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A Durable Peace with a Weak Accord in Mizoram

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ABSTRACT

On June 30, 2020, Mizoram celebrated thirty-four years of peace after the signing of the Memorandum of Understanding (MoU) of 1986, popularly known as the Mizo Accord that put an end to the twenty-year-long Mizo war of independence spearheaded by the Mizo National Front (MNF). The Accord, often hailed in both the political and the academic fora as the most successful agreement of the Indian state with an armed insurgent group and a model of conflict resolution, has in fact withstood the test of time, generating durable peace. This article, however, debunks the idea of the Mizo Accord as a model agreement by underlining its defects and non-implementation, and rather argues that sustainable peace in the state of Mizoram was possible due to the social administrative system and political culture of the Mizos, largely shaped and molded by civil society organizations.

The Mizo Accord is a tripartite agreement signed by the government of India, the government of Mizoram and the Mizo National Front on June 30, 1986 to bring an end to the 20-year-long Mizo war of independence which went on from 1966 to 1986.¹ While the much-coveted

¹ Memorandum of Settlement (Mizoram Accord), New Delhi, June 30, 1986. Source: United Nations Peacemaker.

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sovereign Greater Mizoram was compromised with the award of a full-fledged statehood, certain safeguards and other special privileges were incorporated in the Mizo Accord with the anticipation that it would foster peace and development in the state. Under the terms of the Accord, Mizoram state was inaugurated by the then Prime Minister, Rajiv Gandhi, on February 20, 1987 to become the 23rd Indian state with a 40-member State Legislative Assembly. It was to also have one member of parliament each in the Lok Sabha and the Rajya Sabha. An interim government was formed with the President of the MNF, Laldenga, becoming the first chief minister of Mizoram state while Congress leader, Lal Thanhawla, who stepped down as chief minister, became the deputy chief minister. As provided in Para 5 of the Accord, the first general election to the Legislative Assembly of Mizoram state was held on February 16, 1987 where the MNF, by securing 24 seats, formed the government. Since then, Mizoram has never picked up arms again to confront the government of India in the post-accord phase. One may argue that there have been insurgent activities in the post-accord period in Mizoram, citing the examples of the Hmar People's Convention-Democratic (HPC-D) and the Bru National Liberation Front (BNLF).² However, these are minor and occasional incidents perpetrated in the border areas by armed insurgent groups from the neighboring states of Manipur, Assam, and Tripura.

The salient provisions of the Mizo Accord *inter alia* include: the coming overground of underground MNF with their arms, ammunition and equipment (Para 3.1); amendment of its Articles of Association by the MNF to conform to the provisions of law (Para 3.2); settlement and rehabilitation of underground personnel by the central government as per the scheme proposed by the State government (Para 3.3); the award of full-fledged

https://peacemaker.un.org/sites/peacemaker.un.org/files/IN_860630_Mizoram%20Accord.pdf.

² Swarna Rajagopalan, *Peace Accords in Northeast India: Journey over Milestones* (Washington, D.C.: East-West Center, 2008), 25-26.



statehood to the Mizoram Union Territory (Para 4.1); legal immunity to central acts in respect of religious practices, Mizo customary law or procedure, administration of civil and criminal justice involving Mizo customary law, ownership and transfer of land [Para 4.3 (II)]; grant of special category state status [Para 6 (b)]; border trade subject to international agreement (Para 7); continuation of inner line regulation (Para 8); establishment of separate university [Para 12 (ii)]; establishment of separate high court [Para 12 (iii)]; *ex gratia* payments to dependents/heirs of martyrs [Para 13 (a)]; and payment of compensation for damage to crops and buildings, and rent for buildings and lands occupied by security forces [Para 13 (b)].

Looking at the salient provisions of the Accord cited above, it may be argued that the provisions that required the MNF to undertake actions were fulfilled by the MNF immediately with the signing of the Mizo Accord, while the government, both at the center and the state, failed to meet their obligations in letter and in spirit. Despite implementation of most provisions of the Accord, there are certain key provisions that are either defective, unimplemented or under threat of violation, as will be elaborated later. For example, the ex-Mizo National Army (MNA) has repeatedly voiced their concerns over their settlement and rehabilitation, delay in the establishment of a separate high court, insufficient *ex-gratia* payment, payment of compensation, pending court cases of three returnees, among others.³ The boundary conflict with Assam, the challenges posed to the inner line regulation and special category status over the years are other issues. Considering the discords of the Accord, it would be wrong to characterize the Mizo Accord of 1986 as a model agreement. Durable peace in Mizoram is rather due to certain other factors which this article seeks to analyze.

³ C. Zama, Treasurer, Ex-Mizo National Army and author of *Untold Atrocity: The Struggle for Freedom in Mizoram 1966-1986*, interview by the Author, Chawnpui, July 18, 2020. See also, "Ex-MNA-in Kiren Rijiju an hmuh dan an sawi," [Ex-MNA explains its meeting with Kiren Rijiju] *Vanglaini*, September 16, 2017.

The Defects and Non-Implementation of the Mizo Accord

The heart and soul of the Mizo Accord of 1986 lie in paragraphs 3 and 4 that provide a “restoration of normalcy” and “legal, administrative and other steps,” respectively. For the former, which contains four sub-sections, three were to be fulfilled by the MNF, which includes the coming overground of all underground personnel with their arms, ammunition and equipment; the amendment of the Articles of Association of the MNF in conformity with the Constitution of India; and cessation of support to any underground group. The central government, in turn, was to take steps for the settlement and rehabilitation of the returnees according to a scheme proposed by the government of Mizoram.⁴ Throughout the Mizo Accord, the words “surrender” and “submit” were altogether avoided, and instead the phrases and words used were “bringing out” all underground personnel of the MNF and “deposit” of arms, ammunition and equipment. This enabled the Mizo National Army (MNA) to return honorably to Mizoram from their hideouts where they were jubilantly greeted by the people with drums, dance and flowers. The underground personnel began coming out from their Capital Headquarters at Arakan in Myanmar and Tactical Headquarters at Sajek Valley in Bangladesh from July 23 and July 25, 1986, respectively. The arms submitted by both the headquarters numbered around 180, including light machineguns, Spandau guns, rocket launchers, self-loading rifles, 303 rifles, Chinese manufactured semi-automatic rifles (SAR), sten guns, 2” mortar, carbines, pistols and few local arms.⁵ According to the Home Minister of the Government of Mizoram, Lalchamliana, there were 581 underground personnel who came overground with the signing of the Peace

⁴ “Approved Scheme for Rehabilitation of MNF Personnel,” Chief Secretary, Government of Mizoram, D.O.No.7/49/85-MZ, August 6, 1986.

