

## Chapter 11

# Patterns of Rural Government in Mizoram: Retrospect and Prospect

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Chieftainship originated in the physical and intellectual power of any person who used to command a large number of people and to repel any attack by other chiefs and enemies. In other words, one, who had the ability to organise a force, became a chief. Such a person became the guardian and defender of his people. It appears that the institution of chieftainship emerged out of the collective needs of group life. But there is no definite record as to when and how in the past, this institution took concrete shape. But it can be reasonably asserted that this happened at quite an early stage of evolution in their group life<sup>1</sup>. The Sailos became the most powerful chiefs and they ruled practically over the then Lushai Hills (now Mizoram) except in Pawi-Lakher region at the time of the advent of the British. Pawis and Lakhers had their own chiefs who ruled the South-eastern part of the Lushai Hills. They had not followed the Sailo Chiefs<sup>2</sup>. There were Sailo and non-Sailo Chiefs. The non-Sailo Chiefs were known as Hnamchawm (commoners).

Though the Sailo chiefs commanded more respect than others, all the chiefs enjoyed more or less the same powers, functions and privileges. The British rulers did not make any distinction between them. They recognised them as independent chiefs subject to their control. When the British rulers encountered them, they were rather surprised to see a large number of indigenous institutions for the administration of local or village affairs running independent of one another by the (autocratic) chief of immense local standing. There was a complete concentration of powers in the hands of village chiefs and their council of elders, who used to control and regulate all aspects of the village life in accordance with the customs. Shakespeare described the chiefs as despotic heads of small independent states. Similarly, Captain T.H. Lawrin, who was the first British to know the Lushais/Mizos intimately, described the

village system among the Mizos as a number of petty states each under a dictator or president<sup>3</sup> The Mizo chiefs in the beginning opposed the British rule and fought the British rulers with all might at their command. But the British rulers, somehow, annexed the then Lushai Hills (Mizoram) in 1890 and normalised their strained relations with the chiefs after appeasing them with the gifts of their wise statesmanship. They divided the territory into two administrative wings viz the North Lushai Hills District, a part of Assam and the South Lushai Hills District, a part of Bengal. But they decided in 1898 to merge the two districts into a single district - the Lushai Hills District, a part of Assam under a Superintendent. The same year marked the beginning of settled administration in the district. The British made the chieftainship hereditary because it guaranteed political stability and loyalty of the chiefs to the Government. In 1898, a system of Land Settlement was introduced. Accordingly, each chief was given a certain area of land to administer. The British Superintendent used the chiefs in such a way that they became the main plank of the alien rule over their own people. They laid the foundation on which the edifice of the British rule was erected. The chiefs were made representatives of the British Government in their own land.<sup>4</sup>

Each chief had territorial jurisdiction of his own, consisting of one or more villages. In fact, the chief owned all that was in the village. The chief, before annexation of the Lushai Hills, exercised power over life and death, though these powers and functions were not precise and definite. He was, at the same time, the supreme administrator, the chief justice, the protector and guardian of his villagers. In running the village administration, he was assisted/advised by a council of village/elders called *Upas* in Mizo language. The elders were generally men of the chief's choice, nominated or selected without considering the opinion of the villagers. Most of them were either opportunists or from among the well-to-do sections of the society or royal clan. But they held office at his pleasure. The chief was responsible for the control of the village, and had wide powers in the village administration. Besides the *Upas*, a number of village officials such as *Tlangau* (village courier/crier), *Thirdeng* (blacksmith), *Puithiam* (priest), *Khawchhiar* (village writer), and *Ramhuals* (expert *jhum* cultivators) to carry out the village administration smoothly and efficiently were also appointed by the chief. *Puithiam* was the village priest who performed all kinds of ceremonies. But with the introduction of christianity, the position of the village priest has substantially deteriorated. For their services, the village officials used to receive remuneration mostly in kind directly from the villagers. The rate of payment differed from village to village. But for all these works, the village officials were exempted from coolie work, paddy tax (*fathang*) and house tax. They had different duties entrusted to them by the chief, which they were to carry out individually for the welfare of the masses.<sup>5</sup>

