

Memorandum of Settlement (Mizoram Accord)

New Delhi, 30 June 1986

Preamble

Government of India have all along been making earnest effort to bring about an end to the disturbed condition in Mizoram and to restore peace and harmony.

Toward 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 to hold talks within the framework of the Constitution. A series of discussions were held with Shri Laldenga. Settlement on various issues reached during the course of talks is incorporated in the following paragraphs.

Restorations of Normalcy

With a view to restoring peace and normalcy in Mizoram, the MNF Party, in their part undertake within the agreed time-frame, to bring out all underground personnel of the MNF with their arms, ammunitions, and equipments, to ensure their return to civil life, to abjure violence and generally to help in the process of restoration of normalcy. The modalities of bringing out all underground personnel and the deposit of arms, ammunitions and equipments will be as worked out. The implementation of the foregoing will be under the supervision of the Central Government.

The MNF party will take immediate steps to amend its articles of Association so as to make them conform to the provision of Law.

The Central Government will take steps for the settlement and rehabilitation of underground after considering the scheme proposed in this regard by the Government of Mizoram.

The MNF will not undertake to extend any support to the Tripura National Volunteer (TNV), Peoples' Liberation Army of Manipur (PLA) and any other such group by way of training, supply of arms or providing protection or in any other matters.

Legal Administrative and Other Steps

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 stipulation contained in this Memorandum of Settlement.

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.

The amendment aforesaid shall provide, among other things, for the following:

- I. The territory of Mizoram shall consist of the territory specified in Section 6 of the North Eastern Areas (Reorganization) Act, 1971.
- II. Notwithstanding anything contained in the Constitution, no act of Parliament in respect of (a) Religion 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.

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

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

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

The centre will transfer resource to the new Government keeping in view the change in Status from a Union Territory to a State and will include resources to cover the revenue gap for the year.

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 State.

Border trade in local produced or grown agriculture commodities could be allowed under a scheme to be formulated by the Central Government, subject to international arrangement with neighboring Countries.

The Inner line Regulation, as now in force in Mizoram, will not be amended or repealed without consulting the State Government.

Other Matters

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.

Steps will be taken by the Government of Mizoram at the earliest to review and codify the existing customs, practices, law or other usages relating to the matters specified in Clauses (a) to (b) of 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.

The question of 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 describes the

procedure in this regard but that the Government cannot make any commitment in this respect.

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 Provision of the Constitution will apply and the State will be liberty to adopt any one or more language to be used for all or any of the official purposes of the State.
- ii. It is open to the State to move the establishment of the 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 Minister and Law Ministers held at New Delhi on 31st August, 1985 Mizoram will be entitled to have a High Court of its own if it so wishes.

It was noted that there is already a scheme in force for payment of exgratia amount to heirs/dependents of persons who were killed during disturbances in 1966 and thereafter in the Union Territory of Mizoram. Arrangement will be made to expeditiously disburse payment to those eligible persons who have already applied but who had not been made such payment so far.

It was noted that consequence on verification done by a joint team of officers, the Government of India had already made arrangement for payment of compensation in respect of damage to crop: building destroyed/damaged during the action in Mizoram, and rented charges of building and land occupied by security force. There may, however, be some claim which were referred and verified by the above team but is not yet settled expeditiously. Arrangement will also be made for payment of pending claim of rented charges or land/building occupied by the security forces.

Sd/-

LALDENGA
On behalf of
Mizo National Front.

Sd/-

R.D. PRADHAN
Home Secretary
Government of India.

Sd/-

LALKHAMA
Chief Secretary
Government of Mizoram