

**TRADITIONAL
SELF-GOVERNING
INSTITUTIONS
AMONG
THE HILL TRIBES
OF
NORTH-EAST INDIA**

Edited by

ATUL GOSWAMI

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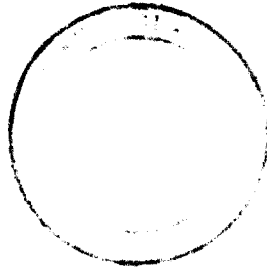
The book, containing eleven papers written by eminent social scientists on the traditional self-governing institutions among the hill tribes of north-east India, not only describes but also critically examines the relevance of these institutions to the needs of tribal society in transition. The papers cover all the seven constituent States of the north-east, individually as well as collectively. The book is likely to be immensely helpful to policy makers, besides providing an authentic account of the institutions for the benefit of researchers and interested general readers. It is a valuable addition to the literature on tribal studies.

Rs. 500/-

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Introduction

Present northeast India comprises the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Nagaland and Tripura covering a geographical area of about 2.56 lakh sq km. It shares more than 4000 km long international land borders with Bhutan, China (Tibet), Myanmar and Bangladesh. This land-locked region is connected with the rest of India through Siliguri in West Bengal by a narrow strip of land of only 20 km width. Its strategic location makes peace and prosperity in the region imperative for national security. Yet, ever since independence, the region has been the hot bed of social turmoil manifested itself in both peaceful agitations and violent group actions (insurgencies and militantcies). In order to fulfil the political aspirations of various ethnic groups, a number of new States had to be carved out of the composite Assam during the post-independence period. However, even the creation of these States has not met fully the aspirations of the ethnic groups. There is simmering discontent over a number of issues like large-scale illegal migration across the border, changing the demographic profile of the region; lack of development despite the region's rich resource endowments, which is attributed to the Centre's apathy and neglect accompanied by the incompetence of the State governments. In addition, the social turmoil of the region is reflective of a society in transition, which got exposed only recently, giving rise to conflicts between 'tradition' and 'modernity'. The beneficiaries of some of the decaying traditional institutions are often in clash with the interest of the emerging elite, as the

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latter are much better placed for deriving the benefits of the modern institutions.

Three valleys (Brahmaputra, Barak and Imphal), surrounded by and interspersed with a number of mountain ranges, constitute the northeastern region. While the valley-dwellers, by and large non-tribals (barring the plains tribals), account for more than seventy per cent of the region's population occupying less than thirty per cent of the geographical area, the hill-dwellers are mostly tribals. The region is a 'museum of nationalities', abode of as many as 130 tribal communities, out of 450 for the country as a whole. The inhospitable hill terrains and difficulties in communications did not deter the British in establishing their suzerainty over the entire region phase-wise.

After annexing the Chittagong Hill Tract from the Nawab of Bengal in 1760, the East India Company assaulted Tripura the very next year with the help of the armed forces of the Nawab. Most of the plains territories of the Tripura king were registered as his *zamindari* while the hills and a patch of plains land were left in the occupation of the king as Independent Tripperah. In 1774, Company forces made a punitive raid on the plains territories of the Jaintia kingdom bordering Sylhet and realized fines from the *raja*. In 1789, the Company intervened in the southern side of the Garo foothills against the oppressive control of the *Chaudhuries* of Mymensingh and some Garo Chiefs entered into a treaty with the Company to be recognized as *zamindars*.¹

In 1816, David Scot was appointed as the Governor General's Agent to the North East Frontier in addition to his post as joint magistrate of Rangpur and Commissioner of Cooch Behar with the duty of exercising general control and superintendence over political relations and intercourse with the petty States including Sikkim, Bhutan, Tibet, Cooch Behar, Bijni, Assam, Cachar, Manipur and Jaintia.²

