

Memorandum of Settlement

1.1. The Government of India and the Government of Assam have been making persistent efforts to fulfill the legitimate aspirations of the people of Karbi Anglong regarding all-round development including preservation and promotion of their cultural identity and language, while concomitantly facilitating devolution of the developmental process to bring the fruits of education and economic development to the people. A number of initiatives both at the Government level and in collaboration with the concerned communities have been started from time to time with this objective.

1.2. 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 grass roots level in Karbi Anglong while ensuring increased capacity building for developmental activities at all levels.

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.

POLITICAL

2.1. A Committee, as envisaged in the Art.371B of the Constitution, in ^{state Govt} the Assam Legislative Assembly will be constituted to deal with the matters relating to the 6th Schedule Councils. The 6th Schedule Councils

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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.

✓ 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). 10/11
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✓ 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 law. State
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2.4. The proposed KAATC will have 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 6 to be nominated by the Governor of Assam. (Increase in seats shall be applicable from subsequent elections due in the year 2016-17 or mid term poll, if any, whichever is earlier). 10/11
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2.5. The responsibility of conducting elections to the KAATC will be entrusted to the State Election Commission. State
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✓ 2.6. Additional subjects, as listed below, will be transferred to the Council under para 3A of the 6th 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: 10/11
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1. Animal Husbandry & Veterinary. Preservation, Protection and improvement of stock and prevention of animal diseases; veterinary training and practice; and Cattle Pounds.
2. Forest (other than reserved forest)
3. P.W.D.
4. Sericulture
5. Education:
- (a) Primary & Secondary Education.
 - (b) Higher Secondary including vocational training.
 - (c) Adult Education.
 - (d) College Education (General)
6. Cultural Affairs.
7. Soil Conservation.
8. Co-operation.
9. Fisheries.
10. Panchayat and Rural Development including DRDA.
11. Handloom & Textile.
12. Health & Family Welfare. Public Health and Sanitation, hospitals and dispensaries.
13. Public Health Engineering, Water supply and Water Storage. Water power upto 5 Mega Watt , subject to the provisions of entry 56 of List I of the Seventh Schedule
14. Irrigation & Minor Irrigation, Canals, drainage and embankments.
15. Social Welfare
16. Sports & Youth Welfare.

17. Weight & Measure, subject to provisions of entry 50 of list I of the seventh schedule.
18. Food & Civil Supplies.
19. Agriculture, including agricultural education & research, protection against pest & prevention of plant disease.
20. Publicity and Public Relation.
21. Printing & Stationery.
22. Tourism.
23. Urban Development- Town and Country Planning.
24. Tribal Research Institute, controlled and financed by the State Government.
25. Land & Revenue, Land Reforms.
26. Planning & Development.
27. Municipal Corporation, Improvement Trust, District Boards and other local authorities.
28. Welfare of Hill Tribes.
29. Markets and fairs.
30. Lotteries, subject to provisions of entry 40 of list I of the Seventh Schedule.
31. Statistics.
32. Intoxicating liquors, opium and derivatives, subject to provisions of entry 84 of list I of seventh Schedule.
33. Labour and employment.
34. Registration of Births and Deaths.

35. Industries, subject to the provisions of entries 7 and 52 of list I of Seventh Schedule. Small, Cottage & rural Industry. Trade and Commerce in, and the production, supply and distribution of Foodstuffs, Cattle fodder, raw cotton and raw jute.
- ✓ 36. Transport (roads, bridges, ferries and other means of communication not specified in List I, Municipal tramways, ropeways, inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles)
37. Flood control for protection of villages, paddy fields, markets, town etc. (not of technical nature).
38. Theatres and dramatic performances, entertainment and amusement. cinemas subject to the provisions of entry 60 of list I.
39. Libraries (Library services) museums and other similar institutions controlled or financed by the state, ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance.

2.7. Development functions and functionaries in respect of transferred subjects shall also be transferred to the KAATC.

3. KAATC

3.1. The Chief and the Deputy Chief of the KAATC shall have the status equivalent to the Cabinet Minister and the other executive council members equivalent to the 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.

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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.

State Govt
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 Government of Assam. However, the posts, where recruitment is made on the recommendation of APSC shall not be covered under this provision. Vacancies in Class II and Class 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 post shall be created by KAATC without concurrence of the Government of Assam.

State Govt
KAATC

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.

State Govt
KAATC

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.

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3.6. The KAATC authority 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

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ensure adequate representation for all communities living within its jurisdiction.

