



## Decentralizations and Ethnic Identities: A Comparative Study of Autonomous District Councils in Manipur and BTC in Assam

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### Abstract

This article analyzes the functions of Autonomous District Councils under the Manipur (Hill Areas) District Council Act of 1971 and how far the institution of self-rule accommodates the interests of different ethnic identities in the state. The dissolution of district councils of Manipur in 1988 due to non-devolution of powers, lack of development and subsequent demand for the extension of the Sixth Schedule in the hill areas. After more than twenty years of its suspension, the District Council elections were held in 2010 under the ADC 3<sup>rd</sup> Amendment Act of 2008 despite strong opposition from the tribals. However, in the aftermath of the sudden eruption of violence between Meitei and Kuki-Zo on 3 May 2023 after a 'Tribal Solidarity March' in the hill districts to protest against Meitei's demand for ST status, the political dynamics in the state have rapidly changed. The Kuki-Zo are now demanding the Union Territory with an elected legislative council but the Nagas warned not to disturb their ancestral land while solving Kuki-Zo issues. In this context, the up-gradation of ADCs under the Sixth Schedule in the hill areas of Manipur in line with the Bodoland Territorial Council (BTC) is one of the viable solutions to fulfill the aspirations of the tribals.

**Keywords:** Ethnic identities, self-rule, autonomy, accommodation, constitution, and decentralization

### Introduction

Manipur is the only state in north-eastern India, which has never been governed either by the provision of the Fifth Schedule or the Sixth Schedule of the Constitution. The tribals opposed the workings of district councils under the Manipur (Hill Areas) District Councils Act of 1971 because it has not seen any significant development and has not been conducive to the continuity of the traditional system of self-rule. The hill tribal of Manipur is essentially categorized into two major tribes-Nagas and Kuki-Chins. They are the origin of Indo-Mongoloids and linguistically belong to the group of Tibeto-Burmans. The tribes who have an affinity with the Naga tribes of Naga Hills were given the generic name "Naga" <sup>[1]</sup> while the other tribes who have an affinity with Chins and Lushais were called "Kukis" from a conglomeration of tribes <sup>[2]</sup>. Kukis are highly dispersed tribes in North East India and were originally pushed out of Mizoram by the Lushais. They made an exodus into neighboring Tripura, Manipur, and Assam where they were settled by the ruling kings on the advice of the British Political Agents. Even though they cooperated with the host states, tensions still existed as they were new migrants who had occupied the lands of the indigenous Naga tribes or other communities. They were used by the colonial authorities as deterrents to the Naga tribesmen <sup>[3]</sup>.

The migration of the southern Mongoloids was tentatively proposed to be around 1000 B.C. but the pre-historic findings

show that both Paleolithic and Neolithic cultures existed in North East India and was one of the oldest habitats of men in the country (Kamei, 1992:204). The Nagas who speak Tibeto-Burmans Mongoloid groups were described as 'a Neolithic people and had come from Myanmar.' <sup>[4]</sup>. The Bodos were the first among Tibeto-Burman speakers to enter this region. The Nagas are a heterogeneous group, though they trace their ancestry from north-west China and north-east but seem to have reached their present habitat by the southern routes driven by the Lushai-Kuki tribes <sup>[5]</sup>.

The Manipur hill tribes had an autonomous statute during the pre-colonial period under the Kings of Manipur and were polarized into Nagas and Kukis by the British administration (Kamei, 1992:209). Before the arrival of the British in Manipur, the tribal chiefs of every village functioned independently and there was no outside interference. The relationship between the Meitei king and the chiefs had a strong bond and was a very good one. In those days, there was head-hunting and inter-tribal war between the tribal chiefs for the protection of their land. Despite exacted tribute from the subjugated tribes, the Meitei kings failed to institutionalize political domination in the hill areas of Manipur.

The hill people were not represented in the royal *durbar*. The non-participation of tribals in the political mainstream led to the incomprehensive process of state and nation-building. The hill people continued to enjoy an independent political existence <sup>[6]</sup>. When Manipur came under the control of the

British after the Anglo-Manipur War of 1891, the hill areas were also brought under British rule by keeping the hill administration under the responsibility of the Political Agent (Kipgen, 2009:332). The British Political Agents recognized and utilized the institutions of chieftainship as part of their administrative machinery to serve the interest of the state in general and the tribe in particular. So their office was retained as part of an administrative empowerment<sup>[7]</sup>. By the middle of the 19<sup>th</sup> century, all the tribal states were annexed and brought under the paramount of British India. Only Tripura maintained her independence. Manipur by that time had become a completely Hinduised state as King Garibaniwas (1709-1748) introduced Hinduism in Manipur (Kamei, 1992:204).

Edward Hutton, a British army officer warned that the danger of exploitation by plainsmen of the hills was not a chimera. This was borne out by experience in the Manipur State. The Manipur Hill Tribe not only during the Regency of the Superintendent but even after the ruling powers were vested in the hands of the Maharaja, were kept under the control of a European officer because of the inhuman treatment meted out by the Manipuris. It was disrespecting the most elementary rights of the hillsmen. The hillsmen were treated a little better than animals as they were exploited in every possible manner. He further pointed out the fact that special treatment of the hill tracts of Manipur must be excluded from the operation of reforms. If the hill areas were included in the reform process, the plainsmen "would interfere with local customs and rights". And as a result, "Discontent, disturbances, and rebellions" might happen. The Kukis rebellion of 1918 was the result of the oppression of the tribals by the subordinate officers. It cost the Central Government Rs.20 lakhs to disarm the rebels and restore law and order<sup>[8]</sup>. The British followed a policy of protection of the hill tribes from oppression and exploitation of the plainsmen and the policy was resented by the Maharaja of Manipur<sup>[9]</sup>.