⁵ R. Zamawia, *Zofate Zinkawngah Zalenna Mei A Mit Tur A Ni Lo* [The torch of freedom must not lose flame in the journey of the Zo people] (Aizawl: Self-published, 2007), 937.



Accord.⁶ The General Secretary of the Peace Accord of Mizoram Returnees' Association (PAMRA), Lallungmuana, accounted for 572 peace accord returnees.⁷ The ceremonial return of the MNF and laying down of arms were video-captured and the documentary video, "Farewell to Arms: Mizoram Documentary Film," could be viewed online.⁸

In regard to their settlement and rehabilitation, the central government organized "Remna Run," a literal translation for a peace camp at Luangmual in Aizawl where 555 returnees moved in on August 2, 1986 following the signing of the Mizo Accord.⁹ A memorial stone commemorating the homecoming of the underground MNA to the peace camp in Mizoram was laid on August 2, 2018 in three different languages: Mizo, Hindi and English. The English version reads:

We, the brave young patriots who fought to unify all Zo peoples under one rule and ultimate sovereignty, and those who have laid down their lives for our people and our land, having laid down all our arms for peace, heeding to the call of the people and church leaders, pursuance to the peace treaty made by Central Government of India and Mizo National Front patriots on thirtieth day of June nineteen eighty-six, on second day of August June nineteen eighty-six, finally come home to peace camp. We today's patriots put forward the freedom struggle to tomorrow's patriots.¹⁰

⁶ "Inremna vanga kir mi 581 an awm, Returnee 667 hna pek an ni tawh," [Out of 581 returnees of peace, 667 returnees have been given jobs] *Vanglaini*, June 24, 2019.

⁷ "Mizoram Accord completes 17 years," *rediff.com*, June 30, 2003, accessed on July 11, 2019, <https://www.rediff.com/news/2003/jun/30mizo.htm>.

⁸ K.C. Video Production, "Farewell to Arms: Mizoram Documentary Film," *Youtube*, July 7, 2017), <https://www.youtube.com/watch?v=RxcIiH6LkLk>.

⁹ Major Khawhmingthanga, Senior Adviser of Peace Accord MNF Returnee's Association (PAMRA), Telephone Interview by the Author, August 14, 2020.

¹⁰ Memorial Stone in Commemoration of Home Coming to Peace Camp laid by Peace Accord MNF Returnee's Association (PAMRA) at Luangmual, Aizawl, August 2, 2018.

The implementation of the settlement and rehabilitation provision by the central and state governments has been lackadaisical, and the PAMRA has repeatedly lamented that they are languishing due to the apathetic attitude of the government. The first relief fund amounting to Rs. 20,000 each was granted to all the peace accord returnees in October 1986, another Rs. 10,000 each was granted for construction of houses in September 1988, followed by another Rs. 10,000 in 1995.¹¹ A total of Rs. 114,820 each was granted to all returnees for the construction of houses till 2014.¹² The leaders of PAMRA reiterated that the time lapses between such grants were so great that it was impractical to build houses. The PAMRA president, B. Zorampara, also lamented that the land allotted at Maumual by the government for construction of houses was not feasible for settlement as it was detached from electricity, water supply and roads.¹³

The MNF returnees and their heirs were granted government jobs for their resettlement. A confidential letter of the General Administration Department of the government of Mizoram dated January 10, 2008 laid down the terms and conditions for the provision of government jobs, according to which only MNF Peace Accord Returnees, exclusive of other returnees, were to be given jobs. Only one person was to be given a job from each family and in case such person had died or was physically unfit, the next of kin was to be considered. Also if any member of such family already had a regular job under the government of India or the state government or semi-government institutions, such families would not be covered by the scheme.¹⁴ However, according to a statement of the home minister of Mizoram during the

¹¹ "Ex-Mizo rebels reiterate anguish ahead of Peace Day," *oneindia*, June 29, 2007, <https://www.oneindia.com/2007/06/29/ex-mizo-rebels-reiterate-anguish-ahead-of-peace-day-1183115539.html>.

¹² "MNF Returnee 572 Zinga 555 in Hna Hmu Tawh," [Out of 572 MNF Returnees, 555 granted granted jobs] *Zalen*, February 22, 2014.

¹³ "Enkawl an nih danah PAMRA an lungawi lo" [PAMRA not satisfied over their treatment] *Vanglaini*, August 2, 2017.

¹⁴ Letter, No. B.13015/1/2002-GAD/16, General Administration Department, Government of Mizoram (Confidential).



Assembly session of June 2019, 667 government jobs had been given to returnees with 29 in Group 'B' (non-gazetted), 312 in Group 'C,' and 326 in Group 'D.'¹⁵ Thus, under these groups, each of which signify a category of employment, many returnees or their kin are employed as clerks, peons, drivers, chowkidars etc. across various government departments. The jobs were not given at one time but spread over different ministries where over 100 returnees were given government jobs during the MNF ministry of Laldenga from 1986-1988, more than 100 during the Congress ministry of Lal Thanhawla from 1989-1998, and another 285 during the MNF ministry of Zoramthanga from 1998-2008, and so on.¹⁶ This indicates that the number of government jobs were, in fact, more than the total number of MNF Peace Accord Returnees, or that more than one member had been provided jobs from each family.

