacekeeping Force, UN Transitional Authority and Regional Peace Keeping Force. The rest of the 38 provisions have been taken for discussion, several of these provisions being clubbed together that has been mentioned in the reference section. On the other hand, new provisions have been added in this matrix in view of their relevance in the context of this research study. For example, the provision of Participation of Civil Society groups as Witness Signatories in the Accord and the provision of Representation and Participation of Women have been added. There are a total of 33 provisions in the Matrix under this research study. The reviews and assessments are based on published and unpublished information sources, field interviews as well as conversation with stakeholders including police officers and former militants.

3.2.2 Case Study 1: Bodo Accord 1993

Sl No.	General Provisions ⁹	Bodo Accord 1993 Provision	Implementation Induced ¹⁰			Degree of Implementation	Reversals ¹¹	Observation
			Application	Related Action not codified under Accord ¹²		Not initiated/Insignificant/ Transitional/ Total ¹³	No reversal/Minor / Major ¹⁴	
				By government	By Extremists			
1	Amnesty	18(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	After their surrender to bring peace to the territory, the Bodo militants and the leaders were not prosecuted for their act of violence committed during their rebellion. According to ABSU president Pramod Boro, a few number of cases are still lying pending in courts.			Total	No reversal	Subjective interpretation of the phrase 'heinous crime' mentioned in the Accord observes that there is no definition of heinous crime in the Agreement. Though it was stated that cases relating to heinous crimes will be excluded from withdrawal, the research could not find any such cases where persons involved in heinous crime were punished. This reflects

⁹ General Provisions are taken from the Peace Accord Matrix. Joshi, Madhav, Jason Michael Quinn & Patrick M. Regan. 2015. "Annualized Implementation Data on Intrastate Comprehensive Peace Accords, 1989-2012." *Journal of Peace Research* 52(4): 551-562. <https://peaceaccords.nd.edu/>

¹⁰ This does not mean that implementation is achieved. It means that signs of the process, formal or informal, have begun. It can be viewed as creating a policy change or building an institutional framework for implementation.

¹¹ A Reversal must be one-sided. If both parties agree to rollback from previously implemented programme, it is not considered reversal, but a shift in the ideal point

¹² Not considered while signing accord/Violation of accord/Exigency, not part of formal agreement

¹³ Insignificant implementation means that effort has been made by the government or parties toward implementation, but such efforts remain negligible that cannot be perceived as viable progress. Transitional implementation means the progress of implementation is viable and if continued at the current pace, is likely to produce a nearly completed or completed process. Total implementation means complete or nearly complete, given how this provision is specified in the particular accord

¹⁴ Minor reversal means change within an implementation category. Major reversal means jeopardizing the viability of total implementation

								an ad hoc approach of the Accord.
2	Boundary Demarcation	<p>3 (a). 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 scrutinise the list of villages furnished by ABSU /BPAC 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.'</p> <p>12. Changes in Geographical Boundary The geographical area of the</p>	<p>Though the government finalised the boundary to establish the BAC on 17 December 1993, the boundary demarcation could not follow the provision of 'contiguous geographical areas'. The Act was gazetted on 14 May 1993 (Chadha, 2005). The government's failure to include 515 debatable villages in the BAC area suggests a unilateral demarcation of BAC border. When the government tried to draw the boundary of the BAC unilaterally, it became apparent that the Bodoland Executive Council was ineffective in carrying out its executive duties.</p>	<p>The Government tried to hold elections without demarcating the BAC boundary. Elections could not be held in BAC within six months as it was mentioned in the clause (Kumāra, 1998). Regarding inclusion of the 515 villages, the Assam Government argued that the state was responsible for the interest of the large non-tribal population inhabiting in those</p>	<p>The ABSU and BPAC rejected the territorial domain of BAC, resulting in large-scale violence. In 1996, the Bodo Security Force as well as the Bodo Liberation Tigers indulged in violence. In November 1995, the ABSU leaders submitted a memorandum to Union Government. Their demand was immediate and final demarcation of the</p>	Insignificant	Major	<p>The boundary demarcation on the basis of 50 per cent tribal population led to conflict between the Bodos and other communities. This complicated the problem further. As such, this clause has been counterproductive. An interesting part of the clause is that the territorial demarcation can be changed with consent of the BAC members and the Government of Assam. Moreover, whenever the state government's interests clash with the Bodoland Executive Council, the government can dissolve the Council. The immediate repercussion of the Accord was an ethnic cleansing by Bodo militants in and around the 515 contentious villages which the Bodos demanded to be included in BAC. The attack by the Bodos and retaliatory attacks by non-Bodo people in October 1993 rendered homeless about 3,568 families consisting 18,000 people. Again, the ethnic cleansing in May 1996 displaced 42,214 families consisting of about 2,</p>

		Bodoland Autonomous Council as agreed upon can be changed with the mutual consent of the BAC and the Government of Assam.		villages (Basumatary, 2014).	BAC boundary. The ABSU organized demonstrations and agitation against the non-implementation of the Accord (Peace Accords Matrix).			62,682 persons who were sheltered in 78 relief camps in Kokrajhar and neighbouring districts (Justice, 2013).
3	Civil Administration Reform	16. Civil and Police Services (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. 18. Relief and Rehabilitation (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.	There was no enforcement of the provision of the Accord that required recruitment from the BAC area to the Army, para military forces and police units. The provision for review of action against the Bodo employees of Government of India and subordinate offices as well as in respect of Central Government Undertakings was never implemented.		The Accord faded away with the emergence of another round of armed insurrection by the Bodos in 1994	Not initiated	Major	The non-implementation of the special recruitment drive as well as non-implementation of the provision of review of action against Bodo government employees only shows how promises are made to be broken, said one Bodo respondent on the condition of anonymity.
4	Commission to address damage or	No provision in the Accord		Financial compensations were				"The government's approach was casual. That is why it did not take steps to create any

	loss			offered by the government which were not systematic and formalized. They have been inconsistent. ¹⁵				formal office to address the damage or loss suffered by the common people like us”, said Bibha Basumatary, a widow of insurgency violence in Assam.
5	Cultural protection	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.	Though the accord had a provision to protect the religious and social practices of the Bodos in the BAC area, this was not implemented. Legal protection did not materialise because the implementation of this provision was attached with the establishment of the Bodoland Autonomous Council (BAC). ¹⁶			Not initiated	Major	The provision could not be materialised due to problems with the establishment of the BAC.
6	Constitutional Reform	No provision in the Accord						

¹⁵ Compensations are generally given to family members of the deceased, or to those injured in insurgency related violence. However no compensation is given for the loss or damage of properties, man days, or to people who lose their home and belongings or due to violence caused by militants or security forces during counter insurgency operations. There is no policy on compensation, regarding how much to give to the victims according to the severity of crime or violence meted out to them.

¹⁶ Yamao Zhwlwao Brahma et al., *Bodoland Movement 1986-2001: A Dream and Reality* (Ann Arbor: University of Michigan, 2001)

7	Decentralisation ¹⁷	<p>Clause 3. (a) (Already stated in this matrix under the provision of Boundary Demarcation.)</p> <p>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'.</p> <p>(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'.</p> <p>(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</p>	<p>A provision for a 40 member BAC General council was made in the Act. Of these, 30 seats were reserved for Scheduled Tribes. The members will have executive power over a total of 38 subjects ranging from cottage industry, education, forest to land, and land revenue. An interim Bodoland Executive Council (BEC) was formed on 20 May 1993. ABSU president Sansuma Khungur Bwiswmuthiary was made the Chief. However, he resigned after four months stating non-fulfillment of the Bodo Accord's provisions as the reason for his resignation. Then the deputy chief Premsing Brahma was made BAC chief by the Government of Assam. The state authorised the executive council on 10 June 1993 (George, 1994).</p>		<p>After four months of signing of the accord, the BEC Chief Bwiswmuthiary resigned. As the reason behind his quit, he alleged non-fulfillment of the Bodo Accord's provisions. ABSU and other Bodo groups began to oppose the Accord and started revolt demanding autonomous state. As a result the BEC became ineffective.</p>	Insignificant	Major	<p>The accord was signed in haste. The requirement of 50 per cent tribal population to form the BAC area contains elements of conflict. The Bodos were desperate to finalise the territory according to their demands which led to ethnic cleansing. On the other hand, the non-Bodos, who have been peacefully living in the same territory for generations began to be constantly haunted by the fear of being attacked, deprived, and neglected by the new power in throne.</p> <p>The provision of decentralisation did not consider equal representation of the population. "The clause says about 50 % 'tribal population', but it is understood as Bodo population. Therefore, there is a provision of nomination of five members for other tribal population 'not otherwise represented' ", said a non-Bodo tribal person during an interaction with this researcher.</p>
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¹⁷ Federalism is not included here, as it is not applicable

	<p>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.</p> <p>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>Due to the limited financial power and overpowering presence of the state government, the BAC interim Executive Council was not able to exercise the executive authority the Bodoland Act had provided it.¹⁸ Moreover, the proposed election for the BAC (supposed to take place on 20 November 1993) never took place.¹⁹</p>					
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¹⁸ Manoj Kumar Nath, "Bodo Insurgency in Assam: New Accord and New Problems," Strategic Analysis 27, no. 4 (2003): 533-545.

¹⁹ Sudhir Jacob George, "The Bodo Movement in Assam: Unrest to Accord." 1994 Minimum

	<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>(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>(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.</p> <p>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'.</p> <p>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>7. Special provisions for the BAC area</p>						
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		<p>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:</p> <ul style="list-style-type: none"> 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. <p>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>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> <p>21. Ad-hoc Central grant for launching the BAC</p>						
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		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.						
8	Detailed Implementation Timeline	No provision in the Accord						Absence of a detailed implementation timeline of the accord means uncertainty regarding implementation.
9	Dispute Resolution Committee	No provision in the Accord						Provided there is a dispute resolution committee, it is observed that resolution of the post-accord disputes would have been possible.
10	Economic and Social Development	<p>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>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</p>	The provisions for economic and social development were never implemented. The 1993 Bodo Accord and the Bodoland Act granted authority to the Bodoland Executive Council (BEC) over trade and commerce within its jurisdiction. Authority was given to the BEC to issue permits and licenses for trade and commerce. The BEC was also allowed to collect excise duty on tea. Despite all these provisions, the BEC had limited financial powers			Insignificant	Major	Devoid of effective executive power, it becomes difficult for the Council to execute economic and social development.

		with the existing constitutional and legal provisions. 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.	due to the overwhelming exercise of executive powers by the state government (Nath, 2003).					
11	Education and Healthcare Reform	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. List of subjects and Departments over which BAC will have control within the BAC area 7. Education. (a) Adult Education. (b) Primary Education. (c) Upto Higher Secondary including Vocational training.	The provisions related to education reform were never implemented as the Bodoland Autonomous Council area was never finally demarcated and the Bodo Executive Council was never fully functional.			Not initiated	Major	
12	Electoral/Political Party Reform	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.	Not implemented			Not initiated	Major	The Accord put the onus to the BAC to request the Election Commission of India to consider seat reservation and delimitation of constituencies. Thus it is not a decision, but a request that is subjected to rejection.

13	Executive Branch Reform ²⁰	<p>16. Civil and Police Services (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> <p>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.</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>	This provision was not implemented since the BAC area was not demarcated, Bodo Executive Council was ineffective and the Bodo groups started agitations and armed violence.			Not initiated	Major	<p>The two reasons behind non-implementation of the provision of recruitment drives in the Army within the BAC area are:</p> <ol style="list-style-type: none"> 1. BAC area was not demarcated as per the demands of the ABSU and BPAC. 2. The ABSU and other Bodo groups began to be engaged in fresh agitations and armed insurrections rendering the BAC dysfunctional.
14	Human Rights ²¹	No provision in the Accord		Government initiated steps to help the insurgency violence affected children.				Human right forms a crucial provision in a peace accord. During insurgency and counterinsurgency operations, many innocent civilians' rights to life and dignity are violated. Non-inclusion of the provision in the Accord shows a half-

²⁰ Military Reform (Recruitment Reform in military services) and Police Reform (Extension of Police Services) fall under Executive Branch Reform

²¹ Children's Rights and Women's Rights are clubbed under Human Rights

				The Assam Police launched Project Ashwas. ²²				hearted approach by the government in addressing the problem of insurgency.
15	Inter-ethnic Relations Council	No provision in the Accord						Most of the respondents felt that in an ethnic mine-field like the western Assam districts, formation and function of an inter-ethnic relations council would certainly help to defuse conflicts between various tribes.
16	Internally Displaced Persons	No provision in the Accord						
17	Judiciary Reform	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	The Accord and the BAC Act (extra ordinary No. 60) had provisions establishing a Special Court in the BAC Area. Since the BAC area was never demarcated as per the accord, and the Bodoland Executive Council (BEC) was not functioning, the provisions regarding the Special Court were never			Not initiated	Major	

²² Project Ashwas was began in 2001 by the Assam Police as a welfare organisation to serve the families that were affected by insurgency. Ashwas handles all the legal aspects of the family members of the terror victims. It looks into the children's education. An amount of Rs 600 is being given to all the affected children for their education till they turn 18. The Telegraph, 22 January 2016, http://www.telegraphindia.com/1160122/jsp/northeast/story_65167.jsp#.V6mADfl97IU

		Customary Law Courts within a civil Sub Divisional Territory, and (c) District Customary Law Court.	implemented.					
18	Legislative Branch Reform	No provision in the Accord						
19	Minority/Indigenous Minority Rights ²³	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. 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.	The BAC area was never demarcated according to the Agreement. The Bodo Executive Council too was never fully functional. This is why there was no Bodo governmental authority that must take into account or balance non-tribal and tribal rights. It is a non-issue. ²⁴ Regarding changes to the preferential policies for the scheduled castes and tribes, no development took place.			Not initiated	Major	
20	Natural Resource Management	No provision in the Accord						
21	Official Languages	11. Official Language The General Council can lay	Though the BAC accord might have made the			Not initiated	Major	Even before the Bodo accord was signed, the Bodo language

²³ Minority Rights also include Indigenous Minority Rights

²⁴ Sudhir Jacob George (1994), *The Bodo Movement in Assam: Unrest to Accord*, Asian Survey 34, no. 10: 878-892.

	and Symbols	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.	Bodo language an official language, nothing could be delivered as the accord failed to bring peace.					was recognised as an associate state official language of Assam. Way back in 1963, the Bodo Sahitya Sabha (established in 1952) contributed to the acceptance of the Bodo language as a medium of instruction in primary schools. In secondary school, the language was accepted as a medium of instruction in 1968. ²⁵
22	Power Sharing Transitional Government	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.	An interim Bodoland Executive Council (BEC) was formed on 20 May 1993 with ABSU president Sansuma Khunggur Bwiswmuthiary as the Chief. ²⁶	Government of Assam placed Prem Singh Brahma as the chair of BAC, who used to be the deputy chief. On 10 June 1993, the executive council received the authorisation from the state.	Over the alleged non-fulfillment of the provisions of the Accord, Bwiswmuthiary resigned after four months.	Insignificant	Major	Though the provision was there, and an interim BEC was formed in May 1993, the Council could not function due to non-implementation of crucial provisions.
23	Participation	No provision in the Accord						

²⁵ S.K. Mukherjee (1996), 'The Reorganization of Assam and the Bodo Movement', in *Reorganization of North-East India Since 1947*, ed. B Datta Ray and S. P. Agrawal (New Delhi: Concept Publishing Company).

²⁶ Sudhir Jacob George, "The Bodo Movement in Assam: Unrest to Accord," *Asian Survey* 34, no. 10 (1994): 878-892

	of Civil Society groups as witness signatories in the Accord ²⁷							
24	Prisoner Release	No provision in the Accord						
25	Ratification Mechanism	No provision in the Accord						
26	Representation and participation of women	No provision in the Accord						As women are the most affected population being the worst victims of violent conflict, their exclusion in conflict resolution becomes a threat to peace. The UN Security council Resolution 1820 (2008) emphasises on sexual violence against women in armed conflict and advocates for their increased participation in the peace process (Council, 2008).
27	Review of Agreement	No provision in the Accord						
28	Rehabilitation ²⁸	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	Rehabilitation of Bodo militants was a promise made by the Bodo Accord. Reports suggest that the Government of Assam implemented a scheme known as '100%			Insignificant	Major	The relief and rehabilitation effort by the government did not reach many former militants. Four out of five respondents from Kokrajhar area were not happy with the government in this respect.