The chiefs and the council of elders discussed all matters of the village, asked the villagers to render voluntary services and also executed the orders and directions of the British Superintendent heading the district. The chief also functioned as the village court to decide all types of cases, except murder and rape and disputes between the people of the village according to the customs of the Mizos. The cases of murder and rape were reported to the British Superintendent of the district for a trial. Since non-interference in internal administration of the chief was the general policy of the British Superintendent, he often upheld the decisions and acts of the chiefs. Although the chief was the real repository of power, yet he seldom could ignore the advice of his elders and well-being of the villagers. He hardly interfered with the findings of the elders in the trial of disputes and cases.

He, thus, tried to give it a semblance of people's government in the Governance of his village through the council of elders. He wielded judicial powers no doubt but he was not at all above the customary law of the land. He himself could be subjected to a group trial for exceeding the usual norms of the Mizo society. But the political system was such that no one would generally speak against his activities or to criticise any act of his. The authority of the chief was also safeguarded by the Superintendent. Besides, the villagers were also bound by the traditional custom to obey him and also carry out his orders without any condition. Theoretically, the chief was all powerful and despotic ruler. But the social mores were so shaped through the process of evolution that he could seldom afford to exercise unrestricted powers over his people. In fact, his rule could not be malevolent as the villagers could always migrate to another village in the jurisdiction of some other chief.<sup>6</sup>

The Pawis and Lakhers in the South Lushai Hills (Mizoram) had their own chiefs. The chieftainship among the Pawis was the same as among the Mizos. The Lakher chieftainship was, however, a little different. Shakespeare found the Lakhers in common with the Chins as less democratic than the Lushais. The power of the chiefs was greater and the chief's relatives and other wealthy people found a kind of peerage. The Lakhers had no single royal clan like the Sailo clan among the Mizos. Each Lakher tribe had its own royal clan. The chief had full power over the villagers. He could impose fines and in the extreme case, turn a villager out of the village. The Lakher chieftainship was hereditary, the eldest son succeeding the father.<sup>7</sup>

The chief, as a token of respect for his being head of the village administration, was entitled to certain privileges from the villagers such as a flesh tax (*sachhiah*), a paddy tax (*fathang*), salt tax (*chichhiah*), etc.. He could also seize any villager's property who failed to carry out his judicial orders. He had the privilege to keep the slaves (*bawis*) as well as to get his house constructed and repaired with the free labour of the villagers. Here it is true

that the chief and his counsellors formed the royal or upper class among the Mizo society who lived on the villagers.

This position, however, changed later on and the British Superintendent curtailed such traditional powers of the chiefs as inflicting capital punishment, seizing food stores and property of villagers, owning their lands, taxing traders, appointing his sons as chiefs in their own areas, and judicial supremacy/powers. Thus the chiefs practically lost their rights and privileges to the British masters. However, while the powers of the chiefs in relation to the British masters declined, his powers over the people, increased further. This was partly due to the policy of non-interference of the British rulers in the internal affairs of the tribesmen. Thus apparently the main motive behind curtailment of the chiefs' traditional rights by the British Superintendent was to have full control over the turbulent people and also of the chiefs. The Superintendent used the chiefs as an agent of the British imperialist rule in Mizoram with the least expenditure. The chief acted as a link between the villagers and the Superintendent. In fact, the chiefs became the local representatives of the alien government after the people settled down at fixed places giving up their migratory habit. To achieve this objective, the British allowed the indigenous institution of the chieftainship to continue, though gradually there was an erosion in the powers and privileges of the chiefs.