In the Brahmaputra valley, the Ahom monarchy in Upper Assam was tottering under the impact of a series of internecine power struggles from the last quarter of the eighteenth century. The crisis was all-embracing. Ultimately, it gave the Company an opportunity to interfere and project its image as the saviour.³ In 1792, the dispossessed Ahom King Gaurinath Singha sought succor from the Company and Lord Cornwallis obliged by sending an expedition to Assam under Captain Welsh. The Mayamoria uprising, which was responsible for ousting Gaurinath, was firmly put down and a commercial treaty struck with the restored king. But with the departure of Welsh, court intrigues and insurrections surfaced once more which led to inviting the Burmese king by viceroy Badan Chandra Barphukan to help restoring order, as the East India Company refused to intervene in his favour. 'Like a mighty rushing wind the Burmese troops reached Assam, took and occupied it with a vengeance. The marauding force stalked the land for several years (1819 to 1824)'.⁴ Inspired by easy success in the Brahmaputra valley, the Burmese moved towards Cachar in the south, which was also seriously involved in court intrigues. King Govindachandra sought for assistance from the Company to regain his throne. The Company restored Govindachandra to the throne in 1824 and he entered into a treaty with the Company whereby he put the territory of Cachar under their protection. In 1832 Cachar plain was annexed and its northern hills in two instalments, in 1839 and 1854.

After Cachar, the Company took up operation against the Maans (the Burmese) in the Brahmaputra valley. The atrocious Maans were routed and the Burmese king had to sign the Treaty of Yandabo in 1826, renouncing his claim upon 'the principality of Assam and its dependencies'. Although the Ahom monarchy was restored in 1833 for a brief period, the general administration of Assam was put under the 'Non-regulated system', a system of governance

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already in operation in the neighbouring district of Rangpur, 'by an executive composed partly of civilians and partly of soldiers upon a mixed system into which the spirit of Regulations is infused in such a way as to cause it to harmonise and blend itself with all that is good in the spirit of native institutions'.⁵ This administrative arrangement continued till 31 March 1837. In 1853 district administration was introduced in Assam. On 6 February 1874, Assam became a Chief Commissioner's Province and on 1 September 1905 it became a part of the Lieutenant Governor's Province of East Bengal and Assam. On 1 April 1912, it was separated and converted to Chief Commissionership with a Legislature. In 1921 it became a Governor's Province.

Unlike the valleys, the hills were, by and large, ruled not by kings with well-defined territories, but by Chiefs with three broad types of self-governance: self-regulated convivial type (the Nishis of Arunachal Pradesh), the republican type (more common among the Naga groups of tribes) and the monarchical type (prevalent among the Wanchos of Tirap district, the Khamtis and the Singphos of present Arunachal Pradesh and the Mizo-Kuki Chin tribes). These Chiefs were subjugated by the British in a systematic manner. In 1833 the Khasi Chiefs had to enter into a subordinate alliance with the British and surrendered 31 villages, the administration of which was vested in local heads designated as *Sardars*. In 1854 a junior assistant commissioner was appointed as the administrator of the British portion of Khasi and Jaintia (K & J) Hills. Since 1859 the Khasi Chiefs were required to receive sanads of appointment from the Deputy Commissioner of K & J Hills. In 1835 the Jaintia king was removed and his territory merged with British India. The British K & J Hills district consisted of (a) the hill territories of former Jaintia *raja*, (b) 31 British villages acquired from the Khasi Chiefs and (c) a part of the Shillong town ceded by the Myllem Siemship. It is to be noted that the Khasi Chiefs, who had formal

agreements with the British, signed the instrument of accession at the time of India's independence. In 1869 rules for administration of justice were issued in Garo Hills by the Lieutenant Governor in accordance with the Garo Hills Act of 1869. In 1872 rules for administration of justice and police were issued in Naga Hills, Khasi Hills and Jaintia Hills. The duly recognized village authorities were given the power to try civil and ordinary criminal disputes.

