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# HISTORICAL DEVELOPMENT AND **CONTEMPORARY FRAMEWORK OF** VILLAGE COUNCILS IN MIZORAM

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Abstract: After India gained Independence from the British, the name of Lushai Hills District was changed by a parliamentary act in 1954 to Mizo District. The Chieftainship system ended with the creation of the Mizo District. Village Councils were established in Mizo Lushai Hills District (Mizoram). The Village Councils in Mizoram are a crucial element of local governance and it was evolved from the traditional chieftainship system to more structured, government-controlled entities. This transformation was marked by the Lushai Hills District (Village Council) Act of 1953, which formally established Village Councils, granting them administrative and judicial powers within their jurisdictions. The study provides comprehensively the administrative, judicial, and political roles of Village Councils based on the Village Council Amendment Act of 2014, it also highlighting the influence of state government control and the implications of party politics on their functionality. It analyses the constraints faced by Village Councils, including financial dependencies and limited autonomy, and their impact on local governance and development initiatives.

Key Words: Village Council, Chiefs, Administration, Executive, Functions

#### I. Introduction

Two theories that are frequently brought up, either directly or indirectly, in the analysis of how institutions function and how well development initiatives succeed are "cultural" and "political." The historical process by which a group of individuals pick up a set of symbols and attitudes that are significant drivers of human conduct is the focus of the cultural approach. Without delving into the specifics of each instance's politics and connecting it to the institution's success or failure, the "politics" explanation attributes institutional successes and failures to the dominant "politics" (S.N. JHA, 2003, p 563-564). When the British began consolidating their administration in Lushai Hills in 1891(Rualthansanga R. p. 54), they were startled to discover numerous village administrative units, each with its chief of high local status and that these entities operated independently. The British Government saw proper and expedient to maintain the custom of village administration through the Chiefs, having intuitively realised how effective management and guidance could be in the challenging terrain of the Lushai Hills. The chiefs were appointed as the British government's representatives in their land.

In 1895, the Lushai Hills were formally included in British India and it was divided into two as North Lushai Hills formed a part of Assam while the South Lushai Hills constituted a Districts within Bengal (Thanga LB, p.106). In 1898 the North and South Lushai Hills District were amalgamated into the Lushai Hills District under the charge of a Superintendent with headquarters at Aijal (Ray's Animesh, p.13). The British occupation initially did not bring about certain changes in the traditional administrative set-up, it marked "the presence of power hitherto unforeseen and unimagined" (Mc Call, 1977 p.197). Under the British administration, one of the important duties of the Superintendent was not to hold up the internal affairs of the people. Such dealings should be left to the Chief and his Elders who ruled the district according to the customary laws of the land. The Chief in return recognized the British Government and its representatives

# II. Duties of the Chiefs Under British Administration

On 25th March 1937, the British Government in India issued an imposition of duties on the Mizo chiefs. The following duties were notified by the Government (Sharma S.K., Sharma Usha, 2006, p.p. 83-90):