After India achieved Independence, a new scheme of administration for the hills districts of Assam based on the recommendations of the North-East Frontier Tribal and Excluded Areas Sub-Committee of the Constituent Assembly, known as the Bardoloi Committee, was incorporated in the part 'A' of the Sixth Schedule to the Constitution of India. As a result, the Mizo District Council for the Mizos and the Pawi-Lakher Regional Council for Pawi, Lakher and Chakma tribes were set up in 1952 and 1953 respectively. With the introduction of the District Council, the powerful post of Superintendent was abolished and the whole area was put under a Deputy Commissioner with much curtailed powers, and the Chief Executive Members of the District and Regional Councils. The District and the Regional Councils, a democratic autonomous political institution created under the sixth schedule of the Indian Constitution also threatened the position and privileges of the chiefs, because as per the provision under para 3 of the sixth schedule, the District Council can regulate the succession, appointment and even abolition of the institution of village chiefs and headman. The chiefs were now no more than village headmen completely under the Mizo District Council. In the first elections to the District Council, the Mizo Union, which had a clear economic programme of fighting the vested interests of the chiefs, made a significant dent in the rural segments and also captured powers in the District Council. Holding the reigns of the District Council administration, the Mizo Union enacted the Lushai Hills District (Social Custom and Practices) Act in May

1953 and abolished the special privileges or traditional dues of the chiefs and their elders. Similarly, the Pawi-Lakher Regional Council enacted the Pawi-Lakher Autonomous Region (Social Customs and Practices) Act in December 1953 and also abolished the traditional dues payable to the chiefs within the jurisdiction. Further, the Mizo District Council taking an extreme stand persuaded the government of Assam to abolish the chieftainship. Accordingly, the government enacted the Assam Lushai Hills District (Acquisition of Chief's Rights) Act 1954 and abolished the hereditary chieftainship in the area covered by the Mizo District Council. Under the same Act, the chiefship within the jurisdiction of the Pawi-Lakher Regional Council was also abolished. The chiefs were compensated in cash for the loss of their tributes and powers. The abolition of the chiefship was fully justified in keeping with the fulfillment of the democratic aspirations of the common Mizos, the democratic provisions of the sixth schedule to the constitution of India and also the economic programme of fighting the vested interests of the chiefs as alleged by the Mizo Union. Abolition of chieftainship has definitely provided opportunities to a large number of the Mizos to participate in decision-making.

### **Village Council**

The District and the Regional Councils democratised the village administration by enacting the Lushai Hills District (Village Councils) Act in December 1953 and the Pawi-Lakher Region (Village Councils) Act in September 1954.

Accordingly, the village administration in Mizoram was vested in the democratically constituted village councils, which in fact started functioning from 1954 and 1955 under the respective jurisdictions of the councils. But when Mizoram attained the status of Union Territory and later State, the government of Mizoram adopted the Lushai Hills District (Village Councils) Act 1953 for administration of the village affairs in the areas specified by the Act which was also amended in 1991. Administration of the village councils was put under the Department of Local Administration, Town Planning and Housing. But in the new administrative set-up, the Pawi-Lakher Regional Council was bifurcated into three viz. The Mara Autonomous District Council, the Lai Autonomous District Council and the Chakma Autonomous District Council. These Councils have also adopted the Pawi-Lakher Autonomous Region (Village Councils) Act in their respective jurisdictions. So the Mara District Council, the Lai District Council and the Chakma District Council manage village affairs in their jurisdictions through a village council over which the government of Mizoram has no control. Briefly, Mizoram has now two sets of village councils over which the government of Mizoram and the District Councils extend their jurisdiction independently.<sup>8</sup>

