There are two systems of justice in Mizoram, custom based justice and the legal judicial process. Mizoram is a unique society in the sense that non-governmental bodies forms an important component in the administration. These non-governmental bodies are not registered with any other non-governmental bodies of other state in the country or any international non-governmental organization. One non-governmental body called YMA stands out among all the other NGOs present in Mizoram in importance.

After the British invaded India and then eventually landed in the hills of Mizoram, then known as the Lushai Hills, customs and traditions of the Mizos was carried on by a very powerful and influential non governmental organization called YMA acronym for Young Mizo Association which played a vital role in the administration of the society in Mizoram. Besides YMA, there are other non-governmental organization in Mizoram such as MHIP (women’s organization), MUP (elders organization) and MZP (students organization) which also have big influence on governmental decisions but not as big and powerful as the YMA.

Evolution of YMA:

To explain the importance of YMA in Mizoram, it would be incomplete without explaining first the meaning of Zawlbuk. Towards the end of the 19th Century, an institution called ‘zawlbuk’ meaning ‘bachelor’s dormitory’ played an important role in the Mizo community. This institution was present in all the villages of that time. It is where discipline and the importance of social obligation were taught to young boys of the villages. Its main purposes were:

i) The protection of village from foreign enemies.
ii) To provide a workforce for the community which was mainly agrarian during that time.
iii) To act as a body for consultation during crises and famine.

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However, it can be said that the most important aspect of ‘zawlbuk institution’ was a concept called ‘tlawmngaihna’ or the Mizo ethos. It stands for an ideal of conduct that was widely accepted as a way of social life, generally thought to be proper for people in their social life.\(^2\)

It was expected of every Mizo to have ‘tlawmngaihna’ in them especially among the young people but it doesn’t exempt the old or women either. This concept was not taught in a formal way inside zawlbuk institution but was imprinted in the minds of the young people which was passed on from generation to generation. It connotes and implies uprightness, courage and self-sacrifice. It implies courtesy, humility and modesty. ‘Tlawmngaihna’ has no place for conceit and showfullness. In fact, ‘tlawmngaihna’ is voluntarily going on beyond the requirement of duty. Self expression of any kind was contrary to the spirit of ‘tlawmngaihna’. Even if a person is under severe body pain and when asked how he is doing, his reply would be that he is fine. Not showing pain is considered to be in the spirit of ‘tlawmngaihna’. It was the high principal of daily living, the very foundation of Mizo social life. It is an art of knowing how to be helpful, pleasant and courteous. However, the arrival of the British brought enormous changes in the villages of Mizoram. They carry out widespread conversion of the Mizos into Christianity. They also work hard in educating the people. They teach them the English alphabets and taught them how to read and write\(^3\). They themselves learn the Mizo dialect in a very short time and formulated the Lushai alphabet by modifying the English alphabet a bit. All this brought about the extinction of what was once a very important component of the Mizo society called ‘zawlbuk’.

After the extinction of ‘zawlbuk’, the English were not sure how to carry on the traditional Mizo lifestyle. They desperately thought of ways to substitute the Zawlbuk way of administration. Finally, they thought of forming an organization that would unite all the Mizos together under the name Young Lushai Association, an association akin to that which was present in Wales called Young Wales Association. The name was later changed to Young Mizo Association and was formally unveiled and introduced to the public on 15\(^{th}\) June 1935. All Mizos who had reached the age of 14 were made a member from every household. Branches were created in all the villages and soon this Association became very popular. The change of name to Young Mizo Association also brought new meaning to the Mizo people in realising the importance of keeping up the cultures and traditions of the Mizos and also instill in them the spirit of patriotism.