In Northeast India, both the Tripura and the Manipur kingdoms were made to sign the 'Instrument of Merger' in September and October, respectively, of 1949<sup>[10]</sup>. In the case of Manipur, Maharaja Bodh Chandra's signing of the instrument is surrounded by disturbing circumstances. He was called for a meeting with Sri Prakash, then Governor of Assam in Shillong on 21 September 1949. During the following days of negotiations, the Maharaja was detained in his summer residence, without any chances of communication with the outside world, and thus without the possibility to consult the elected representatives of the newly established Manipur State Council. The Maharaja was back in Imphal on 15 October. He signed the Instrument of Merger on 21 September 1949, Manipur 'ceased to be an independent monarchy and became part of the Indian Union as a part 'C' state'<sup>[11]</sup>. After this merger, the Indian Government abolished the Praja Shanti Sabha coalition government in Manipur and the first Chief Commissioner was deputed to Manipur<sup>[12]</sup>.

When India attained Independence in August 1947, the founding fathers of the constitution recognized the uniqueness of certain traditional and customary institutions of the tribal areas in the region such as the self-governing village administration. They felt the need for a political and administrative framework, which would work to safeguard and promote the rights and interests of tribals in this region<sup>[13]</sup>.

### Methodology

The study will adopt the methods essentially based on the

analysis, inductive, comparison, quantitative, and qualitative methods. It involves the approaches of philosophical, historical, descriptive, and legal to understand the processes and structures. The study has consulted the reports of different commissions and committees, relevant legislations, Acts, and Lok Sabha debates. It will also include journals, articles from books, and newspaper clippings from local, regional, and national newspapers as secondary sources. Due to inter-ethnic tensions in the region, the researcher may face the situation as people used to cooperate and provide information depending on the identity of the researcher. The survey and field work will require substantive funds. At any moment, when the researcher undertakes the field study, remaining conscious of the research responsibility, the researcher will engage the local people, scholars, lawyers, social activists, officials, and elected representatives in both formal and informal manners as part of the field studies. This research work will essentially be based on data collection through interviews as primary sources.

### Autonomous District Councils

Manipur is the only state in northeastern India, which has never governed by the provisions of either the Fifth Schedule or the Sixth Schedule of the Constitution. Manipur was the Union Territory, initially administered by the Chief Commissioner as it was the Part C State of the First Schedule and under Article 239 of the Constitution. Manipur attained Statehood through the North Eastern Areas (Reorganization) Act, of 1971. "Democratic paradigm argues for institutional arrangements that would encourage sub-national communities to have a measure of autonomy in shaping the realities of their lives. Its impulses are communitarian and participatory"<sup>[14]</sup>. For the architects of the Indian constitution, federalism was a constitutional device that could engage this diversity in the project of nation-building (Vasuki, 2000:53).

Before the upgrade of Manipur into a full-fledged state, the Manipur (Hill Areas) District Council Act, 1971 was introduced to administer the hill areas<sup>[15]</sup>. This Act of 1971 was passed by the parliament on the eve of the attainment of statehood to provide for the establishment of ADCs in Hill Areas in the then Union Territory of Manipur. With the attainment of statehood on 21 January 1972, the Government of Manipur immediately adopted this Central Act by issuing the Manipur (Adaptation of Laws) Order, 1972. Under section 3 of the Act of Parliament, the then Governor of Manipur, B.K. Nehru constituted six Autonomous District Councils in five tribal hill districts of Manipur—two in Senapati district and one each in Ukhrul, Churachanpur, Chandel, and Tamenglong<sup>[16]</sup>.

Governor is the final authority for the creation, abolition, or modification of the administrative areas of the Autonomous District Council. In Manipur, the first District Council election was held in 1973, the second in 1978 and the third in 1983.

In Manipur hill areas, the Hill Areas Committee (HAC) under Article 371C and the Department of Tribal Development look after the welfare of the tribals, their land, and resources. The HAC was constituted while Manipur was still a Union Territory status by the constitution (Twenty-seventh Amendment) Act, 1971, sec. 5 (w.e.f. 15-2-1972). Manipur Autonomous District Council system existed for some time but became defunct<sup>[17]</sup>. The Hill Area Committee ceased to be operative after Manipur became a State but was reinstated by a special provision (Article 371C) through a constitutional amendment in 1971. Article 371C entrusted the Governor to

report annually or whenever required by the President regarding the administration in the Hill areas and stipulated that: "... the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas." [18] In the case of Manipur, the Administrator must consult the HAC before issuing an order related to the administration of hill areas. The HAC consists of elected 20 MLAs from hill areas' including the Chairman is elected from its members and is equivalent to the rank of a state cabinet minister.

The First Amendment of the Manipur (Hill Areas) Autonomous District Council Act, 2000 was passed by the Manipur Legislative Assembly in July 2000. They inserted the word "Autonomous" into the Act without providing true autonomy to the Hills people in the real sense of the term. The Second Amendment Bill was passed in March 2006. In this Act, they inserted Sub-Section (1A) in Section 29 (1) thereby conferring power on the ADC to notify any areas in the District Council as Urban Areas for formulation of the development plan. And inserted Section 44A in the Act of 1971 that no land situated within the ADC shall be allotted, transferred, or leased by the Deputy Commissioner, other than for public purpose except with a resolution passed by a majority of not less than 2/3 of its members. The Manipur (Hill Areas) District Council (Third Amendment) bill was introduced in the assembly on 19 March 2008. An article by N. Chamroy in the *Hindustan Times* has stated that "The Bill was subsequently withdrawn by the HAC with the recommendation for continuation of the Manipur (Hill Areas) District Council Act, 1971 with necessary amendments." The Governor of Manipur in the exercise of his power under Article 213 [19] of the Constitution of India vide Notification dated 12 May 2008 promulgated the Manipur (Hill Areas) District Council (Third Amendment) Ordinance 2008 [20].

The Manipur (Hill Areas) District Councils (Third Amendment) Bill, 2008 was presented again in the Assembly on 10 October 2008. Only 11 out of the 60 members have participated in the proceedings which shows that there was little discussion on the Bill before it was passed by the Legislative Assembly. Dr. Ng. Bijoy Singh, MLA participating in the proceeding, predicted that "passing of the Bill without any discussion of the Principal Bill would have serious consequences"... Almost all the members who participated in the proceeding expressed their disagreement for not providing sufficient time for discussion of the Principle Bill. Moreover, the bill was presented in the house after promulgating the ordinance by the Governor and referred to the select committee without having any discussions in the Assembly. Some of the members stated that "while legislating a law technical and procedural lapses should be avoided and it should be mature, meaningful and acceptable to all and added that all the lapses should be rectified before passing the bill"... "wanted debate to rectify the lacunae in the technicalities and procedure of the bill". .... "Solicit public opinion before passing it". It should have made suitable amendments before passing the bill. The issue of the 'hill department' was also raised.