### **Composition of Village Council**

As per the Village Council Act, there is a village council for each village. Each village council consists of 4 to 15 members according to the number of houses as specified by the Act. Of them, one-fourth is nominated by the government of Mizoram and the Executive Committees of the Mara Autonomous District Council, the Lai Autonomous District Council and the Chakma Autonomous District Council respectively and the rest are elected according to the provisions of the Village Council Election Rules on the basis of adult franchise, mostly by secret ballot for a period of three years. Though the number of members of the village councils may vary from village to village, the term of a village council may be extended or reduced by the orders of the government and the district councils. If the village council is unable to carry on the village administration efficiently, the District Council can dissolve such village council and during the period of dissolution, the Circle Assistant or some other officers of the council to look after the administration of the dissolved village council may be appointed. It is also mentioned in the Act that a member, who is nominated to a village council, may hold office during the pleasure of the government and the Executive Committees of the Councils. If a member absents himself in ten consecutive meetings of a village council without permission of the village council, the village council may in a meeting specially convened for the purpose, declare his seat vacant after giving him an opportunity for a hearing and in such case, the village council communicates the decision to the government and the Executive Committees.

For elections, there is an electoral roll and polling station for each village constituency. For each constituency, a returning officer is appointed to receive and scrutinise nomination papers of the candidates and to fix the date and time for polling. He also acts as the presiding officer on the election day, and after the poll is over, he counts votes and declares results on the same day. Each candidate is also allotted an election symbol and a ballot box. Each voter is given ballot papers according to the number of seats to be filled up through election. Besides, all other village council election rules are observed.<sup>9</sup>

### **Village Council Executive**

Each village council has an Executive Committee consisting of the President, Vice-President and a Secretary. The President and Vice-President are elected by the members of the Village Council from among themselves. The Secretary is appointed by the Government/ the district councils on the advice of President, who is in any case not a member of the Village Council. The executive functions of the village council are thus vested in three persons. The President presides over all the meetings of the Village Council. He also summons the meetings whenever necessity arises. All proposals and questions are decided in the meetings by a majority of votes. The President preserves

order and exercises all powers necessary to enforce the decisions taken in the meetings. If a member fails to carry out the direction of the President, he reports in writing the conduct of the member to the Government/Executive Committees of the Councils. On receipt of such report, the Government/Executive Committees may, if it deems necessary, suspend the member for any period.<sup>10</sup>

Besides, it is also the President's responsibility to issue notice/instruction for prevention of dangers, such as outbreak of fire, epidemic etc. in the village. He carries out all orders/notifications issued either by the Deputy Commissioner or the District Councils. He also acts as the Treasurer of the Village Council Fund into which collections made by the Village Council are deposited. The details of collection is maintained by the Secretary and any subscriber can check the accounts. The President examines the registers/book kept by the Secretary. The Vice-President, in the absence of the President, performs all official duties of the President. The President may at any time, submits in writing his resignation to the Government/District Councils and until his resignation is accepted, he should continue his function as such. The Vice-President also at any time, may send his resignation to the President. After accepting the resignation, the President brings it to the notice of the village in a meeting specially convened for the purpose.<sup>11</sup>

In such meeting, election to fill such vacancy will take place and the report of the proceedings shall be submitted to the Government or the Executive Committees of the Councils.

Now it is better to examine the position of the Secretary in the village council administration. The Secretary is the village writer and he records all proceedings of the meetings of village council and the village council court which are signed by the President. If necessary, he publishes all orders and proceedings duly signed by the President. He also keeps all the books and records of the council and of the village court, which can be examined by the officers of the District Council or any member of the village court, appointed on this behalf. The Secretary holds office as long as the village council executive considers his work and conduct fit and satisfactory.<sup>12</sup>

It may be added here that the President is the chief non-official functionary at the village level and the village Secretary is the main official functionary and administrative assistant to the village executive. He, thus, acts as the agent of executive committee and the Government. He reports about the poor harvest to the government for remedial measure, severe incident if any and the villager's needs such as opening of school and post office. He is paid Rs. 68.00 per month. His duties and responsibilities are heavy compared to his qualification and remuneration. Besides, the President, Vice-President and all elected members are also paid Rs. 85.00, Rs. 51.00 and Rs. 42.00 per month respectively by the Local Administration Department, Government of Mizoram

or by the three District Councils.

