

# THE NAGA VILLAGE COUNCIL : A SOCIOLOGICAL STUDY

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## Chapter-I

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### INTRODUCTION

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On <sup>7.</sup> first December 1963, Nagaland, the sixteenth state of the Indian Union, was inaugurated at Kohima by the President of India, Dr. S. Radhakrishnan. The state approximately lies between 25°6' and 27°4' North latitude between the longitudinal line 93°2' and 95°15' East, occupying an area of 16,579 square kilometers. It is bounded by Assam in the north and west, by Burma and Arunachal Pradesh in the east and Manipur in the south and runs more or less parallel to the left bank of the Brahmaputra. The topography is very severe, full of hilly ridges. Climate in the state ranges from sub-tropical to

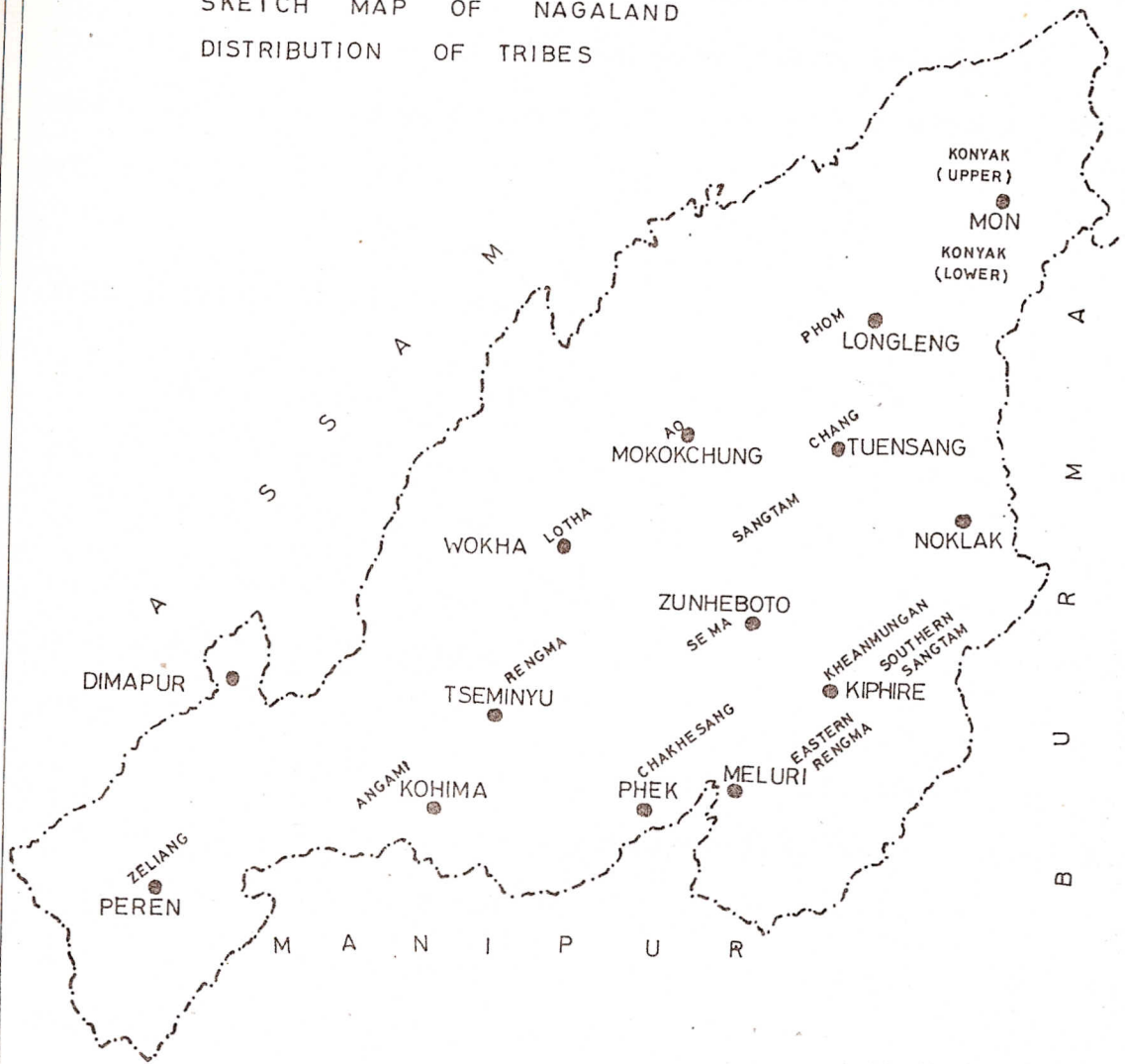
temperate. Most of the thousand odd villages stand at one to two thousand meters high above sea level as it is very typical of the Nagas to built their houses on elevated hill-tops hence tradition.