Shri O. Ibobi Singh, Hon'ble Chief Minister clarified the discussion that the need for passing the bill to conduct the long pending election of the District Councils due to which development of the hill area had been hampered and added that the government had no intention to pass the bill arbitrarily. He further said that the present bill was the same Act of 1971 and the house had discussed it many times in the past, hence another discussion was not necessary and

therefore, appealed to the members to pass the bill unanimously in the interest of the Hill people.... the different view express by the MLAs were ignored by the Chief Minister. Ironically, D.D. Thaisii (the then Tribal Development Minister) participated in the discussion and articulated that the passing of the bill was necessary for holding the long pending election of the District Councils in the hill areas and the Bill had no procedural and technical lapses. He appealed to all the members for passing the bill in the interest of the hill people and the necessary amendment can be done later on [21].

The opinion of the former Chief Minister and the then Tribal Development Minister (both of the Indian National Congress) along with one Independent MLA prevailed over the opinion of the six MLAs (four of whom were from the Manipur People's Party, one from the National People's Party and one from the Indian National Congress) who had demanded further discussion, rectification or amendment. After deleting the words "the hill department of" the Manipur (Hill Areas) District Councils (Third Amendment) Bill, 2008, was passed on that day [22]. This Act suffers from two irregularities:

- i). The State Assembly constituted an extra-constitutional body called the Select Committee to work on the draft proposal (read Bill) introduced by the HAC.
- ii). Three of the five members ...are not elected from the Hill Areas of the state. Many clauses in the report of the Select Committee ...were found in bad taste. The Select Committee wanted to delete the word "Autonomous" from the title .... Amendment of the words "Self-Government" for "Local Self-Governance", and "Tribals" for "People of the Hill Areas." (Chamroy, 2008).

### Working of the District Councils

The workings of district councils under the Manipur (Hill Areas) District Councils Act, 1971 have not seen any significant development in the hills areas from 1973 to the 1980s. The Act was vehemently opposed by the tribal communities as it was not conducive to the continuity of the traditional system of self-rule and their autonomous way of life. The more levels of government must mean more complex inter-relations between different levels of government, and probably an increase in the financial cost of government. But these costs seem to be worth incurring [23]. The district councils of Manipur had received an inadequate amount of funds from the State Government in the forms of 'grant-in-aid', non-release, or late-release funds. These made the district councils could not function smoothly not only in various developmental works but also in the functioning of general administration. This system of administration continued until the boycott of district council elections in the 1980s. The council elections were held in 2010 after being successfully boycotted for more than two decades.

A critical assessment of the Sixth Schedule demonstrates that it is subject to interference, supersession, and dissolution by the Central government through the governor. The Sixth Schedule, which has a long history of tribal struggle for identity assertion, will have to be carefully examined and substantially altered Sixth Schedule on the line of Panchayati Raj needs to be evolved [24]. The State government misused sections 46 and 47 of the Act of 1971 related to the control, supersession, dissolution, and interference which is unacceptable under the provisions of the Sixth Schedule. The Sections do not provide a time frame within which an election to the dissolved district council should be held. In the absence

of such constitutional obligation, the State Government has comfortably suspended the election of district councils until the election for the same was held in 2010.

The Hill Areas Committee of the Manipur State Assembly, keeping in mind the limitations of the Fifth Schedule, passed a resolution in 1974 recommending the replacement of district councils by the Sixth Schedule. However, the issue of the Sixth Schedule has always been a contentious issue in Manipur as the majority of Meiteis oppose the Sixth Schedule on the ground that this will be a precursor to the attainment of Kuki state and Nagalim (Greater Nagaland) (Haokip 2009:321). It is a fact that the autonomy granted to the district councils under the Act is only in name <sup>[25]</sup> as the findings have also revealed that the autonomy granted to the district council under the Act is only in name. The survival and working of the district council greatly depends on the government of Manipur through the district administration. The Council does not have any power of legislation <sup>[26]</sup>. An article by N. Chamroy in the *Hindustan Times* has pointed out that "I feel that the *lacuna* is devolution of powers." It is pertinent to mention here, that since 1990, all the functions and powers of the district council have vested with the Deputy Commissioners and implement the administration and schemes of the tribal hill areas at their whims. The status of the Chairman of ADC in the hills is far below his counterpart of the Chairman of Zila Parishads in the valley. Even the Deputy Commissioner of the valley district is placed higher than his counterpart in the hills.

Shri Rishang Keishing, the then Chief Minister of Manipur, wrote the letter addressed to S.B. Chavan, the then Union Home Minister. The details of the letter as mentioned below:

*"Dear Shri S.B. Chavan,*

*Please refer to my D.O. letter No. MB/CM/95 dated 6<sup>th</sup> May 1995, I had suggested that when the 6<sup>th</sup> schedule is introduced in Manipur, there should be a single Council for all the Hill Districts. However, on further consultation, I find that there will be some problems with a single council for all the hill districts as constituted in the 6<sup>th</sup> Schedule. Our suggestion now is that 4(four) Autonomous District Councils and 2(two) Autonomous Regions should be constituted.*

*The Sixth Schedule may also be amended as follows.*

- (i) Keeping in view the principle of equity, democratic..... social harmony, ecological concerns, and sustainable development should be inserted under para 3 after the words "law-making power."*
- (ii) Under para 3(1)(a), the word 'transfer' may be included in between the words "Allotment" and "Occupation."*
- (iii) All the subjects mentioned in the 11<sup>th</sup> Schedule should ..... under the purview of the District Council.*

*I shall be thankful if the Bill extending the 6<sup>th</sup> Schedule in Manipur is introduced during the present session of the Parliament covering the amendment as indicated. I am getting a detailed note prepared.*

*My colleagues Prof. Gangumei Kamei, Minister of Higher Education and Prof. M. Horam, Chairman of the Hill Area Committee along with Prof. B.K. Roy Burman who is chairman of the Madhya Pradesh Govt. Committee on problems of introduction of Six Schedule in the State and who has agreed to be the Chairman of Manipur Govt. Committee on Social Policy would meet you according to your convenience during 29<sup>th</sup> May and 1<sup>st</sup> June, 1995 to provide any clarification that you may require.*

*With warm regards.*

*Yours sincerely,*

(RISHANG KEISHING)" <sup>[27]</sup>

Rishang Keishing did not succeed as the Manipur Legislative Assembly could not pass the bill for the enforcement of Six Scheduled in the hill areas of Manipur. This would be the turning point in the history of Manipur administrative reform if the Six Schedule was implemented in Manipur. He was well aware of the limitation of Article 224(2) of the constitution to obtain the approval of the State Assembly.