²⁷ This provision is added as is relevant in the context of the study. This is not present in the PAM.

²⁸ Provisions of Reparation and Reintegration of militants fall under this provision.

		<p>supporters and will cooperate with the administration in bringing over ground 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>(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>	<p>Special Margin Money Scheme' for the rehabilitation of the former militants from 1 June 1992 to 31 March 1997. It was reported that 1,404 Bodo and 3,439 ULFA militants who surrendered received Rs. 99.30 crores for the rehabilitation under the Scheme.²⁹ The Bodo Accord of 1993 also had provisions for ex -gratia to compensate the next of kin of those killed. Both the state and the central government have been providing ex-gratia to family members of security personnel as well as civilian employees. No such record, however, was traced where civilian victims of the Bodo conflict received any kind of compensation.</p>					
29	Right to Self-Determination	<p>2. Objective</p> <p>The objective of this scheme is to provide maximum autonomy within the framework of the Constitution to the Bodos for</p>	<p>Bodoland Autonomous Council was created, but it became dysfunctional.</p>			Insignificant	Major	<p>This objective could not be achieved as the Accord reached a deadlock.</p>

²⁹ Ajai Sahni and Bibhu Prasad Routray, 'SULFA: Terror By Another Name', Frontline (9), www.satp.org.

		social, economic, educational, ethnic and cultural advancement.						
30	Surrender of Arms ³⁰	18. (i) [This clause has already been stated under the provision of 'Rehabilitation']	The Bodo Accord stated that armed Bodo troops would surrender and return to civil life within a month. Following this provision of the accord, within less than a month of signing of the accord, a symbolic surrender took place. Led by Prem Singh Brahma, eleven Bodo militants surrendered with arms and ammunitions in Kokrajhar on 7 March 1993. Among those who were present in the ceremony were: Union Minister of State for Home, Rajesh Pilot, Assam Chief Minister Hiteswar Saikia and ABSU president S.K. Bwismutiary. Another batch of 244 Bodo militants surrendered on 25 April at Kokrajhar. On 7 May, 369 and on 9 May, 307 militants surrendered. Another 152 militants			Insignificant	Major	When an estimated 1,700 Bodo militants had surrendered in May 1993, it appeared that the provision was implemented. The truth is that the total number of BLT militants was not certain. At the same time, it is not clear whether all the arms and ammunitions were surrendered by the militants.

³⁰ The provision of 'arms embargo' is changed to 'surrender of arms' as is applicable in Assam context. The provisions of Demobilisation and Disarmament are clubbed under the Surrender provision

			<p>surrendered at Gohpur, Sonitpur on 13 May.</p> <p>An estimated 1,700 Bodo militants had surrendered with arms, ammunition, and other explosives by May 1993. The BPAC and the Bodo volunteer Force were dissolved on 30 May (Assam Timeline - Year 1993). It may be said that this provision of the accord was implemented.</p>					
31	Territorial Power Sharing	<p>3. (a) Name: Bodoland Autonomous Council (BAC) (Stated earlier under the provision of Boundary Demarcation)</p> <p>3 (b) Powers (Already stated under the provision of Decentralisation)</p>	<p>The Accord created the Bodoland Autonomous Council (BAC) with the concept of territorial power sharing. It has a General Council with 35 elected members and five government nominated members from groups not otherwise represented and an Executive Council.</p>			Insignificant	Major	<p>This approach by the government could not bring peace as there was problem in demarcation of the territory.</p>
32	Truth or Reconciliation Commission/ Mechanism	No provision in the Accord						
33	Withdrawal of troops	No provision in the Accord						

3.2.3 Case Study 2: Bodoland Territorial Council (BTC) Accord 2003.

Sl No.	General Provisions	BTC Accord 2003 Provision	Implementation Induced			Degree of Implementation Not initiated/ Insignificant / transitional/ total	Reversals No reversal/ Minor/Maj or	Observation
			Application	Related Action not codified under Accord				
				By government	By Extremists			
1	Amnesty	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 the provisions of the scheme prepared and funded by the Government of India. Withdrawal of cases against	The BLT laid down arms and disbanded itself on 3 December 2003. More than 500 varieties of assorted weapons, including rocket propelled grenades, AK-series rifles, light machine guns and SLR rifles were laid down. ³¹ The en masse surrender of 2,623 ³² BLT cadres took place on 6 December 2003. Even though a number of cases have been dismissed, several cases were still pending in various courts. Various Bodo organisations have been demanding withdrawal of all the pending cases against the	On 27 November 2003, the Government of Assam served official notification declaring a general amnesty. All cases registered against persons related to the overground Bodo movement since 1987 were covered	Decision was taken by ABSU and BLT leaders on 5 November 2003 to pressurise the State government to withdraw all cases registered against BLT cadres since 1987 before the formation of the interim BTC ³⁵ .	Transitional	No reversal	No definition is provided regarding the phrase 'heinous crime' mentioned in the Accord. During field interview for this research, the ABSU President Pramod Boro said that no insurgent was punished for committing a 'heinous crime'. Pending of cases in judicial courts even after 14 years of Settlement is something to be taken seriously. "Poor people like us are harassed as we have to spend money till the cases are not closed. Every time I go for a court hearing at Guwahati, I need money for travel and stay. I had to sell my cow to manage money", said Manindra Narzary (name changed), a former militant.

³¹ Hussain, Wasbir, Northeast India: A Peace Audit, D. Suba Chandran and PR Chari (ed) *Armed Conflicts in South Asia 2013 Transitions*, Routledge, 2014

³² Bodo Militants lay down Arms, The Hindu, 7 December 2003 <http://www.thehindu.com/2003/12/07/stories/2003120703101000.htm>

		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.	former BLT militants emphasising that this is an important clause of the MoS ³³ .	under the amnesty ³⁴ .				
2	Boundary Demarcation	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 reorganisation 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	Clause 3.1 Of the area covered under the BTC, Kokrajhar was regarded as original district while other three districts were formed, totalling four districts in BTC Area. The three new districts were carved out from eight districts of Assam namely Kokrajhar, Dhubri, Bongaigaon, Barpeta, Nalbari, Kamrup, Darang and Sonitpur. The estimated area of the four districts are ³⁶ : Kokrajhar- 3169.2 sq km Chirang- 1069.96 sq. km Baska - 3056.89 sq km Udalguri- 1673.93sq km Clause 3.2 The issue of additional 95 villages could not be solved during the peace			Insignificant	Minor	The issue of 95 additional villages into the Bodo Council, which was decided to be resolved within three months, has not yet been settled. Several respondents in the field believed that if it could have been solved during the peace talks, there would not have been continued ethnic clashes over this issue. The criterion that says that the inclusion would be on the basis of tribal population being not less than 50 per cent is conflicting. This is because BTC comprises people, both tribals and non-tribals, and a criterion requiring 50 per cent of the population being tribals for inclusion into the Council increases threat of an ethnic cleansing by the aggressive community.

³⁵ http://www.satp.org/satporgtp/countries/india/states/assam/terrorist_outfits/bodoaccord.htm

³³ Plea to withdraw BLT cases, *The Telegraph*, 27 May 2016, https://www.telegraphindia.com/1160527/jsp/northeast/story_87862.jsp#.WJqA1_197Dc

³⁴ http://www.satp.org/satporgtp/countries/india/states/assam/terrorist_outfits/bodoaccord.htm

³⁶ <http://bodoland.gov.in/btcataglance.html>

		within a period of three months of signing of this MoS.	talks. A report of the Review Meeting held on 16.09.2016 states: "Regarding inclusion of 95 additional villages in BTC as per 3.2 of MoS of 2003 and constitution of committee for the same, 1) This will be taken up by BTC with the Government of Assam and sort out the issue. This matter is dropped for present."					
3	Civil Administration Reform	3.1. (This clause is also mentioned under the provision of Boundary Demarcation) 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	Clause 3.1 Apart from creation of four districts, 10 Civil Subdivisions and 40 Development Blocks were created as part of administrative reform. The provisional geographical area of BTC is 8795Sq. Km. ³⁷ Clause 5.7 Offices of the Deputy Commissioners and Superintendent of Police were made outside the superintendence and control of the BTC. Clause 6.			Transitional	No Reversal	It was found that the district administrations in the four districts are deficit in staff. Official documents of those areas that became part of new districts were still lying in the head quarters of the old districts the areas earlier belonged to. "Even after 13 years, official documents such as land and revenue related documents are still lying in the old district offices. I live in Baksa district. But now I still have to visit Nalbari district for judicial and land matters. Because my village earlier came under Nalbari district",

³⁷<http://bodoland.gov.in/btcataglace.html>

		<p>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.</p> <p>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.</p> <p>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.</p> <p>5.7. The offices of the Dy. Commissioner and Superintendent of Police will be outside the superintendence and</p>	<p>In order to strengthen the Police Administration, an Inspector General of Police (IGP) was appointed by the government of Assam. The IGP will operate in all the four districts of the BTC. Jurisdiction of the Deputy Inspector General (DIG), Kokrajhar, was also modified to cover these four districts.³⁸</p>				<p>said a person whom the researcher met in Nalbari. Again people from Borsala area in Udalguri district have to visit Sonitpur or people from Tamulpur have to visit Rongia office for land or judicial matters. Actually the administrative documents should have been systematised within six months of creation of the new districts (Boro, 2017).</p> <p>Both the Bodos and non-Bodos are not satisfied with the administration reform in BTC. When the Bodos claim that they are not adequately protected from land encroachment, the non-Bodos feel that they have been deprived of democratic electoral representation.</p>
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³⁸ http://shodhganga.inflibnet.ac.in/bitstream/10603/60431/10/10_chapter%202.pdf

		control 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.						
4	Commission to address damage or loss	No provision in the Accord		Financial compensations have been offered by the government which were not systematic and formalized. They have been inconsistent.				The revised guidelines of 'Central Scheme for Assistance to Civilians Victims / Family of Victims of Terrorist, Communal ³⁹ and Naxal Violence states that an amount of Rs. 3 lakh would be given for each death or permanent incapacitation to the affected family under the scheme. However, ex-gratia paid to the next kin of those killed has never been uniform, nor did it cover all the victims. "Many people, including traders have lost property. But no compensation has been reported in this regard", said one student leader. In 2016, the Government of Assam has given Rs 5 lakh each to next kin of the martyrs of the Assam Movement, but not

³⁹ For purposes of this scheme, the term terrorism includes militancy and insurgency related violence and refers to acts as defined in Section 15 of the UAPA, 1967, (as amended in 2004).

								such steps taken in respect of the Bodos, lamented an ABSU leader.
5	Constitutional reform	<p>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.</p> <p>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.</p> <p>4.7. Provision of Article 332(6) of the Constitution will</p>	<p>Clause 4.2 Implemented</p> <p>Clause 4.4 Not implemented</p> <p>Clause 4.7 Not implemented</p> <p>Clause 4.8 Implemented</p> <p>Clause 8 In May 2016, the Union cabinet, chaired by the Prime Minister, approved the introduction of two bills in the parliament for certain amendments in the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in Assam, Tripura, Chhattisgarh, Jharkhand and Tamil Nadu.⁴⁰</p> <p>The Bill regarding inclusion of Bodo Kacharis in Karbi Anglong and Dima Hasao districts as</p>			Transitional	No Reversal	<p>Though some of the clauses have been implemented, implementation of the rest is facing constraint. “The Sixth Schedule has weaknesses. Sometimes the State and the Council are ruled by not the same political party. In such situation, the State tends to neglect the council...”, argued a respondent.</p> <p>There is provision of Village Council Development Committee in the Sixth Schedule area of Bodoland Territorial Autonomous Districts (BTAD) exercised by the Bodoand Territorial Council (BTC). However, the Government has not proposed any election in the VCDCs. As of February 2015, centrally sponsored rural development schemes are implemented by the Council in the rural areas as per powers devolved by the State Government.⁴²</p> <p>Bodo language and literature has been recognized as one of the Major Indian Languages</p>

⁴⁰ <http://timesofindia.indiatimes.com/city/guwahati/Centre-to-introduce-bills-for-ST-status-for-Bodos-and-Karbis/articleshow/52444697.cms>

⁴² Government of India, Ministry of Home Affairs, Rajya Sabha, Unstarred question No.229 Answered on 25 February, 2015

		<p>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.</p> <p>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.</p> <p>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 area does not get affected adversely.</p> <p>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</p>	<p>schedule tribes under the Constitution of India is likely to be introduced in the next session of the Parliament⁴¹.</p> <p>Clause 9.1 In 2004, Bodo Language in Devnagri Script was included in the Eighth Schedule of the Constitution.</p>					<p>(MIL) in Gauhati, Dibrugarh and North-Eastern Hill Universities.</p>
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⁴¹ Report of Review Meeting held on 16.09.2016

		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.						
6	Cultural protection	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 fulfil 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. 4.1. Provision of Para1(2) of Sixth Schedule regarding Autonomous Regions will not be applicable to BTC. ⁴³	Regarding effective implementation of provisions of Chapter X of Assam Land Revenue Regulation 1886 in tribal belts and Blocks of BTAD, the BTC wanted protection of tribal land through some Constitutional mechanism. The BTC has to submit a detailed note on this issue. The BTC passed and sent 22 legislations to Government of Assam for decision. Government of Assam is yet to finalise its response expeditiously ⁴⁵ .			Insignificant	No Reversal	Clause 4.1 of the BTC Agreement says that “provision of para 1(2) of Sixth Schedule regarding Autonomous Regions will not be applicable to BTC”. The para 1(2) of the Sixth Schedule of the Constitution states that “If there are different Scheduled Tribes in an autonomous district, the Governor may, by public notification, divide the area or areas inhabited by them into autonomous regions”. The possibility of creating new autonomous regions by the Governor for other tribes living in the same territory thus has been curbed in the

⁴³ Para 1(2) of Sixth Schedule of the Constitution states that: “If there are different Scheduled Tribes in an autonomous district, the Governor may, by public notification, divide the area or areas inhabited by them into autonomous regions.”

		4.6. Para 10 of the Sixth Schedule will not be applicable to BTC area. ⁴⁴						Accord clause.
7	Decentralisation	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.	Clause 4.8 The Panchayati Raj system is not in force in the Council area.	Implementation of the Panchayats (Extension to the Scheduled Areas) Act, 1996 can happen after amendment of the Sixth Schedule, which is under process. The BTC accepted the single-tire Panchayat system ⁴⁶ .		Insignificant	No Reversal	Absence of the provision of Panchayati Raj in the Sixth Schedule areas has left no scope for the grass root people to participate in politics. Generally, the traditionally nominated 'Gaonbuhras' are the ones through whom the District Council reaches people. The Government has not proposed any election in the Village Council Development Committees (VCDC). At present, centrally sponsored rural development schemes are implemented by the Council in the rural areas as per powers devolved by the State Government.
8	Detailed Implementation Timeline	No provision for a detailed implementation in the Accord. Partial time limit can be found in Clause 3.1. which states that the 4 contiguous districts will be formed after reorganisation of the existing districts of Assam	Baksa, Chirang and Udalguri districts were newly created. The Interim Council was formed immediately after signing of the Accord.			Insignificant	No reversal	Absence of a detailed implementation timeline is one of the reasons for delay or non-implementation of several clauses. The partial time limits for implementation of clause 3.1

⁴⁵ Report of Review Meeting held on 16.09.2016

⁴⁴ Para 10 of Sixth Schedule of the Constitution states that: "Power of District Council to make regulations for the control of money-lending and trading by non-tribals.—(1) The District Council of an autonomous district may make regulations for the regulation and control of money-lending or trading within the district by persons other than Scheduled Tribes resident in the district."

