



LOCAL SELF GOVERNANCE IN INDIA : A STUDY OF AUTONOMOUS DISTRICT COUNCIL IN MANIPUR AND MIZORAM

Voice of Research
Vol. 2, Issue 3
December 2013
ISSN No. 2277-7733

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Abstract

The present paper deals with a unique system of Local self Government institution in two states of north east India, Manipur and Mizoram. The Sixth Schedule to the constitution of India provides for the formation of Autonomous District Councils by the Tribal Communities themselves. In this context an attempt has been made to make a comparison of Autonomous District Council in Manipur with Mizoram. Although the District Councils in Manipur was dysfunctional since twenty years the recently held district council election in May 2010 would surely usher in a new era of Local Self Governance.

Keywords : Local, Self Governance, Local Self Governance, Manipur, Mizoram

Local self governance, in essence is a government formed by a group of free people to manage and regulate their own affairs¹. It is a multi-dimensional organized social entity with a feeling of oneness. In political terms, it is concerned with the governance of a specific local area, constituting a political sub-division of a nation state or other major political unit. In the performance of its function, it acts as the agent of the state for the realization of democratic values and its benefit. In the words of Laski "we cannot realize the full benefit of democratic government unless we begin by the admission that all problems in their incidence require decision at the place, and the persons by whom the incidence is most deeply felt and owned by the people." The term governance has a wider meaning than that of the term government. Government refers to the machinery and institutional arrangement of exercising the sovereign power for serving the internal and external interest of the political community whereas, governance means the process as well as the result of making authoritative decision for the benefit of the society. Governance also refers to the forms of political system and the manner in which power is exercised in utilizing the country's economic and social resources for development. It deals with the capacity of the government to design, formulate and implement policies, and in general, to discharge government's functions. Governance is associated with efficient and effective administration in a democratic framework². It is equivalent to purposive and development oriented administration which is committed to improvement of quality of life of the mass people. It implies the high level of organizational effectiveness. It also relates to the capacity of the centre of power of political and administrative system to cope with the emerging challenges of the society. It refers to the adoption of new values of governance with a view to establish greater efficiency, legitimacy and credibility of the system. In simple terms, governance is citizen friendly, citizen caring, responsive administration, pro-people or people centered. The concept and practice of local self governance in India

is as old as its history. During the Cholas heydays, they developed a highly efficient local self government³. In the same manner, albeit in varying degree, evidences of self governance are to be seen in almost all the kingdoms of Indian sub-continent. In British India, Ripon took the initiative to give its due place in his scheme of governance, though not in democratic spirit. During the national movement for independence and in Independent India, Mahatma Gandhi championed the cause of Local self Governance which now crystallized in the form of Panchayati raj. Panchayati raj was introduced in the country with great fanfare. Rajasthan and Andhra Pradesh were the first states to adopt the Panchayati Raj System in 1959⁴. It came to be associated with three broad images. In the first place, it was viewed as an end instrument for the realization of the ends of community development, second as an organ of the state government to execute the community development and such other schemes as the latter may entrust to it and thirdly it is viewed as an extension and embodiment of democracy at the village level. However, since the mid sixties, Panchayati raj was in low profile. As a form of local government, it fell out of favour everywhere, even in Maharashtra and Gujarat where it has been relatively more successful. The new national and state level political leaders which emerged around 1966 had much thinner links with the ideals of Mahatma Gandhi and thus much weaker ideological commitment to Panchayati raj. But then this trend is now reversed by the seventy third constitutional amendment in 1992 which became operative from 24 April 1993, giving the Panchayati raj its due place in the Constitution of India and its plan of governance⁵. The major features are introduction of a uniform three-tier Panchayati raj system at the village, intermediate and district levels throughout the country. However, the panchayat at the middle level need not be constituted in a state having a population not exceeding 20 lakhs. The legislation provides for reservation for schedule castes and schedule tribes at all levels in proportion to their percentage in the total population of the area. One third of the seats are to be



reserved for women. The Act provides for a minimum five year term for Panchayati raj institutions. In the event of supersession, election to constitute the body should be completed before the expiry of six months from the date of dissolution. It provides for conduct of election under the overall supervision of the state election commissioner to be appointed by the state Governor.