- 1. Duties concerning litigation:
  - All cases between the Lushais were to be decided by the chiefs according to Lushai customs. Cases involving parties from the same village were to be heard by the chief and Upas of the village, with a clear order and brief statement recorded in the Village Register and signed in the Village Case Order Book by the chief or Khawchhiar. Orders passed by a chief were to be entered in the Village Order Book at the time of the decision. Neighbouring chiefs were to make every effort to sit together as a bench to decide any disputes between villagers. Petitions filed by individuals to Officers were to be referred back to the two chiefs concerned for original disposal when the parties resided in adjacent villages. All appeals against Panchayats and chiefs' orders were to be heard by the Superintendent, who was the final authority in the District. Any petition to the Superintendent or his Assistants had to bear the forwarding note of the petitioner's chief, with the chief recording his opinions on the petition, unless the petition was not connected with any alleged grievance against the chief or an order concerning a case involving the petitioner. Petitions not conforming to these requirements were usually returned to ensure compliance, and chiefs were responsible for not supporting frivolous or vexatious petitions.
- 2. Chiefs were accountable for the overall management and control of their respective villages.
- 3. It was the chief's duty to know their villagers intimately, understand their lives and difficulties and encourage them to improve their standard of living in every possible way.
- 4. Chiefs were responsible for the allocation of cultivable lands among their subjects and for taking necessary measures to ensure that their villagers could support themselves.
- 5. Chiefs were expected to handle litigation according to the District Rules for Civil and Criminal cases, maintaining a copy of the District Rules in their language to fully understand their responsibilities and the rights of litigants.
- 6. Chiefs were responsible for overseeing the work of their Khawchhiar, ensuring that all books and records required by the District Standing Orders were properly maintained.
- 7. Chiefs were accountable for all actions taken by their Khawchhiar on their behalf.
- 8. Chiefs had to comply with all District Standing Orders communicated to them, keeping copies of such orders properly filed for easy reference by themselves or their Khawchhiar.
- 9. Chiefs were responsible for maintaining inter-village paths and communications throughout the year, except during uncontrollable events like floods or landslides.
- 10. Chiefs had to sign the House Tax Assessment Registers prepared by Circle Interpreters, acknowledging their accuracy.
- 11. Chiefs and Headmen were required to report epidemics, heinous crimes, violent deaths, and serious accidents to the Superintendent or his Assistants. Suspicious deaths needed immediate reporting and the body was sent for a post-mortem. Accidental deaths without suspicion could be buried as usual.
- 12. Chiefs had to ensure their Khawchhiar maintained an updated list of all gun holders in the village, reporting any changes to the Superintendent or his Assistants.
- 13. Chiefs outside Surcharge Areas needed to report any foreigner's presence within their jurisdiction, except those with valid passes from the Superintendent or his Assistants.
- 14. Chiefs were prohibited from levying Dawvankaina but could stop the sale of foodstuff during potential shortages with intimation to Headquarters.
- 15. Chiefs could not raise subscriptions from villagers to build corrugated iron-roofed houses. Villagers were customarily required to build and repair traditional Lushai houses for the chief without charge. If a chief wanted a corrugated iron-roofed house, he had to pay for materials himself, with villagers helping to construct it as per custom, and the chief providing food for them.
- 16. Chiefs could invite villagers to help with private work according to custom, but it was not obligatory. The Mizo custom of Inpui, where everyone helped each other including the chief, was still practiced.
- 17. Duties and restrictions on chiefs for realizing Fathang:

  Chiefs could levy Fathang from villagers at a maximum rate of six snowflake kerosene oil tins of unwinnowed paddy. Fathang could not be levied on cotton cultivation if the cultivator had a rice jhum capable of supporting them, but if they had no rice jhum, Fathang could be levied on cotton as well. Chiefs were not allowed to let outsiders cultivate cotton on their land. Additionally, anyone not

cultivating due to having sufficient stored food had to pay Fathang at the usual rate of Rs. 2 on

- 18. Chiefs were responsible for ensuring impressment was evenly distributed among villagers.
- 19. Chiefs had to maintain the Zawlbuk properly.
- 20. Chiefs were encouraged by the Government to support all welfare committee schemes.
- 21. To assist the people of the Lushai Hills (Mizoram) in developing their Indigenous culture and protecting against disintegration, the following Village Code must be read and explained by the chief to all villagers and leaders regularly:
  - a) Preserve respect for the best aspects of indigenous culture.
  - b) Inspire reasonable ambitions aligned with natural resources.
  - c) Maintain loyalty to the chief and support his lawful efforts for welfare.
  - d) Foster loyalty to the village community akin to family loyalty.
  - e) Integrate modern science and knowledge to improve health, industry, and possessions.
  - f) Utilize leisure time productively to benefit families and relieve women's workload, encouraging them to focus on child-rearing and homemaking.
  - g) Contest the tendency towards excessive pride, valuing sincere achievements and community protection.

