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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 Dima Hasao 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 both the factions of the Dima Haram 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 grass roots level in Dima Hasao while ensuring increased capacity building for developmental activities at all levels.

1.3. The representatives of the DHD 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 the Assam Legislative Assembly will be constituted to deal with the matters relating to the 6th Schedule Council in Dima Hasao District. The 6th Schedule Councils will submit their Annual Report once a year to the

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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 North Cachar Hills Autonomous Council (NCHAC) will be renamed as the Dima Hasao Autonomous Territorial Council (DHATC). | 2

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. | 3

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 2017 or mid term poll, if any)." // 4

2.5. The responsibility of conducting elections to the DHATC will be entrusted to the State Election Commission. | 5

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: | 6

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)

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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.

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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.

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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 DHATC. 7

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, etc. (to be decided by the State Government) living outside the present Dima Hasao District. 8 WPT
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3. DHATC

3.1. The Chief and the Deputy Chief of the DHATC 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 DHATC. 9
Similarly, the Speaker and Deputy Speaker 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. WPT

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Personnel.
Officer
Admin.

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.

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 the Governor 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, 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.

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3.4. The State Government will encadre posts of Grade I and Grade II under the DHATC expeditiously and streamline the process of filling the vacancies under the DHATC.

3.5. The DHATC authority may constitute a Selection Board for appointments to be made by it and may also make rules, with the

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approval of the Governor of Assam to regulate appointments and to ensure adequate representation for all communities living within its jurisdiction.

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Personnel.

4. ORGANISATION RELATED

✓ 4.1. The DHD and DHD/J shall dissolve themselves as organizations 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. 11

✓ 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 organized in the designated camps for the surrendered cadres of the DHD and DHD/J groups. 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. 12

✓ 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 crimes shall be reviewed case by case according to the existing policy on the subject and, wherever feasible, steps for withdrawal of such 13

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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.

5. DEVELOPMENT

5.1. Concerted efforts 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. 14

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. 15 H&FW

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 Health care and education including professional and higher technical education to achieve the potential of Dima Hasao emerging as a regional Health care and educational hub. Steps for necessary empowerment of the DHATC to initiate and formulate projects reports will be taken by the Government. 16

5.4. It is noted that the strengthening of the college and secondary/primary education infrastructure 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 17

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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. 17

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.

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

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. HAD.

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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.

6.6 The Government of India will sympathetically examine the possibility of introducing a regular Helicopter service linking Halflong-18 Silchar-Guwahati which can be availed of by people on payment.

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-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.

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 6th 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.

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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 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 DHATC and other 6th Scheduled Councils. It is agreed to complete the revision within a year.

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.

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 Crore will be made available as one time grant for the purpose.

7.3. The State Government would provide an amount, to be decided every year on population ratio basis, as grants-in-aid in two equal installments to the DHATC for executing development works. The

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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. 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.

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 Archeological department of the Government of Assam and the Archeological 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 Govt. for approval and sanction of project funds.

8.2. The Archeological department of the Govt. of Assam and the Archeological Survey of India will undertake a survey of other heritage sites relating to non-Dimasa indigenous people within the jurisdiction of the Council to formulate projects for their preservation and maintenance.

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

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funds to the DHATC 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 Dimasa Bhawan in Delhi. For this purpose, the Council will apply for a plot to the Delhi Development Authority (DDA).

8.5. The demand for inclusion of Dimasa 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 and approved by the Government.

9. ADDITIONAL ECONOMIC PACKAGE

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 & Renewable Energy (MNRE) which will consider special projects for this purpose in the DHATC area. 21

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. 22

9.3 A special economic package of Rs.200 Crore (Rs. 40 Crore per annum) over and above the Plan fund over the next five years will be 23

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provided to the DHATC to undertake special projects that will 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.

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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.

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 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.

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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.

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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.

Joel Gorlosa
08-10-2012.
Joel Gorlosa
Chairman
Dima Haram Daogah (J)

Dilip Nunisa
Dilip Nunisa
Chairman
Dima Haram Daogah, (DHD)

Niranjan Hojai
Niranjan Hojai
Commander in Chief,
DHD (J)

Yathong Dimasa
Yathong Dimasa
General Secretary, DHD

Debolal Gorlosa
Debolal Gorlosa
Deputy Commander in Chief,
DHD (J)

Pronob Nunisa
Pronob Nunisa
Commander in Chief, DHD

Subrata Thaosan
2-10-12
Subrata Thaosan
Vice Chairman, DHD (J)

Rajesh Naiding
Rajesh Naiding
Assistant General Secy., DHD

Devojit Bathari
8-10-12
Devojit Bathari
Secretary, DHD (J)

Ronslin Dimasa
8/10/12
Ronslin Dimasa
Org. Secy, DHD

Athan Hapila
08/10/12
Athan Hapila
Zone Commander, DHD (J)

M C Langthasa
M C Langthasa
PRO, DHD

Sailesh
Sailesh
Principal Secretary
Home Department
Government of Assam

Shambhu Singh
Shambhu Singh
Joint Secretary
Ministry of Home Affairs
Government of India

Signed on 8th October, 2012 at New Delhi in the presence of Sh. Sushil Kumar Shinde Hon'ble Union Home Minister and Sh. Tarun Gogoi, Hon'ble Chief Minister of Assam.