According to the MNF President and incumbent chief minister of Mizoram, Zoramthanga, there were about 2,000 to 3,000 people who had lost their lives either in Mizoram, Bangladesh or Myanmar during the 20-year-long Mizo disturbance, whom the MNF call "Mizo martyrs."¹⁷ A sanction of Rs. 31.1 million was made by the government of India in 2005 for payment of ex-gratia to 2,075 dependents of persons killed during the Mizo uprising at Rs. 15,000 per person.¹⁸ Khawlhmingthanga, a major in the Mizo National Army who had lost his wife during the disturbance, stated that ex-gratia of Rs. 10,000 was also received in 1985 before the signing of the

¹⁵ "Inremna vanga kir mi 581 an awm Returnee 667 hna pek ni tawh," [Out of 581 returnees of peace, 667 returnees had been given jobs] *Vanglaini*, June 24, 2019.

¹⁶ "Enkawl an nih danah PAMRA an lungawi lo," [PAMRA not satisfied over their treatment] *Vanglaini*, August 2, 2017.

¹⁷ "MNF-ten Martarte Ni an hmang," [MNF Observes Martyrs' Day] *Vanglaini*, September 21, 2018.

¹⁸ Disaster Management & Rehabilitation Department, "Sanction of Rs. 3,11,00,000/- for payment of Ex-gratia to 2,075 dependents of persons killed during insurgency from 1966 onward @ Rs. 15,000/-," Letter No.7/19/2001-MZ/W.E. II from Government of India, Ministry of Home Affairs, March 28, 2003.

Accord, but the returnees lamented that it was not sufficient and demanded additional ex-gratia payment from the central government.¹⁹

The Accord also required the MNF to amend its Articles of Association to conform to the provisions of law. The initial objectives of the MNF, which included “self-determination” or “highest sovereignty,” had to be dropped. R. Zamawia, the Defence Minister in the Provisional Government of Mizoram, an entity that was established in 1966, claimed that the objective of the MNF was put forward as “self-determination” at a meeting held at Laldenga’s residence at Tuikhuahtlang, Aizawl on October 28, 1961.²⁰ The Vice President of the underground MNF, Tlangchhuaka, used the phrase, “highest sovereignty.”²¹ The MNF’s objective of self-determination or highest sovereignty was amended to conform to the Constitution of India. While the exact date for this amendment could not be retrieved, the Union Minister for Home Affairs, S.B. Chavan, stated on April 19, 1993 in the Lok Sabha that the MNF had already amended its constitution.²² The MNF Constitution amended and published in 2004 contained “Re-unification of all Mizo inhabited areas under a single administrative unit.”²³ In this case, if re-unification under a single administrative unit was inclusive of the Zo people inhabiting neighboring sovereign countries like Bangladesh and Myanmar, then the amended

¹⁹ Major Khawhmingthanga, Senior Adviser of Peace Accord MNF Returnee’s Association (PAMRA), telephone Interview by the Author, August 14, 2020.

²⁰ R. Zamawia, *Zofate Zinkawngah Zalenna Mei A Mit Tur A Ni Lo* [The Torch of Freedom must not Lose Flame in the Journey of the Zo people] (Aizawl: Self-published, 2007), 169.

²¹ Tlangchhuaka, “Mizoram Politics” [in Mizo] (Mobile: MNF Headquarters, 1973), 19.

²² Dr. C. Silvera, Starred question no.573, X Lok Sabha Debates (Proceedings) Sixth Session (February 22–May 14, 1993), No. 27, April 19, 1993.

²³ Mizo National Front, *Constitution* (Aizawl: Mizo National Front General Headquarters, 2004).



Constitution of the MNF would still require highest sovereignty or self-determination.²⁴

While the Mizo national movement strove for establishment of a sovereign greater Mizoram for twenty long years, a series of talks between the two sides since 1971 resulted in the insertion of Para 4 in the Mizo Accord for the award of full-fledged statehood to Mizoram, which had been a Union Territory since 1972. It, however, provided legal immunity from acts of Parliament in respect of religious or social practices of the Mizos, Mizo customary law or procedure, and ownership and transfer of land. But as the Accord was signed in such haste, Para 4.3 (I) concerning the territory of Mizoram was to create a long-standing border conflict with its neighbor, Assam.²⁵

Mizoram shares a 123-km-long border with southern Assam, but their border dispute is over a stretch of land at Zophai near Bairabi, along the Assam-Mizoram border. The said provision defines the territory of Mizoram as the territory specified in Section 6 of the North Eastern Areas (Reorganization) Act, 1971 but with no clear cut demarcation and, instead, provides that the newly formed Union Territory of Mizoram shall comprise “the territories which immediately before that day were comprised in the Mizo District in the existing State of Assam.”²⁶ The State of Mizoram Act, 1986 too provided that the new State of Mizoram was to consist of the territories “comprised in the existing Union Territory of Mizoram.”²⁷

With these ambiguities, the definitions of such territories are incompatible on both sides. While on the one hand, Assam argued that its

²⁴ The word Zo, describing an ethnic group also known as the Mizo, the Kuki, the Chin and other names based on geographic distribution, refers to a large group of related Tibeto-Burman peoples spread throughout India's Northeast, northwestern Myanmar, and the Chittagong Hill Tracts of Bangladesh.

²⁵ R. Zamawia, Defence Minister of underground MNF, interview by the Author, Beer-Seba, Aizawl, July 16, 2020.

²⁶ Part II Paragraph 6 of the North-Eastern Areas (Reorganization) Act, 1971.

²⁷ Part II Paragraph 3 of the State of Mizoram Act, 1986.