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2. Lalkhama, A Mizo Civil Servant’s Random Reflections (2006) pg.18
The aims and objectives of YMA are as follows:

1. Good use of leisure
2. Development of the Mizo society
3. Revere Christian ethics

Young Mizo Association imposes on its members to uphold the spirit of:

1. Self-discipline and righteousness
2. Good management of family
3. Just and truthfulness
4. Tolerance
5. Politeness
6. Chivalry and usefulness
7. Social commitment
8. Respect for religion
9. Preservation of culture
10. Abstinence from liquor and drugs

**Criticisms on YMA:**

The YMA started gaining popularity and importance in the Mizo society as it gained its strength from its numerous members spreading all over the State of Mizoram. As it has full support of the people of the State and it has members at the highest level of the Government, the YMA became very powerful to the point that it can be called a parallel government. If anyone utters anything against the YMA they are frowned upon and if anyone refused to be a member, they will be ostracized from the Mizo community. If anything happens to a family who are non-members and they needed the help of the community, the YMA will not be willing to help them since they are the ones guarding the society in keeping up the Mizo cultures and traditions. They also have strong link with the Church as one of their goals is respect for religion. It was already mentioned that the members of the Church, the Englishmen themselves were the founders of this organization. In a state like Mizoram, where Christianity is followed by 90% of the total population, this maybe the reason why YMA is such a powerful organization till date.

3. [https://en.wikipedia.org/wiki/Young_Mizo_Association#cite_note-yma-1](https://en.wikipedia.org/wiki/Young_Mizo_Association#cite_note-yma-1)
However, the YMA claimed that they are not a religious based organization. They only believe in upholding Christianity as it is the main religion of the state followed by a majority of the population.

But as time passes, the linkages between the Church and the YMA weekend. The YMA also realises that the one thing that defined the nature of the Mizo called ‘tlawmngaihna’ started losing importance among the people.

And now the YMA have come under lots of criticisms. Especially after proclaiming the year 2005 as Anti-drugs year, it seems like they are taking law into their own hands. Central Anti-Drugs Squad (CADS) was formed under the Central YMA. Under this, to check the drug peddlars, they form a sub-group called Supply Reduction Service (SRS) which are present in all the localities. In the first three weeks of its formation, the volunteers of SRS under the Central YMA CADS have done numerous raids in different localities in the capital city, Aizawl without acquiring any search warrant as such. According to The Indian Express they have caught roughly 400g of heroin, 500 g of Marijuana and 19 strips of the pharmaceutical preparation alprozulum. In the same three week period, the SRS rounded up 221 drug addicts, drug peddlers and sex workers linked to to the drug trade and committed more than 200 individuals to counselling to wean off the habit with the informed consent of their families and relatives.

The YMA also regularly destroys seize articles such as proxyvon, heroin and other drugs in their office campus without informing the Government Excise Department who are given the authority for such action. But let alone blame them for this, they are usually commended for such act and this are often done in the presence of Government Officials or Ministers of State. It is also often given as local news item in tv and newspapers.

**Violations by YMA:**

On 10th October 2005, one Mr. Zothantluanga who was accused of theft of a gold chain and money, which is not even a big amount, was caught by some of the members of the YMA and was tortured to death. This caused disruption and resentment in the locality where he resides, against the YMA personnel. Human and Rights and Law Network had even suggested to them to break up the organization. They were of the view that the YMA have no

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4. Published 12th May, 2015
right to take matters into their own hands. If they had caught such person, the first move to make is to call the police. Here, it seems that the YMA thinks they are the law. Just because a person does wrong doesn’t mean he is a criminal and even if they had caught that person, they have no right to take him out from his home, take him to some place secluded and torture him for confession. This amounts to violation of our rights enshrined in the Constitution and in the Human Rights Law. Long before independence, during the time of our forefathers, the rule was that those who had committed some wrongs, if caught, should be left in the forest to die or that they should be tortured if they proved to be a nuisance in the society. But we can’t live by the rules of our ancestors anymore, as there was no law those days and their thinking was simple and do not have an idea of what human rights is. It is for the law to punish a person for his wrong and not any other organizations or network as this will amount to the violation of human rights. So, in this case the Human Rights and Law Network and the Mizo Women’s Association demanded a compensation for the victim’s family which amounts to 10 lakhs to be paid by the YMA of that locality.

