

Country/entity	India Mizoram
Region	Asia and Pacific
Agreement name	Memorandum of Settlement Between The Government of Mizoram and the Hmar People's Convention (HPC)
Date	27 Jul 1994
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

India-Adivasi Conflicts (1955 -) (Northeast India)

Several of seven sister states in Northeast India have had ongoing conflicts with the central Indian government, as well as among themselves following India's independence from the British Empire in 1947. Northeast India, in particular, lags behind the rest of India in infrastructure development. Tensions also exist between the various ethnic groups and Indian nationals migrated from elsewhere.

Bodoland:

The Bodo are a predominantly Christian group of about four million people living in the mountainous region of eastern Assam, India. Since 1986, the guerrilla organization – the National Democratic Front of Bodoland (NDFB) – fought for independence of Bodoland. An initial truce was signed in 1989 and negotiations began with the Assam government. However, the NDFB resumed the conflict and new attempts to reach a peace settlement have not been successful. In 2005, a faction of the NDFB entered negotiations and signed a ceasefire agreement after suffering heavy losses. This splintered the NDFB and more radical factions that continue to fight.

Darjeeling:

Gorkhas in the state of West Bengal waged a guerrilla war against the central government from 1986-1988. Anti-foreign riots started in 1979 after a steady infiltration of Hindus and Muslims from other parts of Bengal. Tensions continued until the Accord of Darjeeling peace agreement was concluded in 1988. This accord provided for an autonomous Gorkha district around Darjeeling, which would remain part of West Bengal. It was implemented in The Darjeeling Gorkha Hill Council (Amendment) Act of 1994. After 2007, a second wave of enthusiasm for Gorkhaland was revived by the Gorkha Janmukti Morcha, however, this time by non-violent means. Nonetheless, the introduction of Bengali into schools, raised tensions in a Nepali-speaking region and as of 2017 conflict appears to be increasing.

Hmar:

Tension in Mizoram were primarily due to political domination by the Assamese over the Mizo. The Mizo National Front was formed in 1961 in the aftermath of a devastating famine in the Mizo Hills in objection to Indian Government response, or lack of. With popular support the MNF staged an uprising in 1966, but was unable to take control. It was only in 1986 that a peace accord was signed granting Mizoram statehood and the MNF became a political party. The same year the Hmar People's Convention was formed as a political party advocating for the rights of the Hmar which were ignored by the 1986 peace accord. The movement aimed to create an autonomous state in the north of Mizoram. A 1994 agreement between the HPC and Indian government resulted in the formation of the Sinlung Hills Development Council. However, a splinter group - the Hmar People's Convention-Democracy - was formed in 1995 demanding a separate administration.

Manipur:

The Manipur insurgency is linked to national, ethnic and political identity issues that occupy many of the conflicts in India's northeast that emerged following the independence of India in 1947. Among the largest groups are the United National Liberation Front, the People's Revolutionary Party of Kangleipak, the People's Liberation Army of Manipur, and the Kanleipak Communist Party. The conflict continues as of 2017.

Nagaland:

The exception is Nagaland, wherein tensions predate 1947 and the Nagas announced

Stage	Framework/substantive - comprehensive
Conflict nature	Government/territory
Peace process	India-Hmar-Bodoland peace process
Parties	Sd/- (HMINCHUNGHNUNG) President, Hmar People's Convention Sd/- (LALFAKZUALA) Chief Secretary, Govt. of Mizoram
Third parties	-
Description	An agreement settling the conflict between the Government of Mizoram and the Hmar People's Convention. It provides for devolving greater administrative powers to the Sinlung Hills Development Council, and an amnesty for members of the Hmar People's Convention.

Agreement document	IN_940727_Memorandum of Settlement Between the Government of Mizoram and the HPC.pdf (opens in new tab) Download PDF
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Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

Racial/ethnic/national group No specific mention.

Religious groups No specific mention.

Indigenous people Groups→Indigenous people→Substantive
Page 2, ADMINISTRATIVE AND OTHER STEPS:
5.1 With a view to satisfying the desires and aspirations of Hmar community in Mizoram, the State Government will initiate measures for use of Hmar language as a medium of instruction up to Primary level and recognition of the Hmar language as one of the major languages of the State of Mizoram.

Page 2, ADMINISTRATIVE AND OTHER STEPS:
5.2 The Government of Mizoram will take steps for the promotion and preservation of Hmar culture and assistance may be provided as permissible under the rules by the Department of Art and Culture.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→New political institutions (indefinite)

Page 1, Objective:

3. The main objective of the Memorandum of Settlement is to give adequate autonomy to the Sinlung Hills Development Council for social, economic, cultural and educational advancement of the people under the jurisdiction of the Council.

Page 2, ADMINISTRATIVE AND OTHER STEPS:

5.3 A new Civil Sub-Division will be opened at Sakawrdai and the Sub-Division Offices of different Departments will also be established at convenient locations in the area...

Page 2, ADMINISTRATIVE AND OTHER STEPS:

5.4 For the social, economic, cultural and educational development of the people of the people in the north and north-eastern parts of Mizoram comprising an area to be specified and agreed upon by Government of Mizoram and HPC, Sinlung Hills Development Council will, by notification in the Office Gazette, be constituted by the Government of Mizoram and separate fund will be earmarked for schemes which may be specified for implementation within the area of the Council.

Page 2-3, COMPOSITION OF THE COUNCIL:

5.5 The composition of the Sinlung Hills Development Council during the interim period of 2 years shall be as follows:-

- 1) President, Hmar People Convention - Chairman
- 2) Any sitting MLA of the area (to be nominated by Govt.) - Vice Chairman
- 3) 17 Nominated members from the area (14 members to be nominated by Chairman Of the Council and 3 members by the Govt.) - Members
- 4) Representative of Finance Department - Member
- 5) All sitting MLAs of the area - Members
- 6) Representative of Planning Department - Member
- 7) Representative of Rural Development Department - Member
- 8) Deputy Commissioner concerned - Member
- 9) Development Officer (Sr. IAS or MCS Officer) - Member-Secy.