The eastern foothills below the Patkai, inhabited by the Khamptis, Miris, Muttocks and Nagas were subordinated in 1843, when the last batch of recalcitrant Khamptis surrendered. To the west of the region, south of the plains of Nowgong, lived the Mikirs and behind them the turbulent Rengma Nagas. The former surrendered in 1838, and the latter ten years later. In 1839 a 'forward policy' was initiated in the entire central and western Naga belt. The Lushai expeditions took place in 1871-72 and 1889 after which the hills were brought under British rule.⁶

After subjugating the kings and the Chiefs of the valleys and the hills, the British introduced a number of administrative measures. Those relating to Assam up to 1921 have been already mentioned. The Garos were subjected to Regulation of 1822, while the extension of authority over the Khasi and Cachar hills led to the enactment of Act VI of 1835. The Jaintia territories were divided into twelve dolloiships. The dollois heard all civil cases, at first without exception and after 1841 up to a certain limit, all criminal complaints not of a heinous character in which only the people of their own villages were concerned.⁷

In 1862 Cecil Beadon, the Lieutenant Governor of Bengal laid down that the hill people had to be 'made to understand and feel the power' of the government through a simple plan of government suitable to their present condition and circumstance, and interfering as little as possible with existing institutions' through the extension of intercourse with them and endeavour 'to introduce among them

civilization and order'.⁸ In 1866 the Lieutenant Governor of Bengal issued two orders constituting the Naga Hills district consisting of that part of the district of Nowgong which lies on the right bank of the river Dhansari, the Naga Hills and the country on both banks of the river Doyang'. In the rules for administrative of justice issued on 1872, the Naga Hills were called an 'agency' and the Deputy Commissioner was renamed ' Political Agent'.⁹ The Garo Hills Act (Act XXII) of 1869 defined the boundary of the district. Act of 1835 (insofar as it is related to the Khasi-Jaintia hills) came into force in 1870 and it was extended to the Naga Hills, the Khasi Hills and the Jaintia Hills districts in 1871. The Bengal Eastern Frontier Regulation of 1873 made it lawful 'to prescribe, and from time to time alter by notification a line to be called the Inner Line and to prohibit any subject living outside the area from living or moving therein'. The Inner Line was applicable to the districts of Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, Garo Hills, Khasi Hills and Jaintia Hills, Naga Hills, Cachar and Cheettagong Hills. Till 1882 it covered only the Himalayan frontiers and the eastern part of the Naga hills. However, by 1942, when north Cachar was inner lined, all the hills except the Khasi, the Garo and the Mikir were encircled.¹⁰

Under the Scheduled District Act, 1874, the Lushai Hills were notified in 1898 as a scheduled district, whereby operation of General Laws and Regulations was removed; the same was placed under the superintendence of an officer to be specially appointed for that purpose.

The Assam Frontier Tracts Regulation, 1880 made provision for removal of certain frontier tracts in Assam inhabited or frequented by barbarous or semi-civilised tribes from its operation of enactment in force therein. The Regulation was extended by notification to the districts of the Garo Hills, the Khasi Hills and Jaintia Hills; the Mikir Hills Tracts, the North Cachar Hills, the Sadiya, Balipara and Lakhimpur Frontier Tracts, the Naga Hills district.

The Rules for the Administration of Justice in the Dibrugarh Frontier Tract, 1886 authorised the Political Officer to nominate and appoint the village authorities subject to the confirmation of the Chief Commissioner, and to assign to them their respective functions under these rules. The recognized village authorities were assigned some functions which included policing and administration of criminal and civil justice.

The Assam Frontier Tracts Regulation, 1884 empowered the extension of the Assam Frontier Tracts Regulations, 1880, to certain tracts in Assam. The Regulation was extended to the Garo Hills, Khasi and Jaintia Hills and Nowgong districts.

In 1916 the Indian Penal Code, 1860 was extended to the Sadiya Frontier Tract, Lakhimpur Frontier Tract and the western section of North-east Frontier Tract.