It has a population of 12.16 lakhs (Census 1991). Of this, the total scheduled tribe population constitutes 85 per cent with 84.49 per cent constituting the rural population. Out of this total population, 6,43,273 are males and female population constitute 5,72,300. The average density of population is 73 per square kilometer. The same census (Census 1991) places workers in this state at 45.79 per cent with 51.09 per cent of the total population being reportedly literate.

The livelihood pattern here of the hill tribes are mostly characterized by agriculture, mainly of jhum and terrace cultivation, which occupies 72.36 per cent of the total occupational structure. Beside agriculture, people are engaged in cattle rearing, weaving, basketry, wood carving and blacksmithy, which largely constitute their economic production aspects, besides being an extension of their cultural activities hence tradition. The staple food are unpolished rice and meat, mainly beef and pork and boiled leafy vegetables.

The Naga languages and dialects are grouped under the Tibeto-Burman family. The languages are very complicated with numerous dialectical variations. Not only

SKETCH MAP OF NAGALAND  
DISTRIBUTION OF TRIBES



do the dialects vary from tribe to tribe, and hill range to range, but also from village to village in many cases. In fact, there are also villages which are divided into two dialectical groups within, on the bases of *khel* division (i.e. upper and lower *khel*) particularly among the Aos. However, the Nagas of different tribe talk to each other in Pidgin Assamese while the educated speak in English as a means of communication among themselves and also a measure of being westernized.

### **Tribal Composition of Nagaland**

The State of Nagaland is constituted by seventeen major recognized tribes. Out of a population of 12.16 lakhs (Census 1991), 85 per cent of the people are Nagas belonging to seventeen tribes. Each tribe largely occupy one particular geographical area. The state is divided into seven districts.

The Schedule Tribe population of these seventeen tribes is 6,30,871 (Census 1981) of the total population. Kohima district is situated in the south western corner of Nagaland. It is bounded in the south by the state of Manipur, in the west by Assam, in the north by Wokha district of Nagaland. Kohima is mainly inhabited by Angami, Rengma and Zeliang tribes. The total Scheduled Tribe population of this district is 62,555 out of a total general

population of 98,953 (Census 1981). Phek district is the home of the Chakesang tribe. The total Scheduled Tribe population of this district is 68,736 (Census 1981). The area of this district is 2,026 square kilometer (Statistical Atlas of Nagaland, 1991:11).

The Zunheboto district is inhabited by the Sema tribe situated in the middle of the state, surrounded by Mokokchung district in the north, Tuensang in the east, Phek and Kohima in the south, and Wokha in the north-west. This district has an area of 1,255 square kilometers with a density of 78 persons per square kilometers (Ibid:10-11). According to Statistical Report of Nagaland, 1990, the Scheduled Tribe population of this district is 95,312. As stated by Sipra Sen, it has ten administrative town circles with one hundred and fifty five villages and a sub-division at Aghunato town and two Block Headquarters in Zunheboto and Tokiye respectively (1987:36).

The Lotha Naga tribe constitute Wokha district situated in the western part of Nagaland, bounded in the north-west by the State of Assam, in the south by Kohima district, in the east by the districts of Mokokchung and Zunheboto. The area of this district is 1,628 square kilometers and the density is 51 per square kilometers (Statistical Atlas of Nagaland, 1991:10-11). The total population of this tribe is 58,030 (Census 1981) of which 94.3 per cent constitute the Scheduled Tribe population

(Sen, 1987:34). This tribe is generally divided topographically into three ranges namely, the Upper Range with Wokha, Chukitong and Sungro Circles, the Middle Range with Lotsu, Baghty and Aitepyong Circles and the Lower Range comprising Bhandari Circle with 95 total villages.

The boundaries of the present Mokokchung district is adjacent in the north to the Sibsagar district of Assam, in the south to Zunheboto and Wokha districts and in the east to Tuensang district of Nagaland. The district possesses a compact area of 1,615 square kilometers and a density of 97 persons per square kilometers (Census 1991). The district is generally divided into five range of hills namely, Ongpangkong, Asetkong, Langpangkong, Changkikong and Japvukong. The population of this district is 1,04,578 (Statistical Handbook of Nagaland, 1990) with 91.57 per cent constituting the Scheduled Tribe population (Sen, 1987:37). The district has 105 villages and four townships.