### Functions of Village Council

The functions of the village council are classified into two categories: Administrative and Judicial.

#### *Administrative*

The administrative functions of the village council include construction and maintenance of inter-village paths, roads, maintenance of water supply points and their approach roads, distribution of *Jhum* plots by draws of lots, construction and maintenance of approach foot paths to *jhum*, allotment of house sites in the village, maintenance of register for birth and deaths, maintenance of burial grounds, regulation of *Hnatlang* i.e., voluntary services for community work and preservation and maintenance of village safety and supply reserve and collection of taxes.

A mention with regard to *Hnatlang*, *Jhum* lands and house sites may be made to explain the administration of these duties. The village council can enforce *Hnatlang* in the interest of the villagers on any person irrespective of religion, caste or class whenever occasion so demands. The order also extends to a Government servant. Any person, who does not comply with the order of *Hnatlang* is liable to pay fine in kind or cash up to a limit of Rs. 10.00 per *Hnatlang* day; the village council however, can exempt any person of the age of 60 years or above or those below 15 years of age.

With regard to *jhum* lands, if there is a dispute in the allotment of *jhum* plots, the Governor or any other officer authorised by him can intervene; in case of the village councils under the District Councils, the executive committees intervene.

As regards the house sites, the village council can evict a person having unauthorised occupation of land and can also order for vacation within seven days. However, if the erring person persists beyond that limit, the village council can order for demolition of the building or any structure on the unauthorised land or impose a fine of Rs. 5.00 per day so long as the unauthorised occupant persists.

Besides, the village council forms the sanitation committee with a view to carrying out sanitation works and cleanliness in the village. It also takes necessary step to prevent and control fire and epidemic in the village. It can also pass orders under Mizo Hnam Dan (customary law) to run the village administration smoothly. The council also appoints a *Tlangau*, the village courier/crier in each village to bring all the orders, notifications of the council and government to the villagers, carry summons of the village council court to all parties and other persons to attend the court meeting as also the President's notice to all members of the council to attend meetings. For this service, he is exempted from *Hnatlang*. If in any village, no *Tlangau* is found

on the remuneration granted under the relevant sub-section of the Act, the Executive Committee may by order raise additional remunerations from the villagers to be paid either in cash or in kind, the amount of which shall be fixed in consultation with the village council concerned. Thus we see that of the administrative duties, some are provided for in the Act, Rules and Regulations, while others are based on convention, usage, practice and custom of the Mizo people.<sup>13</sup>

### *Judicial*

A village council court has been provided for each village in the rules, constituted under the Administration of Justice Rules, 1953. The court comprises of three members, elected by the council from among its elected members, with a three-year term of office. It actually resembles Gram Katchery, a judicial organ of the Gram Panchayat of the plains districts, where administration of justice is invested with the democratically elected members. When the council sits as a court, three members are required to constitute the quorum. The Village Council Court is the lowest court under the district councils. The Village Council Courts of Aizawl and Lunglei districts are under the government of Mizoram. The Village Council Court tries suits and cases of civil and miscellaneous nature between the tribals in the village in accordance with the customary laws of the land. It also tries criminal cases falling within the customary laws and offences of petty nature, such as petty theft and pilferage, mischief and trespass of petty nature, simple assault and hurt, affront and affray of whatever kind, drunken or disorderly brawling, public nuisance etc. The village council can impose a fine for any of these offences upto Rs. 50.00 and can order any accused or witness to appear before the court for examination. If such person fails to appear, the village council is competent to impose a fine upto Rs. 25.00.

The village council has no power to try offences for which imprisonment is obligatory under the Indian Penal Code. It is also neither competent to try cases of heinous crimes like murder, rape, sexual intercourse with minor girl and sodomy, nor to decide inheritance cases which are within the purview of the customary law.