Illustrative list of Construction/Improvement of Roads & Bridges:

1. Khepre – Sonapur – Langaobra Via Langao Hajong.
2. Langaobra – Wajao.
3. Langting – Geroso Village.
4. Hatikhali – Langflang Via Bilaipur – Wadrengdisa.
5. Hatikhali – Munokol Khelma village.
6. Hatikhali – Wafudisa via Dilaothai.
7. (a) Gunjung – Maibang.
(b) Improvement of HPC Road in Dihangi area.
(c) Construction of 3 (three) meyor Bridge from Dihangi to Harangajao Via – Thindol, Dilaima River, Panapur river, Dere River.
8. Gonjung – Dihangi Road – Khalanala via Thaisaling Hawar Arda village.
9. Dehangi – Umrangso Rd – Old Songbar via Dimikhri – Diphongena – Di Maino – Thingdol Beite Village.
10. Lower Bagetar Via Boro Janam – Harangajao.
11. Haflong Jorai Rd – Borjenam – Nabdi Daolaguphu via Sangferdisa.
12. Ditakcherra via Kayung Valley – Noonsuri – Bihara Bazar.
13. Semkhor – Maibang Rd –Asalu via Diduki Dibaola.
14. Diyung – Lanka Rd – Garampani Lanka Rd. via Khlemfu Hafila.
15. Diyungbra Block Bazar – Berelang village via Haja Wari.
16. Block Bazar – Ferakangbo via Phonglo Disa.
17. Semkhor – KK Rd. via Drun Didambra – Nablai Disa.
18. KK Rd. Nabdi Langting – Longflang Via Drangbra Longren.
19. Thana Lambra – Dimaino via Dobongling – RCE Bridge Diyungbra.
20. Thana Lambra – Kalachand via Amlongbra Nawaidisa – Hagab – Motibra.
21. Gonjung – Hagab via Naben village.
22. Didambra – Gdingpur Maibang via Hadingma – Dukhaling.
23. Langting – Thaiju Wari via Thaiplungling Geroso.
24. Hatikhali – Thaiju Wari via Dikhlem Daofer.
25. Manderdisa – Maniyung Hadi.
26. Radaodisa – Mesebdisa RCC Bridge.

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- 27. Purna Leikul – Bongkai via Semkhor – Khangjol – Molkon – Thingvom – Mongjang.
- 28. Maibang – Khepre – Thongikro.
- 29. Mahur – Laisong – Hangrum - Hajaichok .
- 30. Mahur – Ainacherra – Khaspur – Vongjola – Khangnam – Lodi Kachari – Lodi Kuki.
- 31. Mahur – Laisong – Haflong – N. Leikul.
- 32. Bagetar – Songbar – Mongon – Thuruk – Khobak.
- 33. Dittakcherra Bazaar – Kaeng Phai via Lalzar.
- 34. P. Leikul NEC – Tumjeng.
- 35. Diyungbra – Harmudisa.
- 36. Digandu – Bato Haja.
- 37. Rangerbil (Dismao) – Simbao.
- 38. Railing Hadi – Natun Gera village.
- 39. Diyungbra PWD – Baraima – Washaikhong – ND Rd.
- 40. Block Bazar – Khlempu Hafila- Daodip Disa.
- 41. Road Connectivity between the villages with dist. Hd. Qtrs. 1. Zion 2. Bethel, 3. Kashipur , 4. Lungkhok, 5. A Robbi, 6. Boro Robbi, 7. Routilla, 8. Bouljol, 9. Paija, 10. Buangkung, 11. Chaptuk, 12. Tangpui
- 42. P Fulbul NEC Rd. to Tumjang Village.
- 43. Road Connectivity for the village- Buolmuol, Hmunthazao, D. Huonveng, Simtuiluong, Hmarthangmawi, Tlangsang, Aivaphai, Phaiphak, Zoar, P. Hnachangzawi, Thingbung, T. Muolkoi, Vongzawl, Hnachngzawl, Tattephai, Phaipui, Boro Leikek, Jinam, Khuongluong, Patherkot
- 44. Rural Electrification for the above mentioned villages.

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