⁴⁶ Interview with P. Hajoari, Commissioner, WPT&BC, Assam

		within a period of 6 months of the signing of the agreement. Again, Clause 14. states that immediately after signing of the agreement, Interim Executive Council for BTC shall be formed by Governor of Assam.						and clause 14 were fulfilled.
9	Dispute Resolution Committee	No provision in the Accord						
10	Economic and Social Development	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 instalments 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	Regarding devolution of Annual Plan to BTC based on Population and Area and also implementation of centrally sponsored schemes by BTC, 1. In the scheme of devolution of Annual Plan, share of BTC should be 12.9% of the allocation. However, BTC did not receive more than 4% because there is no clarity in funding pattern being adopted by the State Government. For devolution of fund, criterion being adopted was area and population. On this basis, plan has been prepared and placed before Principal			Transitional	No Reversal	For 31 lakh population of BTC, the normal annual budget comes up to Rs 10,000 to Rs 12,000 crore. However, BTC received Rs 400 crore to Rs 500 crore for annual budget. This means, BTC gets only 4 per cent of the total budget ⁴⁸ . During a field interview with the researcher, Prafulla Hajoari, Commissioner, WPT&BC, Assam told that there is no definition of divisible and non-divisible fund mentioned in the planning.

⁴⁸ Interview with Pramod Boro

		<p>their control and would ensure strict economy in the matter.</p> <p>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</p>	<p>Secretary (Finance), by Department of WPT&BC. A report is due to be prepared by the Government of Assam indicating plan, divisible and non-divisible funds and obtain views of BTC.</p> <p>2. BTC is facing some problems in running centrally sponsored schemes for BTC area by Central Government agencies like Ministry of Health (NRHM), Ministry of HRD, Ministry of Road Transport and Highways(PMGSY). A review meeting decided that representatives of such Central Ministries and NITI Ayog would be invited in the next meeting.</p> <p>As regard allocation of funds under Article 275 (1) According to the Ministry of Tribal Affairs, the guidelines for allocation of funds have already been framed. Inter-district allocation of Art. 275(1) Grants funds shall be as</p>					
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		<p>Government of Assam.</p> <p>10. Additional Development Package for BTC</p> <p>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.</p> <p>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: (See the Accord in Annexure)</p> <p>10.3. Government of India will</p>	<p>follows:</p> <p>a) 2/3 on Population b) 1/3 on Area</p> <p>Only such area needs to be taken into account where ST population is more than 50% of total population of such District/Sub-Division/Block/ revenue village.</p> <p>3. According to Ministry of Tribal Affairs, the allocation of funds has been finalised in August 2016, and Government of Assam has been asked to submit proposal. The Government of Assam would expeditiously finalise the proposals and appraisal of this was scheduled to be done by October 2016.</p> <p>Regarding utilisation of funds released by Ministry of DONER under special package of Rs 500 crore for BTC and additional package of Rs 250 crore to the State Government / BTC:</p> <p>1. Out of special package of Rs 500 crore, only two projects are left for funding. There are some discrepancies in</p>					
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		provide necessary one time financial assistance required for development of administrative infrastructure in the newly created district headquarters, sub-divisional headquarters and book headquarters, besides the BTC Secretariat Complex at Kokrajhar	utilisation certificates submitted by BTC to DONER, and therefore funds have not been released. The running of these projects will be reviewed by Secretary, Ministry of DONER. BTC has to submit corrected Utilisation Certificates. An additional package of Rs 250 crore was neither pursued by BTC, nor agreed to by the Government of Assam ⁴⁷ . Clause 10.2 (list of projects) Regarding construction of highway from Jamduar to Bhairabkunda, BTC will submit a concept paper in September 2016 to Government of Assam.					
11	Education and Healthcare Reform	4.4. Provision will be added in Para 6 of Sixth Schedule ⁴⁹ that in BTC area, language and medium of instruction in educational institutions will not	Clause 4.4 Not implemented. 11.1 The Central Institute of Technology (CIT) Kokrajhar was			Transitional	No Reversal	Despite the coexistence of multiple linguistic groups in this region, most government primary schools in the area offer a choice of only

⁴⁷ Report of Review Meeting held on 16.09.2016

⁴⁹ Para 6 of the Sixth Schedule states that The District Council for an autonomous district may establish, construct, or manage primary schools, dispensaries, markets, 488[cattle pounds], ferries, fisheries, roads, road transport and waterways in the district and may, with the previous approval of the Governor, make regulations for the regulation and control thereof and, in particular, may prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district.

		<p>be changed without approval of the State Government.</p> <p>11. Centrally funded University</p> <p>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, Business Management, etc.</p> <p>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.</p>	<p>established on 19 December 2006. It is a Centrally Funded Institute under the Ministry of Human Resource Development, Government of India. CIT is an autonomous body registered under the Societies Registration Act., 1860 and functions under a Board of Governors.</p>					<p>Assamese and Bodo as medium of instruction.⁵⁰</p> <p>The BTC has office of the Director of Education for all its four districts. The department is controlled by the Executive Member of BTC who is given the charge of Education through the Director of Education (Choudhury, 2016).</p>
12	Electoral/Political Party Reform	<p>Clause 4.2. (Already mentioned under the provision of Constitutional Reform)</p> <p>14. Interim Council</p> <p>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</p>	<p>The State Election Commission declared the Council election which was held on 13 May 2004. Winners were all from BLT, including the provisional Council Chief, Hagrama Mahilary. After the elections, the Chief Convenor expelled the top leaders including the</p>		Following the declaration of the election to the BTC, the Bodo leaders, under the All Bodo Students Union and	Total	No Reversal	<p>The Accord is an official recognition of Bodo political aspirations. The electoral reforms implemented were not acceptable for the majority non-Bodo people residing in the territory. Agitations and protests are becoming stronger with every passing year. The government has used autonomy mechanism as a tool for political management to</p>

⁵⁰ Bridging home and school: language support for young children in Assam, Language support program for primary school children in Kokrajhar and Chirang districts. Report April 2012- March 2013. <http://img.asercentre.org/docs/Research%20and%20Assessments/Current/Education/reportkokrajharproject2012-13.pdf>

		<p>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.</p> <p>15. Government of Assam will consider inclusion of all tribals including Bodos in RHAC/MAC/LAC in consultation with leaders of these Councils.</p>	<p>Deputy Chief and Executive Members of the BTC from the party post. Consequently, a new Bodoland Progressive Front (BPF) faction appeared under the leadership of Hagrama Mohilary. It was formed on 4 -5 December 2004 at Deborgaon. Currently, there exists two Bodo political parties—the ruling BPF and the opposition party called BPPF.⁵¹</p> <p>The 46 member legislative council was formed after the Council Election on 13 May and subsequent bye election in November 2005. Six out of 46 Members were nominated by the Governor of Assam from the unrepresented communities. (Bodoland at a glance). Immediately after formation of BTC, Interim Council was formed on 7 December 2003.</p>		<p>the Ex-BLT Welfare Association, formed a 16 member Convenors' Committee on 12 April, 2004 to form a political party, namely, the Bodoland People's Progressive Front (BPPF). The Bodo leaders had decided that the party would be formed on 20 April, 2004. But at the first sitting of the Convenors' Committee, the leaders</p>		<p>check possible dissent against the state. But in the process an elite class of politicians is created that has caused a gap between the common people and political power (Thakur, 2015).</p>
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⁵¹ http://shodhganga.inflibnet.ac.in/bitstream/10603/60431/10/10_chapter%202.pdf

					<p>decided to have a delegate session-cum-public meeting at Kokrajhar, to declare the formation of the party. However, with the elections close at hand, and with the nominations to be held on 19 April 2004, the BPPF could not be formed on the date as planned. The members of both the associations decided to allow members to contest as independen</p>			
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					t candidates in the BTC election.			
13	Executive Branch Reform	<p>5.1 ...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: (the list of subjects could be found in the BTC Accord in Annexure)</p> <p>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.</p> <p>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</p>	<p>Clause 5.1 Regarding measures to check flash flood and massive erosion in the BTC area, a report has been submitted to the Ministry of Water Resources and BTC has to formulate DPR. However, the BTC expressed inability and suggested to engage some agency for this purpose. Ministry of Water Resources decided to explore the possibility to get it done through their agencies.</p> <p>Regarding status of setting up of airport at Rupshi, the BTC will follow up the issue of de-reservation of reserved forest area through proper channel and take up the issue with the Government of Assam.</p> <p>Regarding expertise for food processing activities and setting up of Food Park, BTC has to submit the DPR.</p>			Transitional	No reversal	The MoU assigned 40 subjects to the BTC for development purposes. However, subjects such as Tribal Research Institute, Lotteries and Theatres etc., Intoxicating liquors etc., Registration of Birth and Death are yet to be taken up by the Council ⁵³ .

⁵³<http://bodoland.gov.in/btcataglace.html>

		<p>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.</p>	<p>Development of Floriculture in BTC comes under the centrally sponsored scheme for which allocation has been made by Ministry of Agriculture and will be released to the State authority. BTC can route their proposal through State Horticulture Mission and get it placed in Annual Action Plan of the Mission.</p> <p>For development of tourism in BTC, there is already a Swadesh Darshan Scheme which incorporates wildlife circuit of Manas, Kaziranga and Pabitora in Assam. Rs 95.67 crore has been released by the Ministry of Tourism to the State Government. Government of Assam to allot reasonable amount for Manas project.⁵²</p> <p>On 7 December 2003, the Council was provisionally constituted by 12 members. The</p>					
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⁵² Review Committee meeting (2016) report

			Council Election was conducted on 13 May 2005 and subsequent bye election in November 2005. The elected 40 Members along with the six members nominated by the Governor of Assam from the unrepresented communities formed the Legislative Council.					
14	Human Rights	No provision in the Accord						Considering that the area is home to several ethnic groups and communities, the non-inclusion of specific provisions related to human rights is unacceptable. Moreover, large scale human rights violations took place in the insurgency related violence before signing of the Accord.
15	Inter-ethnic Relations Council	No provision in the Accord						Formation and function of an inter-ethnic relations council is believed to help in defusing conflicts between various tribes.
16	Internally Displaced Persons	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	The Relief and Rehabilitation department has not yet been transferred to BTC from the Government of Assam.			Transitional	No reversal	The Bodo areas in Assam have experienced several rounds of ethnic riots. In October 1993, violence occurred between the Bodos and the Muslims. The violence had displaced about 3,568 families, consisting of 18,000 persons. Another

		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.						incident of violence took place in a relief camp at Bashbari in Barpeta district on 24 July 1994. Over 100 people were killed and 70,000 were rendered homeless. Again, in May 1996, the first spell of Bodo-Santhal clashes took place which devastated the villages of both the communities and displaced over 2,02,684 persons or about 42,214 families; while the second spell of Bodo Santhal clashes in 1998 displaced over 3 lakh people ⁵⁴ .
17	Judiciary Reform	No provision in the Accord						
18	Legislative Branch Reform	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 passed and sent 22 legislations to Government of Assam for decision. Government of Assam is yet to finalise its response expeditiously.			Insignificant	Minor	The BTC submitted 22 legislations to the Assam Government in 2005. The government has not yet finalised it. Therefore, in spite of the existence of the legislative council, BTC cannot make laws. ⁵⁵
19	Minority Rights	4.3. Safeguards for the settlement rights, transfer and	The BTC wants protection of tribal land			Insignificant	No reversal	During this period, several clashes took place between the

⁵⁴ Jaikhleng Basumatary, Quest for Peace in Assam: A Study of the Bodoland Movement, Manekshaw Paper, No 44, 2014, http://www.claws.in/images/publication_pdf/324891001_MP44Inside28-03-14.pdf

⁵⁵ Interview with Pramod Boro, General Secretary, All Bodo Students' Union

		<p>inheritance of property etc. of non-tribals 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:</p> <p>(a) Extinguish the rights and privileges enjoyed by a citizen of India in respect of their land at the commencement of BTC, and</p> <p>(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.</p> <p>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.</p> <p>The Amendments to the Sixth Schedule shall include provisions in such a 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.</p> <p>7. Revision of list of ST Consequent to the inclusion of</p>	<p>through some constitutional mechanism. However, no effective implementation has taken place regarding the provisions of chapter x of Assam Land Revenue Regulation 1886 in tribal belts and blocks of BTAD. The review meeting held on 16 September 2016 decided that BTC would submit a detailed note on this issue. BTC passed and sent 22 legislatures to the Government of Assam for decision. Assam Government is yet to respond.</p>					<p>Bodos and the migrant Muslim settlers. Generally it is believed that the clashes would not have occurred if the land rights have been protected.</p>
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		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.						
20	Natural Resource Management	No provision in the Accord						
21	Official Languages and Symbols	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.	Not implemented. Bodo Sahitya Sabha and other Bodo organizations have been demanding Bodo to be the official and first language in schools in the BTC area. But Asom Sahitya Sabha has termed the demand as 'unconstitutional' as it may lead to a divide between the Bodos and the other communities living in the area ⁵⁶ .			Transitional	No reversal	Since 2000, the Bodos have been demanding a separate directorate for Bodo language to develop the language. ⁵⁷ After prolonged struggle and determination of the Bodo Sahitya Sabha (Bodo Literary Organization), the Bodo language was introduced as a medium of instruction at primary level in 1963 and then at secondary level in 1968. In 1985, Bodo has been recognized as an associated state official language of Assam. On 22 July 2010, the Chief Minister of Assam had declared in the Assembly that a separate Directorate of Education for Bodo and Other

⁵⁶ Demand for Bodo as official language unconstitutional: Asam Sahitya Sabha, DNA, 20 January 2016, <http://www.dnaindia.com/india/report-demand-for-bodo-as-official-language-unconstitutional-asam-sahitya-sabha-2171017>

⁵⁷ Bodo students demand separate directorate, Mar 5, 2015, Times of India

								<p>Tribal Languages would be created. But the proposal is pending with the elementary education department. Lack of a separate directorate has resulted in non-implementation of the Right to Education Act properly in Bodo-medium schools.</p> <p>As per Clause 9.2 of the BTC Accord, Bodo language was recognised by both the state government and the Centre as the official language of the BTAD but it is not yet implemented.</p> <p>In October 2015, the Assam Governor instructed the state government to create a separate directorate for Bodo language education and announce Bodo as the official language in the Bodoland Territorial Area Districts (BTAD)⁵⁸.</p>
22	Power Sharing Transitional Government	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	Implemented		On 2 December 2003, the BLT submitted a list of 12 names for the executive	Total	No Reversal	

⁵⁸ Govt told to address Bodo woes, The Telegraph, 1 November 2015

		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.			committee of the interim BTC to the State Government. By 7 December 2003, a 12-member interim executive council of the BTC was administered oath of office in Kokrajhar. (satp.org)			
23	Participation of Civil Society groups as witness signatories in the Accord	No provision in the Accord						A very important and necessary provision, presence of which would have attributed overall public support to the peace agreement.
24	Prisoner Release	No provision in the Accord						
25	Ratification Mechanism	Clause 4.2. (Already mentioned under the provision of Constitutional Reform)	On 27 May 2003, the Assam Government issued a notification dissolving Bodoland Autonomous Council (BAC) and appointed a			Total	No reversals	Clause 4.2 of the Agreement has opposed para 2(1) of the Sixth schedule by increasing the number of members in the Council up to 46, out of which 30 reserved for Scheduled

			<p>nodal administrator in the form of the Commissioner-cum-Secretary of the Welfare of Plain Tribes & Backward Classes to oversee the functioning of the BTC till the formation of an interim council. On 14 July, the Parliamentary Standing Committee of the Union Ministry of Home Affairs cleared the BTC Bill. The BTC Bill was tabled in the Lok Sabha on 1 August.</p> <p>The Lok Sabha passed the Constitution Sixth Schedule (Amendment Bill) on 6 August paving the way for the creation of a Bodoland Territorial Areas District (BTAD)⁵⁹.</p> <p>On 19 August, the Parliament approved the Constitution (99th Amendment) Bill, 2003, providing for protection of the rights of non-tribals by keeping intact the existing representation of the Scheduled Tribes and</p>					<p>Tribes, five open for all communities and six to be nominated by Governor of Assam. Para 2(1) of the Sixth Schedule states: There shall be a District Council for each autonomous district consisting of not more than thirty members, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage.</p>
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⁵⁹ Lok Sabha Debates

			non-Scheduled tribes in the Assam Legislative Assembly from the Bodoland Territorial Council Areas District.					
26	Representation and participation of women	Clause 4.2. (Already mentioned under the provision of Constitutional Reform)	The two reserved seats for women are only nominated seats by the Governor and meant for unrepresented communities. While women were present in every movement in various roles—agitators, rebels or advocates of peace during a movement and the peace process, they have always been sidelined when there is the time for decision making. Participation of women is not visible during any of the peace negotiations.			Transitional	No reversal	“We are the worst sufferers of violence...Provision for adequate representation of women should be there in the Accord to make our voice heard”, said Promila Rajbongshi, a resident of Kokrajhar.
27	Review of Agreement	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.	Being implemented. Review meetings have been taking place periodically.			Transitional	No reversal	Reports of the review meetings suggest how implementation of different clauses of the accord has been delayed or postponed. However, both the signatories—the government as well as the former BLT militants who are in power have to take the blame in different occasions for not speeding up the process.