Thus by the end of the British period, administration had spread over all the hills except the areas covered by the Himalayan Frontier Tracts and the so-called Naga Tribal Area.¹¹

The Government of India (Excluded and Partially Excluded Areas) Order of 1936 declared the Naga Hills district, the Lushai Hills district, the North Cachar Sub-division of the Cachar district and the North-East Frontier (Sadiya, Balipara and Lakhimpur) Tracts as excluded areas. The Garo Hills district, the Khasi and Jaintia Hills district (excluding Shillong) and the Mikir hill tracts of Nowgong and Sibsagar districts were declared as partially excluded areas.¹²

Chaube succinctly summaries the impact of the British power on the hills. 'The immediate impact of British power on the hills was territorial. When in 1832 Upper Assam was restored to a subordinate monarchy, the prince was granted a limited authority on criminal, and an unlimited authority on civil justice. This pattern was later applied in the administration of the hill areas where the total application of *Pax Britannica* was evidently impossible.'¹³

However, British administration was soon firmly established in the valleys, these being economically more rewarding. The sparsely populated hills with inhospitable terrains were loosely administered through the indigenous social institutions, a device deliberately chosen to gain economic control over the resources at the lowest possible cost. 'The various rules for administration of justice, issued to the districts from time to time, tried to maintain indigenous social institutions while imposing British territorial authority in a more or less uniform way. The application of the rules inevitably created some formalized stereotypes for the administration of the hills, which affected the stability if not the equilibrium of the hill societies traditionally based on unwritten customs. The administration was frequently confronted with peculiar situations. Thus ... the Khasi Siems were turned into some sort of princes in relation to the people, but reduced to petty feudatories under the British government.'¹⁴

Although the British were in the hills of the northeast for less than a century, they were instrumental in sowing the seeds for transforming the hill societies which were embedded in 'low level equilibrium trap'. Extension of administration necessitated building up small townships deep into the hill areas, construction of pony and cart roads and most importantly, introduction of money, which gradually replaced barter trade, both internal and with neighbouring areas. The two world wars, more particularly the second, fully exposed the hills to the Japanese and the allied forces. Church education acquainted some of them with the rudiments of western ideas and life style. Monetisation led to the emergence of petty traders and business enterprises among the locals. A few from the affluent class went down to neighbouring plains towns of Assam and Bengal for higher education. The outcome of the constellation of factors was the emergence of an embryonic class of persons, the elite, in the hills. If the British administration prepared the ground for social transformation in

the hills of the northeast, it was hastened by the Church, which acted as an agency of education and other social services, besides serving as the provider of 'black-coated' occupation. 'The result was the creation of an oligarchy, privileged, salaried and therefore materially powerful section'¹⁵. Christianity and oligarchy bred individualism particularly in the headquarters towns seeking independence of the Chiefs and freedom from customary communal discipline. Thus 'while it was the policy of the administration to disturb the social equilibrium as little as possible, the challenge posed by the Church went much deeper and upset the traditional power relations. Resistance to such a challenge was natural. However, what is important to note is that the leaders of the resistance were the allies of the government - the Chiefs and officials, the erstwhile champions of vested interest'.¹⁶

Thus 'though the administration and the Church were functioning in the hills with the same objective, namely the consolidation of British rule, the results were not complementary in all respects. The strategy of the administration was least interference with the existing order, while the activities of the Church tended to undermine its foundation by providing the new elite with intellectual ammunition. The inevitable result was a social imbalance, which not only lingered but also became aggravated after Independence.'¹⁷

The different types of polity in existence in the region may be summed up as follows:

- (i) In Assam, Manipur, Tripura, Cachar and Jaintia Hills there existed monarchies. While the area under Ahom, Cachar and Jaintia kings were merged in the British State of Assam, Manipur, Tripura continued to have their kings under British paramountcy.
- (ii) The Khasis, Mizos, Sema and Konyak Nagas etc. had their tribal Chiefs. While there was moderation and dilution of Khasi Siems', powers by the superimposed

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democratic system, the Mizo Chiefs had perfect autocratic power.

- (iii) Most of the tribes had their village tribal councils with different degrees of political, administrative and judicial powers.
- (iv) Some tribals, like Angami Nagas followed ultra-democratic norms in running their village and community affairs.¹⁸

Many of the traditional social and political institutions showed signs of stress under the combined impact of monetization and spread of western education. First, the Chiefs' powers got clipped drastically, although they were allowed to retain some nominal authority. This, in turn, weakened the communal control on land which was fast becoming 'private'. The more or less self-sufficient tribal society was being slowly but surely integrated to the market economy, the traditional indigenous social and political institutions not possessing enough resilience to check the onslaught of the mighty forces of the market. The change was not only irreversible, it was also momentum gaining.