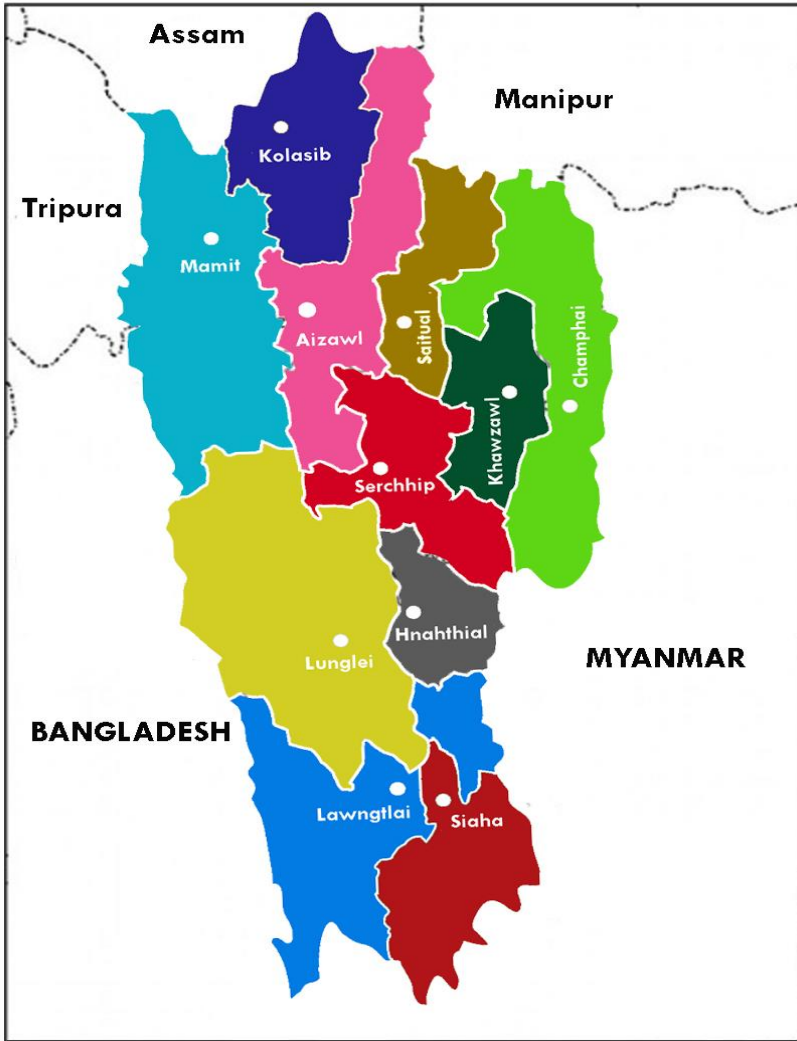
claim was supported by the Inner Line of 1933, the North Eastern Areas (Reorganization) Act, 1971, the Mizo Accord of 1986, and the State of Mizoram Act, 1986; on the other hand, the Mizoram side claimed that the area falls under the 509 square mile Inner Line Reserved Forest.²⁸ During the period of British colonial rule, the ‘inner line’ separating the boundary between the hill tribes and the neighboring plains people was drawn under the Bengal Eastern Frontier Regulation, 1873. Prior to this, a peace agreement called ‘Sanad’ was signed between John Ware Edgar, the then deputy commissioner of Cachar on behalf of the British government and Lushai chief, Suakpuilala, on January 14, 1871.²⁹ The boundary line demarcated under the Sanad was strictly adhered to by the British government because any alteration would lead to misunderstanding and suspicion of the Mizo chiefs.³⁰ While the inner line regulation was revised in 1933 and came into effect on March 9, 1933, Mizoram (then Lushai Hills), which falls under the backward tracts specified under the Government of India Act, 1919, did not have any representative in the Provincial Legislature of Assam. Thus, to unilaterally alter the boundary was a violation of the peace agreement of 1871. The first Defence Minister of the underground MNF, R. Zamawia, claimed that he had personally sent a letter to Laldenga to resolve the border issue before the signing of the Mizo Accord but the haste to sign the peace accord left the border issue unresolved as further discussion would require the participation of the government of Assam and thus create a deadlock.³¹

²⁸ “MPYCC-in ramri zuzisan lo turin sorkar phut,” [MPYCC expects government not to abandon border issue] *Vanglaini*, July 11, 2019.

²⁹ Lushai is another word for Mizo. It is a term used by the British administrators to refer to the tribals inhabiting the Lushai Hills.

³⁰ S.N. Singh, *Mizoram: Historical, Geographical, Social, Economic, Political and Administrative* (New Delhi: Mittal Publications, 1994), 95-97.

³¹ R. Zamawia, Defence Minister of underground MNF, interview with the Author, Beer-Seba, Aizawl, July 16, 2020.



Map showing the districts of Mizoram. By the courtesy of the Author.

A recent timeline of the dispute runs as follows. On March 8, 2006, the Mizoram Legislative Assembly passed a private resolution of the former minister of land revenue and settlement, B. Lalthlengliana, for setting up a Boundary Commission by the central government, but this was never

pursued by the state government.³² In March 2018, the Assam–Border stand-off erupted when the students' body, Mizo Zirlai Pawl (MZP), accused the Assam Forest Department of occupying the disputed area and responded by trying to build a resting shed in the area which they claimed belonged to the first chief minister of Mizoram, Ch. Chhunga, and was donated by his widow, Lalrothangi, to the MZP. The current MNF ministry at its cabinet meeting on July 8, 2019 also declared that it accepted the Bengal Eastern Frontier Regulation, 1873 as the territory of Mizoram.³³ As seen from recent developments in Mizoram, Clause 4.3(i) pertaining to the territory of Mizoram was not acceptable to both the political and civil society organizations. Para 8 of the same Accord also provided that the Inner Line Regulation, as now in force in Mizoram, shall continue to be used and not amended or repealed without consulting the state government. So, the provisions of the Mizo Accord themselves are in conflict with one another because the territory specified in the Bengal Eastern Frontier Regulation of 1873 and that of the territory specified in the North Eastern Areas (Reorganization) Act of 1971 are discordant. While Mizoram claims the disputed area on the basis of the 'Inner Line' specified in Para 8 of the Mizo Accord, Assam too defends its claim on the basis of Para 4.3 (I) of the same accord. This requires the intervention of the central government to review and find a permanent resolution to the Assam–Mizoram border dispute.

The said Inner Line Regulation itself, mentioned at Para 8 in the Mizo Accord, is a fragile provision as it lacks any constitutional basis. The ILR is a unique law mandated by the Bengal Eastern Frontier Regulation of 1873, according to which the British Raj drew a line between the plains of Assam and the hill areas of the North East inhabited by the tribals of Arunachal Pradesh, Mizoram and Nagaland. It required British subjects and plainmen, desiring to cross the inner line, to obtain prior possession of an Inner Line

³² "MPYCC-in ramri zuzisan lo turin sorkar phut," [MPYCC expects government not to abandon border issue], *Vanglaini*, July 11, 2019.