Appeal against any order, sentence, decision of the Village Council Court lies with the Subordinate District Council Court or Additional Subordinate District Council Court which may be preferred within 60 days of the conviction or decision. No legal practitioner is allowed to appear before a Village Council Court bench. In a nutshell, the organisation of village judiciary is a step in the direction of decentralisation of administration of justice.<sup>14</sup>

### **Village Council In Practice**

Let us now examine some of the major problems confronting the operation of village councils in Mizoram. It is observed that the village council is suffering

from a number of weaknesses. The District Council is empowered to make laws regarding the establishment of village council to carry out the day to day administration of village but no effort has been made either in the initial stages or even later after gaining experience to make it effective. The administrative limitations mainly relate to inadequacy of trained personnel, heavy load of work of multifarious nature, mostly administrative and non-developmental. It is necessary to train them, if they have to make village council successful. The village councils set up by the District Councils and the government of Mizoram are administrative and judicial bodies while solving socio-economic problems of the villagers are not within its scope. Non-involvement of the village councils in development schemes, programmes, planning process at micro level and execution, therefore, seems to be one of the biggest mistakes. So, in the Act, suitable amendment should be made to involve the village councils in development activities, planning process and implementation of programmes which are also expected to involve people as beneficiaries in these activities so as to enable them to participate in the main stream of economic activities. The village council has financial limitations due to paucity of funds. According to the provisions of the Act, the village council is also custodian of 'Village Council Fund' or finance. The word 'Finance' suggests money, but there is no such fund in the village. No permanent source of income is mentioned in the Act except imposition of fines on the accused or on those who absent themselves from 'Hnatlang'. These are of purely temporary nature and insignificant. *Fathang* (paddy tax), another source of income with the village council, after the abolition of chieftainship, does no longer exist in the fast changing society of the Mizos. Thus the village councils are very weak financially, having no funds at their disposal to carry out their own programmes. So they have remained 'empty boxes' without much stuff in them. Attempts should be made to mobilise financial resources for village councils to enable them to function as an effective institution of grass roots democracy for development, welfare, and justice.<sup>15</sup>

It is surprising to note that the village council, being the supreme unit of self government at the grass root level, lacks power in important matters such as taxation and tax collection (land revenue). These taxes are collected by the Department of Land Revenue and Settlement, Government of Mizoram as also the District Councils in their respective jurisdictions, though the existing act empowers village councils to collect such taxes. Measures should be taken to restore such powers of the councils to make them fund raising institutions for village development plans. It is also suggested that from the budgets of both the state government and the District Councils, fifty per cent of the funds allocated for development activities should be transferred to the village councils.<sup>16</sup>

The councils have failed to evoke the local initiative and people's participation in the developmental activities as well as to bring about social and economic changes in the tribal areas to the desired extent mainly owing to a strong tendency towards centralisation in the state, though there is a talk of decentralisation of power to district and lower level bodies. Such a process of centralisation is just not compatible with the talk of decentralisation of planning. Besides, there is less and less willingness on the part of the State Government and the District Councils to share power with lower elected bodies. As a result, the village councils are not getting economic or political power. As long as this trend continues, the village councils can not play a vital role in the socio-economic transformation of the rural tribesmen. So it is suggested that the village councils should be given an adequate share of financial resources, powers and responsibilities.

Not only that, available information indicates that perhaps many village councils have not yet been provided with office accommodation by the government and the District Councils (MDC, LDC, CDC). As such, the village council executives and members have no place to sit together, convene meeting, draw up plans and schemes for development and reconstruction, preserve records of meetings, case, and books/papers concerned with village administration. The result has been that the councils have not been functioning effectively by securing public participation and cooperation in rural administration. It is, therefore, felt necessary that the government and the District Council on their own initiative should help construction of the council's offices to ensure efficacy in the functioning of the village government.