#### III. **Establishment of Village Council in Lushai Hills District**

After India gained Independence from the British, the name of Lushai Hills District was changed by a parliamentary act in 1954 to Mizo District. The Chieftainship system ended with the creation of the Mizo District. Village Councils were established in Mizo Lushai Hills District (Mizoram) following the Lushai Hills District Council (Village Council) Act 1953, which was passed by the District Council, approved by the Assam Governor on November 29, 1953, and published in the Assam Gazette on December 9, 1953.

The Lushai Hills (Village Council) Act 1853 was enacted due to discussions held by the District Council over a new procedure for creating Village Councils. Independence India gave the District Council authority to enact legislation establishing the Village Council in Mizo Lushai Hills District (Mizoram) under the provisions of the Sixth Schedule of the Indian Constitution, paragraph 3, sub-paragraph (1) clauses (e) & (f). Subsequently, the first Village Council (VC) election was held on April 21, 1954, after the adoption of the Election to Village Council Rules 1954.

# The Framework of the Village Councils in Mizoram

The Lushai Hills District Council (Village Council) Act has undergone several amendments over the years. The most recent one occurred in 2014 and addressed several issues, including the Council's tenure, composition, the reservation of one-third of its seats for women, and the State Election Commission's handling of the general election. The Lushai Hills District (Village Councils) (Amendment) Act, 2014 is the name of this legislation.

Composition of Village Council

By notification, the state government can suggest that any village form a Village Council and establish the boundaries of that village.

Clauses (i) (ii) (iii) & (iv) of sub-section (2) of Section 3 of the Principal Act, shall be substituted by the following clauses namely (Government of Mizoram, 2014, p.2

- For villages not exceeding 200 households, there shall be 3 (three) elected members, of whom 1 (i) (one) shall be a woman.
- For a Village with more than 200 households, but not exceeding 500 households, there shall be (ii) 5 (five) members, of whom 1 (one) shall be a woman.
- For a Village with more than 500 households, but not exceeding 1000 households, there shall be (iii) 7 (seven) elected members, of whom 2 (two) shall be women.
- (iv) For Village with more than 1000 households and above, there shall be 9 (nine) elected members, of whom 3 (three) shall be women".

With regard to the election of the Village Council, The Lushai Hills District (Village Council) Amendment Act, 2014 "Provided further that the process of election for the constitution of the Village Councils shall be completed before the expiry of one year from the date fixed for the first meeting of the Village Council" (p.2).

Qualification of Members

A person is eligible to be elected as a member of the Village Council if they meet the following criteria:

- They belong to a scheduled tribe.
- They are at least 25 years old.
- They are a registered voter in the area where they seek election. A person can be disqualified from being a member of the Village Council if:
- They are a member of another Village Council.
- They are declared by a competent court to be of unsound mind.
- They have been convicted of an offence under the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953, or any other current laws in India, unless three years have passed since their conviction or, if imprisoned, since their release.
- They hold any office of profit under the Central or State Government.

# Term/Duration of Village Council

Every village council remains in office for five (five) years following the scheduled date of its first meeting, unless it is dissolved earlier. By decree, the Village Council's tenure may be increased or decreased by the State Government for a maximum of eighteen months total. Before the Council's term expires, the election process for village councils should be finished. The state government has the right to remove the nominees from their positions as members of the Village Council at any time.

If a seat becomes vacant, the members chosen or nominated to fill it will only serve the remainder of their time in office. A member's seat will be deemed vacant if they miss three (three) consecutive meetings without permission from the council.

Composition of Village Council

The Executive Officials in each Village Council consist of the following

- President
- Vice-President
- Treasurer and
- Secretary in each village council

These four positions carry out all of the Council's executive tasks. The Village Council's President and Vice President are elected by a majority vote of the council members themselves. If a Village Council with three (three) seats has only two members for whatever reason, the Vice President will serve as treasurer. The Secretary is nominated or fired by the State Government based on a recommendation from the Village Council's executive body. The Secretary is not a Village Council member, and neither the President nor the Vice-President of the Village Council are qualified to serve as the Secretary.