Historical Background: A country of vast cultural and ethnical diversity such as India, it was recognized that a uniform pattern of local administration in the form of Panchayati raj may not be workable. To this end the Cabinet Mission Plan in 1946 suggested that an Advisory Committee be formed to suggest for the formation of a suitable form of local self governance for the Minorities, Tribals and Excluded Areas. Accordingly, the Constituent Assembly set up an Advisory Committee which appointed a sub-committee known as the North East Frontier (Assam) Tribal and Excluded Areas Committee with Gopinath Bordoloi, the then Chief Minister of Assam as its chairman. The Bordoloi Committee thus formed, was of firm conviction that the tribals of Assam, who are historically and culturally different from tribes of other parts of India, should be allowed to promote and regulate their own way of life according to their free will and choice. B.R Ambedkar, the drafting committee chairman of the Constituent Assembly compared these tribes to that of the Red Indians of America who had a distinct and totally different historical background⁶. So he was in favour of adopting a policy which best suited their temperament and genius. In other words, he disposed towards formation of District Council which now operates as Autonomous District Council in north east states of Assam, Meghalaya Tripura and in limited form in Manipur.

The Bordoloi Committee recommended that the District Council should have legislative power over the occupation and use of land, other than land comprising reserved forest, the nature of cultivation of land should be left to the tribe themselves; the tribal people should have full powers of administering their own social laws, codifying and modifying them; primary education should be managed by the District Council. Certain taxes and financial powers should be allocated to the council; the establishment of regional councils in autonomous districts where there are distinct sub tribe. What was remarkable about the Bordoloi report was the manner and the political skill through which it sought to reconcile the hill people's demand for political autonomy with Government of Assam. Despite some opposition, the Drafting Committee and Constituent Assembly accepted the recommendation of Committee with some modifications.

Historically, prior to the advent of modern system of administration, the hill areas of Manipur and the erstwhile Lushai Hills, present day Mizoram had by and large similar kind of traditional system of village administration under chieftainship.⁷ Each village existed like an independent unit with a well defined, (though not coded) roles and

functions based on the evolved customary practices. The village chief, who is the virtual owner of the entire land, would be assisted by a council of elders in the administration of the village. All disputes were settled by the chief and his council of the elders. A vast majority of the cases were not taken to the court of law established by the British. They were tried by the customary laws by which the people have been governed. It is amazing to note that N.E Parry the then superintendent of the Lushai Hills considered the hill areas far ahead of the plains in matter of self government.⁸ The British Government of India, even after taking over the administration of the areas did not introduce any significant change in this traditional system of internal administration. It rather followed a policy of least interference so long as it did not clash with its interest and accept its suzerainty.

Towards the close of the Second World War and sensing its impending departure, the British Government of India made a departure from its earlier policy of least interference in the internal administration of the hill areas. It deputed one of its officers, P.F. Adams to consider the means for establishing and developing local government among the hill people in such a manner as to secure advancement by peaceful and progressive administration, the growth of democratic spirit among them and the equipment of the hill people to play their part in any larger unities of which they would form a part. In consultation with the local officers made a number of recommendations. For the Lushais, Kukis and Semas he suggested the establishment of village councils consisting of the recognized chief, assisted by elders, who would not be members of the chief in consultation with the villagers and should not be dismissed by the chief without just cause or reason. For tribes having elected elders Adams suggested that the village council would be composed of the Goanburas and elders appointed by the customary procedure. In the same line and for furtherance of this policy, in 1946 the Cabinet Mission suggested that there should be an Advisory Committee on the Rights of Citizens, Minorities and Tribal and excluded Areas. Accordingly, the Constituent Assembly set up an Advisory Committee in terms of the Cabinet Mission statement of 24th January 1947. This Committee appointed a sub-committee, known as the North-East Frontier Assam Tribal and Excluded Areas Committee with Gopinath Bordoloi as its chairman.