28	Rehabilitation	<p>12. Relief & Rehabilitation</p> <p>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.</p> <p>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.</p>	<p>The Government of Assam has not yet transferred the Relief and Rehabilitation, Department to BTC as per provision of MoS 2003.</p>		<p>Agitations demanding rehabilitation of former BLT members and surrendered NDFB cadres have been staged from time to time. The Ex-Bodo Liberation Tigers Welfare Society and the Surrendered NDFB Welfare Association staged protest in New Delhi in August 2010 with this demand and implementation of some other</p>	Insignificant	No reversals	<p>The fact that the Relief and Rehabilitation Department is yet to be transferred to BTC only shows the casual approach of the authorities.</p>
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		<p>Similar action would be taken by the Government of Assam.</p> <p>12.3. Bodo youth will be considered for recruitment in Police, Army and Paramilitary forces to increase their representation in these forces.</p> <p>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.</p>			<p>clauses of the Accord. According to Chairman of the Ex-BLT Welfare Society, Janamohan Mushahary, many cases pertaining to the Bodoland movement were pending, and people had been harassed for that.⁶⁰</p>			
29	Right to Self-Determination	<p>2. Objectives</p> <p>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</p>	<p>An autonomous self-governing body called Bodoland Territorial Council was formed within the state of Assam under the Sixth Schedule.</p>			Transitional	No reversal	<p>It has been 14 years since the BTC Accord was signed. However, land rights have not been implemented yet. In the last 13 years, several clashes took place between Bodos and migrant Muslim settlers, apart from clashes between Bodos</p>

⁶⁰ Former rebels leave for Delhi, The Telegraph, 17 August 2010, https://www.telegraphindia.com/1100817/jsp/northeast/story_12816415.jsp

		to the said Autonomous Body; to fulfil 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.						and Adivasis. Generally, it is believed that the clashes would not have taken place provided land rights have been implemented.
30	Surrender of Arms	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 overground Bodo movement since 1987 shall be considered	On 3 December 2003, the BLT chairman Hagrama Basumatary led 2641 BLT cadres for surrender with 615 numbers of arms in Kokrajhar ⁶¹ .			Total	No reversal	

⁶¹ http://www.satp.org/satporgtp/countries/india/states/assam/terrorist_outfits/bodoaccord.htm

		according to the existing policy of the State of Assam.						
31	Territorial Power Sharing	3. Area 3.1. (This clause is also mentioned under the provision of Boundary Demarcation) 5. Power and Functions 5.1. (This clause is stated under the provisions of Executive and Legislative Branch Reforms)	A territory has been specified along with creation of four districts. However, the question of including additional 95 villages into BTC for the purpose of contiguity is not yet resolved. The Council has executive powers. However, the law-making power is not yet functional since the State Government is yet to pass the 22 legislatures submitted by the BTC.			Transitional	No reversal	The matter being dropped by the review meetings suggests unwillingness of the government to touch the conflicting issue and tendency to postpone the discussion or for that matter any decision on this to an uncertain time.
32	Truth or Reconciliation Commission/ Mechanism	No commission formed						
33	Withdrawal of Troops	No provision in the Accord						

3.2.4 Case Study 3: Memorandum of Settlement with UPDS.

Sl No.	General Provisions	MoS with UPDS 2011 Provisions	Implementation Induced		Degree of Implementation	Reversals	Observation	
			Application	Related Action not codified under Accord				
				By government	By Extremists	Not initiated/ insignificant/ transitional/ total		No reversal/ Minor/ Major
1	Amnesty	4.3 Criminal cases registered against members of the UPDS for non-heinous crime shall be withdrawn by the State Government as per procedure established by law. Criminal cases registered against members of the UPDS for heinous crimes shall be reviewed case by case according to the existing policy on the subject and wherever feasible, steps for withdrawal of such cases will be initiated by the State Government.	A mechanism consisting of district level committee and state level committee is in place for considering withdrawal of cases. So far, 11 cases against UPDS have been withdrawn. The fourth review meeting decided that Government of Assam in consultation with the Council will take an overall view of pending cases and decide the issue by 31 December 2016. But no decision as of July 2017 has been taken. Regarding NIA cases, the State government decided to finalise the recommendations and submit to the MHA ⁶² .		On 6 February 2014, the Hill State Democratic Party (HSDP) in Karbi Anglong submitted a memorandum before Shambhu Singh (Jt. Secretary, Northeast, Ministry of Home Affairs) demanding quick action in executing	Transitional	No Reversal	An absence of any definition of the phrases 'heinous crime' or 'non-heinous crime' mentioned in this clause suggests vagueness of language used in the Accord. This vagueness would help manipulation of criminal cases. "Almost two years have passed but except the release of a Rs 1.5-crore rehabilitation package we have seen no work done as promised in the MoS," HSDP leader Kanjang Terang said ⁶³ .

⁶²Report of Fourth Review Meeting

⁶³ Karbis seek separate state- Congress, Opposition meet Shambhu Singh with demand, The Telegraph, 7 February 2014. https://www.telegraphindia.com/1140207/jsp/northeast/story_17907338.jsp#.WNi7s_197Dc

					the MoS, permanent rehabilitation packages for former UPDS cadres and withdrawal of criminal cases against the cadres of the dissolved militant outfit.			
2	Boundary Demarcation	No provision in the Agreement						
3	Civil Administration Reform	3.2 The KAATC authority shall have full control, consistent with the relevant service rules, over the officers and staff, concerned with the transferred subjects working and placed under the jurisdiction of the KAATC. ACRs of these officers shall also be written by the appropriate authority of the KAATC. 3.3 The authority of the KAATC shall be competent to make appointments to all posts under its control in accordance with the rules of appointment followed by the Governor of Assam. However, the posts,	Clause 3.2 and 3.3 There are some gray areas which need to be plugged as far as the control over the officers and staff concerned with the transferred subjects. The fourth Review Meeting decided that the representative of Government of Assam and Council would consult each other and sort out such problematic issues by 31 October 2016. The issues, however, could not be			Insignificant	No reversal	The pace in which the implementation process of the clauses is on, it becomes evident that the urgency of the matter has not received required attention. The 'grey areas' or the gaps need to be specified. One can question why it took five years to discover the problems that have been hindering implementation of the Accord clauses. The discussion is yet to materialise and one cannot say when this discussion will end with a decision that can be implemented. There seems to

		<p>where recruitment is made on the recommendation of APSC shall not be covered under this provision. Vacancies in Cass II and Class I rank officers create impediments in effective delivery of services to the people. The State Government will make all efforts to fill these vacancies by placing the services of officers in the departments under the control of the KAATC. Special attention will be paid by the State Government for filling up vacancies in the Government College. No new posts shall be created by KAATC without concurrence of the Government of Assam.</p> <p>3.4 The State Government will encadre posts of Grade I and Grade II under the KAATC expeditiously and streamline the process of filling the vacancies under the KAATC.</p> <p>3.5 This will, however, not include such cases where the vacancies have arisen because of general decision on grounds of austerity etc. in respect of abolition or keeping the posts temporarily vacant.</p> <p>3.6 The KAATC authority may constitute a Selection Board for appointments to be made by it and may also make rules with</p>	<p>sorted within the time limit set by the government.</p> <p>Clause 3.4 and 3.5 Process of encadrement of Grade I and II posts under KAATC was supposed to be finalised by 31 December 2016. But the time frame was not followed.</p> <p>Clause 3.6 The constitution of a Selection Board for appointments by KAATC has not taken place.</p> <p>Clauses 6.7 Regarding formulation of financial rules and revision of Assam Autonomous District (Constitution of District Councils) Rules 1951, the Council has submitted the scheme to state government. State government may decide and ratify it by 30 November 2016.</p> <p>6.8 The one year time limit of completing the revision of the Assam Autonomous District (constitution of District Council) Rules 1951 is not met.</p>					<p>be delay on the part of the State Government.</p> <p>While the financial rules are not yet formulated, the Assam Autonomous district rules too are yet to be revised even after the Council submitted the scheme to the State Government. To some extent, this delay may also be attributed to bureaucratic red tape.</p> <p>Since the government set a time limit of one year under Clause 6.8 to complete the revision of the Assam Autonomous District (constitution of District Council) Rules 1951, the same should have been followed. But the ad hoc attitude of the government is well reflected in such matters too.</p>
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		<p>the approval of the Governor of Assam to regulate appointments and to ensure adequate representation of all communities living within its jurisdiction.</p> <p>6.7 An independent body like the State Finance Commission will be constituted by the Government of Assam to recommend establishing a proper basis for fund allocation and sharing of tax proceeds between the State Government and the Sixth Schedule institutions like the KAATC. The Government of India and the Government of Assam will initiate steps for necessary modification in the Constitutional and other relevant legislative / procedural regulatory regime.</p> <p>6.8 In view of the changes relating to the role and scope of functioning of the Councils, there is a need to undertake a thorough revision of the Assam Autonomous District (constitution of District Council) Rules 1951, to incorporate these changes and to reflect the spirit of empowerment and devolution in governance at the ground level. The Government of Assam will initiate necessary</p>						
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		steps in this regard expeditiously in consultation with the KAATC and other 6 th Scheduled Councils. It is agreed to complete the revision within a year.						
4	Commission to address damage or loss	No provision in the Agreement						
5	Constitutional Reform	<p>6.1 Steps for Constitutional amendments necessary to implement the agreed points of the MoS will be taken by the Government of India. Suitable amendments and delegation of powers under various relevant acts to enable the Council to exercise its responsibilities will also be taken by the State Government and where necessary by the Government of India.</p> <p>6.2 Appropriate amendments will be proposed on the provisions of the 6th Schedule of the Constitution to facilitate and ensure devolution of administrative powers and stimulate developmental activity at the grass roots level by constituting village level local governance units, e.g., Village Councils/ Gram Sabhas.</p>	Amendment on the provisions of the Sixth Schedule of the Constitution has not taken place as the bill for devolution of administrative powers has not been passed in the Parliament. Therefore, the Clause for devolution of administrative powers remains unimplemented.			Insignificant	No reversal	<p>For implementation of certain agreed points of the MoS, the State Government too can act, besides the Centre. Assam Government could have transferred the additional departments to the Council even without the amendment to the Sixth Schedule but did not take such steps.⁶⁴</p> <p>Development activity at the grassroots level through constitution of Village Councils or Gram Sabhas has not yet taken place. In fact, such important clauses in the Accord do not bear any meaning for the people of Karbi Anglong if implementation of the same has a major roadblock. Observation of Clause 6.2 in the provision of Decentralisation can be stated</p>

⁶⁴ Interview with former General Secretary of UPDS Haren Sing Bey

		<p>6.3 An effective procedure to release funds (coming from both State and Central Governments) to the KAATC will be put in place to ensure their utilisation for the intended purpose without diversion or delay.</p> <p>6.6 All participants in the tripartite process also accepted the need for strict adherence to established norms of financial management in the KAATC administration and the need for all involved in such management to maintain the highest standards of probity to prevent mis-utilisation/mis-appropriation of developmental funds meant for the people. Without in any manner diluting the authority of CAG with regard to audit as provided in the Constitution, it is agreed to evolve and implement an additional system of effective auditing projects with the participation, where necessary, of authorities like NABARD etc. Such audit reports along with the Action Taken Report (ATR) from the Council shall be placed before the Governor/Committee of the Legislature (proposed) within a reasonable time.</p>						<p>as a solid reason why Clause 6.3 talks about an effective procedure to release funds. The Agreement has addressed a major weakness in the administrative framework within which the Councils have to operate. Even the State government can be made accountable for the delay-dallying procedures for the release of funds to the Council which affect utilisation of the intended purpose.</p> <p>From Clause 6.6, it is apparent that the signatories of the Agreement are aware about “mis-utilisation and mis-appropriation of development funds meant for the people”. We can find an effort to correct the system by evolving and implementing an additional system of effective auditing projects with participation of outside authorities like NABARD.</p>
6	Cultural protection	8.1 Steps will be taken for protection of language and culture of Karbi people and also	Clause 8.1 and 8.2 Regarding setting up of a cultural centre at			Insignificant	No reversal	

		<p>for preservation of historical monuments and heritage sites like Ronghang Rongbong. It is agreed in principle to set up a cultural centre at Taralangso and an Academy to promote Karbi language and culture at an appropriate location in Karbi Anglong to promote and preserve the culture and tradition of Karbi people. The KAATC will send a detailed project report for consideration of the Government of India for approval and sanction of project funds.</p> <p>8.2 The Archaeological Department of the Government of Assam and the Archaeological Survey of India will undertake a survey of other heritage sites relating to Karbis and other indigenous people within the jurisdiction of the Council to formulate projects for their preservation and maintenance.</p>	<p>Taralangso and an academy to promote Karbi language and culture, preparation of DPR (detailed project report) by the Council was in progress till November 2016.</p> <p>As far as survey of heritage sites is concerned, the Archaeological Survey of India had to stop the survey work due to some local problems. The Council agreed to address this problem.</p>					
7	Decentralisation	<p>2.3 The state government has agreed to reorganise the existing Autonomous district under the Sixth Schedule of the Constitution into four administrative districts for better administrative and developmental administration, as per procedure established by</p>	<p>Two districts in Karbi Anglong have been created—the new district was named West Karbi Anglong and was inaugurated on 11 February 2016. For creation of additional administrative units, the</p>			Insignificant	No reversal	<p>2.3 From the fact that the KAAC has not submitted proposal for creation of another two districts before the Government of Assam implies that the Council is either not interested or neglecting the implementation of the Clause. Further, the</p>

		<p>law.</p> <p>6.2 Appropriate amendments will be proposed on the provisions of the 6th Schedule of the Constitution to facilitate and ensure devolution of administrative powers and stimulate developmental activity at the grass roots level by constituting village level local governance units, e.g., Village Councils/ Gram Sabhas.</p>	<p>proposal for creation of such units has to be submitted by KAAC before the Government of Assam.⁶⁵</p>					<p>present Council may not be in favour of decentralisation, as it appears from this point.</p> <p>6.2 Decentralisation of power only to the Council level had been an incomplete process. All round development possible only when decentralisation reaches the grassroots. Here the accountability factor plays a crucial role. The government is taking a long time to pass the Bills for Constitutional Amendment. This has affected devolution of administrative powers to the grassroots. Mis-management of Council funds and flouting of Government norms are rampant. It is further alleged by some respondents that the existing Council is not interested in further decentralisation to protect their vested interests. Here we can see how an elitist class in the Council are dominating the political and government powers in the area. This is another reason for the poor state of development in the area.</p>
8	Detailed Implementati	No provision for a detailed implementation timeline in the	Till 2016, four Review meetings have been held.			Insignificant	No reversals	The 'time bound steps' has no further detail about

⁶⁵ Fourth Review Meeting Report

	on Timeline	Agreement. Clause 1.2 states that: As part of this process, several rounds of tripartite discussions were held with the representatives of the United People's Democratic Solidarity (UPDS). As a result of this consultative process, it has been agreed to initiate time bound steps to bring about greater devolution of power to the grassroots level in Karbi Anglong while ensuring increased capacity building for developmental activities at all levels.	The reports suggest that though decisions have been taken to act with time bound steps, in reality implementation could not take place accordingly.					implementation time plan of the different causes. The only time period mentioned is about the six-monthly review of the status of implementation of the decisions under the agreement. However, even the six month period too is not followed. The fact that four review meetings have taken place in four years is indicative of this status.
9	Dispute Resolution Committee	No provision in the Agreement						
10	Economic and Social Development	6.4 A Committee comprising representatives of the State Government and the Council may monitor and review the regular release of scheme based funds to KAATC. The MHA monitoring Committee will be kept informed. 6.5 Both the Government of India and the Government of Assam will consider the case for higher fund allocation to the KAATC to undertake viable developmental activity within their jurisdiction. 7.1 The planning and budgetary exercise for all the subjects in	Clause 6.4 The Committee for monitoring the release of fund is already in place. However, the releases of funds were delayed on account of formation of new government. The state government agreed to see that in future, fund is released timely. Further, the amendment of the Sixth Schedule to the Constitution of India will address the issues of devolution of financial funds.			Insignificant	No reversal	Since the devolution of financial funds is dependent on the amendment of the Sixth Schedule, and Constitutional amendment is still awaited, the whole process is affected by this. Tasks like planning and budgetary exercise for the subjects in the Council or capacity building in the Council too are related to amendment of the Constitution. Delay in developmental works brings doubts regarding corruption and mis-management.