Shri. Holkhomang Haokip, who was a Member of Parliament (Lok Sabha), wrote a petition to Venkatchaliah, Chairman of the National Commission to Review the Working of the Constitution to extend the provision of the Sixth Schedule in the hill areas of Manipur. The excerpt of the letter is mentioned as follows:

*"Hon'ble Sir,*

*With due respect and honour, I would like to bring the following few facts below before your commission for your perusal and further recommendation. That sir, under the North East Reorganisation Act, 1971, the State of Manipur was given full-fledge Statehood along with the States of Meghalaya and Tripura which culminated in the granting of six Autonomous District Councils in all hill areas of Manipur. These councils were established under the pattern of the 5<sup>th</sup> Schedule to the Indian Constitution as suspected and believed by the Tribals of Manipur. However, the working of these Councils for the past 15 years and their experience were found to be inadequate with no empowerment of the people in any manner. It has, in fact, belied the hopes, rights, and aspirations of the tribal people of Manipur.*

*It is further to be noted that under the Re-organisation Provision, the Hill Area Committee consisting of 20 MLAs in the Manipur Assembly was formed to look after all the affairs and administration of Tribal areas, except financial matter which is but a farce. Therefore, the Sixth Schedule Demand Committee (SDCM), Manipur has been demanding the extension of the Sixth Schedule to the Constitution of India to all the Hill Areas of Manipur.*

*Their demand was endorsed and approved by the Cabinet (Govt. of Manipur) on 13/5/1991 and subsequently on 17<sup>th</sup> August 1992.*

*The rest of the North-East States of India have been enjoying the benefits of the Sixth Schedule to the Constitution for the last 53 years or so while Manipur Tribals are keeping quiet in no good sign. We deserve to make available the provisions under Art. 224(2) and Art. 275(1) of the constitution.*

*I, therefore, as the representative of my tribal people, request your Hon'ble Commission to kindly accept the proposed Administrative structure of the Council and draft modalities of the Sixth Schedule Demand Committee, Manipur, and to further recommend the same to the Act of the Constitution of India.*

*Yours sincerely,*

(HOLKHOMANG HAOKIP)" <sup>[28]</sup>

Rishang and Holkhomang had taken up the issue of the Sixth Schedule for the hill areas of Manipur. But it is very simple and sometimes, it is a complicated proceeding. The thing is that they have to get approval initially from the state assembly and after that, the parliament will approve it through the amendment of the Constitution. Unfortunately, they were unable to mobilize among the members of the assembly and passed the bill. The Sixth Schedule in Manipur is the most controversial issue because of the suspicions among the different ethnic groups, dividing the supporters and opponents of the issue by taking the extreme stand and ideas which are

only Utopian, the thing that could not be realizable in the real sense of the term. That the state would be breaking up or the Six Schedule is equivalent to union territory or the state. These are neither correct nor justifiable. The word autonomy in the political context and usage does not mean (and was never intended to mean) full independence. There is a misunderstanding in a section of politicians that state autonomy is detrimental to the process of national integration. This notion is just preposterous. All that it means is stipulated as constitutional rights and responsibilities of regional government (Narang, 1995:218)

The existing district-level autonomy under the Sixth Schedule is not adequate to meet the tribal aspirations (Kamei, 1992:212). It may be noted here that limited administrative powers were provided under the directed control of the Government of Manipur. Whereas legislative, judicial, and financial powers were not provided to the district council. The district councils recommend to the state authority to make legislation on the

- a) Appointment or succession of chiefs.
- b) Inheritance of property.
- c) (Marriage and divorce).
- d) Social customs.

In Manipur, the tribes are demanding the Sixth Schedule district autonomy and are opposed to the Manipur Land Revenue and Land Reform Act, 1960 which they fear, will alienate the tribal lands (Kamei, 1992:212). As was reported in the article by the National Socialist Council of Nagalim (Isaac-Muivah), (NSCN-IM) in *Hueiyen Lanpao* stated that the Manipur Land Revenue Act, 1960 was a sore point for the Meiteis as this legislation makes the land of the hill people untouchable by the Meiteis. The Joint Forest Management Act of 2006 was another attempt to capture the tribal lands, though it failed miserably when rejected by the tribals. In the same manner, the ADC election was forced on the hill tribal although there is nothing in it to serve the interest of the hill people [29].

It is important to note that the National Commission to Review the Working of the Constitution (chaired by Justice M.N. Venkatchaliah, former Chief Justice of India) in its report submitted in March 2002 recommended that the provisions of the Sixth Schedule be extended to the Hill districts of Manipur [30]. In 1994, the Report of MPs and Experts indicated that some tribal areas in the country including the hill areas of Manipur State comprising about 90 percent of the total geographical area of the State is predominantly tribal in demographic character are covered neither by the Fifth nor the Sixth Schedules of the Constitution [31]. The State cabinet passed the resolution three times on 13 May 1991, 17 August 1992, and 28 March 2001 for the enforcement of the Six Schedule with certain local adjustments and amendments in the hill districts of Manipur. The central government has enquired for clarification many times regarding this.