While the hill areas of Manipur and Mizoram, (the erstwhile Lushai hills) have many similarities, yet they differ on this fundamental point that the former was under the princely state of Manipur, governed through a political agent⁹ and the latter being a hill district within Assam was administered directly through the district Superintendent. So, when the Sixth Schedule to the Constitution of India was given effect to and the Autonomous District Council came into being in 1952, it was confined to the hill districts of Assam. In Manipur the Autonomous District Council came into being only in 1973 as a result of the Manipur (Hill



Areas) District Council Act, 1971. The hill areas constitute about 90 percent of the total geographical area of the state. It is inhabited by different tribal groups belonging to the Kukis and Nagas. Each group have their own set of village administration which is likened to a mini republic, independent of each other, though instances of Tribal warfare against one another was not uncommon. The villages were practically free of outside influences. The age old relationship of the tribals with the Maharaja of Manipur appears to be one of mutual respect and trust. However, the exact nature remains in obscurity. The tribal chiefs showed their allegiances and loyalty by paying annual or occasional tributes to the King of Manipur.

The Sixth Schedule of the Indian Constitution : Articles 244(2) and 275(1) to the constitution of India contain provisions for the administration of the tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram. This classified hill districts into autonomous and non-autonomous areas. The autonomous district may be subdivided into autonomous regions if there are different scheduled tribes in it. The Governor was empowered to include any area in the list of autonomous areas, create new autonomous districts, unite two or more autonomous districts or parts thereof so as to form one autonomous district, define the boundaries of any autonomous district and finally exclude any area from the list of autonomous district. The Sixth Schedule to the constitution allows for the formation of Autonomous District Councils by the tribal communities themselves. The strength of the District Council was fixed at a maximum of twenty four members. Members are to be directly elected on the basis of adult franchise for a period of five years. The Governor was, however, empowered to nominate certain number of persons and the numbers so appointed by the Governor shall hold office during the pleasure of the Governor. Each district council shall have a chairman and a deputy chairman, to be elected by the council itself.

This Schedule extended the legislative power of the District Council to allotment, occupation or use of land for agriculture and non agriculture purposes, other than categorised as reserved forests, management of unclassified forest, and the use of canal or water courses for the purpose of agriculture, control of jhumming or other forms of shifting cultivation. Besides these the council has power for appointment of chief or headmen, their successor, inheritance of properties, marriage and all other social customs. The District Councils derived their income from land revenue, forest administration of justice, taxes on animals, values and boats, professions, trades and grants from government etc.

In Manipur, the preparatory work for the establishment of District Council was simultaneously taken up with the preparation for the inauguration of Statehood in December 1971. The Manipur (Hills Areas) District Council Acts 1971 was subsequently passed to provide for the establishment of District Council in the Hill Areas in the Union Territory

of Manipur. In 1972, the Government of Manipur in exercise of powers given under section 3 of the Manipur (Hill Areas) District Council Acts, 1971 constituted, vide notification no 18/1/71 dated 14th February 1972, six autonomous districts in the hill areas of Manipur, namely Manipur North Autonomous District, Sadar Hills Autonomous District, Manipur East Autonomous District, Tengenoupal Autonomous District and Manipur West Autonomous District. Each autonomous district council had 18 members, elected on the basis of adult suffrage, with two nominated members. In order to implement the process of autonomy in the hill areas and to entrust more and more of local development matters to the elected representative of the people, the first election to elect members of the District Council (MDC) was held in the month of May 1973. In this election 18 seats were contested by candidates belonging to different political parties. The Indian National Congress was the only political party which contested all the 18 seats in all the six districts. The Congress won 11 seats in Tengenoupal ADC, 8 in Manipur East ADC 6 in Manipur North ADC 8 in Manipur South ADC and 9 in Sadar Hills ADC. The second general election for the Manipur North ADC was held in November 1977 in which the Janata Party won 10 seats out of which 4 were uncontested. The second general election for the other five remaining ADC was held in 1978. The third general election to the Manipur North was held in 1982, where as the other districts namely Churachandpur, Sadar Hills, Chandel, Tamenglong and Ukhrul were also held in the year 1984. The fourth general election could be held only for the Manipur North ADC in 1987, whereas in the other five ADCs with the expiry of its third term on 28th February 1989, without being extended, elections to ADC were not held thereafter for a continuous period of more than twenty years. The Demand Committee for extension of Sixth Schedule was formed and in collaboration with the All Tribal Students Union Manipur, different forms of agitation was launched throughout the hill districts of Manipur ever since its suspension in the late 80s and thereafter. The redeeming thing is that, now after a lapse of more than twenty years, election of the Autonomous District Council could be held in the hill districts of Manipur, amidst strong protest from the various Naga social organisations, civil society and students union.