³³ *Ibid.*



Pass (ILP) from a competent authority. The law continues to be used in post-independent India to safeguard the identity and the lands of the hill tribals. The Mizo Accord provided that the ILR “will not be amended or repealed without consulting the State Government.”³⁴ It is widely believed that the ILR had protected the indigenous tribals from assimilation by their neighboring plainsmen.

However, the ILR has faced several challenges over the years with the first of its kind coming from the union home ministry itself during a meeting of the chief ministers of North Eastern states on July 19, 1994 in Shillong. The Union Home Minister, S.B. Chavan, raised the issue of lifting the ILR for three main reasons: first, ILR hampers industrial development in the North East; secondly, ILR impedes general development among the people of the North East; and lastly, ILR offers fertile ground for secessionism.³⁵ Following this, students’ organizations in the North East such as the Mizo Zirlai Pawl (MZP), Naga Students Federation (NSF) and All Arunachal Pradesh Students Union (AAPSU), organized total bandhs in their respective states on independence day in 1994.³⁶ The ILR was also challenged by the North East Plains People Traders & Youth Federation at the Gauhati High Court in 2008 through a public interest litigation, PIL No.29/2008. It also petitioned for the release of all persons held by the police in relation to the ILR and pushed for free trade with Mizoram.³⁷ Despite contestations from several quarters, the ILR has only gained popularity and has been

³⁴ Paragraph 8, Memorandum of Settlement (Mizo Accord), June 30, 1986.

³⁵ Lalrintluanga, “Inner Line Regulation (ILR) in North East India with Special Reference to Mizoram” in *Socio Economic Development and Governance in North Eastern Region of India*, ed. Jagadish K. Patnaik, Jangkhongam DOUNGEL and Ayangbam Shyamkishor (Aizawl: Department of Political Science, Mizoram University, 2014), 298-299.

³⁶ Ngurthansanga, “Inner Line Regulation in North East with Special Reference to Mizoram,” in *Governance and Civil Society in NE India*, National Seminar organized by Department of Political Science and Department of Public Administration, Government J. Buana College, Lunglei, July 20-21, 2017.

³⁷ Ngurthansanga, “Inner Line Regulation in North East with Special Reference to Mizoram,” July 20-21, 2017.

extended recently to Manipur where it came into effect from January 1, 2020. In fact, all the other North Eastern states, including Assam, have demanded the implementation of the ILR in their states. Nevertheless, the fact that the ILR lacks constitutional sanction makes it a fragile provision.

The legal, administrative and other steps specified in Paragraph 4.3 of the Mizo Accord were given constitutional status by inserting Article 371G by the Constitution (Fifty Third Amendment) Act, 1986. However, unlike Article 371A which mandates Nagaland ownership over both land and its resources, Article 371G for Mizoram lacks ownership over resources. The top MNF leader, Tawnluia, claimed that Prime Minister Rajiv Gandhi believed that the government had committed a mistake before by granting ownership over resources to Nagaland by pointing out that this subject falls under the Union List and that Nagaland did not utilize it anyway. The prime minister firmly asserted that his government would not commit the same mistake by granting ownership over resources to Mizoram.³⁸

Another threat to the Mizo Accord pertains to the Special Category Status enjoyed by Mizoram under Para 6 (b). The Special Category Status is a privilege enjoyed by certain disadvantaged states that are given preferential treatment in the form of central assistance and tax breaks. According to the Thirteenth Finance Commission, “hilly terrain, sparsely populated habitation and high transport costs leading to high delivery cost of public services” form the basic characteristics of these states.³⁹ For these states, 90 percent of central assistance is treated as grants while the remaining 10 percent as loans. This status does not have any constitutional basis and is dependent upon the government of India, particularly the National Development Council. So when the first Modi government was formed in 2014, Special Category States did not appear in the plan

³⁸ Tawnluia, Senior Vice President of Mizo National Front, interview by the Author, Kanaan, Aizawl, July 22, 2015.

³⁹ B.L. Fadia and Kuldeep Fadia, *Indian Government and Politics, 12th Revised Edition* (Agra: Sahitya Bhawan, 2016), 496-497.



expenditure the following year. The Union Finance Minister, Arun Jaitley, commented: “After the Fourteenth Finance Commission recommendations, the era of Special Category Status to states has ended.”⁴⁰ The MNF president, Zoramthanga, sent a letter to the Prime Minister, Narendra Modi, requesting that the Special Category Status should not be ended, and attached a copy of the Mizo Accord. Zoramthanga stressed that the economies of the Special Category States, in comparison to other states in the Indian Union, were comparatively less developed and needed assistance, and that a backward economy was often the cause of not only financial problems but also administrative and political difficulties and even insurgency in these states. He explained that the peace accord between the government of India and the MNF clearly stated that “Mizoram will be given central financial assistance as a Special Category State.” He added: “If the provision of the Accord is violated, it could break the trust on the commitments made by India from within and outside the country in the future.”⁴¹ Mizoram still enjoys the Special Category Status and receives funds in the ratio of 90:10, and for some schemes the ratio is 80:20. In 2016, at the 11th Inter State Council Meeting in New Delhi, the then chief minister, Lal Thanhawla, proposed a separate package for 100 percent funding for the North East, stating that due to its proximity to the international border and the Golden Triangle, its borders needed to be secured because the states did not have sufficient funds to meet this requirement. Referring to Mizoram’s shortage of money and to the Seventh Pay Commission, the chief minister said, “The financial health of the government would not allow implementation of the Pay Commission

⁴⁰ “Era of special category status to states over: Arun Jaitley,” *The Times of India*, October 30, 2015.