Removal of Village Council Executive

The state government can remove the Executive Officials from their posts as pointed out below:

- Submission of resignation to the concerned authority
- Loss of majority support in the Council.

If the President loses majority support among members, the State Government appointee organizes a Village Council meeting to elect a new President upon receiving a written report. The appointed officer notifies the meeting's details and sends a copy to the State Government. A State Government representative may oversee the meeting. The election results for the new President are promptly reported to the State Government. The same process described above may be used if the majority of members request a reorganisation of the Village Council's executive body and if the State Government receives a written report requesting such a reorganisation.

Vacancy of Seats

Whenever a Village Council seat becomes vacant, the President or Vice-President informs the State Government, which then declares the seat vacant. If the President's seat becomes vacant, the State Government can appoint a new President immediately. During this period, the Vice-President assumes the President's responsibilities and duties.

# V. Responsibility of Village Officials

According to the Lushai Hill District (Village Councils) Act, 1953 as adopted and amended up to date, the following are the responsibilities of Village Council Officials.

*The President:* 

The President of Village Council shall: -

- Issue notices and instructions to prevent dangers like fires or epidemics and distribute state government communications to other villages.
- Ensure compliance with all state government orders and notifications.
- Direct the Secretary to read orders and notifications at Village Council meetings and, if necessary, publicize them.
- Regularly examine the Secretary's books as needed.
- Forward received letters to the Village Council Secretary for records.
- Relinquish charge, handing over all Village Council records, documents, properties, assets, and the seal to the new President.

The Vice President:

The Vice President sits next to the President and assumes the President's responsibilities when the latter is not present. During this time, the President's authority is delegated to him.

The Secretary:

The Secretary is the village writer and is responsible for the duties enumerated below: -

- He/she records all Village Council and Village Court proceedings, signed by the President, and publishes necessary orders and notifications.
- He/she ensures orders, notices, and letters from the State Government or Deputy Commissioner are served or transmitted as directed.
- He/she maintains and submits all Council and Village Court books and records to the State Government, signed by himself and the President.
- He/she keeps books and records ready for inspection by State Government officers or Village Council members.
- He/she keeps village statistical data, including beneficiaries under various schemes, and submits reports to the Government as required.
- He/she continues as Secretary if the Village Council is unable to perform its duties.

# *Treasurer:*

The treasurer of a village council manages all council funds and ensures compliance with state government regulations regarding cash book and register maintenance. If the treasurer is unable to continue, they transfer their responsibilities to a newly appointed treasurer or another individual approved by the government.

Tlangau (Village Crier):

Each Village Council typically has one Tlangau. If more are needed, state government approval is required. Tlangau appointments are advertised, with the Village Council selecting from applicants. Dismissals must be reported to the state government.

Duties of Tlangau:

- Notify the public of orders and notifications as directed by the Village Council.
- Summon parties and persons required by the Village Council or Village Court.
- Notify the public of other matters as directed by the Village Council Secretary or state officials.
- In emergencies, any Council member can instruct the Tlangau to gather villagers without the prior President's approval.
- Deliver meeting notices to Village Council members as summoned by the President.

Remuneration of Tlangau:

The Tlangau shall be exempted from:

- All Hnatlang enforced by the Village Council and
- Zoram chhiah.

He is entitled to receive such other remuneration and privileges as may from time to time be determined by the State Government.

# Powers and Functions of the Village Council

Although the Village Council has many duties and obligations, it lacks the authority and power to engage the inhabitants in the village's growth. Nonetheless, it is practical to split up the several duties often carried out by the village council into three main categories: judicial, executive, and administrative.

#### **Executive and Administrative Functions**

The Village Council Act of 1953 (as revised from time to time) does not make a clear difference between the administrative and executive branches of the Village Council. Paradoxically, though, the same Act states that the President, Vice President, and Secretary alone are entitled to carry out the executive tasks of the Village Council.

