

**MEMORANDUM
OF
UNDERSTANDING**

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1. Representative Organisations of Karbi Anglong and North Cachar Hills Districts, which are governed under the aegis of the Sixth Schedule to the Constitution, have been feeling dissatisfied with the quantum of autonomy available under the said Schedule. Resultantly, there has been a demand for constituting an Autonomous State within Assam under Article 244-A of the Constitution comprising the two districts.
2. Keeping in view the strong commitment of the Central Government, the Government of Assam and Organisations signatory to this MoU, to uphold the integrity of the State of Assam and not to take recourse to any further reorganization and division of the State, efforts continued in direction of finding a solutions within the framework of the Sixth Schedule of the Constitution.
3. Following initiation of a dialogue by Chief Minister, Assam in January 1992 with the leaders of the Hill Tribals, a series discussions have been held by the Union Home Minister. The following understanding has been reached :-
 - (i) The Autonomous District Councils of Karbi Anglong and the North Cachar Hills District will be renamed as

KARBI ANGLONG AUTONOMOUS COUNCIL AND THE
NORTH CACHAR HILLS AUTONOMOUS COUNCIL;

- (ii) The jurisdiction of the two Councils for the exercise of executive powers will extend to the subjects/departments listed in Annexure-I. A resolution to this effect will also be passed by the State Legislature. To the above extend, the executive powers of the State will stand delegated to the above Councils;
- (iii) The State Government will, before the beginning of the financial year, give an indication to the Councils of the overall financial allocations for them. The Councils will, thereafter, prepare and pass their own budget and forward it to the State Government for being included in the overall State budget. Ordinarily, no change will be made in the budget as proposed by the Councils. However, if for any reasons it becomes necessary to do so, the Councils would be consulted and would be explained the reasons for change;
- (iv) Action will be urgently initiated for amendment of Para (1) of the Sixth Schedule for transferring legislative powers to the Councils in respect of the following subjects, in addition to powers already available to them under the Sixth Schedule;
 - (a) Industries, subject to the provisions of entries 7 and 52 of List I of Seventh Schedule;

- (b) Communications, that is to say roads, bridges, ferries and other means of communication not specified in List I: municipal tramways, ropeways, inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles;
- (c) Preservation, Protection and improvement of stock and prevention of animal diseases; veterinary training and practice; and Cattle Pounds;
- (d) Primary and Secondary Education;
- (e) Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases;
- (f) Fisheries;
- (g) Water, that is to say water supplied, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I;
- (h) Social security and social insurance, employment and unemployment;

- (i) Flood control schemes for protection of villages, paddy fields, markets, town etc. (not of technical nature);
- (j) Theaters and dramatic performances, cinemas subject to the provisions of entry 60 of List I; Sports, entertainments and amusements;
- (k) Public Health and sanitation, hospitals and dispensaries;
- (l) Minor irrigation;
- (m) Trade and Commerce in, and the production, supply and distribution of Foodstuffs, Cattle-fodder, raw cotton and raw jute; and
- (n) Libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national important.

Additional, the feasibility of inclusion of “alienation of land” in Clause (a) of Sub-para (I) of para 3 of the Sixth Schedule will be examined.

The laws relating to List III of the Seventh Schedule of the Constitution enacted by the Councils shall be reserved for consideration and approval of the President.

- (v) Action will be initiated for necessary amendment of the Sixth Schedule to provide for exercise of discretionary powers by the Governor of Assam in respect of matters specifically indicated or entrusted to the Councils in the manner provided for the paragraph 20-BB of the Sixth Schedule of the Constitution. However, the present formulation in paragraph 20-BB may be modified to provide that in addition to the Council of Ministers, the Governor shall consult the District Council by omitting the words “and if he thinks it necessary”. Additional provisions viz. paragraph 2 (6), 2 (6A) excluding the first proviso thereunder, 8 (4) and 10 (3) may also be brought within the purview of para 20-BB.
- (vi) Para 14 (2) of the Sixth Schedule be modified by omitting the words “with the recommendations of the Governor with respect thereto”.
- (vii) The State Government would propose to the Central Government to examine the feasibility of bringing paragraphs 4 (3), 4 (5), 12 (I) (b) and 17 of the Sixth Schedule within the purview of paragraph 20-BB.

- (viii) While law and order will continue to be the responsibility of the State Government, it would, however, evolve a mechanism for consultation with the C.E.M. of the Council concerned regarding the posting of senior Police and law and order Officers i.e. the Superintendent of Police and below the Deputy Commissioner and below in the area of the Councils. Similarly, the State Government will also evolve a mechanism for associating the C.E.M. of the Council concerned in the performance appraisal/recording of Confidential Report in respect of the above-mentioned Officers in accordance with the procedure being followed by the State Government.
- (ix) In the finalisation of the Annual Plan, for the discussions with the Planning Commission, Officers of the Councils would be included in the State delegation.
- (x) The feasibility of separately mentioning the funds meant for the areas of the Councils in the releases made by the Union Government and the modalities for the same will be examined urgently.
- (xi) A suitable mechanism will be evolved to monitor the adequacy and promptitude in release to the Councils by the State Government of funds meant for the Councils.

Signed at New Delhi, on April 1, 1995, by

Sd/-

(DHOROM SING TERON)
CHAIRMAN, ASDC

Sd/-

(ROBINDRA RONGPI)
PRESIDENT,
KARBI STUDENTS' ASSOCIATION (KSA)

Sd/-

(PRAKANTO WARISA)
PRESIDENT,
NORTH CACHAR HILLS STUDENT'S FEDERATION (NCHSF)

Sd/-

(JOITHON LONGMAILAI),
PRESIDENT,
DIMASA STUDENT'S UNION (DSU)

Sd/-

(HOLIRAM TERANG)
SPOKESMAN, ASDC

Sd/-
(JAYANTA RONGPI)
SPOKESMAN, ASDC

Sd/-

(HITESHSWAR SAIKIA)

CHIEF MINISTER OF ASSAM

In the Presence of

(SHRI S. B. CHAVAN)
HON'BLE UNION HOME MINISTER.

ANNEXURE - I

DEPARTMENT FOR ENTRUSTMENT TO THE N.C.

HILLS & KARBI ANGLONG AUTONOMOUS DISTRICT

COUNCILS UNDER PARA 5 (2) OF SIXTH SCHEDULE

TO THE CONSTITUTION OF INDIA

1. Industry.
2. Animal Husbandry & Veterinary.
3. Forest.
4. Agriculture.
5. P.W.D.
6. Sericulture.
7. Education :
 (A) Primary Education upto level of
 Higher Secondary Education.
 (B) Adult Education.
8. Cultural Affairs.
9. Soil Conservation.
10. Co-operation.

11. Fisheries.
12. Panchayat and Rural Development including DRDA.
13. Handloom & Textile.
14. Health & Family Welfare.
15. Public Health Engineering.
16. Irrigation.
17. Social Welfare.
18. Flood Control Department.
19. Sports & Youth Welfare.
20. Weight & Measure.
21. Food & Civil Supplies.
22. Town & Country Planning.
23. College Education (General), including Library Services,
District Museum & Archeology.
24. Land Reforms.
25. Publicity/Public Relation.
26. Printing & Stationery.
27. Tourism.
28. Transport.
29. Excise.
30. Finance including Sales Tax on purchase of good other than
Newspapers, Excise, Professional Tax.