4. ORGANISATION RELATED

4.1. The UPDS shall dissolve itself as an organization 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.

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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 cases shall be limited to the provisions of the relevant scheme prepared and funded by the Government of India. Vocational classes will be organized in the designated camps for the surrendered cadres of the UPDS. Special psychological counseling and career guidance classes will also be organized 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.

State Govt

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

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feasible, steps for withdrawal of such cases will be initiated by the State Government.

5. DEVELOPMENT

5.1. Concerted 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 including medical education. An Engineering College and a Medical College will be established in Karbi Anglong.

HRD(G)

State Govt.

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 the Govt. of Assam, as the case may be. Additional funds if necessary will be provided by the Govt. of India for this purpose on project basis.

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M/o Health

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 Health care and education including professional and higher technical education to achieve the potential of Karbi Anglong emerging as a regional Health care and educational hub. Steps for necessary empowerment of the KAATC to initiate and formulate projects reports will be taken by the Government.

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5.4. The existing campus of Assam University (established by an Act of Parliament) at Diphu, needs' up-gradation by way of additional infrastructure and faculties to meet academic needs. It is also noted that the strengthening of the college and secondary/primary education

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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 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.

6. INSTITUTIONAL CHANGES

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.

MoS
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6.2. Appropriate amendments will be proposed in 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.

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6.3. An effective procedure to release funds (coming from both State and the Central Governments) to the KAATC will be put in place to ensure their utilization for the intended purpose without diversion or delay.

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6.4. A committee comprising representatives of the State Government and the Council may monitor and review the regular release of scheme

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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. MoF
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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-utilization /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. State

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 allocations and sharing of tax proceeds between the State Government and 6th 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. State
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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 Councils) 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 KAATC and other 6th Scheduled Councils. It is agreed to complete the revision within a year.

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7. FINANCE & PLANNING

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 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.

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7.2. The Ministry of Home Affairs shall co-ordinate 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 Crores will be made available as one time grant for the purpose.

MIDDM
MHA

8.1. Steps will be taken for protection of language and culture of Karbi people and also for preservation of historical monuments and heritage sites like Ronghang Rongbong. It is agreed in principle to set up a

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Cultural centre at Taralungso 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.

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.

FOREST
8.3. The State Government and the Ministry of Environment and Forest will make an assessment of potential for 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.

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).

✓ 8.5. The demand for exempting Scheduled Tribes (Hills) candidates from Karbi Anglong from 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.

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8.6. The demand for inclusion of Karbi language in the VIIIth 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.

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9. ADDITIONAL ECONOMIC PACKAGE

9.1 The Government will initiate steps for undertaking a feasibility study of a direct road link between Diphu and Umpanai (both in Karbi Anglong) as a high way 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.

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Planning
Comms
MoF

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 for 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 & Renewable Energy (MNRE) which will consider special projects for this purpose in the KAATC area.

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9.3 Council will submit projects for water supply to Diphu and other notified towns in Karbi Anglong which will be considered expeditiously for implementation.

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✓ 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.

✓ 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. 21

10. MONITORING

10.1 A Committee under the Chairmanship of the Joint Secretary (NE), MHA, Government of India will review every 6 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 Govt. 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. 2

10.2 The Monitoring Committee shall associate representatives from other ministries/departments as and when necessary. The term of the


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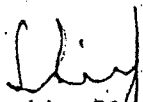
Monitoring unit will be co-terminus with the implementation period of the Memorandum of Settlement.

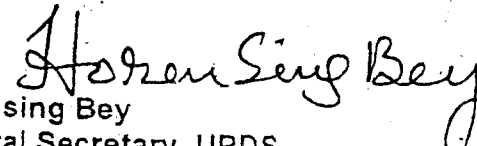
10.3 The Committee will send a report to the Union Home Secretary who, on receipt of the report, may communicate the same with appropriate advice to the State Government.

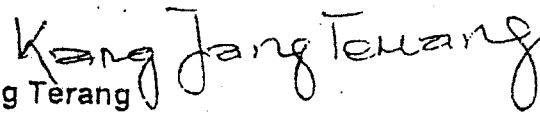
MHA



Mohon Timung
Chairman
United People's
Democratic Solidarity



Vishnu Barua
Commissioner & Secy.
Home Department
Government of Assam


Shambhu Singh
Joint Secretary
Ministry of Home Affairs
Government of India


Horen Sing Bey
General Secretary, UPDS


Kang Jang Terang
Joint Secretary, UPDS


Surja Rongphar
Joint Secretary, UPDS


Anil Teron
C-in-C, UPDS

Signed on 25th November, 2011 in the presence of Sh. P. Chidambaram
Hon'ble Union Home Minister and Sh. Tarun Gogoi, Hon'ble Chief Minister of
Assam.