⁴¹ “Special category state titawp lo turin Zoramthanga'n Narendra Modi a ngen,” [Zoramthanga requests Narendra Modi not to end special category state] *Vangliani*, June 24, 2015.

recommendations unless additional financial assistance is received from the Centre.”⁴²

The establishment of a separate High Court for Mizoram—under Para 12 (iii)—still remains on the state’s wish-list as it is yet to be fulfilled. The Lok Sabha in May 1993 pointed out the reasons for the delay in setting up a separate High Court in Mizoram when Dr. C. Silvera, Member of Parliament (Lok Sabha) for Mizoram, asked a starred question regarding the reasons for delay in the implementation of certain provisions of the Mizo Accord. The Union Minister for Home Affairs, S.B. Chavan, replied, “Pending creation of infrastructural facilities for setting up of High Court, came into being on July 5, 1990,” adding that “the Ministry of Law and Justice have informed that formation of separate High Court for each of the States in Northeast region would be taken up after the permanent bench of the Gauhati High Court have been set up in each of these States and have functioned for some time.”⁴³ In fact, the Seventh Constitutional Amendment, by amending Article 231, enables the Parliament “to establish a common High Court for two or more States or for two or more States and a Union Territory.”⁴⁴ Accordingly, the State of Mizoram Act, 1986—under Part IV Clause 15—provides for a common High Court for the North Eastern States of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram. And thus, the Aizawl Bench of the Gauhati High Court was established on July 5, 1990. However, even after thirty years of the functioning of the Gauhati High Court’s Aizawl Bench, a separate high court has not yet been established.

The first Defence Minister of the MNF, R. Zamawia, argued that Para 12 (iii) of the Mizo Accord for a separate High Court for Mizoram was a redundant provision as other states without peace accords were entitled to

⁴² “Mizoram CM Lal Thanhawla says not possible to implement recommendations made by 7 CPC panel,” *Financial Express*, September 9, 2016.

⁴³ Dr. C. Silvera, Starred question no.573, X Lok Sabha Debates (Proceedings) Sixth Session (February 22–May 14, 1993), No. 27, April 19, 1993.

⁴⁴ Constitution of India, Part VI, Article 231 (1).



have a State High Court under the provisions of the Constitution of India.⁴⁵ The senior advocate in the Gauhati High Court's Aizawl Bench, L.H. Lianhrama, also believes that with or without a provision for a separate high court in a peace accord, all states were entitled to have a separate high court as provided in Article 214 under Part VI of the Constitution of India. He mentioned that Manipur, Meghalaya and Tripura which once had benches of Gauhati High Court had already established a separate high court because they had the infrastructure, while the judicial infrastructure of the Aizawl Bench of Gauhati High Court at Luangmual is by no means presentable to be upgraded to a separate high court. In this regard, the Mizoram Bar Association had successfully pressured the state government headed by Lal Thanhawla back in 2008 to allot a plot of land for the construction of court infrastructure. Lianhrama believes that once the physical infrastructures were completed, establishment of a separate high court will happen automatically.⁴⁶

The ex-MNA led by the MNF president, Pu Zoramthanga, and the MNF treasurer, Pu Vanlalzawma, appealed to the Union Minister of State for Home Affairs, Kiren Rijiju, on September 7, 2017 in New Delhi for the establishment of a separate high court, stating that several previous demands had not been fulfilled.⁴⁷ However, when the MNF formed the state government in 2018, the state's Home Minister, Lalchamliana, stated at an assembly session in June 2019 that the present Gauhati High Court's Aizawl Bench catered to the needs of the state and, considering the recurring burden on the state, there were currently no plans for the establishment of a

⁴⁵ R. Zamawia, Defence Minister of underground MNF, interview by the Author, Beer-Seba, Aizawl, July 16, 2020.

⁴⁶ L.H. Lianhrama, Senior Advocate of Gauhati High Court, Aizawl Bench, interview by the Author, August 17, 2020.

⁴⁷ "Ex-MNA-in Kiiren Rijiju an hmuh dan an sawi," [Ex-MNA explains its meeting with Kiren Rijiju] *Vanglaini*, September 16, 2017.

separate High Court for Mizoram.⁴⁸ Owing to a lack of financial resources for the development of court infrastructure, neither the MNF nor the Congress had shown any real political will for the implementation of separate high court during the last thirty-four years.

The Role of Civil Society in Peacemaking

As certain provisions of the Mizo Accord have not been fully implemented in letter and spirit over the years, the only logical explanation for the sustenance of peace in Mizoram is the social administrative system of the Mizos, largely shaped by civil society organizations. The retired Indian Administrative Officer, Lalkhama, who had earlier served as Chief Secretary and signatory to the Accord on behalf of the government of Mizoram, recalled that the agreement was possible only because of the people of Mizoram, who gave their mandate to the MNF through the role played by all major political parties and civil society organizations such as the conglomeration of different denominational churches and students' organizations in the peacemaking process. However, the preamble of the Accord (Paragraphs 1 and 2) gave all the credit to the then Prime Minister, Indira Gandhi, to have initiated the restoration of peace and harmony in Mizoram while the role of Mizo civil society went unnoticed.⁴⁹ Peace would also be more honorable, not only for the MNF, but also for the Mizo people if the mandate of the people was expressed in the Preamble of the Mizo Accord.

In fact, after the outbreak of the Mizo war for independence on February 28, 1966, also known as Operation Jericho, it was the churches in Mizoram that immediately took the role of third-party mediator. The operation was carried out by the Mizo National Army (MNA), an armed wing of the MNF, simultaneously in Aizawl, Lunglei, Serchhip, Kolasib, Champhai

⁴⁸ "Inremna vanga kir mi 581 an awm, Returnee 667 hna pek an ni tawh," [Out of 581 returnees of peace, 667 returnees had been given jobs] *Vanglaini*, June 24, 2019.