The Tuensang district is surrounded by Mon district in the north, Phek district in the south, Myanmar in the east, Mokokchung and Zunheboto districts in the west respectively. The main tribes of this district are Chang, Sangtam, Khiamnungan and Yimchunger with a total population of 93,525 and a density of 55 per square kilometers (Statistical Handbook of Nagaland, 1990). Of the total population under the district, the Chang is 22,395, Sangtam is 29,016 Khimnungan is 18,080 and Yimchunger is 22,085

respectively. The district headquarters to these four tribes is Tuensang town of which, the Longleng sub-division is for the Chang, Longkhim for the Sangtam, Noklak for the Khamnungan and Shamator for the Yimchunger, respectively.

The Mon district is bounded on the north by Sibsagar district of Assam, on the north-east by Tirap district of Arunachal Pradesh, on the south-east by Myanmar, on the south by Tuensang district of Nagaland and on the west by Mokokchung district. Konyak and Phom are the main tribes of this district. The area is 1,786 sq. kms. (Sen, 1987:41) and Mon is the district administrative headquarters. The total population of this district is 1,08,078 and the density is 84 per square kilometers of which Konyak comprises 83,651 and 24,427 of the Phom (Statistical Handbook of Nagaland, 1990). The percentage of Scheduled Tribe population in the district is 89.36 per cent (Sen, 1987:41).

### **Uniqueness of the Naga Village Council**

Our aim in this endeavour is to sociologically examine the Naga Village Council as a unique case of local self-government with reference to its power and jural structure in function. The Nagas have an efficient system of village administration. All the tribes retain to a considerable degree their ancient laws and customs and their age-old village social organisations which have lasted

through centuries. These even now form an integral part of their social life. Once it is destroyed or allowed to decay for any reason, it would be difficult to identify the Naga tribals as such as it is now. Democracy, it is claimed, exists in its purest form among the Nagas. The social basis of the Naga society is the village organisation. Every village even now, to a large degree is reflective of an autonomous unit. The villages are managed by a council of elders and men of influence selected by the people on consensus. Such a polity, such a state of society and democratic life is a qualification found in the Naga Village Council, which stands out as a unique feature in comparison within the larger Indian social matrix.

The Naga village administration at large varies from tribe to tribe and even village to village in many cases. Generally speaking, the rule of omnipotent autocratic chiefs prevailed throughout the Naga country in the past. This form of village government are found with the Angamis, Rengmas and some other sub-tribe of the Sangtam Nagas. The Semas, Konyaks and Changs have hereditary monarchy, and among them, the Konyak kings (Angs) have greater powers whose words are followed by the people as laws. The Aos have a republican form of village government in which a sizable council of elected headmen called Tatars rules with limited authority, reflective of democratic federal form of government. This form of government may be equated with the

Iroquois governance of native American Indians (Goldsmith, 1960:433). The Angamis, Lothas, Rengmas etc. practice a peculiar type of democracy with little variation in the nature of its composition. Thus in almost all the Naga villages in principle except the Aos, there are modest hereditary kings or elected chieftains assisted by a council of elders, selected by the clans.

~~course~~ The Naga villagers at large lived independently without any extraneous allegiance scattered over the greater part of the hills. A Naga by tradition lives by a body of customs, which is taught to him as a common normative feature which is distinctive to all Nagas. The social structural dependence of the Naga village on a particular clan or clans is a serious matter of establishing kinship ties and identity and thus representation to the village council through their selected member represents a pure form of democracy.

~~norms~~ Each Naga village is ruled by a village council which consist of a group of councillors represented by each clan found in the respective villages. When any matter or issue poses a problem to the village itself, a joint meeting is held and concensual decision is arrived at on the basis of the customary laws and practices. The Nagas still observe many of the practices and customs even today. Oral tradition is still a pivot of the Naga customs and laws. Their distinct customs and practices are different from

those inhabitants of the plains of India and their village administration are characterized by fully independent and autonomous power, operated by the village council which naturally provides them a unique feature and form as compared with neighbouring states of the nation.

The members of the village council generally gather and after serious deliberations makes up decisions for a course of action in the public affairs of the village by a show of hands in an open ground or in a hall of justice (Generally referred to as Panchayat Hall today) which are common to all the Naga tribes. Their decisions on certain matters become law, binding upon all the village citizens. The village council decides even civil and criminal disputes. In case, any matter becomes complicated, the representatives of other villages or sometimes, but rarely, of different tribes, are called in to settle the issue at dispute, according to their tribal customary and legal norms, in which a man's right to justice and understood sense of retribution is accepted as a natural and inalienable.