The Autonomous District Councils in Mizoram were set up on the basis of the recommendation of the Bordoloi Committee. As a precursor to, and to prepare the way for the formation of the Autonomous District Council, the Lushai Hills Advisory Council was held on 23 March 1948 with the following functions: a) to discuss the draft rules and submit its recommendation thereon to the Government of Assam. b) The Advisory Council should, subject to the general direction of the superintendent, exercise powers which were exercised by local Government and other local bodies elsewhere under the local self Government Act. c) The Advisory Council should not initiate any legislation at



this juncture. d) Members of the Advisory Council were allowed T.A and D.A at the rate of Rs.3 per day. Having performed its work, the Advisory Council was abolished by the Government on 12 November 1951, paving the way for the formation and election of District Council in the early part of 1952. The first general election to the Lushai District Council was held on the 4th January 1952. There were 37 candidates contesting the election and of these, 18 candidates were from the Mizo Union (MU) 16 from the United Mizo Freedom Organization (UMFO) 2 from the Tribal Union and 1 Independent. The election was contested by these political parties, namely MU, UMFO and TU in the Pawi-Lakher region.¹⁰ The MU won all seats except one which was won by UMFO.

On completion of the election, the Lushai Hills District Council was constituted on 25 April 1952 and an Autonomous Regional Council for Pawi-Lakher Region in the Mizo District called the Pawi-Lakher Regional Council was constituted on 23 April 1953. Soon after its constitution the Lushai Hills District Council brought about certain changes. The Lushai Hills (change of name) Act 1954 designated the council as the "Mizo Hills District Council" from 1 September 1954. As demanded by the people for the correct spelling of the corrupted spelling of Aijal and Lungleh, they were corrected as Aizawl and Lunglei respectively from 10 August 1970

The District council as well as the Regional Council continued to exist for about twenty years, till the district was converted into the Union Territory by the North Eastern Areas (Reorganization) Act 1971 in January 1972. From 1st September 1972, the three sub-divisions in Mizo District were upgraded as districts, namely Aizawl, Lunglei and Chintuipui. When the Mizo District was converted into the Union Territory by the North Eastern Areas (Reorganization) Act 1971, the Mizo District Council ceased to exist and the Pawi-Lakher Autonomous region was split into three regions so that each of the Pawi, the Lakher and the Chakma region might be converted into districts. Thus, by an order called the Pawi-Lakher Autonomous (Reorganization) order 1972, three regional councils came into existence i.e. Pawi-Regional council, the Lakher Regional Council and the Chakma Regional Council in the Chintuipui District with effect from April 2 1972. On April 29, 1972 as provided under paragraph 20 B of Sixth Schedule to the Constitution of India, the Pawi Regional Council became Pawi District Council and Lakher Regional Council became Lakher District Council and Chakma Regional Council became Chakma District Council

The signing of Mizoram Accord in 1986 had a far reaching effect in the Politics of Mizoram. While it brought about tremendous changes in terms of law and order and its concomitant progress in developmental work; the Chakmas of South Mizoram, afraid of Mizo oppression, submitted a memorandum to Prime Minister Rajiv Gandhi, demanding the status of Union Territory for the Chakmas. In the same manner, the Pawis and Lakhers also sent a

delegation to New Delhi in September 1986 and submitted a memorandum demanding Union Territory for the Pawi-Lakher Region. People of the Sixth Schedule area were also alarmed at the adoption of the resolution for abolition of the Chakma Autonomous District Council in the 54th General Conference of the Young Mizo Association at Champhai, which was held from 19-21st October 1999. Further, 21 private member resolutions were submitted between 1985 to 2000 for abolition of the CADC in the Mizoram Legislative Assembly. Therefore the Lais and Maras opined that they would be the next targets after the abolition of the CADC. As such, people of the Sixth Schedule area are under the grip of fear psychosis¹¹.