The Manipur (Hill Area) District Council Act (Third Amendment) 2008, section 29 (I) clause XIII allows the District Council to occupy and sell land from villages or for any other purposes to promote the interest of the inhabitants of any village or town. This section contradicts the Manipur State Hill People (Administration) Regulation, 1947, and the Manipur (Village Authority in Hill Areas) Act, 1956. Section 29 (1) clause (XIV) empowers District Councils to declare a Reserve forest or "management of any forest not being a reserved forest, minor forest produce" without the consent of

the village authority. Section 29 (2) (a) empowers District Councils to recommend to the State Government for appointment or succession of Chief/Village Headmen even if without the consultation of the concerned village. This is one of the most controversial issues in the functioning of district councils in the states of Manipur and Meghalaya. Section 29 (2) (b) authorizes the District Council to issue orders at its discretion in matters relating to inheritance of property, marriage and divorce, and regulation of social customs. The Deputy Commissioner is empowered by section 46 (3) of the Act to suspend any resolution of the District Council if he thinks the act is likely to lead to a breach of the peace or to cause annoyance or injury to the public or any class or body of persons. Section 47 of the Act empowers the Deputy Commissioner to recommend suspension of the District Council if any District Council cannot be carried on under the provisions of this Act. The District Councils are still kept at the whims and mercy of Deputy Commissioners even though the District Councils are constituted by elected representatives of the people (Mashangva, 2010).

Thousands of Ukhrul people congregated at Tangkhul Naga Long ground and held a public meeting concerning Autonomous District Council election and unanimously declared to reject the ADC 2008 Act, ....During the public meeting, ADC 2008 Act /Bill was burned to symbolically demonstrate the right rejection of the said Act and its contents, ....After the public meeting a key to 'Know Your Rights' was distributed which states that Article 371-C of the Constitution of India read with Manipur Legislative Assembly (Hill Areas Committee) Order, 1972 by the president of India empower the Hill Areas Committee (HAC) with immense authority and great responsibility for efficient administration of the tribal areas of Manipur. All these rules are nothing but contravenes the rights of the Tribal people keeping the deputy commissioner all-powerful and also matters in his/her whims and mercy although the district council are constituted by elected representative of the people. (Chiphang, 2010).

After the end of colonial rule, the Government of Manipur enacted the Manipur State Hill Peoples (Administration) Regulation Act, (MSHPAR) of 1947 which divided the whole hill territory into circles. In each village of tax-paying 20 households or above, there was a village authority consisting of chiefs and elders. ....To encourage people's participation in the local administration, the Manipur (Village Authority in Hill Areas) Act was passed in 1956 which introduced election of members to the village authority based on the adult franchise by repealing the earlier MSHPAR Act of 1947. When Manipur attained statehood in 1972, the Manipur (Hill Areas) District Council Act, 1972 was passed by the state government. Unlike their counterparts in Assam, Meghalaya, Mizoram, and Tripura, no provision under the Sixth Schedule was extended to the so-called autonomous district councils in Manipur. These district councils solely depended on the financial support of the state government and they had no judicial and legislative powers. Because of public demand for an extension of the provisions of the Sixth Schedule, the district councils were dissolved in 1988. Even though the 7<sup>th</sup> Manipur Legislative Assembly had passed the Manipur Hill Areas Autonomous District Council (Amendment) Bill on 25<sup>th</sup> July 2000 again without a Sixth Schedule provision, there was no plan for election to the councils (Dena, 2010).

In the valley of Manipur, the modern panchayat system was introduced in 1960. For the gram panchayats and nagar panchayats, there was the state finance commission which made a comprehensive study for the improvement of funds

and resource mobilization. Again for the panchayat bodies, there was also consolidated fund directly funded by the state government and the central government. The district planning committee under panchayats initiated planning right from gram panchayats. However, the district councils in the hills, when in operation, had to make planning in consultation with the planning department of the government. What is conspicuously absent in the district councils and village authority councils is women's participation. Under the panchayat bodies, not only 36 percent of seats are reserved for women, but specific quotas of pradhans and up-pradhans in the gram panchayats and adhyakshas and up-adhyakshas of zilla parishad are also reserved for elected women. Altogether there are 22 women in the 4 zilla parishads and 2 of the 4 adhyakshas are women. Of the 1556 gram panchayats, 567 are women, and of whom 55 are pradhans. But women's participation is completely absent both at the district and village level councils in the hill areas [32]. In the same case as in Manipur, women's participation is completely absent in the district councils of Meghalaya.

The devolution of power to ADCs concerning 26 departments was given consent in a gazette notification issued in October 2008. The Manipur Legislative Assembly Hill Areas Committee had also recommended on 14 October 2008 to devolve due powers to ADCs under the District Council Act (Third Amendment 2008) ...“one ADC Chairman recalled that the Government held ADC elections against the stiff opposition offered by UNC ...with the promise that devolution of power would be affected in accordance to the Principle Act. But the failure of the Government to devolve powers fully as contained in the Principle Act and the undue delay in devolution of power has caused widespread dissent among the people, ....There is a strong possibility that ADC Members may resolve to support the UNC's campaign for an alternative administrative unit in hill districts because the Government fails to devolve due powers to ADCs [30].

### District Council Elections 2010 and 2015

The polling for the election of five hill district ADCs of Manipur was held on May 26<sup>th</sup> and 2<sup>nd</sup> June 2010 despite stiff resistance from tribal organizations like the All Naga Students' Association, Manipur (ANSAM), United Naga Council (UNC), Naga Women's Union, Manipur (NWUM), Manipur Tribal Joint Action Committee Against Election Under Unwanted District Council Act (MTJAEUUDCA) and others to oppose the election to the ADC under the 3<sup>rd</sup> Amendment Act of 2008. ANSAM and UNC boycotted the election and imposed a 68-day economic blockade from 11<sup>th</sup> April to 18<sup>th</sup> June on the National Highways 39 and 53 connecting Manipur to other part of India. Munni Padalia observed that the local communities are the best judges of problems as they only can devise suitable ways and means for their solution (Munni, 2002:60). However, the Manipur government did not yield anything to the demands of Naga civil society and proceeded with the election. Most of the candidates were elected uncontested and in some constituencies, none of the candidates had filed their nomination papers. Many candidates were in the fray consisting of around nine constituencies of Kuki-dominated Churachandpur districts and Sadar Hills ADC contested.