Many disputes by tradition are settled by the penalty of live domesticated animals or in contemporary times, by cash. This is common to all the Naga villages for settling disputes of any kind. The consequences to the guilty is not so much the burden of the penalty, but the stigma attached therein, which serves to taint the social

standing of the persons, family and clan involved. Naga customary law and practice is still to be codified. This law is not a command issued by a determinate ruler or body of persons to the members of a political society for obedience, failing which, a penalty is enforced, but based on customs and practices which every Naga scrupulously observes as a matter of their structural place in society and as such, any infringement deliberately is quite rare; at the extreme, the offenders are, almost without exception, ostracized (Yonuo, 1984:17). It is these customs that make the village council and the citizens therein unique. Such kinds of law and custom are not found in other codified laws, as in the case of Indian society and legal system. Thus the age-old laws and customs of the Nagas provides a great measure of order, peace and stability to the Naga village society, despite, much processes of social transformation.

Another unique feature of Naga village council is the procedure of "Meat Share" among the village councillors which play a significant role that exists even today. The principle of meat share among the councillors are very common with all the Naga tribal villagers. Different ranking systems among the village councillors, in perceived status, are always determined by the size and cut of meat share. The meat share to a council member signifies a mark of reward for his valuable services rendered during his

tenure of office in the absence of regular pay or other means of compensation or remuneration, even today. Thus the procedure for meat share among the councillors are decided during the period of appointment or succession to the village council. It finds an apt description in the statement of Harold R. Isaacs: "It is a unique process of life he might want to abandon, but it is his unique custom that no one can take away from him (Glazer, and Moynihan, 1975:34)". Thus the basic value determinant of meat share for a council member have much to do with his sense of worthiness and thereof service to the satisfaction of his fellow village citizens.

Unwritten law or convention is a part of the Naga village life. Thus in this way, there is another unique form of custom with all the Naga villagers to do with succession/selection to the village council (Here, the tenure of a village council is thirty years). According to Naga custom, a generation is counted to be 30 years, and in some cases, 25 years and thus, the tenure of a village. On the completion of these prescribed years, an occasion of formal discussion follows among the new and old incumbents concerning the village general administration, policies and objectives to be pursued. Such an occasion is also marked by a feast of merit. Exchange of ideas and presentation of objectives by the new incumbents are placed in the council, preceded by the presentation of a live pig to the old

incumbents, are some of the common custom observed by all the Naga villages during the succession period to the village council. However, the procedures of succession are slightly different from tribe to tribe which shall be discussed in the latter chapters. The most distinctive custom in such a succession-occasion to the council is that a warrior solemnly jabs the ground with his spear after pronouncement of every decision which signifies the imprimatur of the office of the councillors. Even today, the village elders on this particular occasion observes and practices this ground jabbing by spear as a signature, reminiscent of the symbol of the royal sceptre of past monarchies, of which, similar practices are not on record in contemporary times with other tribal communities.

(The Nagas still retain their particular customs and convention which controls their society effectively) In fact, Malinowski in a comparative study of social control among the Trobriand Islanders with that of the Nagas stated that, "they are not constrained by blind obedience but to conformity with custom and tradition (Beattie, 1964:168-69)." Such practices today is a living testimony to the uniqueness of the Naga Village Councils.

Of the above, a striking example of continuity is the land ownership patterns, which were formulated during the founding of the village ages ago according to customs and tradition are still in practice among the Nagas. The

land was equally divided for each clan at the time of foundation of the village through the village council's authority by convention. Thus according to Fanger Imchen, the Naga land system is different from any other in India, where question of landless labourers as is found did not and do not arise (1993:122). Even in colonial times thus, the Naga Hill District was treated as land revenue free and later, nor the Assam Land Revenue Regulation extended to this area.

The Naga Village Council exercises a wide range of authority like legislative, executive and judicial, mainly on the basis of conventional rule of local customs and practices. They are primarily based on oral tradition transmitted from past generations, which are enforced not by any codified or written form but by adherence to it through socialization processes. Here, as against the Navajo Indian ways in self-government (Shepardson, 1963:4), where the village policy and its various aspect is considered as ultimate authority binding upon all, a similar dimension is thus identified with the ways of the Naga Village Council.

