

GAHC030001232019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Cont.Cas(C)/7/2019

Vanlalsiama
Sakawrdai, Aizawl

VERSUS

Lalnunmawia Chuaungo and 5 Ors.
Aizawl2:Lalrinliana Fanai Home Secretary
Govt. of Mizoram Aizawl
Aizawl

3:Smt. Renu Sharma
Chief Secretary to the Govt. of Mioram
Aizawl

4:Sh. Vanlalngaihsaka
Secretary to the Govt. of Mizoram
Home Department
Aizawl

5:Sh. H. Lalengmawia
I.A.S.
Secretary to the Govt. of Mizoram
Home Department
Aizawl

Advocate for the Petitioner : Mr Nei Chunga Darlong

Advocate for the Respondent : Mr C Zoramchhana for R1

B E F O R E
HON'BLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

11.06.2025

Heard Mr. Nei Chunga Darlong, learned counsel for the petitioner and Ms. Mary L Khiangte, learned Government Advocate for the State of Mizoram appearing for all the respondents. Vide Order dated 17.10.2024, this Court, on the submission made by the learned counsels, had directed the counsel appearing for respondent No. 5 to file a show-cause reply, showing as to what steps had been taken by the State respondents with regard to the first part of paragraph No. 5.1 of the Memorandum of Agreement in compliance with the Court's Judgment & Order dated 04.09.2017 in WP(C) No. 80/2016. Although it is submitted at the bar by the learned counsel for respondent No. 5 that there is enough compliance of the first part of paragraph No. 5.1 of the said Memorandum of Agreement in view of the fact that the said first part of paragraph No. 5.1 does not provide the area where Hmar language should be made a medium of instruction up to primary level although in the second part of paragraph No. 5.1, the State of Mizoram is inserted.

According to the learned counsel for respondent No. 5, the Hmar community people are concentrated only in Sinlung Hills Council area and as

such, the Govt. of Mizoram has furnished an instructions to her that Mizo and Hmar language is used on a need basis as the medium of instruction for teaching at the Primary School level, within the Sinlung Hills Council area. However, the learned counsel appearing for the petitioner submits that a plain interpretation of the paragraph No. 5.1 of the Memorandum of Agreement reveals that the Hmar language should be the medium of instruction up to a Primary level in the entire State of Mizoram not confining only to the Sinlung Hills Council area.

As far as the second part of paragraph No. 5.1 is concerned i.e., recognition for Hmar language as one of the major language of the State of Mizoram, the same is complied with as stated by the counsel appearing for respondent No. 5 and as per the notification with respect thereof, annexed in the show-cause reply dated 15.03.2025. Further, paragraph No. 5.3 of the Memorandum of Agreement states that a new Civil Sub Division to be open at Sakawrdai and Sub-Divisional Office of different Departments also to be established at convenient location in the area and a Primary Health Centre at Sakawrdai to be upgraded to 30 bedded Community Health Centre, the same is also complied with. So the only issue remains is whether the first part of paragraph No. 5.1 is complied with or not.

In view of the said submissions, this Court feels it necessary that a show-cause reply may be filed by respondent No. 5 in which a clarification may be made as to the interpretation of paragraph No. 5.1 of the said agreement. Therefore, the counsel appearing for respondent No. 5 is directed to file the affidavit within a period of 2 (two) weeks from today.

JUDGE

Comparing Assistant