Surprisingly, the government of Mizoram has declared Aizawl, Lunglei, Saiha, Champhai, Serchhip and Kolasib as urban areas but has not so far provided for the pattern of urban administration. Instead, the village councils meant for village administration, are still allowed to continue to function in the urban areas of Mizoram with such curtailed powers. For instance, the village council is empowered to allot house sites in both the rural and urban areas while this power of allotting house sites in the urban areas has been curtailed and vested with the government. It is, thus, obvious that the village councils existing in the urban areas of Mizoram have completely become redundant institutions. Nowhere in the country, such practice of making rural administrative institutions to function in the urban areas is found. Thus, the functions of urban administration have been entrusted mostly to the Deputy Commissioner, head official functionary of the district, and the village council President, a chief non-official functionary of the district at the village level. This has caused a lot of confusion which is likely to create many problems. Since the process of urbanisation is on, the government and the District Councils must consider substitution of the village council by some pattern of municipal administration for urban areas which are outgrowing

the characteristics of the village. Here it may be suggested that the government should consider adoption of the constitutional provisions relating to municipalities (the Constitution Seventy-fourth Amendment Act, 1992) and enact legislation keeping in view the local situations. This will certainly help encourage participative decision-making at micro level by involving urban people and people's representatives in decision-making process in various areas of activities which fall in the purview of the lower level micro-level units.

The village council should also work for awakening people-specially the poor, and make them aware about their plight, their rights and their role in rural development.

If the village council, a grassroots institution of democracy Constituted under the provisions of the Sixth Schedule to the constitution of India, has to function effectively, the Act should be suitably amended to strengthen it structurally and operationally, providing greater autonomy to the council in administrative, political, financial, judicial and developmental spheres and also transform it into an effective unit for formulating and executing the plan of economic development and rural reconstruction on the pattern of other democratically elected village institutions like *panchayats*.

### **Mizoram and the Constitution (Seventy-third Amendment) Act, 1992**

Though there are certain limitations inherent in Panchayati Raj System in India, the potential of Panchayati Raj in a country like ours cannot be denied. It can be said that Panchayati Raj has to play a very important role in the overall development of the economy and polity of the country. But being denied of constitutional status and due to the lack of will on the part of political masters, Panchayati Raj institutions have failed to deliver goods.

So, with a view to enhancing the level of participation of the rural people in the process of their development and also the involvement of people in the process of decision-making directly affecting their life, the government of India has provided a constitutional status for the village *panchayats* under the Constitution (Seventy-third Amendment) Act, 1992 which has been ratified by legislatures of more than half the states including the state of Mizoram. After ratification, the President assented this bill on April 20, 1993 which later became an Act. This Act was brought into force by a notification with effect from April 24, 1993. Accordingly, the provisions of the constitution Amendment Act are incorporated in the Acts of the states and institutions are established at different levels in order to improve the quality of implementation of programmes. The State government will devolve adequate functions, finances and powers to ensure better implementation of various developmental programmes.

However, some of the north-eastern states like Nagaland, Meghalaya and Mizoram have been kept outside the purview of the Constitutional provisions