		<p>the Council after the proposed restructuring will be a major exercise. Preparation for Five Year and Annual Plans by the Council within the broad framework of State/National priorities will need to cover all activities of departments under their charge. To enable the restructured Council to handle this responsibility effectively, the State Government will initiate steps to make available adequate number of experienced officers to the Council for the purpose.</p> <p>7.2 The Ministry of Home Affairs shall coordinate the task of capacity building in the Council to deal effectively with enlarged responsibilities relating to transferred subjects by imparting suitable training to officers and staff of the Council. A sum of Rs 10 crore will be made available as one time grant for the purpose.</p> <p>8.4 The Government of India will give a project based grant for setting up a Karbi Bhawan in Delhi. For this purpose, the Council will apply for a plot to the Delhi Development Authority (DDA).</p> <p>9.1 The Government will initiate steps for undertaking a</p>	<p>Clause 6.5 Regarding release of funds under Article 375(1) of the Constitution of India, the Ministry of Tribal Affairs stated that it has already made provision / allocation of funds and now it is the administrative matter of the State Government of Assam. Funds are allocated on the basis of population (50%), area (25%) and performance (25%). Since Utilisation Certificates are yet to be received, a fund of Rs 35 crore is lying idle. The action is to be taken by Government of Assam.</p> <p>Clause 7.1 and 7.2 As regard capacity building for preparation of Detailed Project Report, training of staff etc., the Council, the Government of Assam, and Ministry of DONER is to take action.</p> <p>Clause 8.4 As regard setting up of Karbi Bhawan, DDA has allotted and earmarked the land and KAAC is in touch with DDA. The</p>					
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		<p>feasibility study of a direct road link between Diphu and Umapani (both in Karbi Anglong) as a highway linking NH 36 (Karbi Anglong) and NH 44 (Meghalaya), for the purpose of including it in the list of priority projects to provide reliable road linkage within the Council area and additionally, a direct shorter route to Shillong (Meghalaya) the headquarters of North East Council.</p> <p>9.2 Construction of roads for improvement of road connectivity in Karbi Anglong District will be considered under existing schemes in phased manner on submission of Detailed Project Report (DPR) submitted by the KAATC. An illustrative list of construction of roads in Karbi Anglong District is at Annexure I of MoS. To augment availability of power, KAATC will submit proposals to the Ministry of New and Renewable Energy (MNRE) which will consider special projects for this purpose in the KAATC area.</p> <p>9.3 Council will submit projects for water supply to Diphu and other notified towns in Karbi Anglong which will be considered expeditiously for</p>	<p>Council and DDA is to take action.</p> <p>Clauses 9.2 and 9.3</p> <p>Regarding schemes listed in Annexure I of MoS, the Council submitted DPRs for 16 out of 17 projects to Government of Assam. State Government has to prioritise the project. Action to be taken by Government of Assam, Ministry of RTH & Ministry of MNRE and DONER.</p> <p>Clause 9.4 and 9.5</p> <p>The Council has discussed with Ministry of DONER about the package for creation of employment. Action is to be taken by the Government of Assam, Councils and Ministry of DONER</p>					
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		<p>implementation.</p> <p>9.4 A special economic package of Rs 350 crores (Rs 70 crores per annum) over and above the Plan fund over the next five years will be provided to the KAATC to undertake special projects that will be proposed by the Council. A committee will be formed involving the representative of the Government of Assam, KAATC and concerned central ministries, for identification of projects under special economic package. Funds will be provided through the state government for specific monitorable projects through the Non-lapsable Central Pool of Resources (NLCPR) or the Plan exercise in a time-bound manner while ensuring dovetailing of all fund flows to the district from Finance Commission and other sources.</p> <p>9.5 The responsibility for providing land, if necessary, for any of the projects flowing from this MoS shall be the responsibility of the KAATC.</p>						
11	Education and Healthcare Reform	5.1 Concerned efforts will be made by the Government of India and State Government of Assam in collaboration with the KAATC to improve the level of general and technical education,	Clause 5.1 to 5.4 State Government is yet to take up the issue with the Ministry of HRD regarding construction of medical college in			Insignificant	No reversal	The slow pace of the proceedings for establishment of educational institutions and healthcare reform show the lack of interest or sincerity on the part of the authorities.

		<p>including medical education. An engineering college and a Medical college will be established in Karbi Anglong</p> <p>5.2 Additional steps like immediate up gradation of the District Hospitals and PHCs will be taken up by the newly restructured authority with assistance from the Government of India and Government of Assam., as the case may be. Additional funds if necessary will be provided by the Government of India for this purpose on project basis.</p> <p>5.3 The Government of India and the Government of Assam will encourage KAATC to take up projects under PPP Model in the area of healthcare and education including professional and higher technical education to achieve the potential of Karbi Anglong emerging as a regional healthcare and educational hub. Steps for necessary empowerment of the KAATC to initiate and formulate project reports will be taken by the Government.</p> <p>5.4 The existing campus of Assam University (established by an Act of Parliament) at Diphu, needs up-gradation by way of additional infrastructure</p>	<p>KAAC.</p> <p>As far as upgrading of Primary Health Centres is concerned, the proposal regarding Dehang, Hathikali and Block Bazar PHCs has been received by the Ministry of Health and Family Welfare. It was approved and allocations made.</p> <p>A proposal for an engineering collage in KAAC was sent to State government. The proposal will be pursued along with the proposal for upgrading general education and health facilities.</p> <p>As regard upgrading of infrastructure in existing campus of Assam University in Karbi Anglong district, a decision was taken in 2016 that the Council will finalise the proposal in two months and submit it to the State Government and send it to the Ministry of HRD.</p> <p>Clause 8.5 As regards exemption from taking</p>					
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		<p>and facilities to meet academic needs. It also noted that the strengthening of the college and secondary/primary education infrastructure is important to reap the full benefit of such up-gradation of education facilities at the Post-graduate level. The Council will prepare detailed project reports both for upgrading the existing institutions and Government assistance could be considered. Assistance in drawing up suitable projects will also be made available by the Government.</p> <p>8.5 The demand for exempting Schedule Tribes (Hills) candidates from Karbi Anglong and taking one Modern Indian Language (MIL) in the Union Public Service Commission (UPSC) conducted Civil Services examination will be referred to the UPSC for their examination and consideration.</p>	<p>one Modern Indian Language paper in UPSC, DoPT is to consider the proposal, which may require a policy decision to be taken by them.</p>					
12	Electoral/Political Party Reform	<p>2.4. The proposed KAATC will have a 50 member council to give greater representation to people living in remote and isolated clusters of villages. Of these 50 members, 44 to be elected and six to be nominated by the Governor of Assam. (Increase in seats shall be</p>	<p>The issues are covered in the proposed amendment of the Sixth Schedule to the Constitution of India.</p>			Insignificant	No reversal	<p>Terming the agreement as a “failed experiment” , UPDS Chairman Longsodar Senar said that the MoS was in a serious jeopardy as the outfit did not get enough time to reorganise themselves to prepare for the elections. “The elections were actually forced</p>

		<p>applicable from subsequent elections due in the year 2016-17 or mid-term poll, if any, whichever is earlier).</p> <p>2.5 The responsibility of conducting elections to the KAATC will be entrusted to the State Election Commission.</p> <p>2.6 Additional subjects, as listed below, will be transferred to the Council under para 3A of the Sixth Schedule of the Constitution conferring legislative powers on the council in respect of these subjects so as to empower the council with legislative and executive powers in respect of these subjects. (for the subjects, see UPDS Accord in Annexure)</p>						<p>on us. We insisted on an interim council which was rejected by the government. We were encouraged to sign the accord because the Home Minister ensured us of a 'neutral administration' and a level playing field during the election. But the Government of Assam announced elections one day after we laid down arms giving us no time to reorient ourselves", said Mr Senar. After signing of the accord, the already existing Council was not willing to leave the space for the UPDS to form a new council. Elections were therefore necessary.</p> <p>The Agreement proposed that the KAATC will have a 50 member Council, of which 44 will be elected. There is no reservation for these 44 seats. While members for six seats will be nominated by the Governor, the Agreement could well have proposed few reservations for women.</p>
13	Executive Branch Reform	<p>2.7 Development function and functionaries in respect of transferred subjects shall also be transferred to the KAATC.</p> <p>3.1 The Chief and Deputy Chief of the KAATC shall have the</p>	<p>Clause 2.7 As regard transfer of development functions and functionaries in respect of transferred subjects, the fourth</p>			Not initiated	No reversal	

		status equivalent to the Cabinet Minister of State of Assam for protocol purposes within the jurisdiction of the KAATC. Similarly, the Chairman and Deputy Chairman of KAATC shall have the status equivalent to the Speaker and Deputy Speaker of the Assam Legislative Assembly respectively for protocol purposes within the jurisdiction of KAATC.	review meeting agreed that the Government of Assam should issue an office memorandum giving a clarity and finality of the subject. The Government of Assam agreed to look into the matter and take a final view by 30 October 2016. ⁶⁶ Clause 3.1 The Government of Assam said that it will issue necessary executive instructions by 31 October 2016 for making provision for Chief and Deputy Chief Executive Member of the Council and Speaker/Chairman/Deputy Chairman of the Council ⁶⁷ .					
14	Human Rights	No provision in the Agreement						
15	Inter-ethnic Relations Council	No provision in the Agreement						
16	Internally Displaced Persons	No provision in the Agreement						In 2003, conflict between the militant groups United People's Democratic Solidarity and Kuki

⁶⁶ Report of Fourth Review Meeting

⁶⁷ Report of Fourth Review Meeting

								Revolutionary Army rendered more than 5000 people homeless in Karbi Anglong. Absence of the provision for IDPs reflects lack of concern for the affected people as well as lack of understanding of the significance of the issue.
17	Judiciary Reform	No provision in the Agreement						
18	Legislative Branch Reform	2.6 Additional subjects (the list of subjects will be found in the Accord in Annexure) will be transferred to the Council under Para 3A of the 6 th Schedule of the Constitution conferring legislative powers on the Council in respect of these subjects so as to empower the council with legislative and executive powers in respect of these subjects.	Not implemented as Constitutional amendment has not taken place.			Not initiated	No reversal	
19	Minority Rights	No provision in the Agreement						
20	Natural Resource Management	8.3 The State Government and the Ministry of Environment and Forest will make an assessment of potential of forest related activities in the district and also suggest measures for their protection. The State Government/Government of India will consider release of additional funds to the KAATC for forest related activities and protection of forest resources.	For tapping of potential of forest related activities, the Council has to submit a fresh proposal.			Not initiated	No reversal	

21	Official Languages and Symbols	No provision in the Agreement						
22	Power Sharing Transitional Government	No provision in the Agreement						
23	Participation of Civil Society groups as witness signatories in the Accord	No provision in the Agreement						
24	Prisoner Release	No provision in the Agreement						
25	Ratification Mechanism	6.1 Steps for Constitutional amendments necessary to implement the agreed point of the MoS will be taken by the Government of India. Suitable amendments and delegation of powers under various relevant acts to enable the Council to exercise its responsibilities will also be taken by the State Government and where necessary by the Government of India.	No legislation has been passed by the Parliament for Constitutional amendment. The MoS has not yet received legal approval.			Insignificant	No reversal	
26	Representation and participation of women	No provision in the Agreement						
27	Review of Agreement	10.1 A Committee under the Chairmanship of the Joint Secretary (NE) MHA,	By 2016, four review meetings have taken place			Transitional	No reversal	Though the clause mentions that implementation review status will be taken in every

		<p>Government of India, will review every six months the status of implementation of the decisions under this agreement. Senior most Secretary, HAD and the Principal Secretary of Council will represent the Government of Assam and the Council respectively, in the Committee. Initially, a representative nominated by the UPDS will also be a member of this Committee, until further review.</p> <p>10.2 The Monitoring Committee shall associate representatives from other Ministries/Departments as and when necessary. The term of the monitoring unit will be co-terminus with the implementation period of the Memorandum of Settlement.</p> <p>10.3 The Committee will send a report to the Union Home Secretary who, on receipt of the report, may communicate the same with appropriate advice to the State Government.</p>						<p>six months, it is seen that only four review meetings have taken place in a period of five years. The government is not following the timeline mentioned in the Accord.</p>
28	Rehabilitation	<p>4.2 The State Government shall provide full support to relief and rehabilitation of the members of the UPDS who have surrendered with arms in accordance with the existing policy of the state in this regard. Financial support in such</p>	<p>Rehabilitation of UPDS cadres is still awaited.</p>			Insignificant	No reversal	<p>“The promises made in the Accord clause were not at all fulfilled. We are utterly disappointed”, said a former UPDS militant.</p>

		cases shall be limited to the provisions of the relevant scheme prepared and funded by the Government of India. Vocational classes will be organised in the designated camps for the surrendered cadres of the UPDS. Special psychological counselling and career classes will also be organised in the designated camps by the State Government to facilitate rehabilitation of the cadres. Withdrawal of cases against such persons and those related to over ground UPDS movement since 1999 shall be considered according to the existing policy of the state of Assam.						
29	Right to Self-Determination	<p>2.2. As Part of the restructuring and empowerment process, the existing Karbi Anglong Autonomous Council (KAAC) will be renamed as the Karbi Anglong Autonomous Territorial Council (KAATC).</p> <p>2.3 The state Government has agreed to re-organize the existing Autonomous district under the 6th Schedule of the Constitution into 4 (four) administrative districts for better administrative and developmental administration, as per procedure established by</p>	The KAATC is not yet formed since amendment to the Sixth Schedule of the Constitution for this purpose is still awaited.		Just a day after the announcement of granting statehood to Telangana on 30 July 2013, Karbi Anglong faced the worst law and order crisis. Most	Insignificant	No reversal	

		law.			of the organisations, representing indigenous people, launched an agitation demanding justice for the people of Karbi Anglong and Dima Hasao who are demanding a separate homeland ⁶⁸			
30	Surrender of Arms	1.3 The representatives of the UPDS shall abjure violence, in any manner, in furtherance of their objectives and shall join the peaceful democratic political process as established by the law of the land. 4.1 The UPDS shall dissolve itself as an organisation within a reasonable time (six months) upon the signing of this Memorandum of Settlement	Clause 1.3 UPDS abjured violence but threatened to revert if Accord is not implemented in true spirit. Clause 4.1 Implemented			Total	No reversal	

