

Memorandum of Settlement Between Mizoram and the HPC

MEMORANDUM OF SETTLEMENT

Between

The Government of Mizoram

And

The Hmar People's Convention (HPC)

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Preamble

1. The Government of Mizoram have been making earnest efforts to bring about an amicable solution to the problems arising out of the demands of the Hmar People's Convention (HPC).
2. Towards this end, an initiative was taken by the Government of Mizoram and a series of Peace Talks were held with the HPC leaders. Settlement on various issues reached during the course of the Talks are incorporated in the following paragraphs.

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.

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.
- 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.

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.

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.

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 upto Primary level and recognition of the Hmar language as one of the major languages of the State of Mizoram.

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.

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. The Primary Health Centre at Sakawrdai will also be upgraded into 30 bedded Community Health Centre.

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.

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.

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.

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.

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.

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.

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.

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.

Sd/- (HMINGCHUNGHNUNG) President, Hmar People's Convention

Sd/- (LALFAKZUALA) Chief Secretary, Govt. of Mizoram

Place: Aizawl Date : 27th July, 1994

Source: <http://hpc-democratic.blogspot.co.uk/1994/07/memorandum-of-settlement-between.html>

Listed in Rajagopalan, Peace Accords in North East India, p.63