The following can be identified as the executive functions of the Village Councils after a thorough examination of the authority and duties granted by the aforementioned Act to the democratic institution of village administration:

- a) Allotment of land within the boundaries of the village for jhum or shifting cultivation and then distribution of jhum plots to the villagers.
- b) Enforcement of 'Hnatlang' (Community Works) in the public interest whenever the situation demands.
- c) Clearance of inter-village roads and maintenance of internal roads of the village.
- d) Maintenance of water tank.
- e) Clearance of jhum-roads and fencing of jhum areas.
- f) Planning of the village.
- g) Keeping a record of birth and death.
- h) Fixation of rates of paddy and supply to other villages.
- Maintenance of graveyards.
- j) Searching out missing persons and sending out messengers.
- k) Prohibition of 'Zu' (local drink).
- 1) Construction of small minor bridges,
- m) Construction of fish dyke for community fishing,
- n) Looking after the poor and handicapped person etc.

### Legislative Functions

Even though village councils act as the grassroots democratic government's machinery, they also have certain rule-making authority regarding the following topics, according to Section 23(2) of the Lushai Hills District (Village Council) Act of 1953:

- a) Control, preservation and use of timbers and other forest products except for the reserved forests, ordinarily utilised for building purposes such as canes, sungrass, siallu, thilthek, laisawral etc. (Leaves used for roofing of Mizo houses).
- b) Maintenance, preservation and improvement of good water supply.
- c) Control of stray animals within its jurisdiction and at night within the village Ram. (Land).
- d) Prevention and control of fire within the village and the village Ram.
- e) Ngawidawh (Construction of a trap in the river for trapping and collecting fish by villagers).
- f) Sanitation and cleanliness of the village.
- g) Extraction of Khamkhuai (Honey to be extracted by the Mizos from the cliff).

# **Judicial Functions**

According to the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953, Mizoram village councils have judicial duties, including establishing a "Village Council Court" for minor civil and criminal matters. The Act states: "A Village Council Court shall be constituted by the entire Village Council or by at least three members representing the entire Village Council." A quorum requires at least three members or more than half of the council. The court can hear civil disputes among tribe members and minor criminal cases, such as robbery, assault, and drunken brawling, without imposing jail time. Relevant sections of the Indian Penal Code outline the crimes the Village Council Court may try (Administration of Justice Rules, 1953).

Section -160 — fighting or violence,

Section 290 — public nuisance.

Section 323 — infliction of physical pain by mistakes.

Section 341 — restriction and confinement by force.

Section 352 — hurting other human beings.

Section 379 — robbery.

Section 426 — misconduct.

Section 447 — trespass.

Section 510 — disturbance of peaceful public life due to intoxication.

The greatest penalty that the Village Council Court can impose on the loser of the case is Rs. 500/ (Rupees Five hundred). Despite having the authority to hear minor "criminal cases," the village council is not allowed to sentence the losing party to prison.

#### **Conduct of Business**

A Village Council meeting can be convened if requested in writing by the President and two-thirds of the members present. There must be at least six regular meetings per calendar year. Resolutions adopted at these sessions must be recorded and signed by the President and Secretary. The Council operates as follows:

- 1) Decisions in meetings are made by majority vote.
- 2) The President or acting person does not vote initially but can cast a tie-breaking vote.
- 3) Only Village Council Members may vote or participate in discussions. Non-members violating this rule may be fined up to Rs—50 by the Village Court.
- 4) The President must maintain order during meetings and can:
  - a) Direct disorderly members to leave the meeting immediately.
  - b) Suspend a member from the session if they are ordered to withdraw twice.
  - c) Report non-compliant members to the State Government, which may suspend the member for a reasonable period.

#### VIII. Village Council Fund

The "Village Council Fund" is a fund that is established by each village council. All legal collections, except village taxes and district revenue, that are made for the benefit of the populace shall be deposited into the aforementioned Fund. The secretary maintains a list of the funds collected, while the president serves as the fund's treasurer. Any subscriber to the collection may view this account at any time.