⁴⁹ Lalkhama, IAS (retired), former Chief Secretary, Govt. of Mizoram, "Remna Ni Thuchah," [Peace Day Speech], *Peace Day*, Vana Pa Hall, Aizawl, June 30, 2019.



and other places to seize government settlements and expel Indian forces from the Mizo District. The Declaration of Independence was signed by 61 MNF leaders on March 1, 1966 and a parallel government called “Mizoram Sawrkar” or Provisional Government of Mizoram, was established with three organs—executive, legislature and judiciary. However, as counter-insurgency measures were imposed upon the district, the MNF started to retreat into the jungles. The whole of Mizo District was declared a ‘Disturbed Area’ as per the Assam Disturbed Areas Act, 1955, and the Armed Forces Special Powers Act, or AFSPA, was enforced on March 2, 1966. Besides sending army reinforcements, the Indian government also ordered the Indian Air Force to launch a series of air strikes at Aizawl, Hnahlan, Tuipuibari, Khawzawl, Sangau, Marpara, Pukpui and Tlabung on March 5-6, 1966.⁵⁰

Peacemaking was avowed by the church leaders as the calling of God for the return of peace and normalcy in Mizoram. The Baptist Church of Mizoram established the Peace Mission in Lunglei and sent two Baptist pastors, Reverend H.S. Luaia and Reverend C.L. Hminga, to meet the deputy commissioner of the Mizo Hills District at Aizawl on March 10 and submitted its letter.⁵¹ However, the initiative of the Peace Mission was greatly handicapped following the reply from Shillong that the government could not trust the MNF and that until Lunglei and Champhai were retrieved, sending a Peace Mission was too early.⁵²

⁵⁰ J.V. Hluna and Rini Tochwawng, *Mizo Uprising: Assam Assembly Debates on the Mizo Movement, 1966-1971* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2012), xviii-xix.

⁵¹ Reverend C.L. Hminga, senior pastor of Baptist Church of Mizoram, interview by the Author, Serkawn, Lunglei, July 17, 2017. See also, Reverend C.L. Hminga, “Peace Mission Report,” *Unpublished*, August 2, 1999, Archives Department, Baptist Church of Mizoram, Serkawn, Lunglei.

⁵² Reverend C.L. Hminga, “Peace Mission Report,” *Unpublished*, August 2, 1999, Archives Department, Baptist Church of Mizoram, Serkawn, Lunglei.



Drone view of the Mizoram Presbyterian Church, Mission Veng, Aizawl, by Steven Ralte. Image published with the permission of Mr. Ralte.

The Peace Mission was later merged with the Christian Peace Committee established by the Synod Standing Committee Special Meeting on July 14, 1966 and appointed three pastors namely Reverend Lalngurauva Ralte, Reverend Zairema and Reverend H.S. Luaia, representing the two biggest churches in Mizoram- the Mizoram Presbyterian Church and the Baptist Church of Mizoram. At its first meeting, it decided not to have a chairman for safety reasons but to appoint a temporary chairman at every meeting. The committee resolved to hold talks with both the MNF leaders and the government of India so as to bring the two sides together at the negotiation table.⁵³ The churches also published several public notices and messages that condemned the use of violence and mobilized its members to pray for peace. The earliest of such documents that this author could retrieve

⁵³ Reverend Dr. Lalngurauva, *Mizoram Buai Lai leh Kohhran [Disturbed Years of Mizoram and the Church]* (Aizawl: Reverend Dr. Lalngurauva, 2008), 83-84.



was a message of the Standing Committee of Mizoram Presbyterian Church Synod on March 12, 1966. The church's message *inter alia* stated:

The Church condemns such kind of situation causing death and catastrophe, and proclaims that it is incoherent with our Faith in the Gospel. It is also contradictory to the values of human life.

As of now, in order that our land is not befallen by further crisis, the Church requests all persons to think of peaceful solutions. We request the leaders of the MNF and their subjects to desist from anything that could prolong the suffering and sorrow of the people. Also, the Church requests the Government and the army officials to show sympathy and not cause suffering upon the people in their effort to bring back normalcy in the land.

The Church avows to give its utmost effort so that people may live in peace and that the condition in our land is restored.⁵⁴

Citizens' Committees were formed at the initiative of the churches both in Aizawl and Lunglei. These committees were a body of members comprising church leaders and government servants. The Aijal Citizens' Committee established by the Synod Standing Committee of March 12, 1966 had two sub-committees, namely the Relief Committee and the Complaint Cell. The former was to provide relief such as financial aid or any other basic needs which would be distributed from donations from various local churches. The latter were to receive complaints from civilians on the acts of violence of the army.⁵⁵ In line with the Aijal Citizens' Committee, the Lungleh Town Committee (which later became Lungleh Citizens Committee)

⁵⁴ Standing Committee, "Tun Zoram Buaina Chungchanga Kan Kohhran Thuchah" (The Message of Our Church regarding the Current Disturbance in Zoram), Mizoram Presbyterian Church Synod (Aijal: March 12, 1966).

⁵⁵ Reverend Dr. Lalngurauva, *Mizoram Buai Lai leh Kohhran [Disturbed Years of Mizoram and the Church]*, 50.

was established on March 21, 1966. Aijal and Lungleh were former names for today's Aizawl and Lunglei, respectively. Some of the services rendered by the Committee were the supply of basic needs such as food, water, medicines; return of surrendered arms to army officials; motor transport for bringing back civilians; and relief to homes for motherless babies, among others.⁵⁶



Aerial view of the Baptist Church of Mizoram, Lunglei. Photo by the courtesy of Reverend F. Ramdinmawia, and M. Lalthanzuali, Archivist, Baptist Church of Mizoram.

A rejuvenated and more comprehensive denominational representation emerged with the formation of Zoram Kohhran Hruaitute Committee, hereafter ZKHC or Council of Churches, in Mizoram in 1983 which appointed three peace delegates, namely Reverend V.L. Rawna, Reverend P. Lianzuala and Reverend Lalsawma.⁵⁷ The ZKHC held talks with

⁵⁶ Proceedings of the Meeting of Lungleh Town Committee, No.1-17 (Serkawn: Baptist Church of Mizoram Archives, 1966-1968).

⁵⁷ Rev. Dr. Lalsawma, "Remna leh Muanna Atana Kohhran leh Mizoram Peace Accord Kalkawng," [The Paths to Peace and Tranquility for the Church and the Mizoram



both Laldenga and the Indian government, and strove to bring the two parties together at the negotiating table. It also played a significant role in mobilizing different sections of society. At the initiative of the ZKHC, a memorandum representing the political parties in Mizoram was signed and submitted to the prime minister of India during his visit in May 1983 by the presidents of four major political parties, namely C. Pahlira of Mizo Union, C. Biakchungnunga of Mizo Convention, J. Thanghuama of People's Conference, and Vaivenga of Mizoram Congress (I). The memorandum declared that all the political parties and the people of Mizoram stand united for the resolution of the deadlock and for peace, and urged the central government and the MNF to enter into fresh negotiations.⁵⁸ The Mizo Zirlai Pawl (MZP), one of the largest student organizations, sent representatives to Delhi to meet the prime minister and Laldenga as early as 1979, and continued to pressure the governments both at the center and the Union Territory to hasten peace.