⁶⁸ Karbis seek separate state- Congress, Opposition meet Shambhu Singh with demand, The Telegraph, 7 February 2014.
https://www.telegraphindia.com/1140207/jsp/northeast/story_17907338.jsp#.WNi7s_197Dc

		(MoS) as a precursor to the Government initiating further process to implement the agreed decisions of this agreement.						
31	Territorial Power Sharing	2.2. As Part of the restructuring and empowerment process, the existing Karbi Anglong Autonomous Council (KAAC) will be renamed as the Karbi Anglong Autonomous Territorial Council (KAATC).	The Karbi Anglong Autonomous Council is not yet renamed as Karbi Anglong Autonomous Territorial Council since the Constitutional amendment has not happened. Moreover, except renaming of the Council, no new territorial demarcation was needed for this purpose.			Insignificant	No reversal	
32	Truth or Reconciliation Commission	No provision in the Agreement						
33	Withdrawal of Troops	No provision in the Agreement						

3.2.5 Case Study 4: Memorandum of Settlement with DHD.

Sl No.	General Provisions	DHD Accord 2012 Provisions	Implementation Induced		Degree of Implementation	Reversals	Observation	
			Application	Related Action not codified under Accord				
				By government				By Extremists
1	Amnesty	<p>4.3 Criminal cases registered against members of the DHD and DHD-J groups for non-heinous crime shall be withdrawn by the State Government as per procedure established by law. Criminal cases registered against members of the DHD and DHD-J groups for heinous crime shall be reviewed case by case according to the existing policy on the subject, and wherever feasible, steps for withdrawal of such cases will be initiated by the State Government. Withdrawal of cases against such persons and those related to over-ground DHD and DHD-J groups' movement since their inception shall be considered according to the existing policy of the State of Assam.</p>	<p>Clause 4.3 A mechanism consisting of district level committee and state level committee is in place for considering withdrawal of cases. It was agreed that the Government of Assam in consultation with the Council will take an overall view of pending cases and decide the issue by 31 December 2016.</p> <p>Regarding NIA cases, the state government is yet to finalise the recommendations and submit to the MHA.</p> <p>Many criminal cases, other than heinous crime, have not been</p>	<p>Criminal cases, apart from heinous crimes, are continuing in district courts and the High Court.</p>	<p>Many former DHD militants have to appear before the court also for criminal cases other than heinous crime. DHD leader Dilip Nunisa appealed the government to withdraw all such cases, but all such cases are not yet withdrawn⁷⁰.</p>	Transitional	No Reversal	The Accord provides no definition of 'heinous crime' and 'non-heinous crime' as mentioned in the clause.

			withdrawal February 2017 ⁶⁹ .					
2	Boundary Demarcation	No provision in the Agreement						
3	Civil Administration Reform	<p>3.2 The DHATC authority shall have full control, consistent with the relevant service rules, over the officers and staff concerned with the transferred subjects working and placed under the jurisdiction of the DHATC. ACRs of these officers shall also be written by the appropriate authority of the DHATC</p> <p>3.3 The authority of the DHATC shall be competent to make appointments to all posts under its control in accordance with the rules of appointment followed by Government of Assam. However, the posts where recruitment is made on the recommendation of Assam Public Service Commission (APSC), shall not be covered under this provision. Vacancies in class II and Class I rank officers create impediments in effective delivery of services to the people. The State Government will make all efforts to fill these vacancies by placing the services of officers in the departments under the control of the DHATC. This will, however,</p>	<p>Clause 3.2 and 3.3 There are some gray areas which need to be plugged regarding the control over the officers and staff concerned with the transferred subjects. It was agreed that the representative of Government of Assam and Council would consult each other and sort out such problematic issues by 31 October 2016.</p> <p>Clause 3.4 and 3.5 It was agreed that the process of encadrement of Grade I and II posts by Government of Assam under NCHAC would be finalised by 31 December 2016.</p> <p>DHATC is yet to be formed since amendment to the Sixth Schedule has not yet taken place.</p>			Insignificant	No reversal	No decision has been taken even after 31 October 2016.

⁷⁰Interview with DHD leader and a signatory of the Agreement Mr Dilip Nunisa

⁶⁹Interview with DHD leader and a signatory of the Agreement Mr Dilip Nunisa. Date of Interview: 28.11.2016

		<p>not include such cases where the vacancies have arisen because of general decision on grounds of austerity, etc., in respect of abolition of keeping the posts temporarily vacant. Special attention will be paid by the State Government for filling up vacancies in the Government Colleges. No new post shall be created by DHATC without concurrence of the Government of Assam.</p> <p>3.4 The State Government will encadre posts of Grade I and Grade II under DHATC expeditiously and streamline the process of filling the vacancies under the DHATC.</p> <p>3.5 The DHATC authority may constitute a Selection Board for appointments to be made by it, may also make rules with the approval of the Governor of Assam to regulate appointments and to ensure adequate representation for all communities living within its jurisdiction.</p> <p>6.6 The Government of India will sympathetically examine the possibility of introducing a regular Helicopter service linking Haflong-Silchar-Guwahati which can be availed of by people on payment.</p> <p>6.8 An independent body like the State Finance Commission will be constituted by the Government of Assam to recommend establishing a</p>	<p>Therefore, no appointment can now be made under this Council. This was stated by DHD leader and a signatory of the Agreement Dilip Nunisa in an interview for this research study. He said that no Selection Board has been constituted for appointment.</p> <p>Clauses 6.6 and 6.8 As regard formulation of financial rules and revision of Assam Autonomous District (Constitution of District Councils) Rules 1951, the Council has submitted the scheme to State government. The State government was supposed to decide and ratify it by 30 November 2016.</p>				
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		<p>proper basis for fund allocation and sharing of tax proceeds between the State Government and the Sixth Schedule institutions like the DHATC. The Government of India and the Government of Assam will initiate steps for necessary modification in the Constitutional and other relevant legislative/procedural regulatory regime.</p> <p>6.9 In view of the changes relating to the role and scope of functioning of the Councils, there is a need to undertake a thorough revision of the Assam Autonomous District (constitution of District Council) Rules 1951, to incorporate these changes and to reflect the spirit of empowerment and devolution in governance at the ground level. The Government of Assam will initiate necessary steps in this regard expeditiously in consultation with the DHATC and other 6th Scheduled Councils. It is agreed to complete the revision within a year.</p>						
4	Commission to address damage or loss	No provision in the Agreement						
5	Constitutional Reform	2.1 A Committee as envisaged in the Art.371B of the Constitution, in the Assam Legislative Assembly will be constituted to deal with the matters relating to the 6 th Scedule	Clause 2.1and 2.2: The comments of Government of Assam are awaited on the proposed amendment of			Insignificant	No reversal	No Constitutional amendment has been done so far. Change of nomenclature from NC Hills Autonomous District to Dima Hasao Autonomous

		<p>Council in Dima Hasao District. The 6th Schedule Councils will submit their Annual report once a year to the Committee of the Assam Legislative Assembly along with a copy to the Governor. The Annual report should also include the Audited annual accounts of the preceding year, together with the observations and action taken by the Council on the comments of the Audit.</p> <p>2.2 As part of the restructuring and empowerment process the existing North Cachar Hills Autonomous Council (NCHAC) will be renamed as the Dima Hasao Autonomous Territorial Council (DHATC)</p> <p>6.1 Steps for Constitutional amendments necessary to implement the agreed point of the MoS will be taken by the Government of India. Suitable amendments and delegation of powers under various relevant acts to enable the Council to exercise its responsibilities will also be taken by the State Government and where necessary by the Government of India.</p> <p>6.2 Appropriate amendments will be proposed in the provisions of the 6th Schedule of the Constitution to</p>	<p>the Sixth Schedule and Article 280 to the Constitution of India. The proposal is under active consideration of Government of Assam and by the end of September 2016 their comments would be finalised.</p> <p>A sense of discrimination exists because of the lesser number of MLA from the Council in the Committee under Assam Legislative Assembly as envisaged in Article 371B of the Constitution of India.</p> <p>The Government of Assam decided to consider such issues and finalise the proposal by 31st October 2016.⁷¹</p> <p>Clause 6.1 to 6.3 Action to be taken by MHA. Not yet taken</p> <p>Clause 6.7 Action to be taken by MHA by</p>				<p>Territorial Council was not favoured by the minority ethnic groups sharing the same space. The naming of the district after a particular dominant ethnic group was also opposed by the other communities in the area.</p>
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⁷¹ Minutes of the Fourth Meeting of the Tripartite Committee held on 23.09.2016 under the chairmanship of Joint Secretary (NE) to Review the Implementation of Memorandum of Settlements (MoS) signed with UPDS and DHD

		<p>facilitate and ensure devolution of administrative powers and stimulate developmental activity at the grass roots level by constituting village level local governance units e.g. Village Councils, Gram Sabhas.</p> <p>6.3 An effective procedure to release funds (coming from both State and Central Governments) to the DHATC will be put in place to ensure their utilisation for the intended purpose without diversion or delay.</p> <p>6.7 All participants in the tripartite process also accepted the need for strict adherence to established norms of financial management in the DHATC administration and the need for all involved in such management to maintain the highest standards of probity to prevent mis-utilisation /mis-appropriation of developmental funds meant for the people. Without in any manner diluting the authority of CAG with regard to audit as provided in the Constitution, it is agreed to evolve and implement an additional system of effective auditing projects with the participation, where necessary, of authorities like NABARD etc. Such audit reports along with the Action Taken Report (ATR) from the Council shall be placed before the Governor / Committee of the Legislature (proposed) within a</p>	<p>Amending the 6th Schedule and Article 280. Action not yet implemented.</p>				
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		reasonable time.						
6	Cultural protection	<p>2.8 The State Government of Assam has agreed in principle to set up a Development Council with a suitable package for preservation and promotion of culture, language etc. of people belonging to tribes like Hojai and Barman (to be decided by the State Government) living outside the present Dima Hasao District.</p> <p>8.1 Steps will be taken for protection of language and culture of Dimasa people, their historical monuments and heritage sites. For this purpose, the Archaeological Department of the Government of Assam and the Archaeological Survey of India will undertake a survey within the jurisdiction of the Council to prepare a list of such sites. It is agreed in principle to set up a cultural centre at an appropriate location in Dima Hasao to promote and preserve the culture and tradition of Dimasa people. The DHATC will send a detailed project report for consideration of the Government for approval and sanction of project funds.</p> <p>8.2 The Archaeological department of the Government of Assam and the Archaeological survey of India will undertake a survey of other heritage sites relating to non-Dimasa indigenous people within</p>	<p>Clause 2.8 A decision was taken by the Assam Government to take a final view for formation of Hojai and Barman Development Council for Dimasas living outside the existing Dima Hasao district by the end of November 2016. However, the time frame has not been maintained. No survey has been conducted in any of the three places of historical importance – Dimapur, Maibong and Khaspur by the Archaeological department to prepare a list of such sites.</p> <p>Clause 8.1 and 8.2 The council is preparing a Detailed Project Report (DPR) for setting up of a commercial cum cultural complex at Haflong. According to the Archaeological Survey of India, the survey work had to be stopped due to some local problems. The present Council has to address this problem.</p>	<p>For the Dimasas living in Cachar that falls in the Barak valley, the government formed 'Hojai Barman Development Council'. Since the Committee was formed just before the Elections, work could not be started. Later it was dissolved.</p>		Insignificant	No reversal	The 'Hojai Barman Development Council' did not include members of the civil society.

		the jurisdiction of the Council to formulate projects for their preservation and maintenance.						
7	Decentralisation	2.3 The State Government has agreed to reorganise the existing Autonomous district under the 6 th Schedule of the Constitution into 3 (three) administrative units for better administrative and developmental administration, as per procedure established by law 6.2 Appropriate amendments will be proposed in the provisions of the 6 th Schedule of the Constitution to facilitate and ensure devolution of administrative powers and stimulate developmental activity at the grass roots level by constituting village level local governance units e.g. Village Councils, Gram Sabhas	2.3 One sub-division in Dima Hasao was created. For creation of additional administrative units, the Government of Assam informed that the proposal for creation of such units has to be submitted by NCHAC.	One Sub-Division namely Diyungba Civil Sub-Division was created in 2015, after signing of the MoS.		Insignificant	No reversal	If the Council agrees, there is strong possibility for the creation of three districts. “The present Council is not interested in devolution of power”, expressed former DHD leader Dilip Nunisa.
8	Detailed Implementation Timeline	1.2 As part of this process, several rounds of tripartite discussions were held with the representatives of both the factions of Dima Halam Daogah (DHD), one faction of DHD led by Dilip Nunisa and another faction of DHD led by Joel Garlosa. As a result of this consultative process, it has been agreed to initiate time bound steps to bring about greater devolution of power to the grassroots level in Dima Hasao while ensuring increased capacity building developmental activities at all levels.	Four Review meetings have been held till 2016.			Insignificant	No reversal	Though it is stated in this clause about ‘time bound steps’, nowhere in the agreement is mentioned about implementation time plan of the different causes. The only time period mentioned is about the six-monthly review of the status of implementation of the decisions under the agreement. However, even the six month period too is not followed. The fact that four review meetings have taken place in four years is indicative of this status.

9	Dispute Resolution Committee	No provision in the Agreement						
10	Economic and Social Development	<p>6.4 A Committee comprising representatives of the State Government and the Council may monitor and review the regular release of scheme based funds to DHATC. The MHA monitoring Committee will be kept informed.</p> <p>6.5 Both the Government of India and the Government of Assam will consider the case for higher fund allocation to the DHATC to undertake viable developmental activity within their jurisdiction.</p> <p>6.8 An independent body like the State Finance Commission will be constituted by the Government of Assam to recommend establishing a proper basis for fund allocations and sharing of tax proceeds between the State Government and the Schedule institutions like the DHATC. The Government of India and the Government of Assam will initiate steps for necessary modification in the Constitutional and other relevant legislative / procedural regulatory regime.</p> <p>7.1 The planning and budgetary exercise for all the subjects in the Council after the proposed restructuring will be a major exercise. Preparation for Five Year and Annual Plans by the Council</p>	<p>Clause 6.4 The Committee for monitoring the release of fund is already in place. However, the releases of funds were delayed on account of formation of new government. Further, the amendment of the Sixth Schedule to the Constitution of India will address the issues of devolution of financial funds.</p> <p>Clause 6.5 As regards release of funds under Article 375(1) of the Constitution of India, the Ministry of Tribal Affairs has made provision / allocation of funds and now it is the administrative matter of the Government of Assam. Funds are allocated on the basis of population (50%), area (25%) and performance (25%). Since Utilisation certificates are yet to be received, a fund of Rs 35 crore is lying idle.</p>	<p>Out of the 18 projects proposed by the DHD, 16 have been forwarded to the Central government, and five projects were sanctioned. They are: 1) Tourism (Rajkumar Disrudi Community Home Stay and Eco-Tourism Park). 2) Integrated Skill Development Centre, Wasaikhong Diyumbra. 3) SR Thousan Media Centre, Dibarai, Haflong. 4) Community Ethnic Culture Centre (Dilaobra Sangibra Samathuraoni Nodrang). 5) Auditorium Hall (Sonpijan, a Kuki gaon in Haflong). Another three projects on road, hospital and solar</p>	<p>DHD has submitted total 18 project proposals before the Assam Government. Haflong Major water supply project is waiting to be forwarded by the Assam Government. (Rs 776 crore, 60 mgwt), Martyr's Shopping Market (Rs 8 crore) in Maibong is yet to be forwarded by the State government. Dimasa Livelihood Project for DHD and sympathisers (Rs 26 Crore) – also waiting to be forwarded by the state government</p>	Transitiona l	No reversal	<p>Development activities in Dima Hasao have experienced a very slow pace. Delay in release of funds due to bureaucratic red tape as well as non-submission of Utilization Certificates indicate problems in governance issues.</p>