Composition of Autonomous District Councils : In Manipur, the total number of seats in the District Council shall not be more than eighteen. These seats are to be filled by persons directly elected on the basis of adult suffrage from territorial constituencies. Besides the elected members, the Administrator may nominate not more than two persons in the service of government, to be members of any District Council. The term of office of a member shall be five years. For each District council, there shall be constituted an Executive Committee consisting of a Chairman, Vice-Chairman and five other members. The Chairman and Vice-Chairman shall be the ex-officio Chairman and Vice Chairman respectively of the executive committee and five other Executive members shall be nominated by the Chairman from amongst the members of the District Council¹². All administrative function of the District Council as may be specified shall vest in the Executive Committee. Upon removal or resignation of the Chairman, or in the event the Chairman ceases to be the Chairman of the District Council for any reason, the nominated Executive members shall cease to be members of the Executive Committee. Section 23 of the Act provides that the Administrator may, by order in writing, remove the Chairman from the office upon a resolution of the Council, which is passed by a simple majority of the total membership of the council. It further provides that the Chairman can be removed by a resolution signed by not less than two-third of the total membership of the council at a meeting held for the purpose. The Chairman may nominate from amongst members of the council a panel of not more than two Deputy Chairman so as to enable any one of them to preside over the council in absence of the Chairman and Vice Chairman. The Chairman and Vice-Chairman shall not preside over any meeting of council while any resolution for their removal from office is under consideration. Besides the elected members, in every District Council, there shall be a Chief Executive Officer who shall be appointed by the administrator. The Chief Executive officer can be removed from his office by the Administrator if the resolution for his removal is passed at a meeting of the District Council by a majority of not less than two-third of total membership of council. Subject to the prior approval of Governor regarding the recruitment



rules for all categories of posts under the council, the council has power to appoint such officers and staff, whether temporary or permanent, as may be necessary for the proper and efficient execution of its duties. Every officer or member of staff of a District Council shall be deemed to be a public servant.

In Mizoram, the District Councils has larger number of elected members as well as nominated ones. The Lai Autonomous District Council has a total strength of 27 members, out of which 23 are directly elected by the people and 4 members are nominated by the Governor on the recommendation of the Chief Executive members of the Lai Autonomous District Council. As per the provisions of the Rules framed under the Sixth Schedule to the Constitution, there shall be an Executive Committee of the District Council with the Chief Executive Member at the head with two other members to execute the functioning of the District Council¹³. The Chief Executive Member (C.E.M) shall be elected by the District Council and the other two members of the Executive Committee (E.M) shall be appointed by the Governor on the recommendation of the C.E.M from amongst the members of the District Council. The Chairman presides over the meeting of the council and in the absence or inability of the Chairman the Deputy Chairman shall discharge the responsibility of presiding the meeting of the council. The Chairman and the Deputy Chairman of the District Council are not eligible to hold office of the C.E.M. The Executive Committee shall be collectively responsible to the Council in that when the C.E.M ceases to hold office, the other members of the Executive Committee too automatically cease to be the members of the Committee. The C.E.M or the Executive Committee shall vacate his office if he ceases to be a member of the District Council.

Functions of Autonomous District Councils : In Manipur, the Manipur (Hill Areas) District Council Act 1971 entrusted the council with as many as seventeen functions. The Autonomous District Council which came into existence after its first election in May 1973 discharged these functions till its supersession and suspension in 1988. Discontented with these functions, the Sixth Schedule Demand Committee was formed by all the District Councils of Manipur and along with it, the All Tribal Students Union, Manipur put pressure upon the government for the extension of the Sixth Schedule. In partial fulfillment of this demand, the Government of Manipur effected Third Amendment to the Manipur (Hill Areas) District Councils Act in 2008 by enhancing its functions to twenty six. It includes the maintenance and management of such property, movable and immovable, and institutions as may be transferred to that council by the -Governor; the construction, repair and maintenance of the roads, bridges, channels and buildings as may be transferred to that council by the Governor; the establishment, maintenance and management of schools up to class VIII ;the establishment, maintenance and