#### Financial Sources

Village Councils are reliant on financial allocations from the state government and are not able to impose taxes on buildings, vehicles, crops, etc. like Panchayati Raj in other states are. The State Government never specifically allots funds to Village Councils to carry out development programmes in their respective jurisdictions, except the honorarium paid by the Department of Local Administration (LAD) to Village Councillors.

Aside from this, the State Government never provides the Village Councils with emergency funding to cover their unanticipated costs for unanticipated events in their communities. Therefore, the only sources of funding available to the Village Councils are the proceeds from the sale of dry timber in the forests, fines realised from the losing parties in cases tried by the Village Council Courts, fines imposed on the violators of orders issued by the Village Councils for the public interest, and the money paid by some villagers who are unable to participate in community work (Chhuanawma LH, et al. 2017, p.p.252-253).

# Concluding Observation of Contemporary Framework of Village Council

The Village Councils in Mizoram are a crucial element of local governance, but their functionality and autonomy are significantly constrained by the tight control exerted by the State Government. This centralization of power has several implications for the effectiveness and independence of these councils.

#### Structure and Formation

The formation and operation of Village Councils in Mizoram are heavily dependent on the laws and regulations set by the State Government. Unlike other forms of local governance that might be more autonomous, the Village Councils in Mizoram lack constitutional guidelines for their formation, making them subject to the State Government's directives. The State Government determines the size and territorial jurisdiction of the Village Councils, can create new councils, and conducts their elections. This level of control extends to determining the number of council members, their remuneration, and the ability to amend operational rules.

# **Operational Control**

The State Government holds significant authority over the operational aspects of the Village Councils. It has the power to dissolve councils, dismiss their presidents and staff on reasonable grounds, and take final decisions on all important matters regarding the councils' workings. This overarching control limits the councils' ability to operate independently and effectively address local issues.

# **Developmental Roles**

Despite provisions under the Lushai Hills District (Village Councils) Act of 2014, which empowers Village Councils to oversee development projects and create village development plans, their actual authority remains limited. They primarily play an oversight role rather than being active implementers of development initiatives. The establishment of Village Assemblies (Gram Sabha) aims to encourage inclusive participation in planning and development, but their effectiveness is constrained by the overarching control of the State Government.

#### Financial Constraints

Financially, Village Councils in Mizoram are heavily handicapped. They have limited sources of income, which are insufficient to maintain their operations and carry out developmental activities. The lack of financial autonomy forces the councils to rely on government servants for audits and financial reports, further tying their operations to the state bureaucracy (Lalsangliani, 2008, p. 308).

# Influence of State Government and Party Politics

The influence of the State Government extends to developmental activities and the implementation of various schemes. Block Development Officers have the authority to review, modify, or reject proposals from the Village Councils, effectively giving them control over local development projects. Additionally, the political landscape plays a significant role in the functioning of the councils. When the political party in power at the state level is the same as that in the Village Council, there is generally better coordination and cooperation, which can enhance the councils' effectiveness. Conversely, differing political affiliations can lead to friction and hinder the councils' operations. This political interference often leads to exclusionary politics, where councils are used as instruments by state or district political parties to carry out administrative tasks, rather than functioning as independent local self-governments.

# Status of Village Council Members

Members of the Village Councils are considered public servants and are expected to comply with the orders and notifications from higher authorities. This subordination to government officials often leads to a perception of the council members as being subservient to state officers, rather than as independent local leaders. This dynamic can undermine the councils' authority and their ability to advocate for their communities' needs.

#### X. Conclusion

The Village Councils in Mizoram operate under a system where the State Government wields considerable control over their formation, operations, and financial resources. This centralized control limits the councils' autonomy and effectiveness in managing local affairs. The political environment further influences their functionality, with better coordination observed when the same party controls both the state and the councils. To enhance the effectiveness of Village Councils in Mizoram, there needs to be a balance between state oversight and local autonomy, allowing councils more freedom to address their communities' unique needs while ensuring accountability and transparency.

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