

INDIA - MIZORAM ACCORD

The following is the unedited text of the memorandum of settlement of the Mizo question, signed on June 30 between Mr. Laldenga (Mizo National Front), Mr. R.D. Pradhan (the then home secretary, government of India) and Mr. Lalkhama (chief secretary, government of Mizoram):

Preamble: 1. Government of India have all along been making earnest efforts to bring about an end to the disturbed conditions in Mizoram and to restore peace and harmony.

2. Towards this end, initiative was taken by the late Prime Minister, Smt Indira Gandhi. On the acceptance by Shri Laldenga on behalf of the Mizo National Front (MNF) of the two conditions, namely cessation of violence by MNF and holding of talks within the framework of the Constitution of India, a series of discussions were held with Shri Laldenga. Settlement on various issues reached during the course of the talks is incorporated in the following paragraphs.

3.2 The MNF Party will take immediate steps to amend its Articles of Association so as to make them conform to the provision of law.

3.3 The Central government will take steps for the resettlement and rehabilitation of underground MNF personnel coming overground after considering the schemes proposed in this regard by the government of Mizoram.

3.4 The MNF undertakes not to extend any support to Tripura/Tribal National Volunteers (TNV), People's Liberation Army of Manipur (PLA) and any other such groups, by way of training, supply of arms or providing protection or in any other manner.

Legal administrative and other steps:

4.1 With a view to satisfying the desires and aspirations of all sections of the people of Mizoram, the government will initiate measures to confer Statehood on the Union Territory of Mizoram, subject to the other stipulations contained in this Memorandum of Settlement.

4.2 To give effect to the above, the necessary legislative and administrative measures will be undertaken, including those for the enactment of Bills for the amendment of the Constitution and other laws for the conferment of Statehood as aforesaid, to come into effect on a date to be notified by the Central government.

4.3 The amendments aforesaid shall provide, among other things, for the following

1) The territory of Mizoram shall consist of the territory specified in Section 6 of the North Eastern Areas (Reorganisation) Act, 1971.

11) Notwithstanding anything contained in the Constitution, no Act of Parliament in respect of -

- a) religious or social practices of the Mizos,
- b) Mizo customary law or procedure,
- c) administration of Civil and Criminal justice involving decisions according to Mizo customary law,
- d) ownership and transfer of land,

shall apply to the State of Mizoram unless the Legislative Assembly of Mizoram by a resolution so decides:

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Provided that nothing in this clause shall apply to any Central Act in force in Mizoram immediately before the appointed day.

111) Article 170, Clause (1) shall, in relation to the Legislative Assembly of Mizoram, have effect as if for the word 'sixty' the word 'forty' has been substituted.

5. Soon after the Bill for conferment of Statehood becomes law, and when the President is satisfied that normalcy has returned and that conditions conducive to the holding of free and fair elections exist, the process of holding elections exist, the process of holding elections to the Legislative Assembly will be initiated.

6 a) The Centre will transfer resources to the new government keeping in view the change in status from a Union Territory to a State and this will include resources to cover the revenue gap for the year.

b) Central assistance for Plan will be fixed taking note of any residuary gap in resources so as to sustain the approved Plan outlay and the pattern of assistance will be as in the case of special category states.

7. Border trade in locally produced or grown agricultural commodities could be allowed under a scheme to be formulated by the Central government, subject to international arrangements with neighbouring countries.

8 The Inner Line Regulations, as now in force in Mizoram, will not be amended or repealed without consulting the state government.

Other matters: 9. The rights and privileges of the minorities in Mizoram as envisaged in the Constitution, shall continue to be preserved and protected and their social and economic advancement shall be ensured.

10. Steps will be taken by the government of Mizoram at the earliest to review and codify the existing customs, practices, laws or other usages relating to the matters specified in clauses (a) to (d) or para 4.3 (II) of the Memorandum, keeping in view that an individual Mizo may prefer to be governed by Acts of Parliament dealing with such matters and which are of general application.

11 The question of the unification of Mizo inhabited areas of other States to form one administrative unit was raised by the MNF delegation. It was pointed out to them, on behalf of the government of India, that Article 3 of the Constitution of India prescribes the procedure in this regard but that the government cannot make any commitment in this respect.

12 It was also pointed out on behalf of the Government that as soon as Mizoram becomes a state,

i) the provisions of Part XVII of the Constitution will apply and the state will be at liberty to adopt any one or more of the languages in use in the state as the language to be used for all or any of the official purposes of the state;

(ii) it is open to the state to move for the establishment of a separate University in the state in accordance with the prescribed procedure:

(iii) in the light of the Prime Minister's statement at the Joint Conference of the Chief Justices, Chief Ministers and Law Ministers held at New Delhi on 31 August 1985, Mizoram will be entitled to have a High Court of its own, if it so wishes

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13. a) It was noted that there is already a scheme in force for payment of ex-gratia amount to heirs/dependants of persons who were killed during disturbances in 1966 and thereafter in the Union Territory of Mizoram. Arrangements will be made to expeditiously disburse payment to those eligible persons who had already applied but who had not been made such payments so far.

b) It was noted that consequent on verification done by a joint team of officers, the government of India had already made arrangements for payment of compensation in respect of damage to crops; buildings destroyed/damaged during the action in Mizoram; and rental charges of buildings and lands occupied by the Security Forces. There may, however, be some claims which were preferred and verified by the above team but have not yet been settled. These pending claims will be settled expeditiously. Arrangements will also be made for payment of pending claims of rental charges for lands/buildings occupied by the Security Forces.