

# Social Change and Development

A JOURNAL OF OKD INSTITUTE OF SOCIAL CHANGE AND DEVELOPMENT

VOL X No. 2

July

2013

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## Functioning Village Councils in Mizoram, Manipur, Meghalaya and Nagaland

Uddipan Dutta, Bhupen Sarmah\*

### Abstract

*The continuation of traditional village councils to administer day-to-day functioning of village life is an important hallmark of the various communities in the hills of Northeast India. Since pre-colonial period the village institutions of different communities have been incorporated in the formal mechanics of governance. The arrangements differ from place to place. However, it has been observed that in spite of having a strong tradition of local self governance, the power and function of these institutions have been on the wane. The crisis is more acutely felt with the legislation of 73<sup>rd</sup> and 74<sup>th</sup> amendment of the Constitution of India that provides immense power to the local bodies in the rural and urban areas of India. The hill areas of the Northeast India have been kept away from the jurisdiction of the amendments. But serious questions have been asked how to incorporate the traditional functions of the village councils within the framework of the amendments and these institutions get strengthened. This paper gives a vignette of village institutions in four states of Northeast India and seeks to answer its decline and the efforts needed to be taken to strengthen the institution.*

The practicing governance of the communities of Northeast India particularly those living in the hills has been a riddle to both the colonial bureaucracy as well as to its post colonial legatee – the mix of bureaucracy and democratically elected executive. The colonial bureaucracy accommodated the politics of these communities in their formal governing structures so that their economic enterprises do not come in conflict with

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the interests of the numerous communities of the region. To a large extent, they were successful in not alienating the ruling elites of the communities. In the post-colonial period, however the state is in a continuous dilemma of how to co-opt the existing structures of governance within its avowed democratic credos. It posed a dilemma due to the understanding of democracy in the spirit of its Western provenance where the citizen is at the centre of the universe who decides upon how s/he would be governed by accepting the mandate of the majority fellow citizens. However, the governance of the communities of the region has often been marked by the representations in the line of tribe, clan or family and the locus is often the collective rather than the individual. This dilemma has been dealt with in the working mechanics of Indian political system in the form of autonomy provisions for the region.

One of the most important projects undertaken by the Indian State in the Northeast India during the post colonial period was its effort of integrating hill areas with the political processes of rest of India. As part of the initiation of this project, the Interim Government of India appointed one sub-committee of the Constituent Assembly known as the North-East Frontier (Assam) Tribal and Excluded Areas Subcommittee under the chairmanship of Gopinath Bordoloi. This instrument of integration with a strong notion of democratic decentralisation of powers was passed by the Constituent Assembly with certain modifications, and it constituted the Sixth Schedule of the Constitution of India (Hansaria, 2005: 8-18).

A major objective of the Sixth Schedule was to allow the tribal people to administer themselves in all matters of vital local concern in the ethos of their customs and traditions. One has to probe in depth whether the structure of autonomies created in this region has indeed meant devolution of power. An important indicator of the devolution of power at the grassroots in the Northeast India is the functioning of Village Councils, a traditional form of village administration incorporated in the formal form of governance since pre-colonial period. This paper looks at the structures of the village councils and the changes that have occurred over the period of time in four northeastern states namely Mizoram, Manipur, Meghalaya and Nagaland. Along with the descriptions of the structures of village governance it has come up

with some startling facts that dispel the myth of autonomy in the region. It shows how power, provided under the special autonomy provisions is actually wielded by only few political elites and still largely exercised by the state bureaucracy in contravention to the principles of autonomy. Let us look at each state separately to understand the dynamics better.

### Mizoram

Traditionally, in Mizoram the village was the basic unit of governance among the Mizos with the hereditary autocratic chief called *Lal* at the helm of the affairs and he exercised both judicial and administrative power. The chief was assisted by his *Upas* or the elders who formed his 'Council of Advisers' in administering the day-to-day life activities of the people (Thanhranga, 2007:19-22; Sen, 1992: 26). During the colonial period, though much of the power of the chief was curtailed, the basic structure was kept intact. However, during the post-colonial period a slew of administrative measures were undertaken to bring in new changes. In 1953, chieftainship was abolished in the Lushai Hills District and a new form of village council was based on democratic principle constituted (Ray, 2002: 145-156). Though changes were brought in 1970, 1991, 1999 and 2006, most of these changes were pertaining to the number of households per representative. The important functions of a Village Council include: distribution of jhumland; enforcement and regulation of *Hnatlang*, the age-old practice of community service to be rendered by a villager; the control and taxation of animals; allotment of housing sites for the villagers, prevention and control of the outbreak of fire and sanitation of the village. The Council is also entrusted with judicial power. It can try petty cases, but must avoid those cases that warrant punishments obligatory under Indian Penal Code (GOM, 2009). However, as it has emerged, there are two grave challenges faced by Village Councils in Mizoram – mobilisation of fund and bureaucratic meddling in its functioning. The traditional form of revenue generation is still extant the Village Councils in Mizoram. The Council collects *Ranchhiah* or animal tax of which fifty percent comes to it and the other fifty percent is given to the government. Another important financial resource of the Council is the fine collected by the Village Court. Although Village Councils generate fund by supervising and being a part of the development projects funded by State