At the time of independence northeast India consisted of (1) the Province of Assam with six Brahmaputra Valley districts (Goalpara, Kamrup, Nowgong, Darrang, Sibsagar and Lakhimpur), two Surma valley districts (Cachar and Sylhet) and three hill districts (Garo Hills, United Khasi and Jaintia Hills and Naga Hills); (2) the North East Frontier Tracts with five frontier tracts (Balipara frontier tract, Abor Hills districts, Mishmi Frontier district, Tirap Frontier and the Naga or Tuensang Frontier Tract) and (3) the princely states of Manipur, Tripura and Khasi states. The predominately Muslim areas of Sylhet district were transferred to East Pakistan (now Bangladesh) at the time of independence, after a referendum. The eight thanas of that district, which form Karimganj district now, were merged with Cachar district.

The post-independence period witnessed massive reorganization of the northeastern States. Manipur, a constitutional monarchy, signed the instrument of merger in 1949. Tripura was the first native State to accede to India. Both became Part C States to start with but subsequently acquired Union Territory status and finally full-fledged Statehood in 1972. The Lushai Hills district of composite Assam finally gave birth to a new State, Mizoram in 1986. Similarly the Naga Hills district of composite Assam became the State of Nagaland (inaugurated in 1964). North East Frontier Agency (NEFA) became the full-fledged State of Arunachal Pradesh (inaugurated in 1987).

The above summary of the political and administrative changes taking place in the northeast since the advent of the British is clearly indicative of the fact that in a highly plural society like that of the northeast, political and administrative accommodation / adjustment has to be made to provide a space for each ethnic group. 'Although many Indians are prone to criticise what they read as failures of the Indian state, a look around the world must compel admiration for India's comparative success in nation-building. Astute political management and constitutional accommodation have harmonised many diversities, despite visible turbulence and confrontation. It would be mistaken to interpret the sharpening of ethnic and other identity differences as spelling disintegration. This is a manifestation of growing political and social consciousness among a heterogeneous but hitherto dormant mass and the competing pulls and pressures this generates. This process has yet to exhaust itself, and nowhere as much as in the northeast'.¹⁹ One should hasten to add that 'the astute political management and constitutional accommodation' mentioned above is as much a legacy of the British rule, as it is the ingenuity of Indian statesmen.

Constitutional provisions were made for ensuring district level autonomy to the tribal areas of the northeast.

Article 244 (2) states that the provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram. The tribal areas of the State of Assam include (i) the North Cachar Hills district and (ii) the Karbi Anglong district; of the State of Meghalaya (i) the Khasi Hills district, (ii) the Jaintia Hills district and (iii) the Garo Hills districts; of the State of Tripura, the Tripura Tribal Areas district and of the State of Mizoram (i) the Chakma district (ii) the Mara district and (iii) the Lai district. In addition, by an act of Parliament, the Manipur (Hill Areas) District Councils Act 1971, provides for constituting autonomous district councils in the hill areas of Manipur. The Constitution provides for administration of each autonomous district by a district council consisting of not more than thirty members, of whom not more than four can be nominated by the Governor and the rest elected on the basis of adult suffrage.

The district councils constituted in accordance with the provisions of the Sixth Schedule are conferred legislative, judicial, executive and financial powers which are spelt out in details under the Chapter entitled 'Sixth Schedule' in the Constitution. These districts councils have some appearance of 'states' within a State. However, being autonomous in their internal functioning within the broad constitutional provisions, they differ substantially in laws enacted and rules framed. Even in the matter of voting rights, some autonomous district councils (e.g. the Mara Autonomous District Council of Mizoram) confer the voting right to all eligible adults above the age of eighteen years, while some autonomous district councils lay down additional qualifications for voters like length of stay in the area and right to access to traditional lands (as in the case of Karbi Anglong Autonomous District Council). Again some States have transferred more departments to the autonomous district councils (e.g. the state of Assam) than others. Similarly, the autonomous district councils of diffe-

rent states are subject to varying degrees of control of the State legislatures. Autonomous district councils also differ in matters of decentralization of power to the grass-roots (village) level, setting up of various levels of courts, and in accommodating traditional 'self-governing' institutions to the formal structure.