The Manipur Government has arranged secured shelters for the candidates particularly the Naga candidates contesting the upcoming elections to the ADCs as the deadline set by the UNC to withdraw the candidatures was to expire on the midnight of 17 May. Candidates of the ADC elections of five

hill districts-Ukhrul, Senapati, Churachandpur, Chandel, and Tamenglong received threat were stayed at SAI Youth Hostel and State Youth Centre at Khuman Lampak, Imphal, the additional DGP of Manipur Police informed the Commanding Officer of the 2<sup>nd</sup> IRB responsible for the protection of the multi-disciplines sports complex asking the later to take care of them by detailing armed personnel at the two lodgings [31]. Only one candidate filed the nomination paper on 20 seats out of 24 seats in Sanapati ADC and the state election commissioner declared them elected uncontested. Similarly, in Ukhrul ADC 21 candidates were elected uncontested, 12 in Tamenglong district, and 18 in Chandel district. UNC gave out the statement that the Consultative Meetings has taken a resolution that unanimously rejected the Manipur (Hill Areas) District Council (Third Amendment) Act of 2008 in its present form and content.

In the first phase of the election, the district councils of Chandel, Sadar Hills [32] and Churachandpur districts had elected 24 council members from each district. The polling hours start from 7 AM till 3.30 PM of the same day. As was reported in the *Sangai Express* article, there was a high turnout of voters around 80 percent in the Sadar Hills and Churachandpur districts. “Poor turn out of as little as 40 percent was recorded in Chandel districts, especially in the constituencies dominated by the Naga population” during the day of polling hours. .... A total of 134 candidates were contested in the election to the ADCs of Sadar Hills, Churachandpur, and Chandel, “besides a total of 33 candidates have already been declared elected uncontested including 32 INC candidates and one RJD candidate” [33]. In Sadar Hills, Congress won 17 seats out of which 12 seats were uncontested and the remaining seats were gone to independent candidates. In Chandel district, 19 seats went to Congress while the remaining seats were won by the independent candidates. In Churachandpur districts, 18 seats were won by Congress out of which 12 were unelected, 1 seat by CPI, the ruling partner of Congress 1 seat by Trinamool Congress, and the remaining by the independent candidates.

The second phase of the election took place in the ADCs of Ukhrul, Senapati, and Tamenglong districts. These three hill districts are dominated by the Nagas. The election was conducted under the Manipur (Hill Areas) District Council 3<sup>rd</sup> Amendment Act, 2008, despite the election being strongly boycotted by the Naga civil societies. The election was conducted with reports of widespread violence and disruption in the areas of polling stations. As was reported in a *Hueiyen Lanpao* article, “At least 15 people were injured in a clash among the workers of Congress and Independent candidates in the fray in ADC election at Khongjarong constituency in Tamenglong district, and youth leaders of two villages were reportedly kidnapped by boycott supporters in Senapati district as the second phase election to the ADCs in three hill districts amid boycott and bandh. ...The polling was held in 30 out of 72 ADC constituencies as lone candidates in the 36 constituencies were elected uncontested while no candidate filed nominations in six constituencies in the Senapati district. A total of 81 candidates are in the fray”. In the Tamenglong district, polling could not be held in 30 polling stations out of the 183 as the polling officials could not reach them due to the obstructions of routes and the burning down of crossing bridges. A bandh was called by the Tangkhul Co-ordination Committee (TCC) [34] in the Ukhrul district for 72 hours under the directives of the UNC in opposition to the district council election (ADC). The voter turnout was very low and not a single voter cast a vote in some polling stations [35]. Some of

the Constituencies were conducted by-election on 24 October 2011 as no voters were turned up on the first and second phases of the election. In Ukhrul ADC, 21 seats were won by Congress out of which 20 seats were uncontested, and one seat went to NCP and two seats were lying vacant as no candidate came forward to file nomination papers. In Tamenglong ADC, 19 seats were won by Congress out of which 12 seats were uncontested and the remaining seats were won by independent candidates. In Senapati ADC, Congress won 14 seats out of which 12 seats were uncontested and two seats won by independent candidates. Eight seats were lying vacant as no candidate filed the nomination papers. The Congress-led Secular Progressive Front (SPF) government sweep the ADC poll by winning the seats of the absolute majority of 106 seats out of which 144 total seats of the six district councils in Manipur. It includes four elected women candidates and two nominated members from all ADCs which made the total number of 156 Councilors.

The Tangkhul Frontal Organisations have come out strongly against the conduct of Autonomous District Council elections in the Ukhrul district and resolved to declare all ADC candidates from the Ukhrul district as anti-Naga nationals. According to the press communiqué, the frontal organizations resolved to initiate action against the candidates as per Tangkhul customary laws and practices as they would not be allowed to reside in the Naga areas and their properties including houses dismantled. The TFO's order would come into force on 20 May 2010 (John, 2010). It is important to state that the residence of DD Thaisii, the then Minister of

Tribal Development, District Council & Animal Husbandry [36] at Tansang Mali village in Senapati district was on set fire by the miscreants on the night of 2<sup>nd</sup> June and all the property worth lakhs of rupees reduce to ashes and rubbles. The miscreants did not claim whether the attack on the minister's house related to the agitation of the ADC election or barring the entry of NSCN (IM) leader Th Muivah [37] in the state.

The residence of the state Congress Chief, Gaikhangam [38] at Tamenglong district headquarters along with a car was set on fire by the miscreants with the face mask in the wee hour on 06 June. The police suspected that the arson act was related to the boycott of the ADC elections which coincided with the MLA's refusal to tender his resignation as an MLA of the Manipur Legislative Assembly, as a representative of the Naga people. Besides, the houses of over 20 ADC candidates had so far been ransacked by suspected boycott supporters across the four Naga-dominated hill districts for defying their diktat to retire from candidatures." [39] A series of 30 houses of candidates were attacked by boycott supporters in Ukhrul, Senapati, and Tamenglong districts. It is satisfying to see that in the tribal states of North East, the tribals are now well protected. But in the non-tribal majority states of Assam, Tripura, and Manipur, the tribal struggle for autonomy either in the form of a separate state or autonomous state within a state continues (Kamei, 1992:211). A law by any means, whether in the form of an Ordinance, or Bill, political maturity, and sincerity of purpose are expected both from the State and the Hill Areas Committee in Manipur (Chamroy, 2000).