relating to *panchayats* under the 73rd amendment to the Constitution. Though the legislatures of these states have already approved the Act they were denied the application of the constitutional provisions relating to *panchayats* to their respective states on the ground that traditional self governing institutions to carry on the village administration have already been in operation in these states since long. For instance, available information reveals that probably the government of Mizoram and the Mara District Council, The Lai District Council and the Chakma District Council have refused the application of Constitutional provisions concerning Panchayati Raj system mainly owing to the operation of democratically elected village councils in their respective jurisdictions since 1954 and 1955 respectively which have been set up under sub-Clause (e) of Clause(3) of the Sixth Schedule to the Constitution of India and accordingly, the village council has been given a constitutional status with a very limited set of functions, mostly administrative and judicial or petty nature under the Lushai Hills District (Village Council) Act, 1953 and the Pawi-Lakher Autonomous Region (Village Council) Act, 1954. These Acts have been adopted by the government of Mizoram and the District Councils since 1972. But it appears from the analysis of the Village Council Acts that the councils have been denied a share in financial resources and political powers and responsibilities. Briefly, the Councils lack political decentralisation and economic decentralisation whereas the panchayat systems under the 73rd amendment to the constitution have to play three important roles in the country such as decentralisation of administrative, financial and political powers, contribution towards strengthening the planning process at the micro level and overall rural development and improvement of the access of the poor rural masses to the highest level of decision-making bodies. These roles have already been incorporated in the Eleventh Schedule [Article 243(g)] of the Constitution (Seventy-Third Amendment) Act, 1992, which are classified into twenty-nine functions/powers of socio-cultural and eco-political nature.<sup>17</sup> Though both the Village Councils and Panchayati Raj institutions are the creation of the Constitution of India, but they differ structurally and operationally. What I want to point out is that Panchayati Raj institutions have larger scope to deliver better goods for the greater number in the rural society whereas the socio-cultural and econo-political transformation of the poor tribesmen is beyond the scope of the village councils. Therefore, it is suggested that the application of constitutional provisions relating to *panchayats* by the government and the District Councils to their respective jurisdictions is an imperative need and thereby the state will definitely join the national mainstream, deriving a lot of benefits from the democratically, politically and economically viable systems to better the pitiable and miserable socio-economic conditions of the poor tribesmen. While accepting the systems,

there should be no fear that the powers of the government and the District Councils would be curtailed, once the *panchayats* are constituted.

It may be also mentioned that according to the Constitutional provisions relating to *panchayats*, the state, which has a population of more than twenty lakhs, may have three-tier of Panchayati Raj institutions- *panchayats* at the village, intermediate and district levels. The *panchayats* at the intermediate level may not be constituted in a state having a population not exceeding twenty lakhs. Such a state may have two-tier Panchayati Raj institutions- *panchayats* at the village and district levels.<sup>18</sup> But there is a point to be made here as to whether two-tier model Panchayati Raj institutions will prove to be workable in Mizoram having a very thin population of about seven lakhs and also the scheduled and unscheduled areas. The scheduled areas of Chhimtuipui district have three District Councils (M.D.C., L.D.C. and C.D.C) set up at the district and sub-divisional levels. The unscheduled areas comprise Aizawl and Lunglei districts. However, the above mentioned suggestions based on the Constitutional provisions relating to *panchayats* have been made for the consideration of the political masters of the state because they should be ready to decentralise powers to grassroot institutions keeping in view the constitutional directive under Article 40 of the Constitution which states: "The State shall take steps to organise village *panchayats* and endow them with such powers and authority as may be necessary to enable them to function as units of self government." This is also true that the application of the provisions of 73rd amendment in Mizoram entirely depends on the will of the state leaders and their willingness to share power with elected bodies at lower levels. They should have a faith in lower governments and not in central planning.

Besides three-tier/two-tier model of Panchayati Raj institution, S.N. Mishra and S.S. Singh have suggested entirely a different model i.e., one-tier model for consideration by the government as regards its feasibility. The institutional framework proposed for one-tier system i.e., *gram panchayat* has been also mentioned.<sup>19</sup> This proposed model appears to be suitable to smaller states having a small population. So it is felt necessary that this proposed model may also be incorporated in the constitutional provisions relating to *panchayats*. If this model clicks and the *gram panchayats* and *gram sabhas* start functioning in the right direction, in course of time, it may be thought in terms of adopting three-tier/two-tier model of Panchayati Raj institutions.<sup>20</sup>

In conclusion it may be said that if the Constitutional provisions relating to *panchayats* due to some obvious reasons are not acceptable to the government and the District Councils, the existing village councils, which are suffering from various weaknesses, ills and shortcomings, must be on the pattern of the above proposed model strengthened structurally and operationally to function in consonance with the constitutional spirit of self

government and also as an effective institution of grassroots democracy for development, welfare, freedom, liberty and justice.

### References

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