Page 3, COMPOSITION OF THE COUNCIL:

5.6 The headquarters of the Council shall, during the interim period of 2 years be Sakawrdai and it shall have a separate office with supporting staff. Permanent headquarters of the Council after the interim period shall be decided by the Government in consultation with the Interim Council. No salary or TA/DA will be admissible to the Vice Chairman and he will draw his salary and TA/DA as MLA from the Budget of the Mizoram Legislative Assembly. The other non-official members of the Council will be entitled to such allowances as are admissible to the non-official members of the State Planning Board.

Page 3, COMPOSITION OF THE COUNCIL:

5.7 The Chairman of the Council will initially be the President, HPC, who will be provided with vehicle and residential quarters/bungalow and personal staff as determined by the Government. The Chairman will hold office for two years initially. Composition of the Council and the manner of nomination/election of the Chairman and members, after expiry of the interim period of two years, shall be decided by the Government in consultation with the Interim Council. The term of office of the Chairman and the Council shall be three years.

Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	No specific mention.

Political power sharing

Power sharing→Political power sharing→Executive coalition
Sub-state level

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Territorial power sharing

Power sharing→Territorial power sharing→Autonomous regions

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Page 3, POWERS AND FUNCTIONS OF COUNCIL:

5.8 The powers and functions of the Council will be indicated below:-

- 1) To make plan out of earmarked fund. The plan will be implemented by the Department concerned. The plan made by the Council will be subject to the approval of the Government.
- 2) To reallocate fund from one Scheme to another within the area and within the Sectoral allocation, provided that in case, the proposed new scheme is not identical in nature with the approved scheme, approval of the Government will be necessary;
- 3) To draw up calendar of works for various Departments in the area and oversee their implementation;
- 4) To make recommendation to the Government as deemed necessary in the interest of better planning, implementation and monitoring;
- 5) To obtain information from any officer in the area regarding progress of plan schemes;
- 6) To review the progress of the area plan once in a quarter; and
- 7) Any other functions that the Government may allot from time to time.

Page 4, FREQUENCY OF COUNCIL MEETING, ETC:

5.9 The Council shall meet at least once in three months. The Chairman will have the power to invite any two Government officials or non-officials, to attend any particular meeting of the Council, if considered necessary.

Economic power sharing

No specific mention.

Military power sharing

No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures Rights related issues→Protection measures→Other
Page 2, Restoration of Normalcy:
4.4 The HPC undertake not to extend any support to NSCN, ULFA and other such underground groups by supply of arms or providing protection or in any other manner.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 2, ADMINISTRATIVE AND OTHER STEPS:
5.3 ...The Primary Health Centre at Sakawrdai will also be upgraded into 30 bedded Community Health Centre.

Page 2, ADMINISTRATIVE AND OTHER STEPS:
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National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage Land, property and environment→Cultural heritage→Intangible
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Land, property and environment→Cultural heritage→Promotion
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Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR Security sector→DDR→Demilitarisation provisions
Page 1, Restoration of Normalcy:
4.1 With a view to restoring peace and normalcy in Mizoram, the HPC on their part agree to undertake, within the agreed time-frame, all necessary steps to end all under-ground activities, to bring out all underground personnel of the HPC with their arms, ammunition and equipments to ensure their return to civil life, to abjure violence and help in the process of restoration of normalcy. The modalities of bringing out all underground personnel will be worked out. The implementation of the foregoing will be under the supervision of Government of Mizoram.

**Intelligence
services** No specific mention.

**Parastatal/rebel
and opposition
group forces**

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Page 1, Restoration of Normalcy:

4.2 The HPC shall take immediate steps to amend, as may be necessary, its articles of Association/ Constitution so as to make them conform to the provisions of Law.

Page 2, Restoration of Normalcy:

4.3 The Government of Mizoram will take steps for relief/ rehabilitation of all HPC underground personnel who had joined the HPC prior to 18th December, 1992, coming overground and ex -gratia will be paid to the next of kin/heirs/dependants of the HPC killed during the insurgency.

Page 2, Restoration of Normalcy:

4.4 The HPC undertake not to extend any support to NSCN, ULFA and other such underground groups by supply of arms or providing protection or in any other manner.

Page 4, OTHER MATTERS:

6.1 The Government of Mizoram have appreciated the concern and pressing demand of the HPC delegation, particularly regarding political safeguard as available under the Sixth Schedule to the Constitution of India. Accordingly the Government of Mizoram will take immediate measures for inclusion of an area to be specified within the HPC Demand Area of Mizoram and the other non-Schedule to the Constitution of India so that the above-mentioned areas are safeguarded under the Sixth Schedule to the Constitution of India.

Page 4, OTHER MATTERS:

6.2 On fulfillment of the stipulations contained in Para 4.1, no member of the HPC now coming overground shall be prosecuted for offences committed in connection with underground activities. Investigation of all cases registered in Mizoram which are in progress currently against HPC personnel shall be dropped forthwith and those convicted of any such offence shall also be granted remission of sentences.

**Withdrawal of
foreign forces**

No specific mention.

Corruption

No specific mention.

**Crime/organised
crime**

No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Amnesty/pardon proper
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Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar	No specific mention.
Enforcement mechanism	No specific mention.
Related cases	No specific mention.
Source	http://hpc-democratic.blogspot.co.uk/1994/07/memorandum-of-settlement-between.html