and Union Government, the sum is not assured. The State government also funds the Councils in the form of grant-in-aid which is also not mandatory. The bureaucratic interference in the functioning of Village Councils is even greater an impediment to its independent existence. After the conversion of Mizo Hills District into a Union Territory in 1972, a separate department was created to look after the affairs of Village Council and it was named as Local Administration Department. With the formation of this department, the power of Village Councils got eroded gradually in Mizoram.

### Manipur

The traditional Village Councils have been functional for hundreds of years among the various tribes in Manipur. For the paucity of space, it is not possible to give a description of each and every traditional institution that got evolved over the years<sup>1</sup>. But what was extraordinary was the standardisation and legitimisation of the system by the princely state of Manipur. The Manipur State Hill Peoples (administration) Regulation Act, 1947 laid down in detail the administration of the tribal people in civil, criminal and revenue matters (Sanajaoba, 1993: 379-433). However, after the accession of Manipur to the Indian Union and recognition of it as a Union Territory, a new regulation, Manipur (Village Authorities in Hill Areas) Act, 1956 was passed repealing the older legislation. Although it introduced election of the members of the village authority on the basis of adult franchise, the hereditary chieftainship continued to function in Manipur. The state legislature passed the Manipur Hill Areas (Acquisition of Chiefs Rights) Act, 1967, on 14th June 1967, which authorised the Government to acquire the rights, title and interest of Chiefs over land in the hill areas of Manipur (Devi, 2010: 296). However, the Act could not be implemented and remained only on paper. Chieftainship continues to exist with all its traditional rights and privileges in the hill areas of Manipur as before. The successive governments in Manipur failed to blend the traditional system of local self governance which the hill communities have steadfastly hold themselves to with the modern system of governance.

<sup>1</sup> Different communities of the hills of Manipur like Anal, Aimol, Chiru, Chote, Gange, Hmar, Kacha Naga, Kairao, Koireng, Kom, Liangmai, Mao, Maram, Paite, Rongmei, Tangkhul, Zeilangrong etc have developed their own traditional village institutions.

As a result, the traditional form of local self governance got eroded in the hill areas of Manipur with the state and its bureaucracy relegating the Village Councils to mere monitoring agencies of government schemes like MGNREGS at the village level. However, Manipur Government has proposed Manipur Village Authorities in Hill Areas (Amendment) Act, 2011 which was in the tune with the 73<sup>rd</sup> Amendment of the Constitution of India that brought radical changes to the Panchayati Raj Institutions of the country. One of the salient features of this proposed Act which had to be promulgated in the hill areas of the State includes the incorporation of *Gram Sabha* as a mandatory body. It vested upon *Gram Sabha*, the power of approving the developmental plans, programs, projects etc. The amendment further involves making of State Election Commission as the body that would constitute the Village Authorities. Reservation of not less than one third of the seats for women is suggested in the new amendment which is a radical shift in the making of a representative democracy with the inclusion of marginalised groups. However, the Act has created such a controversy in the state of Manipur that there is a huge mobilisation against it. According to the Government sources the purpose of this Act is to make the Village Authority function in a more democratic fashion and to make the village a viable unit for development purpose. The mobilisation against the Act has taken place on the ground that the new Act is infringing upon the traditional rights of the tribal chiefs. Those who oppose it complain that the very purpose of bringing this Act is to dominate and control the people of the hills. Due to this controversy, the Act has been put on hold.

### Nagaland

The village occupies centrality in the existence of the Naga society. Naga society represented a varied pattern of village governance ranging between near dictatorship and extreme democracy (Elwin, 1997: 6-7). After Independence, the Naga people did not accept the provisions of autonomy enshrined in the Sixth Schedule of the Constitution. Instead they rose in rebellion against the Indian state demanding sovereignty. As the context of the study does not permit going deep into the debate, suffice is to say that along with severe repression, a slew of administrative measures were initiated by the Union Government to quell the rebellion. As part of it, Nagaland was created on December 1, 1963 as the sixteenth state of