All Naga villages can be termed as petty republics in themselves even today, despite the state control above them. The village council consisting of *Gaonburas* (government's agent) and elders generally decides all executive, legislative and judiciary cases in the village. With the Nagas at large, the oath taking in any litigation

in the context of settling disputes play an important role. Naga methods of justice are rough and ready and mainly based on the theory of deterrence or *Lex Talionis* and at extremes, punishment of sorts. Under the present situation, the village councils still function and decide cases which are not heinous or of inter-village or inter-tribal disputes. The *Gaonburas* (government's agent) and the *Dobashis* (government's interpreter) perform the duties of police as well as magistracy for petty cases. They have police powers of arrest and detention. In comparison, a similar case of functional hierarchy may be found among the Vietnamese village council (Hikey, 1964:182-83). ✓

#### **Method of Research**

The object of our study is to sociologically examine the Naga Village Council in terms of its power and jural structure, wherein, it is our aim to identify the structural dimensions of Naga village social life, which even now constitutes the basic unit of total Naga social organization. The area of our study is the total Naga society, which in this study have been limited down in size aimed at competent management to only three tribes, namely the Ao, Sangtam and Lotha, who are territorially contiguous to each other, besides each constituting an administrative district respectively.

Since the village is identified as the basic unit of Naga social organization, in this study we have selected three villages, namely Sungratsu, Chimonger and Wokha villages to represent the Ao, Sangtam and Lotha tribes respectively. These three villages are conveniently close to Mokokchung town, the district capital of the Ao tribe, from where all these villages in time distance varies from 30 minutes to 3 hours, which provides the rationale to select these villages and this town in particular as the base of field operations. Further, these villages are average sized thus paving the way for convenient and more intensive observational study.

The sample size in each villages were maintained at 30 respondents each respectively, which included village council members, elders respected for their knowledge of customs and tradition as well as other village citizens.

The sources of data are both primary and secondary. In fact in this study the bulk of the data concerning the Sangtam tribe and its representative Chimonger village are drawn from intensive participant observation and use of interview schedules, for the reason that secondary data on this tribe is significantly meagre. Of the other tribes and villages, added to secondary data of monographs, gazetteers and related newspapers and government reports, field observations augmented much of the data. In consequence, the entire study aims at description, analysis and

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evaluation in measured proportions of the Nagas in general and of these three tribes and villages and their councils in particular.

### **Chapter Serialization**

In the first chapter we introduced a profile of information about Nagaland in general added with a brief account of the state's tribal composition. The introduction further discusses a brief description of the existing Naga village councils with reference to its uniqueness in general. This chapter also introduces the universe of study and its representative villages, namely of Sungratsu, Chimonger and Wokha and its village councils as a case of village self-governance and social organization.

The second chapter deals with a review of legal status of the Naga Village Councils giving a brief chronological historical account hence tradition to contemporary situation. Consequently, this chapter further examines a brief historical background of Ahom-Naga relations followed by a brief account of the Nagas and the British colonial rule reflecting the Naga socio-political conditions and of their traditional village political institutions. This chapter also introduces the Naga Village Council's provisions under the Indian Constitution (Article 371-A) and other relevant legislative provisions. It is finally wound up with an explanation on the provisions

through enactments and promulgations by the Nagaland State Legislature and the protection it provides towards preserving and operating local customary laws and procedure in order to extent more autonomy and independent power to the Naga Village Councils.

In the third chapter, we attempt to study the historical background of origin and migration of the respective three tribes and the three villages till the founding of these respective villages. This is followed by a brief descriptive account of the growth of the village councils in these three respective villages. A further attempt is made at explaining how the reflection of old customs and tradition and its application to the social structure in determining village social organization is made. It is finally concluded with a description about the village geographical location along with other relevant informations, as well as the present economy and of its nearest town influence or these three villages.

The fourth chapter focuses upon the village council of these three villages and of its social organizations highlighted by peer-group divisions, who relates to one another by various social and kinship ties. This is followed by a brief explanation about the institutions of bachelors hall and of its unitary character to the village social organizations and how it imparts knowledge, trainings and experiences to the youth. In this chapter, we further

attempt to examine the functions and power of village council and of its jural and administrative aspect in terms of customs, convention and tradition which the village council exercise as a form of effective village government. This is further followed by explaining how the various forms of disputes are settled by the Naga Village Council and of its efficacy as a deterrent; the procedures of oath taking which is resorted to as a last and final measure and its resultant outcomes as binding upon the individual litigants. It further deals with membership in the village councils by selection, succession, qualification emphasizing the role of "meat share" associated with pay and rewards among the village councillors, exposing it as a unique feature of Naga Village Council. It further incorporates the General Village Citizens Conference taken in large measure as a representative exercise of democracy.