		<p>within the broad framework of State/National priorities will need to cover all activities of departments under their charge. To enable the restructured Council to handle this responsibility effectively, the State Government will initiate steps to make available adequate number of experienced officers to the Council for the purpose.</p> <p>7.2 The Ministry of Home Affairs shall coordinate the task of capacity building in the Council to deal effectively with enlarged responsibilities relating to transferred subjects by imparting suitable training to officers and staff of the Council. A sum of Rs 10 crore will be made available as one time grant for the purpose.</p> <p>7.3 The State Government would provide an amount, to be decided every year, in population ratio basis, as grants-in-aid in two equal instalments to the DHATC for executing developmental works. The proportionate share for the DHATC 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 if there is plan cut due to resource problem.</p>	<p>Clause 6.8 was not discussed in review meeting.</p> <p>Clause 7.1 and 7.2 The present Council is yet to take action on capacity building for preparation of Detailed Project Reports, training of staff etc.</p> <p>Clause 7.3 was not raised in accord review meeting.</p> <p>Clause 9.1 For development of road from Diyungbra to Manderdisa, including three RCC bridges, Ministry of RT&H conveyed their in-principle agreement. The DPR received from the Government of Assam has been sent to the Ministry of RT&H on 25 January 2016 for examination and consideration. The proposals for installation of two solar photovoltaic plants were submitted to Ministry of</p>	<p>power have been approved by the government. A) Road from Diyumbra to Mandardisha (28.5 kms, Rs 87.37 crore) , B) Upgrading two hospitals in Block Bazar and Hatikhai and c) A 60 mgwt Solar Power project worth Rs 976 crore in three places— Umransho, Diyumbra, Kalasalmaibong.</p>			
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		<p>In addition, a suitable amount of plan funds and non plan funds will be made available to cover the office expenses and the salaries of the staff working under the control of DHATC. The DHATC shall disburse the salaries of the staff under their control and would ensure strict economy in the matter.</p> <p>9.1 Construction of roads for improvement of road connectivity in Dima Hasao District will be considered under existing schemes in phased manner on submission of Detailed Project Report (DPR) submitted by the DHATC. An illustrative list for construction of roads in Dima Hasao District is at Annexure I (page 16-17 of MoS). To augment availability of power, DHATC will submit proposals to the Ministry of New and Renewable Energy (MNRE) which will consider special projects for this purpose in the DHATC area.</p> <p>9.2 Council will submit projects for water supply to Haflong and other notified towns in Dima Hasao which will be considered expeditiously for implementation.</p> <p>9.3 A special economic package of Rs 200 crores (Rs 40 crores per annum) over and above the Plan fund over the next five years will be provided to the DHATC to undertake special projects that will</p>	<p>New & Renewable Energy.</p> <p>Clause 9.2 Project concept paper for water supply and storm water, drainage system for Haflong and adjoining areas is under consideration.</p> <p>Clause 9.3 and 9.4 The package for creation of employment has been discussed with the Ministry of DONER. Further development is awaited.</p>				
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		<p>be proposed by the Council. A committee will be formed involving the representative of the Government of Assam, DHATC and concerned central ministries, for identification of projects under special economic package. Funds will be provided through the State Government for specific monitorable projects through the Non-lapsable Central Pool of Resources (NLCPR) or the Plan exercise in a time-bound manner while ensuring dovetailing of all fund flows to the district from Finance Commission and other sources.</p> <p>9.4 The responsibility for providing land, if necessary, for any of the projects flowing from this MoS shall be the responsibility of the DHATC.</p>						
11	Education and Healthcare Reform	<p>5.1 Concerted effort will be made by the Government of India and State Government of Assam in collaboration with the DHATC to improve the level of general and technical education. Initiatives already announced will be pursued with greater vigour in a time-bound manner.</p> <p>5.2 Additional steps like immediate up gradation of the District Hospitals and PHCs will be taken up by the newly restructured authority with assistance from the</p>	<p>Clause 5.1 to 5.4</p> <p>The Council has to submit the proposal for engineering college and Assam University campus in Dima Hasao District. The proposal has to be submitted through the State Government.</p> <p>According to Ministry of Health and Family Welfare, upgrading Primary Health Centres</p>			Transitional	No reversal	Non submission of proposals related to educational institutions and health centres show the lack of interest or inability of the present Council ruling in Dima Hasao.

		<p>Government of India and Government of Assam., as the case may be. Additional funds if necessary will be provided by the Government of India for this purpose on project basis.</p> <p>5.3 The Government of India and the Government of Assam will encourage DHATC to take up projects under PPP model in the area of healthcare and education, including professional and higher technical education to achieve the potential of Dima Hasao emerging as a regional healthcare and educational hub. Steps for necessary empowerment of the DHATC to initiate and formulate project reports will be taken by the Government.</p> <p>5.4 It is noted that strengthening of the college and Secondary/Primary education is important. The Council will prepare detailed project reports both for upgrading the existing institutions, but also for starting new institutions, so that Government assistance could be considered. Assistance in drawing up suitable projects will also be made available by the Government.</p>	<p>proposal in respect of Kalachand PHC and Khepe PHC has not been received.</p> <p>Construction for one Polytechnic College has taken place in Ganjum near Haflong.</p>					
12	Electoral/Political Party Reform	2.4 Increasing the number of members of the restructured council is agreed in principle (increase in seats shall be applicable from subsequent election due in the year	The issues are covered in the proposed amendment of the Sixth Schedule to the Constitution of India.			Insignificant	No reversal	The Agreement has noted that number of Council members will be increased, but there is no mention of the increased number of seats. Since it also says about

		<p>2017, or mid-term poll, if any)</p> <p>2.5 The responsibility of conducting elections to the DHATC will be entrusted to the State Election Commission.</p> <p>2.6 Additional subjects, as listed below, will be transferred to the Council under para 3A of the Sixth Schedule of the Constitution conferring legislative powers on the council in respect of these subjects so as to empower the council with legislative and executive powers in respect of these subjects (the list of subjects can be found in DHD Accord enclosed in Annexure).</p>						<p>the elections due in 2017, one can rightfully question as why the framers of the Agreement thought about not mentioning the number of proposed seats.</p> <p>As amendment to the Sixth Schedule has not happened yet, the electoral reforms too remained unimplemented.</p>
13	Executive Branch Reform	<p>2.7 Development functions and functionaries in respect of transferred subjects shall also be transferred to the DHATC.</p> <p>3.1 The Chief and Deputy Chief of the DHATC shall have the status equivalent to the Cabinet Minister of State of Assam for protocol purposes within the jurisdiction of the DHATC. Similarly, the Chairman and Deputy Chairman of DHATC shall have the status equivalent to the Speaker and Deputy Speaker of the Assam Legislative Assembly respectively for protocol purposes within the jurisdiction of DHATC.</p>	<p>Clause 2.7</p> <p>It was agreed by the government and the council representatives that the Government of Assam should issue an office memorandum giving a clarity and finality of the subject of the transfer of development functions and functionaries in respect of transferred subjects.</p> <p>Clause 3.1</p>			Insignificant	No reversal	
14	Human Rights	No provision in the Agreement						
15	Inter-ethnic	No provision in the Agreement						

	Relations Council							
16	Internally Displaced Persons	No provision in the Agreement						Conflict between Dimasa and Hmar tribes over land holding and governance in 2003 resulted in displacement of 5000 people ⁷² . Absence of the provision for IDPs in the accord reflects lack of concern for the humanitarian issues.
17	Judiciary Reform	No provision in the Agreement						
18	Legislative Branch Reform	2.6 Additional subjects (list of subjects could be seen in the Accord enclosed in Annexure) will be transferred to the Council under Para 3A of the 6 th Schedule of the Constitution conferring legislative powers on the Council in respect of these subjects so as to empower the council with legislative and executive powers in respect of these subjects.	Implementation depends on Constitutional amendment.			Not initiated	No reversal	
19	Minority Rights	No provision in the Agreement						
20	Natural Resource Management	8.3 The State Government and the Ministry of Environment and Forest will make an assessment of potential of forest related activities in the district and also suggest measures for their protection. The State Government/Government of India will consider release of	Clause 8.3 The Council has to submit a fresh proposal for tapping of potential of forest related activities.			Not initiated	No reversal	

⁷² <http://www.legalservicesindia.com/article/article/rehabilitation-of-internally-displaced-persons-in-india-1843-1.html>

		additional funds to the DHATC for forest related activities and protection of forest resources.						
21	Official Languages and Symbols	8.5 The demand for inclusion of Dimasa language in the VIII th Schedule of the Constitution will be referred to the Committee looking into such issues for its consideration. This will be decided on the basis of parameters recommended by the Committee and approved by the Government.	Clause 8.5 Not discussed in review meeting			Not initiated	No reversal	
22	Power Sharing Transitional Government	No provision in the Agreement						
23	Participation of Civil Society groups as witness signatories in the Accord	No provision in the Agreement						
24	Prisoner Release	No provision in the Agreement						
25	Ratification Mechanism	6.1 Steps for Constitutional amendments necessary to implement the agreed point of the MoS will be taken by the Government of India. Suitable amendments and delegation of powers under various relevant acts to enable the Council to exercise its responsibilities will also be taken by the State Government and where	No legislation has been passed by the Parliament for constitutional amendment. The bill is yet to get the nod of the Parliament.			Insignificant	No reversal	

		necessary by the Government of India.						
26	Representation and participation of women	No provision in the Agreement						
27	Review of Agreement	<p>10.1 A committee under the Chairmanship of the Joint Secretary (NE), MHA, Government of India will review every six months the status of implementation of the decisions under this agreement. Senior most Secretary, Home Department, Senior most Secretary, HAD and the Principal Secretary of Council will represent the Government of Assam and the Council respectively in the Committee. Initially, a representative nominated by the DHD will also be a member of this committee, until further review.</p> <p>10.2 The Monitoring Committee shall associate representatives from other ministries/departments as and when necessary. The term of the monitoring unit will be co-terminus with the implementation period of the Memorandum of Settlement.</p> <p>10.3 The Committee will send a report to the Union Home Secretary who, on receipt of the report, may communicate the same with appropriate advice to the State Government.</p>	Four Review Meetings were held.			Transitiona l	No reversal	The six month period of holding review meetings was not followed.

28	Rehabilitation	4.2 The State Government shall provide full support to relief and rehabilitation of the members of the DHD and DHD/J groups who have surrendered with arms in accordance with the existing policy of the state in this regard. Financial support in such cases shall be limited to the provisions of the relevant scheme prepared and funded by the Government of India. Vocational classes will be organised in the designated camps for the surrendered cadres of the DHD and DHD-J groups. Special psychological counselling and career classes will also be organised in the designated camps by the State Government to facilitate rehabilitation of the cadres.	Regarding payment of rehabilitation grant, the proposal in respect of 59 erstwhile DHD cadres has to be considered by a high power committee and this is subject to verification of address of these persons. It was decided that the special branch of Assam Police while considering this issue will show due diligence in respect of those cadres who expired after the MoS had been signed.	On 21 July 2015, a meeting was organised by the State Government where the DCs, SPs as well as 600 DHD cadres were present. The government distributed Rs 1.5 lakh per head, but 59 militants are yet to receive the amount.		Transitional	No reversal	No vocational class, career class or special psychological counselling was conducted in the Designated Camps.
29	Right to Self-Determination	2.2. As Part of the restructuring and empowerment process, the existing North Cachar Hills Autonomous Council (NCHAC) will be renamed as the Dima Hasao Autonomous Territorial Council (DHATC). 2.3 The state Government has agreed to re-organize the existing Autonomous district under the 6th Schedule of the Constitution into 3 (three) administrative units for better administrative and developmental administration, as per procedure established by law.	One sub-division was formed.			Insignificant	No reversal	
30	Surrender of Arms	1.3 The representatives of DHD shall abjure violence, in any	A total of 691 DHD armed cadres and 1318			Total	No reversal	

		<p>manner, in furtherance of their objectives and shall join the peaceful democratic political process as established by the law of the land.</p> <p>4.1 The DHD and DHD-J shall dissolve themselves as organisations within a reasonable time (six months) upon the signing of this Memorandum of Settlement (MoS) as a precursor to the Government initiating further process to implement the agreed decisions of this agreement.</p>	<p>‘civil staff’ surrendered in a ‘Home Coming’ ceremony held by the government.</p> <p>..</p>					
31	Territorial Power Sharing	<p>2.2. As Part of the restructuring and empowerment process, the existing North Cachar Hills Autonomous Council (NCHAC) will be renamed as the Dima Hasao Autonomous Territorial Council (DHATC).</p>	<p>Council is not yet renamed</p>			Insignificant	No reversal	
32	Truth or Reconciliation Commission /Mechanism	<p>No provision in the Agreement</p>						
33	Withdrawal of Troops	<p>No provision in the Agreement</p>						

3.3 Procedures

The procedures for data collection were based on the research questions. The procedures introduce the research design and the methods of data collection depending on the questions of interest.

3.3.1 Research Design.

The research design adopted for the study was based on Case Study research. Generally, a qualitative case study is defined as “an intensive, holistic description and analysis of a single instance, phenomenon or social unit” (Merriam, 1988). The single most defining characteristic of case study research lies in delimiting the object of study—the case (Merriam, 1998). Miles and Huberman (1994) defined case as “a phenomenon of some sort occurring in a bounded context”. Here the case has been compared to a circle with a heart in the centre. The heart is the focus of the study while the circle sets the boundaries—what not to be studied. A case could be a person, a programme, a group or a document. It can be selected because it is an instance of some issue or concern. A descriptive case study is a rich description of the facts involved in the study (Merriam, 1998). In qualitative research, “case studies use prose and literary techniques to describe, elicit images and analyse situations...” (Wilson, 1979).

The present study used more than one case and can be termed ‘comparative case studies’. Data is collected and analysed for four cases. The studies and results include vivid material—quotations, interviews, newspaper articles, etc. The strategy of including multiple cases helped to increase the ability to generalise the findings. The strength of case study design is its predictive nature. This design was selected for the study due to the nature of the research questions. Case studies give insights and new meanings expanding the reader’s experiences. The new light thrown at the study can help structure future research and would help advancing the knowledge base of a field. In analogous with the descriptive nature of case studies, the present study obtained information from wide variety of sources, covered several years and described how this long period led to a situation.

3.3.2 Data Collection Procedures

The researcher consulted with the Supervisor before selecting the four peace accords signed in Assam as documents for case studies. Some experts in the study area were also consulted regarding selection of individuals to be interviewed. It was decided that audio devices would be used for recording of interviews and conversations with the participants that could be transcribed later into texts. Interviews were conducted one-to-one basis while most of the preceding and follow up communications were made through phone or e-mail. The open-ended questions helped the participants to express their perspectives and create options for responding. The interviews conducted were unstructured, which were transcribed into some sort of structured text later. Before conducting the field interviews, the unstructured questionnaire was first used for a pilot interview. The interviewer was courteous and professional with the participants.

Data sources also included public and private records. Apart from books, journals and newspapers, the internet served as a potential source of text data. Some good sources of text data include government documents, government websites, research websites, documents collected from the State Archive and different institutional libraries. Before using any 'confidential document', special permission was obtained from the concerned persons. Audio material was determined that can provide evidences to address the research questions. Data was organised after collection.

3.4 Data Analysis

Data analysis for the study was based on the research questions and the design of the research. Observation and assessment of the matrix of the four peace accords under the study established certain flaws as far as drafting of several provisions as well as implementation or non implementation of different clauses of the accords are concerned. While different clauses have been included in each of the accord provisions to address the issues or problems concerned, the analysis of the matrix reflects a lack of seriousness on the part of the successive governments to execute them in letter and spirit. Moreover, in some cases, certain clauses have been found extremely faulty and ill conceived while some are vague. The sincerity of both the government as well as

the militant groups to reach a permanent solution to the root causes of the larger problem was found missing in their approaches towards the problem.