Indian Union. In 1970 the Government of Nagaland decided to bring an Act called the Nagaland Village, Area and Regional Council Act, 1970 to give traditional Village Councils official legitimacy (<http://nagaland.gov.in/>). But this Act was restricted only to the districts of Kohima and Mokokchung. According to this Act, a three tier administrative structure was devised with Village Council at the bottom of it. Above the Village Council, there existed the Area Council and above Area Council was the Regional Council. The Act provided that Village institutions which were traditionally established in these two districts shall continue to function as Village Council, consisting of members chosen by the villagers according to respective customary practices and usages. The duration of the Council was also determined by the customary practice of the tribe. In 1978 the Government decided to extend the provisions of the Village Councils to the other areas of Nagaland and accordingly Nagaland Village and Area Council, 1978 was brought in the Legislative Assembly. Two important changes were brought into this Act. First the provision of the Regional Council was deleted and second the functioning of Village Development Board was linked to the functioning of the Village Councils. However, in 2009, radical changes were brought in to the system of local self governance in Nagaland. Instead of Area Council, Tribal Council was introduced and each group was accorded with one council. Significantly, Village Councils were brought under the purview of the respective Tribal Councils. This improvisation is in contrast to other three states of our study in the sense that Nagaland has recognized the role of community in the management of day to day activities.

### Meghalaya

The three major tribal groups the Khasis, the Jaintias and the Garos over the period of time have developed their own self-governing institutions. Although, these institutions have undergone different changes, their institutional lineages continue till date, with varying power and function (Chattopadhyay, 1985). Both the Khasis and the Pnars have a three-tier system of governance with village at the lowest level. In the well-developed system of the Khasis and Pnars, the *Syiem* who is the supreme authority has the jurisdiction over the *Raid Council*, a mid level administration which in turn had the power over the Village Council or *Durbar Shnong*. In the traditional political system of the Garos a group of Garo villages

comprised the *A'king*. The *A'king* functioned under the supervision of the Nokmas, which was the only political and administrative authority in the political institution of the Garos. Under the British Government, the powers and functions of the traditional institutions had been on the wane and it further got eroded during the post-colonial period under the District Council and later on under the state-bureaucracy (Gassah, 2002: 180-193).

### Conclusion

Although the states discussed so far have traversed different trajectories in terms of local self governance at the village level, there emerge some broad trends indicative of its functioning. Sadly, it is in gradual decline all across the states and as compared to the Panchayati-Raj institutions after 73<sup>rd</sup> amendment, the local self governing institutions in all the four states have very little power in development processes. The biggest hurdle before the Village Councils is the financial constraint. There is no mandatory sum earmarked for the Village Councils. Though they receive grant-in-aid from the state government, the sum is not assured or mandatory. The Village Councils when it comes to the developmental projects have been relegated to a lower rung in the structure of the bureaucracy. Though judicial power is still exercised by the Village Councils, it is confined only to petty crimes and its punishing power is also limited only to exacting fine or banishment. It has also been observed with much dismay that no traditional Village Council allows women to participate in the decision making process. So, the provision of the reservation of seats for women would be a welcome change.

After the 73<sup>rd</sup> amendment, there have been attempts to extend the provisions of the Act to the scheduled areas of the country. A modified version of the Act known as the Panchayats (Extension to the Scheduled Areas) Act, 1996 was promulgated in the Fifth Scheduled Areas. However, the original Sixth Scheduled areas are kept out of its purview. It is quite evident from the study that the institution of Village Council which has been in existence for centuries needs immediate revamping. With the philosophy of strengthening of village-level local self governing institutions in India gaining grounds, some efforts have been made by the states of Northeast India to implement the tenets of 73<sup>rd</sup> amendments. But any decision in haste however may backfire as seen in the case of Manipur.

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# Journal

The journal Social Change and Development intends to provide an academic platform to scholars belonging to the northeastern region of India as well as outside to project issues focused particularly on the region, express their views and analyse the issues putting them in proper perspective, both historically and as guidelines for the future. However, issues cutting across the region's border are also welcome.

The unique diversity of the region in terms of ethnicity, culture, language and social institutions makes the region a challenging area of study for the researchers. Although, there has been a prolific growth of literature on the region, it is still lacking discussions with academic rigour. It is therefore, strongly felt that the social scientists would take up issues for academic debate and the journal acts as a platform for the exercise. This is expected to create a better understanding amongst the people of the region and the rest of the country. The geographical seclusion of the region from the rest of the country is sought to be broken through vibrant academic interactions.

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ISSN : 0975-4016

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Published bi-annually by OKDISCD, Guwahati (www.okd.in)  
Printed at Colourplus, Rajgarh Road, Guwahati-3

Annual Subscription	India	INR	100
	Abroad	\$	10

For advertisement and subscription contact

*Assistant Librarian*

OKD Institute of Social Change and Development,  
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OKD Institute of Social Change and Development is an Institute of ICSSR (New Delhi) and Government of Assam.

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