The same chapter further emphasizes on a combined general descriptive account about the relationship and functions between the village council, and the *Gaonbura* - *Debashi* institutions as government agents and interpreters and how it links with the village to maintain overall administration by means of state control. This is followed by a view on how the higher state authority and its wider jurisdiction tends to restrict and limit the role and jurisdiction of the village councils despite provisions made for the Constitution and other laws of the State.

The fifth and concluding chapter reviews all the preceding chapters with a critical focus and analysis of the major findings of this study.

## Chapter-V

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### CONCLUSION

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Our endeavour have been to sociologically examine the Naga village councils, their power and functional management which is a pivotal local unit of self-government, which today still operate and function effectively, on the basis of traditional customary law and practices. The study also attempts to highlight the role of customs and tradition, and its sociological importance as a measure of drawing identify and citizenship through the function of the village council even in the contemporary context of the Naga tribes. The universe of our study was Nagaland at large, though as an exercise in delimitation and functional management, we selected only three representative tribes for

this study, namely the Ao, Sangtam and Lotha, each represented by Sungratsu, Chimonger and Wokha villages respectively and who are territorially contiguous to each other. The study is mainly a descriptive exercise, although where naturally pertinent, analysis and evaluation are also inherent elements.

The smallest political unit among the Naga tribals is the village. The society is organized more or less on democratic principles. The villages are generally divided into several wards or quarters, comprised of a number of patrilineal clans, which in turn is further ramified into lineages. The village council in respective villages is the highest organ of power and its basic unit are the respective clans from which the councillors are selected by consensus representing each clan. In selecting the council members, important factors such as age, wealth, moral ethical standards and ability for leadership and service are major considerations. All important matters affecting the village community, become subject to decisions of the village council based on customary law, constituted by tradition and convention. However, decisions arrived at on current contemporary matters of village development, government grants and aids, etc. become village policy only after approval by the total village citizens through general village meetings which are called as and when required.

Village councils among the Naga tribals are not exactly same. There are inherent differences that distinguishes out one from the other. For example, among the Ao tribe, the villages generally have the Chongli and Mongsen groups (i.e. they constitute two dialect groups of the Ao Naga tribe) with their respective councils different from the other in certain functional aspects. These arrangements have roots from the traditional past. The system of village council and its governance that was and is even now followed were run by a body of man called *Tatar* (chosen leaders or elders). They remain in the seat for a *Putu* (one generation, i.e. 30 years). In the *Putu Menden* (village council), the *Tatar* represents the ruling generation of men and are composed of the following tiers, viz. the *Unger* (leader of the council), the *Tazung* (steering or leading members of the council), and *Chitangodang* (general functionaries to the senior village councillors). Thus the procedure of representation from the various clans in the Ao Naga *Putu Menden* (village council) today by comparison reflects a federal system of parliamentary democracy.

Among the Ao Naga tribe, the *Putu Menden* (village council) have power to maintain all administrative affairs in the village to try both civil and criminal cases. One of the important qualities of the ancient Ao villages was their customary law courts (i.e. the council itself) where fair

judgment was given, based on perceived natural law, in absence of a written code. Cases of civil, criminal and religio-ethical cases between individuals and parties were settled in a most democratic way in the presence of the litigants, witnesses and court/council members. There was no chief judge as such, but the natural flow of things on the ministrations of a supernatural power, most often guided them as the judges. So in Ao concept, it is not man but the spirit of the sky, earth, etc. was the final judge ultimately. In this regard, today, the Indian Constitution provides special autonomy to application of Naga customary law under Article 371-A, Clause (ii).

The Sangtam tribal village society rotates on the axis of its political institution called *Yangpumji* (village council) which exercises centralized authority over every important matter of society, affecting the life of the community at large and the individual in particular. Among the Sangtam tribe, the council is organized by clan representatives which also correspond to the number of village division of *Khels* (wards). However, unlike the Aos and Lothas, among the Sangtam villages, no explicit functional divisions of duties exists among the *Lakhimru* (councillors) as a reason of which, a plane of consensus and a high degree of equality among the councillors is achieved. A mere distinction is that though not as an institutionalized rule, the councillors are addressed to

with special reference to their age and seniority, as an exception in social interaction.

All disputes arising within the village is adjudicated upon by the *Yangpumji* (village council) according to set procedures of customary practices and where on reaching a consensus among the councillors leads finally to a resolution. Cases of all dispute were held and settled at the house of the eldest *Lakhimru* (councillors) in the presence of the litigants. Contemporarily, such cases are brought to the *Yangpumji* hall where the *Yangtsa Aziba* (speaker, a present day arrangement) preside over the meeting and trials. Once the verdict or decision as may be pronounced by the village elders are reached, the parties accept it and normally there is no appeal against it. This obedience towards the *Yangpumji* (village council) is a certificate of loyalty and duty to the tribe and village. According to R.R. Shimray (1985), the Sangtam polity and the organizations of its *Yangpumji* finds comparison with a republican form of government.