**Table 1:** ADC Election Results 2015

Political Parties	Ukhrul	Senapati	Tamenglong	CCPUR	Chandel	Sadar Hills	Total
INC	2	1	10	5	11	17	46
BJP	1	8	5	1	2	1	18
NPF	17	11	8	0	5	2	43
IND	4	4	1	18	6	1	34

The election of 2015 for the Autonomous District Councils in Manipur was held on 1 June 2015. Almost all the polling stations were going off peacefully, despite some alleged threats and intimidation to the Congress candidates by some militant outfits. The election result was declared on 11 June; NPF won with a majority of 11 seats at Senapati ADC and 17 seats at Ukhrul ADC, Indian National Congress won 17 seats at Sadar Hills ADC, 11 seats at Chandel ADC, 10 seats at Tamenglong ADC, Independent candidates won with the thumping majority of 18 seats at Churachanpur ADC.

Meanwhile, it was more than a year after the ADC election, the Revenue Department of the state government issued an official Gazette on 8 December 2016 for the establishment of seven new districts [40] without the consent of all the stakeholders. The UNC has strongly opposed the creation of new districts through the economic blockade of National Highways for months. It was the issue that will only lead to complications for the present situation. After the end of ADC tenure, the election was supposed to be held in June 2020 but it was extended twice for six months each on the pretext of the Covid-19 pandemic and other reasons. The All Tribal Student's Union, Manipur (ATSUM) strongly protested against the state government for not conducting the ADC election on a timely basis as it has been depriving and denying the rights of tribals. Subsequently, the Demand Committee on Creation of Autonomous District Council (DCCADC) for four new districts-Pherzawl, Komjong, Noney

& Tengnoupal was formed on 15 January 2021. They urged the state government to establish ADCs in these new districts before the conduct of the ADC election, if it is not done, then they would take up democratic agitations and would not be allowed to hold ADC elections. But in the meantime, UNC stated on 9 April 2021 that they will never accept any activities of the state government to create new ADCs to "legalize the new districts in Naga areas" [41]. It may be noted here that the tripartite talk between the state government, central government, and UNC on the issues for the creation of seven new districts has not yet been concluded but it is still in the process.

Recently, the HAC unanimously recommended the state government to table the Manipur (Hill Areas) Autonomous District Councils (Seventh Amendment) Bill 2021 [42] and be passed as an Act in the upcoming sessions of the state legislative assembly as this will enhance the power of the ADCs in hill areas but the state government and valley-based CSOs of the Meitei community strongly against the bill on the pretext of disturbing the integrity of the state. UNC rejected the delimitation of ADCs and scheduling of elections under the Sixth and Seventh (Amendment) of the Manipur (Hill Areas) Autonomous District Council Bill, 2022 because of the creation of seven new districts without its consent on 8 December 2016.

## Conclusion

Manipur is the only state in north-eastern India, which has never governed by the provisions of either the Fifth Schedule or the Sixth Schedule of the Constitution. Manipur attained statehood through the North Eastern Areas (Reorganization) Act of 1971. Subsequently, the Manipur (Hill Areas) District Council Act, 1971 was introduced to administer the hill areas to provide for the establishment of ADCs in Hill Areas in the then Union Territory of Manipur. The tribal communities vehemently opposed the workings of district councils under the Manipur (Hill Areas) District Councils Act of 1971 because it has not seen any significant development and has not been conducive to the continuity of the traditional system of self-rule. As a result, the district councils of Manipur were dissolved in 1988 on account of the tribal demand for the extension of the Sixth Schedule in the hill areas.

After the suspension for more than 20 years, the elections of the ADCs in Manipur were held on 26 May and 2 June 2010 under the Third Amendment Act, 2008, despite strong opposition from the tribal organizations. The UNC declared the election as 'Null and Void' and warned that under no circumstance the Councils be allowed to function in the Naga areas. As a result, the offices of the councilors of the hill districts were relocated and functioned from the Imphal valley. Moreover, the UNC declared severe ties with the State government and demanded the central government for an Alternative Arrangement for the Nagas. UNC called for a 72-hour ban with effect from 20 August 2012 for the demand of alternative arrangements for the Nagas of Manipur. After the election, the state government made an announcement for the devolution of more power despite deep distrust between the people and the state.

However, the violent eruption on 3 May 2023 between the Meiteis and Kukis-Zo after a 'Tribal Solidarity March' in the hill districts to protest against Meitei's demand for the status of ST, the political narratives in the state has rapidly changed. The Kuki-Zo are now demanding the Union Territory with an elected legislative council but Nagas warned not to disturb their ancestral land while solving Kuki-Zo issues. In this scenario, the implementation of the Sixth Schedule in the hill areas of Manipur with maximum autonomy in line with the Bodo Territorial Region (BTR) is the most viable solution for the tribal communities. The Sixth Scheduled is one of the most controversial issues because of the suspicions among the different ethnic groups as the opponents of the issue taking extreme stands that the state would be bifurcated or the Sixth Schedule is equivalent to union territory or the state. These are neither correct nor justifiable. The problem of the Sixth Schedule can be resolved with some local adjustments, tabling the bill on the floor of the State Assembly, and passing it as an Act with understanding among various sections of the people. Misconceived and apprehension should be avoided as this is the only way forward to solve the problems.

## References

1. The term "Naga" is a generic name was given to them by the outsiders or the plainsmen. See. Nag (2002), p. 26
2. Kamei, Gangmumei (1992). 'Political Development in Tribal North East India: A Historical Perspective' pp. 208.
3. Ibid., p. 209.
4. Nag, Sajal, *Contesting Marginality: Ethnicity, Insurgency and Sub nationalism in North-East India*, 2002, 27.
5. Olivier, George. *Physical Anthropolgy of Nagas of Assam, Man in India*, 1958, 1-33.