The role of religious organizations during the Mizo disturbance not only paved the way for the signing of a peace agreement in 1986 but also molded the political culture of Mizo society in a significant way. The ZKHC, now Mizoram Kohhran Hruaitute Committee (MHHC) or Council of Churches in Mizoram, continued to make declarations and send messages on various issues such as the use of violence, liquor and drugs, tobacco and tobacco products, election model code of conduct and others in the post-Accord phase. In its letter to the President of India dated December 11, 1990, while requesting him to take cognizance of the religious sentiments of Christians in Mizoram in regard to Sunday observance, the ZKHC wrote:

... [w]e affirm Christianity as a national religion has vital role to play in bringing peace and harmony in the Country. In this, we are also

Peace Accord] in Mizoram Kohhran Hruaitute Committee, *Remna Thuchah* [Council of Churches in Mizoram: Peace Message] (Aizawl: MKHC, 2011), 20–22.

⁵⁸ Ibid, 23–24.

happy that Churches in Mizoram have come a long way in making people aware of their bounden duty to participate constructively towards nation-building, thereby creating communal harmony and peace against disruptive forces at work.⁵⁹

The Mizo Accord was signed by Laldenga and was acceptable to the Mizo National Army solely due to the pressure of Mizo civil society, mandated by the people of Mizoram. The memorial stone laid in commemoration of the homecoming to the peace camp, installed by PAMRA at Luangmual in Aizawl as cited above, indicates the critical but neglected role of civil society. Laldenga himself acknowledged the role of the Mizo civil society in his address to the people of Mizoram on August 5, 1986 at Lammual, Aizawl following his return from New Delhi: "... [e]specially the church leaders, the students and the youth have worked really hard. It is due to your works that this peace accord could be signed today."⁶⁰ MNF president and incumbent Chief Minister of Mizoram, Zoramthanga, also declared in an interview and in various public speeches, that the peace accord was signed because all the political parties, the people of Mizoram, non-governmental organizations and the churches had prayed for the coming of peace and it was through such a coalition that the Indian government and the underground MNF could sign an agreement on June 30, 1986. He explained that the agreement was neither perfect for the MNF and the people of Mizoram, nor for the Indian government, but it was achieved because it was the belief of the MNF that this agreement was God's answer to the prayers of the Mizo people.⁶¹

⁵⁹ Zoram Kohhran Hruaitute Committee (Council of Churches in Mizoram), Letter to the President of India, December 11, 1990.

⁶⁰ Laldenga, quoted in Isaac Zoliana, *Laldenga* (Aizawl: Isaac Zoliana, 2005), 175.

⁶¹ Zoramthanga, president of MNF, interview by the Author, Ramhlun Venglai, Aizawl, June 24, 2015.



Conclusion

Memoranda of Understanding, more commonly known as peace accords, do not necessarily require ratification by the Parliament as they are not ordinary agreements between political parties but rather signed in the name of the government of India which makes it a valid document. Peace agreements may, however, impact constitutional amendments as in the case of Article 371A for Nagaland and Article 371G for Mizoram. As formal agreements, their sanctity cannot be violated by altering any part of the provisions without the prior consent of the signatories. In this way, they are even more secure and permanent than some constitutional provisions themselves.

This article underscores several strengths and weaknesses of the Mizo Accord which is often hailed as a model peace agreement, and the most successful one in the history of India. It has argued that there is nothing special about the Mizo Accord to make it the most successful peace accord, but it is like any other peace accord, and even weaker. The governments both at the center and the states have shown no enthusiasm in the implementation of the Mizo Accord in letter and spirit. The changing political dynamics of the country have also made fragile certain provisions of the Accord such as the Inner Line Regulation and the Special Category Status. The peace accord returnees have repeatedly raised their discontent over the lackadaisical implementation of the rehabilitation and settlement provisions of the Accord. The territories of Mizoram specified in the Accord, based on the North Eastern Areas (Reorganization) Act, 1971, are not acceptable to any political party or civil society organizations of Mizoram due to its vague definition of the territories comprising Mizoram. The ambiguity has created an unresolved border conflict for Mizoram with its neighboring state, Assam. While the provision for a separate university was achieved with the establishment of Mizoram University in 2001 which continues to thrive as one of the top universities in India, the provision for a

separate high court has been compromised with the creation of a bench under the Gauhati High Court.

This article has argued that it is rather the civil society in Mizoram, particularly the churches, that have created conditions for durable peace by molding and shaping a political culture of peace and non-violence. This was done through its various declarations, public messages, teachings, state-wide prayer programs and direct intervention. The highly homogenized Mizo society makes conditions favorable for the churches to exercise their influence, as 87 percent of the state's population is Christian, according to the 2011 Census. The largest church in the state, the Mizoram Presbyterian Church Synod, headquartered in the state's capital, Aizawl, has 598,778 members.⁶² The Baptist Church of Mizoram headquartered at Serkawn, Lunglei has 160,344 members and is the second largest church in the state.⁶³ The church members from the Presbyterian and the Baptist churches alone, amounting to 759,122 people, constitute 69.2 percent of the total population of Mizoram.

The Mizos are also highly homogenous linguistically with 73 percent speaking Mizo/Duhlian dialect, according to the Census of 2011. With a 91.58 literacy rate, the state has also developed as one of the most literate populations among Indian states and union territories, next only to Kerala and Lakshadweep. Besides the sanctity of religion in the lives of the people, through the services they rendered during the troubled years, the churches in Mizoram have not only continued to earn the respect of the people but have also attained a hegemonic role in the post-Accord social and political life in Mizoram.

⁶² Mizoram Presbyterian Church Synod, Statistics of 2014-15.

⁶³ *Baptist Church of Mizoram*, BCM Statistics of 2013-14,
<https://www.mizobaptist.org>.

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