Among the Lotha tribe, in founding a village, unlike other Naga tribals, a selection of *Pvuti* (priests) first precedes the formation of the village council, who was and is even now functionally both religious and to an extent, administrative head. Such type of tribal village government ruled by a priest and assistants by comparison reflects a facsimile of Zuni theocracy (Fogelson and Adams, 1977).

With this tribe, the village council is called *Oyan Yansasa* or often today, *Ngiti*. It is constituted by notable persons representing each clan/*Khel*) and are called *Tongti* (*Khel* leaders). Among the *Tongti*, there is generally a chief, for reasons of having first founded the village who today may be a descendent of the founder or relation by birth, reflective of a monarchy. Below the *Tongti* is another tier of functionaries called *Chochang*, who assists the former. Further below it is another tier called *Pangki* (general members) who has no specific function in the council, but merely represents their clan or *khel*.

The office of the *Tongti* in the village council (i.e. *Oyan Yansasa*) functionally is distinguished from that of *Pvuti* is that the former is secular and the latter religious. Thus in all secular matters the *Tongti* is the highest authority while the *Pvuti* in religious aspects is the highest seat and also holds the function for life. The *Oyan Yansasa* (village council) have judicial as well as administrative functions, and in contemporary times under state government funding, also of development functions in the village territory like other tribal village councils. The authority and power of the *Oyan Yansasa* (village council) depends largely on the personal qualities of the *Tongti* and *Sotsai* (other village elders).

After Indian Independence, various constitutional provisions recognized the tribal people and their cultural

heritage, practices and customs. Article 371-A (introduced in 1962) of the Constitution, effectively applied after grant of statehood to Nagas in 1963 seek to protect the Naga religious and social practices, their customary law and procedure and their land holding patterns. These provisions were supposed to be the constitutional guarantees to the Naga people's right of self-government at large and the villages in particular. Later, by several Nagaland Legislative Assembly Acts, the village council as it is now known, was designated as such, instead of the old nomenclature of generation seat etc. (i.e. *Putu Menden*). The State Legislative Assembly have over the years made suitable amendments in regards to the village councils.

The village council members' selection are highly organized. The prospective candidates have to fulfill a number of qualifications. The seats of the village councils represents all clans of the village. There is little scope for conflict over such an issue. The entire villagers gathers to elect the new councillors in accordance with customary practices. No inhabitant, unless granted the right of citizenship of the village, can take part in the social and political life of the village. Women are excluded from political life and thus have no membership in the village councils. The outgoing members are not allowed for re-selection to the council again. The change of administration from one generation (i.e. 30 years) to

another is considered as a process of renewal and continuity, each generation symbolizing a particular feature.

Most Naga tribes are highly democratic in their functioning of the village council. Free and cordial discussions take place in the council meetings concerning common matters under consideration and every representative in it has the right of free expression. No decisions are thrust on the village subjects by force. In operations like jungle clearing, village defence or other community work, the approval of the whole village group is acquired. The collective task is treated as personal by every one. These example of free help and community spirit of adventure, all combine to inspire in them the feelings of loyalty and solidarity.

The functional administration by the village council, which is based on tradition and conventions are orally transmitted from generation to generation. The council, in fact, binds the people in various social and cultural activities within the village jurisdiction thus maintaining village identity and solidarity. Disputes among villagers are settled by the council which otherwise, would have meant breakdown of cordial relations or even war in the olden days. Verdicts arrived at on disputes were and are settled by payment of a live cattle or pig on the part of the penalised. But in certain offences, particular

punishments are prescribed. In the case of homicide, whether deliberate or accidental, the aggrieved party may content themselves with wrecking the murderer's house, or divest his property or ex-communicate him from the village. In most cases of homicide today, the cases are handed over to the state machinery. Thus the village councils are considered to be sovereign authority over all aspects of village administrative affairs.