6. Kipgen S. 'Land, Identity and Development: Perceptions Focusing on the Tribals of Manipur, 2009, 331.
7. Ibid, 333.
8. Venkata Rao V. *A Century of Tribal Politics in North East India*, 1976, 68.
9. Kamei, Gangmumei. 'Political Development in Tribal North East India: A Historical Perspective', 1992, 209.
10. Chaube SK. *Hill Politics in Northeast India*, 2008, 92.
11. Nag, Sajal. *Contesting Marginality: Ethnicity, Insurgency and Subnationalism in North-East India*, 2002, 192.
12. Tarapot, Phanjoubam. *Insurgency Movement in North Eastern India*, 1996, 39.
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14. Nesiah, Vasuki. "Federalism and Diversity in India", 2000, 59.
15. Shimray AU. 'Land Ownership System of the Naga Community: Uniqueness in Tradition', 2009, 253.
16. Shangreiso H.L. "Divided Manipur: Autonomous District Council Act: The Deadlocked Burning Issue. *North-East Herald*, 2010.
17. Chiru, Samson. 'Land Relations: Chiru Community Perspective', 2009, 175-76.
18. Justice Hansaria BL. *Sixth Schedule to the Constitution*, 2005, 557.
19. Under Article 213 of the Indian Constitution, the life of an ordinance cannot exceed seven and a half months and shall cease to operate at the expiration of six weeks from the reassembly of the legislature for which the laws enacted by the ordinance have to be introduced as a Bill in the Assembly again.
20. Chamroy N. On Autonomous District District Councils in Manipur, 2008.
21. Bulletin Part I (No. 48), Manipur Legislative Assembly Secretariat, 10 October 2008. Only 11 of the 60 MLAs in the Legislative Assembly participated in the discussion. The 11 members were: i). Shri O. Joy Singh, ii). Dr. Ng Bijoy Singh, iii). Dr. I. Ibohalbi, iv). Shri R.K. Anand, v). Shri Radhabinod Kojiam, vi). Shri D.D. Thaisii, vii). Dr. Khashim Ruivah, viii). Shri Th. Debendra Singh, ix). Shri V. Hangkhalian, x). Shri. O. Ibobi Singh, Hon'ble Chief Minister, xi). Shri Thangmeilien Kipgen,
22. See in particular. Justice Denied to Tribals in the Hill Districts of Manipur [1] --- Bela Bhatia [2] see
23. <http://npmhr.org/index.php?limitstart=24>.
24. Narang AS. *Ethnic Identities and Federalism*, 1995, 219.
25. Haokip TT. 'Critically Assessing Kuki Land System in Manipur', 2009, 322.
26. Devi RK Bimola. 'Administrative changes in the Hill Areas of Manipur', Horam, M (ed.), *The Rising Manipur*, 2000, 182.
27. Kipgen S. 'Land, Identity and Development: Perceptions Focusing on the Tribals of Manipur, 2009, 336.
28. Memo Sing, L. 'Formation of ADCs as a part of administrative reforms'. The *Sangai Express*, 02 September, 2010.
29. Ibid.
30. Newmai. "NSCN-IM Blames Ibobi for Trouble". *Hueiyen Lanpao*, 2010.
31. The National Commission to Review the Working of the Constitution. See Chapter 9 (Part D) of the report in Hansaria, 2005.
32. Report of MPs and Experts to make recommendations on the salient features of the law for extending provisions of



- the Constitution (73<sup>rd</sup>) Amendment Act, 1992, to Scheduled Areas.
33. Dena, Lal. "Manipur Hill Tribes 'still waiting for justice'." *Mizoram Express*, 2010.
  34. Editor. 'ADC Members Use the UNC Card to Flex Muscles, UNC Calls 12 Hrs Bandh'. *The Sangai Express*, 2010.
  35. News Service. "State govt. arranges secured shelter for ADC candidates". *Hueiyen Lanpao*, 2010.
  36. Sadar Hills includes in the revenue district of Sanapati as a sub-division.
  37. Reporter, Staff. "First leg polling ends amidst violence; 44 pc turn out in Naga dominated areas 80 pc in others". *The Sangai Express*, 2010.
  38. Tangkhul Co-ordination Committee (TCC) is one of the organizations that was form under the directives of UNC against the holding of ADC elections in the five hill districts of Manipur. Similarly, Naga People's organization Senapati District, Naga People's organization Chandel District, Zalengrong Union Tamenglong District etc. are the Frontal organizations opposed the conduct of ADC elections. UNC is the Apex body of the Nagas in Manipur.
  39. News Service. "Amid Obstructions, ADC Polling ends: over 15 hurt in poll clash; two kidnapped". *Hueiyen Lanpao*, 2010.
  40. It may be mention here that DD Thaisii was the only Congress candidate from the Naga dominated Senapati district who won the last Assembly election of 2007. He defeated the UNC backed independent candidate from the Karong A/C and become the only Naga MLA sworn in the cabinet in the Secular Progressive Front (SPF) government. See in details, Hueiyen News Service, (2010). "Minister DD Thaisii's residence at Spt reduced to ashes, rubbles". *Hueiyen Lanpao*, 03 June. D.D. Thaisii was defeated in the State Assembly Election 2012.
  41. NSCN (IM) leader Thuingaleng Muivah was planning to visit his native place after almost four decades away from his birth place was coincidence with the UNC's economic blockage of NH-39 and 53 to protest against the holding of ADC election. The Union Home Ministry had given a green signal to Muivah to visit his native place at Somdal village in Ukhrul district but the Manipur Government was strongly objected by arguing that the visit of Th. Muivah would create inter-ethnic tension and have an agenda of Greater-Nagalim. NSCN wants to integrate all the contiguous Naga inhabited areas of Manipur, Assam and Arunachal Pradesh with the present state of Nagaland to form the Greater Nagalim.
  42. Gaikhangam belongs to Naga community and was the president of the State Congress Pradesh Committee in SPF government and after the 2012 Assembly Election, Congress won with an absolute majority and he had been appointed as the Home Minister of Manipur.
  43. News Service, (2010). "Gaikhangam's House Burn Down". *Hueiyen Lanpao*, 07 June.
  44. The seven newly created districts are Pherzawl, Kamjong, Noney, Tengnoupal, Jiribam, Kakching and Kangpokpi.
  45. NNN and OSR (2021) 'UNC throws spanner to Govt. stand to hold ADC elections in newly created dists too Ghost of dists creation of 2016 yet to be exorcised, *The Sangai Express*, 9 April.
  46. Recommendation of the Hill Areas Committee, Manipur Legislative Assembly, 2021 on the Manipur (Hill Areas) Autonomous District Council Bill, 2021. Eleventh Manipur Legislative Assembly, Secretariat