The 1993 BAC Accord is a clear instance of the government's policy lapses and ad hoc approach. It is an instance of an ill conceived, short sighted agreement that was reached in haste without taking into account the wishes of the majority 72 per cent non-Bodo people living in the area who were against the creation of Bodoland. According to Census 2011, the Bodo population in the BTC area is 27.28 per cent, the population of other tribes is 6.22 per cent while the non-tribal population in the area is 66.49 per cent. So, it is clear that the demographic profile of the area was not really taken into consideration while coming up with a so-called settlement of an agitation launched by mainstream groups representing the Bodo community (Rani Pathak Das and Alaka Desai Sarma, 2016).

The Accord appears insensitive towards the majority non-Bodo people living in the area even in the text or language of the document. It is highly non-inclusive in nature and carries a message that the accord is primarily meant for the Bodo people of the area: "The Government of India and the Government of Assam have been making concerted efforts to fulfil the aspirations of the Bodo people relating to their cultural identity, language, education and economic development."⁷³ The insecurity resulted by the use of such text was reflected in the protests and agitations by the non-Bodo people of the area. The Accord did not even provide equal status to the other non-Bodo tribal communities residing in the notified area. This resulted in criticism and active protest by the Adivasis like Santhals, Mundas, Oraons, Gonds, Bheels, etc. under the Central Committee of the Adivasi Council. The Koch Rajbongshi community was also apprehensive regarding the denial of equal political status to the community and the All Assam Koch Rajbongshi Kshatriya Sanmilani protested on 16 March 1993 stating that "... while signing the Memorandum, none of the signatories paid any heed to the aspirations of the rest of the people and their fate has been placed at the mercy of the Bodo leaders in the name of geographical contiguity of the BAC area..." (Kumar, 1998). The Asom Gana Parishad (AGP) legislator Nagen Sarma

⁷³ Source: BTC Accord

stated that villages with less than 50 per cent Bodo population and some villages with no Bodo population were included in the Council area. His allegation that Bodo people were evicting non-tribals from some of the villages within the proposed notified area in spite of the Chief Minister's assurance for safe guarding the rights of the non-tribals living in the Council area holds significance. Again, the inclusion of 25 tea gardens in the BAC area was opposed by the Assam Chah Majdoor Sangha, Indian National Trade Union Congress, Communist Party of India (Marxist) and AGP. The opposing parties stated that the future of about 35,000 garden workers would be in jeopardy under the new administration set up (Kumar, 1998).

Clause 3 (a) of the Bodo Accord holds the roots of the disturbance. The provision of deciding which are villages having more than 50 per cent tribal population in order to include them in BAC, and mentioning that even those having less than 50 per cent tribal population to be included in BAC for the sake of contiguity became a prime factor for the escalating ethnic conflict and bloodshed in the Council areas (Rani Pathak Das and Alaka Desai Sarma, 2016). Certain Bodo groups did not like the idea of including non-Bodo populated villages into the Bodo Council and took the lead to convert such Bodo minority villages into Bodo majority villages by launching a sort of ethnic cleansing campaign (Das, 2014).

The Accord could not make the Bodos happy. Bineshwar Brahma, President of Bodo Sahitya Sabha, said, "...everything had to be sanctioned by the State Government. This was not autonomy." This discloses the status of the Interim Council and its failure to perform. Even the Bodo literary organisation called the Bodo Sahitya Sabha signalled about its possible support for separate state formation out of its discontentment with the Accord. After the Accord was signed, the General Secretary of Bodo Sahitya Sabha Gopinath Borgayeri said, "The BSS (Bodo Sahitya Sabha) would have no alternative but to extend moral support to the formation of a separate state in tune with the wishes of the Bodo people" (Rani Pathak Das and Alaka Desai Sarma, 2016).

The ethnic movements in the Northeast came into existence aiming at autonomy or special privileges for the respective ethnic groups. Gradually, people's aspirations

increased and the demands too were uplifted from autonomy to union territory, then statehood and many even started raising demands for secession. A gesture by the government to provide autonomy in the tune of the ABSU demand, however, failed to calm the situation. “The fault lies with providing territorial autonomy to a particular ethnic community at the expense of democratic rights of those who do not belong to that particular community”, viewed one participant from the Koch Rajbongshi community. In fact, the policy of granting autonomy on the basis of ethnicity has now emerged to be a complicated problem. The earlier process of granting statehood to Nagaland or Mizoram did not have to face territorial contiguity issues as these were peripheral areas. However, though the Bodos form a considerable population, they are spread over Assam and not concentrated in a single area. This is why they are not a majority population within a notified area. Moreover, the Accord does not include adequate legal provisions to safe guard the other tribal and non-tribal communities living in the area. The 1993 Bodo Accord was not implemented, the promised institutions were not created, no Constitutional reform was initiated to legalise the accepted demands. Lack of political will to address the grievances of the people fuelled the anger and rebellion.

In the BTC Accord we find that while talking peace with the BLT militants, the government did not consider it necessary to include other important stakeholders like the ABSU and the NDFB in the negotiation table by making them parties to the peace process. Also, the peace process did not include the civil society organizations. It could be argued that provided the civil society organizations representing different strata of the society were also taken into consideration and they were made witness to the Accord, it would have been seen as a holistic comprehensive approach towards framing a peace accord. Besides, in this way, all the stakeholders would have got a chance to review or push the implementation process later.

The BTC Accord provides a special status to the Bodo community which has less than 30 per cent population in the council area. The non-Bodo population, which constitutes nearly 70 per cent of the population, termed the Accord provisions as gross violation of equality and democratic rights. From one side, the BTC Accord justifies

that every community with historical roots to the place they are living have rights to protect themselves from ‘outsiders’. At the same time, the Accord draws an example of political management by the state favouring one particular ethnic group in order to protect the state from possible uprising against the state threatening ‘national security’. The effort to provide autonomy to a particular ethnic group at the cost of the majority population which includes various other ethnic groups, has created a class of new political elites weakening links between people and political power (Deka, 2014).

Nevertheless, the government’s piecemeal approach to address the issue resulted in large scale violence and bloodshed. The non-Bodos, under the umbrella of the Sanmilita Janagosthiya Sangram Samiti (SJSS), opposed the BTC accord and threatened to launch an agitation to demand the scrapping of the accord. The SJSS observed bandhs and stated that the accord was ‘drafted without taking into consideration the genuine fears of non-Bodos’, whose population is more than that of the Bodos, even within the proposed BTC.’ A year after the signing of the BTC Accord, ethnic clashes re-occurred between the Bodos and the Santhals. Again, in 2008, violence engulfed Kokrakhar, Chirang, Udalguri and Darrang districts killing over 120 people.⁷⁴ The mayhem continued – 2012, 2014 and 2016 too witnessed ethnic and insurgency violence in large scale in the BTC area. Among all these, the serial bomb blasts on 30 October 2008, masterminded by NDFB leader Ranjan Daimary came as a rude shock because it took insurgency violence to an all-time high. The bomb attacks killed 100 people and wounded more than 545 in four towns – Guwahati, Barpeta, Bongaigaon and Kokrajhar.

A study of the two MoS—one with UPDS and the other with the two factions of DHD—reveals a striking fact that tells loudly how the framers of the Agreements have taken the entire issue with a casual and ad hoc approach. The agreement with DHD was signed nearly one year after the signing of the UPDS Agreement. Barring only few clauses, it is just a carbon copy of the earlier agreement. Though these are two different agreements with different insurgent groups based in two different territories,

⁷⁴ Hussain, Wasbir & Das, Rani Pathak, ‘Assam’s Killing Fields: The Politics of Violence in Bodo Heartland’, <http://cdpsindia.org/point-of-view108.asp> (online access on 14 August 2016)

we can hardly find any difference in the government's approach to address them as separate identities. The clubbing together of UPDS and DHD is also visible in the Reports of the tripartite meetings for review of implementation of MoS organised by the Government of Assam.

Implementation of both the Agreements is at the initial stage. The signatories of both the United People's Democratic Solidarity (UPDS) and the Dima Halam Daogah (DHD) Accord could not form an interim council as both the districts already had existing autonomous councils, unlike in the Bodo area. While after the BTC Accord, the BLT chief Hagrama Mahilary was immediately installed as the head of the interim council and elections were held after a certain period, the Karbi Anglong Autonomous Council and NC Hills Autonomous Council were already existing. They were not willing to leave the space for UPDS or DHD respectively. However, if we compare this with the case of Mizoram, we will find an opposite picture. After the Mizo Accord was signed in 1986, the then ruling Congress government in Mizoram, led by Lal Thanhawla stepped down, making way for Mizo National Front (MNF) leader Pu Laldenga to become the interim Chief Minister and form the government. The UPDS leaders had to contest elections in 2012, but failed perform well as they won only eight seats and the rest of 22 were won by the Congress. Same was the case with the DHD, thus leaving the leadership of both the groups sort of powerless to initiate implementation of the peace accords they signed.

The political section of the two MoS begins with the accountability quotient of the Autonomous Council (Clause 2.1) and it is followed by change of nomenclature (Clause 2.2). According to Clause 2.2 of the Memorandum of Settlement with UPDS, the existing Karbi Anglong Autonomous Council will be changed to Karbi Anglong Autonomous Territorial Council. But will this 'territorial' tag help to meet the popular aspiration for greater autonomy? There is no question of boundary demarcation in this respect since the boundary of the Council will be same like the one for the existing Karbi Anglong district. Same is the condition with the MoS with DHD that provides greater autonomy. Again, Clause 2.4 states that number of seats in KAATC will be increased from 30 to 50 and it is applicable from elections due in 2016-17. The Clause

2.4 of the Agreement with DHD also mentions about increasing the number of members as well as its applicability in the election due in 2017. Ironically, it is silent about the number of seats or how many seats will be increased.

The Agreements do not contain anything from the Article 244A in Part X of the Constitution which provides for the “formation of an Autonomous State comprising certain tribal areas in Assam and creation of local legislature and Council of Ministers or both”. In the Constitution (Twenty second amendment), 1969, it is stated that the “Parliament may, by law, form within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule and create therefore- (a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or (b) a Council of Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law.” However, the Agreements specify the formation of a Committee under Article 371B of the Constitution in the Assam Legislative Assembly to whom the Autonomous Councils have to submit their Annual Reports and Audited Annual Accounts of the preceding year together with the observations and action taken by the Councils on the comments of the Audit. Article 371B is meant for accountability of the Autonomous Councils and institutional coordination between the State Assembly and the Autonomous Councils. While both Article 371B and Article 244A are result of the Twenty Second Amendment of the Constitution, it is somewhat contentious that the Agreements are silent about Article 244A.

The former General Secretary of UPDS Haren Sing Bey said that any steps towards the accord implementation can be initiated only after the Parliament passes the Bill to facilitate the extension of the Panchayati Raj system to these 6th Schedule areas⁷⁵. Moreover, the additional subjects in the Accord can come only through the amendment of the 6th Schedule. The Assam Government could have transferred the additional departments to the Council even without the amendment to the Sixth Schedule but did not take such steps. So when the UPDS leadership considered the

⁷⁵ Interview with the scholar on 12 August 2016

‘handling of the UPDS case a failure’ and alleged the State government for ‘wilfully refusing to honour the solemn commitment made by the Union Home Minister regarding ‘neutral administration’ till the polls and a level-playing field during the elections, the point needs to be taken seriously.⁷⁶ This goes to prove the lack of political will and want of clarity in actually resolving the issue.

Following the UPDS Accord, a committee headed by the Joint Secretary (Northeast) in the Ministry of Home Affairs was supposed to have been automatically formed to carry out the implementation of the Agreement. But that did not happen immediately. This Implementation Monitoring Committee, apart from the JS (NE) in the MHA, includes representative from the State government and the Autonomous Council. Except some Review Meetings, no progress has been made so far. Besides, the non-passing of the Bill for Panchayati Raj system in the 6th Schedule area has stood as a stumbling block to any further progress.

The governments’ strategy to await agreement with more rebel groups to take up Constitutional amendments is resulting in the delay in the implementation of the different provisions on the peace agreements already signed. “There was no condition in the MoS that our settlement is dependent on how negotiations with other groups progress,” said Wojaru Mukrang, former UPDS member and the only elected member of the Karbi Anglong Autonomous Council.⁷⁷ However, though the UPDS Accord in 2011 was closely followed by the DHD Accord in 2012, implementation of both the accords is negligible.

After nearly one year of signing the Agreement with UPDS, the Government signed the tripartite agreement with the two factions of the Dima Halom Daogah (DHD) — DHD (Nunisa) and DHD (Jewel) in October 2012 paving the way for the creation of the Dima Hasao Autonomous Territorial Council, a new name for the existing Dima Hasao Autonomous Council. If the Accord unites the two factions of DHD, it has missed a third factor that has a major stake in maintaining peace in the hill district—

⁷⁶ <https://karbinetwork.wordpress.com> (online access on 14 August 2016)

⁷⁷ http://www.telegraphindia.com/1120425/jsp/northeast/story_15412867.jsp#.V67O4fl97IU (online access on 14 August 2016)

the non-Dimasa tribal groups, which mainly include Nagas, Kukis and Hmars.⁷⁸ The district experienced several bloody ethnic clashes between the various tribal groups in the past. Again, to say that the accord united the two factions of the DHD too is questionable. We have noticed that the Council elections that followed the signing of the Accord were contested by the two factions separately, without forming any political party by the two. The results of the elections have been discouraging for them for such reasons.

3.5 Conclusion

An analysis of the process of the four peace accords and their implementation so far reveals that a lack of inclusive policy in addressing the aspiration induced rebel outfits and absence of a holistic approach to solve the root causes of insurgency are the primary factors for the failure of the state to bring a peaceful and lasting solution to the insurgency problem in the region. Thus, for example, the government signed the BTC Accord with the militant outfit called Bodo Liberation Tigers in 2003, a time when the NDFB insurgents were very active and were involved in large-scale violence in the Bodo areas to propagate their demands. So, even if it appeared that Bodo insurgency would calm down with signing of a peace accord with the BLT, the reality was different. Since the NDFB was already there wrecking havoc, security forces continued to stay on and the area could not be de-militarised.

Secondly, study of the various clauses of the agreements discloses that in many cases, feasibility of the implementation of the provisions has not been taken into account. While both the Bodo accords faced major problem with the provision of boundary demarcation, the UPDS and the DHD accords are yet to be legalised since the Sixth Schedule amendment bills are yet to be passed by the Parliament.

Moreover, there are issues related to drafting of the accords too. These four accords did not include certain crucial provisions of peace accord, such as detailed implementation timeline, human rights, inter-ethnic relations council, dispute resolution committee, commission to address damage and loss, participation of civil

⁷⁸ <http://www.virthli.in/2012/10/dima-halom-daogah-factions-set-to-fight.html> (online access on 14 August 2016)

society groups as witness signatories, representation and participation of woman, etc. Provided these provisions were present in the accords and were implemented, the success of the accords would have been remarkable. No visible development has occurred regarding the accords signed for the two hill districts of Assam. Furthermore, harping on the stalemate of the accords, restive radical elements have already threatened to start new uprisings.

It seems that the government has adopted granting of autonomous councils as a solution to end decades old violent conflicts. No doubt, the accords promise development in the two hill districts, but they are not designed to give exclusive concessions to the signatory militant groups, something which was present in the Bodo accords. An important point to be considered by the government is that militant leaders should not be made exclusive negotiators in a peace process. Civil society leaders too should be considered representatives of the people and need to be involved in discussions. The political unrest will continue as long as the government tries to please one group or community at the cost of others. If the mechanism of the territorial councils has empowered the signatory rebel leaders by helping them enter party politics and saved faces of stakeholders in the government, they can also serve as breeding ground for fresh rebellion (Kolas, 2012).

Decentralisation of governance has been used world-wide as a tool to address ethno-political conflict concentrating on a particular territory. Although decentralisation has been applied in many conflict theatres of the world as an instrument of conflict transformation, many of such cases were not successful. However, what needs to be emphasised is, how decentralisation is going to build sustainable peace in the concerned territory. The methods of implementation of the mechanism and the conditions under which the decentralised institutions are allowed to function must take the centre stage of attention, which will make the actual difference. The government should also factorise potential spoilers while designing the agreement and its implementation mechanism.