During the advent of British administration, the two institutions of *Dobashi* (government interpreters) and *Gaonburas* (village elders, i.e. government agents) were introduced, which are still in function even today. The *Gaonburas* serves as government representatives to the village councils and it was through them that the administrative officers used to transmit state government orders to villages for compliance. Over time, these *Gaonburas* have been integrated as representatives into the village councils as members only in so far as the state government is involved with the village affairs, otherwise, in so far as the village alone is strictly concerned, it is the council members representing the clans that decides and exercises all the powers. The *Gaonburas* have no judicial powers but may according to situational needs settle petty cases in the villages. They are also responsible to collect government taxes, from which a nominal sum is realized for themselves. But the *Dobashi's*, though originally meant for

translating the language of villagers to the then colonial officers were endowed with judicial as well as police powers with the passage of time. The reasons for this was since colonial administration, the *Dobashis* by virtue of their function of translation, could also act on behalf of the administration to dispense justice where the customary laws and traditions were involved, particularly in matters of inter-village disputes or dispute between dissatisfied individuals and their village council, thus the installation of the *Dobashi* court in the Naga Hills in 1935. The *Dobashis* are paid government servants and the organization of their court to represent the administration have meant that in comparison, the village council are subordinate to the *Dobashis* court. But this is strictly judicial in nature. The *Dobashis* are appointed by government on the recommendation of the respective village councils, to represent each village and range within a concerned district.

Contemporarily, as per the Nagaland Village Councils Act (Article 16(6) 1982, no government servant is entitled to become a member of the village council or a *Gaonbura*. A *Gaonbura* by law serves 5 years only, whereas a member of the traditional village council, as practice from the past serves for 30 years. All these are envisaged in the Nagaland Village Councils Act and in the light of the above presentation in brief, the study attempts to highlight the

unique position of the Naga village council, its power and jural structure.

Despite and also as a result of all the constitutional safeguards, it is to be noted that the Naga village today is enveloped within a larger state structure and administration at large, linked through the *Gaonburas* and the *Dobashis*, which has several consequences. Added to it are the political parties, whose road to power is mainly the rural electorate. This new phenomenon has facilitated the entry of state political parties and inexorably its organizations consequently into village social structure and relations, particularly to do with the general state assembly and parliamentary elections. Thus the traditional solidarity of the village social structure stands broken to a great extent and most villages today are polarized on party lines despite the edifice of the village councils. In some villages this has also coincided with the clan lines and its division; of which, Sungratsu, Chimonger and Wokha villages are clear testimony. This has as a result shifted clan loyalties and alliances into party loyalties; in which process the traditional structure and composition of clans as a reference point to the village council orbit are slowly losing meaning and content. An example here to illustrate is that of litigants that resorts to the *Dobashis* court and other administrative/judicial courts for redressal, inspite of village council adjudications.

Further, owing to the state administration, the workings of the traditional village council have also been transformed particularly in its operation. The village council operation is principally based on unquestionable loyalty by the village citizens, unanimity of decisions, adherence to customs and traditions, respect for age and experience are all being resisted and challenged by new attitudes of change. Loyalty and adherence to custom have come to be questioned and decisions in village councils are not readily accepted or respected as in the past. Deliberation in the village council have come to be influenced by state political considerations which as a result sidelines the role of traditions. The village council which held total sway over the life of the individuals no longer enjoys the same position today. The village councils are losing ground and their place is being taken over by young influential persons with numerical support in the village based on political party lines at the cost of village council integrity and clan and *khei* solidarity. This has in consequence affected village council decisions where it is influenced by sectarian interests of political parties. Of this, Sungratsu, Chimonger and Wokha villages under study are clear examples. Further, oath taking is a thing of the past and rational evidence is increasingly becoming the basis of settling disputes in the village council. All these are rooted in

the introduction of modern administration and its influences added to new processes which has thus brought about significant changes in the traditional village councils of the Naga society at large, which signifies an impending danger of being completely slipped from their traditional moorings and customary practices. In comparison, these constraints experienced by the village councils as a result of the state administration's influence and changing social attitudes and role of political parties on certain cases may be equated with the Vietnamese village councils whose powers and functions greatly diminished owing to state control and other processes of change (Hickey, 1964:179). Under sociological considerations, all these process of resistance to functions of tradition and custom, such as the Naga and Vietnamese councils are by the yardstick of change and development, quite inevitable. Only the society have to be very clear about how it should preserve and sustain their tradition in the context of continuity and change.

Despite all the pulls and tears to the Naga village councils and their tradition, we cannot help admit that under constitutional provision, the Naga right of self-government of villages as evidenced by protection of their customary laws and usages is on the one hand, a measure of autonomy in so far as maintaining their tribal identity and sense of autonomy is concerned which spells of magnanimous concern, and on the other, the supremacy of state control

over the villages in matters beyond the capacity of the villages themselves like modern aspects of development, law and order at large, etc. is reflective of the special position of the Naga villages and its councils today.