On October 24\textsuperscript{th} 2005,\textsuperscript{7} one person named Lalnunfela had gone for the YMA election. Since he was not in the electoral role, he was trying to cast his vote in the name of another person who was in the electoral role. Unfortunately for him, he was caught in the Act and taken to police custody. But on request by the YMA to hand him over to them, the police complied. Once he was in the hands of the YMA, he reported that he had been tortured to the extent that his life was in danger and so was taken to hospital. After medical examinations, it was found that some of his ribs were broken as a result of the actions of some of he members of the YMA. This action was really condemned by various other NGO’s of the State and the Human Rights and Law Network. Sources said that till date the victim had not recovered from the wounds inflicted by the YMA.

Another case of human rights violation is the case of a girl named Nancy\textsuperscript{8}. Brief facts of the case was that this girl had, in good faith posed in front of a camera semi-nude thinking that no one except her will ever see it. But to her horror, the camera man had leaked that tape. It resulted in almost every household seeing it. It was an embarrassing and sad moment for her. On top, the locality where she lives chased her out from it and her landlord threw her out from the house saying that she is the bad apple in the barrel. Here, it seems that her right to live in dignity was greatly violated. Luckily, some charitable people came to her aide and

\textsuperscript{7.} The Aizawl Post, (Aizawl, 25\textsuperscript{th} October, 2005)
\textsuperscript{8.} Vanglaini: A Daily Newspaper, (Aizawl 10\textsuperscript{th} March 2007)
Another case is the case of a guy named Lalrokima.\(^9\) Brief facts are that he had gone out with his friend. There, both he and his friend had picked up a fight with the guys from the locality where they went. Since they were outnumbered, he was beaten to death though his friend managed to escape. On hearing this, the YMA from his (Lalrokima’s) locality went down in large groups to the locality of those who had beaten him to death. There, they burn some houses showing their discontentment. The innocent also suffered. The YMA had gone too extreme as suspects were already arrested by the police. But they are not content with that until they let out their anger. In connection to this, the Human Rights and Law Network states that the mob violence in this incident could be avoided. They strongly feel that the police had not performed their duty well since the residents of the deceased started gathering after making announcements through the local information centre’s Public Address system. Looking into the fact that only 20 policemen were sent to control the 600-odd mob. The government can be regarded as allowing the angry mob a free rein. It is also very shameful that media persons were attacked by the mob while the policemen were left untouched. The rights body conducted a survey on the place where the incident took place and found that the mob had burnt five houses including a shop, a Maruti Van and a scooter in retaliation to the death of their fellow resident. The attack on the media persons and destroying their cameras has drawn criticism from all quarters. The reason could be because the members of the mob did not want to be caught in the act. The rights body further added that the failure in law and order was further proved when a group of six men, all from the locality of the deceased went back to the place of violence after the police had dispersed and yet again burnt a house and destroyed several others while family members were having their meal. It is a total failure on the part of the State Government as there are two armed battalion stationed in the city and the incident took place near a police training centre. The police were mere silent spectators. This shows the superiority of the YMA as the police seem to regard them as untouchables. The rights group demanded necessary action against all those involved in the killing and the consequent violence and sought payment of compensation to the victims including the media persons.

\(^{9}\) Vanglaini: A Daily Newspaper, (Aizawl 8th May, 2008)
Last year, just before the festival season of Christmas, the biggest Christian celebration in the world, the YMA from Champhai, one of the biggest districts of Mizoram made a pronouncement to make their district alcohol and drugs free zone. Their method of doing that is to put a cage big enough to fit two to three people in it. Then they put this cage in the busiest place in the town. If culprits were caught, they were to be put in this cage where everyone could see. Just makes one wonders where the law is. This clearly violates our fundamental rights mentioned in Article 21 of the Constitution. No one can be stripped of dignity except according to the procedures established by law. How can such action be justified if it is not done according to the procedures established by law? But, of course, the people living there as well as the culprits are not educated enough to know their rights and the officials who are authorised to do that turned a blind eye as it is the action of the YMA.