management of medical dispensaries and primary health sub-centres; the establishment and maintenance of cattle pounds including such functions under the Cattle-trespass Acts, 1871 as may be transferred to that Council by the Governor; the establishment, maintenance and management of markets and fairs and the construction, repair and maintenance of all buildings connected therewith; water supply and sanitation schemes; the construction, repair and maintenance of embankments and the supply, storage and control of water for agricultural purposes including minor irrigation schemes; the preservation, reclamation and conservation of soils; animal husbandry and veterinary dispensaries; management of such ferries as may be entrusted to the charge of that council by the Governor; the imitation, inspection and control of relief works; the allotment, occupation or use, or the setting apart of land, other than land acquired for any public purpose or land which is a reserved forest, for the purpose of agricultural or grazing or for residential or other non- agricultural purposes or for any other purposes likely to promote the interests of the inhabitants of any village or town situated within the autonomous district for which the Council is constituted; the management of any forest not being a reserved forest, minor forest produce including fuel and fodder; the regulation of the practice of Jhum or other form of shifting cultivation; fisheries; co-operatives; sports and youth affairs; adult and non-formal education; horticulture and floriculture; rural housing and schemes under rural development including tribal development; khadi & village and cottage industries; small scale industries; non-conventional energy sources; library and cultural activities; any other matter which the Governor may in consultation with the Hill Areas Committee, entrust to the District Council in the field of agriculture, animal husbandry, community development, social and tribal welfare, village planning or any other matter.”

In Mizoram, the Autonomous District Council is vested with the power to exercise four functions, i.e. Legislative, Executive, Financial and Judicial. The District Council has power to make laws on the allotment, occupation and use of land, regulation of jhuming, management and control of forest under the council, the use of water courses for agriculture, the establishment of town committee, matters connected with the administration of village police, the appointment and succession of Chief or Headman, the inheritance of property, marriage and divorce, social customs, money-lending and trading by persons other than the schedule tribes. The executive power includes establishment, construction and management of primary schools, dispensaries, markets, cattle ponds, ferries, fisheries, roads and waterways. The District Council has also the power to determine the language and the manner in which education should be imparted in the primary schools within its jurisdiction. In financial matter, the District Council has power of taxation. It has the power to assess and collect land revenue, house taxes on



professions, trades, calling and employment, tax on the entry of goods into the market for sale, taxes on maintenance of schools, roads and taxes on vehicles. The Council has also power to issue licenses or leases for the purpose of prospecting or extracting minerals. It has also the right to a share in the royalties derived by the State Government from licenses or leases granted for the purpose of extraction of minerals.

In the exercise of its judicial power and the administration of justice, the District Council has three classes of Courts: District Council Court, Subordinate District Council Court and village Council Courts. The District Council may appoint suitable persons to be the members of the Village Council Courts. It may also appoint such officers as may be necessary for the execution of laws made by the council. All the Courts exercise civil jurisdiction in respect of all cases other than cases where one of the parties is a person not belonging to a schedule tribe.

The District Council Court is a Court of Appeal in respect of all the cases of trial by lower courts such as the Subordinate Council Court. No other courts except the High Court and the Supreme Court of India has jurisdiction over such cases, or the Additional Subordinate District Council Courts. The Subordinate District Council is a Court of appeal in respect of the cases decided by the Village Council Courts. An appeal shall lie to the Subordinate District Council Court from a village Council Court against an order passed by the latter within 60 days from the date of order. Appeal against the District Council Court can be made in the Guwahati High Court within 60 days from the date of judgement.

Conclusion : The ideals and driving forces behind the formation of the District Councils under the Sixth Schedule in the hill districts of the erstwhile Assam inter alia are; to give opportunities to the hill people of the region to participate in the democratic process of the country, to allow them to govern and develop themselves, in the words of Dr.B.R.Ambedkar, "according to their genius". It was to this end that the first general election to the District Council in Mizoram was held in January, 1952 under the name of the Lushai Hills District Council, which was subsequently changed into Mizo District Council. This continued to exist till 1972, when the Mizo Hills was upgraded into Union Territory. And today, there are three District Councils namely; Lai Autonomous District Council, Chakma Autonomous District Council and Mara Autonomous District Council in the southern districts of Lawngtlai and Saiha in Mizoram. In Manipur, the six District Councils were established in 1973, after the enforcement of the Manipur (Hill Areas) District Council Act, 1971. But the district councils in Manipur are quite different from those that are in Mizoram, essentially because; they are not given legislative and judicial

powers, but only limited executive and financial power. Whereas the District Councils in Mizoram established under the Sixth Schedule are entrusted with legislative, executive, financial and judicial powers. When the two are compared, the District Councils in Manipur are just a mere shadow of its counterparts in Mizoram. However, it is hoped that with the resumption of the District Council in Manipur since 2010 it will go a long way in assuaging the wounded feelings of the tribal communities in the state,¹⁴ thereby paving the way for a new lease of life to the more than twenty years superseded Autonomous District Council in Manipur.

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