In 7th August, 2013 the YMA in its campaign against the local made liquor issued eviction order to a number of families who were allegedly involved in illegal selling of liquor in Phunchawng and Rangvanual localities. One resident of Phunchawng named F. Vanlalenga held a press conference disclosing the actions of the YMA by holding a Press Conference. Later, on 10th August 2013, volunteers of YMA visited his place and physically assaulted him.

**Violations against refugees:**

It is estimated that there are approximately 50,000 refugees from Burma living in India, of which most of them are currently living in the State of Mizoram. But because of lack of proper mechanism for protection of refugees in India, it is very hard to make an accurate headcount as not all Burmese refugees approach the UNHCR. Most of them fled their country because of the suppression of the Pro-democracy Movement in 1998. As the Burmese have close cultural and linguistic similarity with the Mizos, the Burmese refugees easily integrate into the local society and thereby able to acquire employment in low-paid job such as housemaids, day labourers etc. They try to keep a low profile of their presence by getting absorbed into the local community to avoid being identified as ‘foreigners’ or ‘illegal immigrants’. But while they attempt to keep a low profile among the local populations, they often become a target of scapegoats for local political parties in times of legislative elections. In 2000, Mizoram Government forcibly repatriated hundreds of Chin refugees to Burma who

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were directly sent to force labour camp in Burma. Again in March 2002, the YMA, orders the eviction of Chin refugees in Lunglei District of Mizoram, leaving many refugee families homeless. Since July 19, 2003, as one Burmese refugee was accused of rape, the Young Mizo Association started to evict thousands of Chin refugees from their houses in Mizoram. The eviction still continue up to this day, has resulted in the forced return of over 6000 Chin refugees to Burma. This latest drive of expulsion of Burmese refugees is particularly alarming given that both the local communities under direction from the Young Mizo Association and the Government authorities have cooperated in evicting and repatriating refugees to Burma.

**Conclusion:**

In conclusion, it can be said that the reason why the YMA is so powerful is not because of lack of proper education or ignorance to law but because the people in the society believe them to be the guardian of their cultures and traditions. They believe the legal process of law to be an encroachment to their culture. People are more accustomed to approaching the leader of the YMA of their locality in solving their problems than to go to the court of law. And the fact is that since every person above the age of 14 years are members of YMA, it includes judges, government officials, politicians etc. In such a society, it can be understood that it will be very difficult to uphold the rules of natural justice. There is often a heated discussion between the law created by the Constitutional versus the customary laws in the state of Mizoram. Specially when there is an incident of death of drug peddler or torture while in the custody of the YMA, there used to be huge debate on the validity of the YMA executing the function of law. The YMA always argued that they are implementing the customary law since they are the guardians of it and that its main objective is the development of the Mizo society. Anything that goes against that is against the customary law. Even if a case is brought against them they cited Article 371G of the Constitution as sanction to use the customary law in place of the Indian Penal Code. Article 371G states the provision with respect to the State of Mizoram that no act of Parliament in respect of religious or social practices of the Mizos, Mizo Customary law and procedure, administration of civil and criminal justice involving decisions according to the Mizo Customary Law, ownership and transfer of land shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides. The protagonists of the constitutional law argued that the said clause was only to safeguard against laws made by
Parliament in their attempt to override or make changes in the customary laws without the authority of the State Assembly. However, the protagonists of Customary laws in turn argues that Mizo Customary Law has been notified in the Mizoram gazette but then was countered that it was only a notification and if any customary laws broke the law, then the notification will not be valid and can be scrapped. It was also pointed out that mob action had never had the sanction of the chiefs in the past and therefore it cannot be said that the action of the YMA mob action is a customary law. No customary law is above the law which is enacted in accordance with the Union List, State List or Concurrent List of the Constitution.