Noteworthy that although Nagaland and Arunachal Pradesh are tribal hill States, there are no autonomous district councils in these two States. The erstwhile Naga Hills district of composite Assam did not accept the proposal for autonomous district councils. Hence a separate arrangement had to be made in the Constitution for this district. Tuensang had a regional council, which functioned for more than a decade after the formation of Naga Hills Tuensang Area and the State of Nagaland. Later on the regional council of Tuensang was abolished. Instead, the innovative 'village development boards' were introduced in the 1970s by the State government in order to strengthen the traditional institution of village councils.

Arunachal Pradesh became a distinct administrative unit in 1874 as per Regulation 3 of 1873. The administration of the area was vested in the Governor of Assam in accordance with Government of India (Excluded and Partially Excluded Areas) Order, 1936. This arrangement continued till 1947, in which year Indian (Provisional Constitutional) Order 1947 vested the administration of the area in the Government of Assam. Sadiya Frontier Tract was divided into two administrative units in 1948, namely Abor Hills district and the Mishmi Hills district. The plains areas of Balipara Frontier Tract, Tirap Frontier Tract, Abor Hills district and Mishmi Hills district were transferred to Assam in 1951. In 1954, the North East Frontier Areas (Administration) Regulation, 1954 was passed which renamed the North East Frontier Tracts as North East Frontier Agency (NEFA). In 1957, Tuensang Frontier Division was taken out from NEFA and merged with Naga

Hills district to form Naga Hills Tuensang Area. NEFA continued to be without democratic institutions, except for the traditional bodies up to the middle of the sixties of the last century. It had no legislative assembly and Parliament made laws for the Agency. On recommendation by the Erring Committee, the North East Frontier Agency Panchayati Raj Regulation was passed in 1967, providing for a three-tier system of local self-government starting from village through block to district level.²⁰

Barring Assam, Manipur and Tripura, the continuation (and increase in the number of) autonomous district councils in Meghalaya and Mizoram even after they had attained statehood appears incongruous as the very purpose of introducing the constitutional institution of autonomous district council to protect the hills people from the domination of plains people of the same State had ceased to exist. However, if perceived as units of self-government, similar to those of panchayats of the plains, the continuation of autonomous district council with some changes even in the hill States has some rationale.

Even if perceived as units of self-government, the autonomous district councils suffer from a number of infirmities, as compared to the panchayats of the post seventy-third amendment period. It may be recalled that inserting a new part, Part IX, in the Constitution, the Constitution (Seventy-third Amendment) Act, 1992 not only widens the democratic base of the Indian polity (by adding to it the third stratum of government below the State level for the rural areas), it also seeks to ensure that unlike in the past, the panchayats constituted in accordance with the provisions of the Part function as institutions of self government. The Act provides for constituting panchayats in every State (barring the 'Schedule Areas' and 'Tribal Areas' under the Fifth Scheduled and Sixth Schedule respectively, where provisions of the 1992 Act would not be automatically applicable; its application with any special provisions and

modifications would require subsequent legislations) at the village, intermediate and district levels (panchayats at intermediate level may not be constituted in a State having a population not exceeding twenty lakhs). Other mandatory provisions of the Act relate to (i) constituting a gram sabha consisting of persons registered in the electoral rolls of the village., (ii) filling of all seats in a panchayat by persons chosen by direct election from the territorial constituencies, (iii) reservation of seats for Scheduled Castes and Scheduled Tribes proportionate to their respective population in the total population of which not less than one third of the seats be reserved for women, (iv) reservation of not less than one third (including the number of seats reserved for women belonging to Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election, (v) reservation of the offices of the chairpersons for Scheduled Castes, Scheduled Tribes and women, (vi) fixation of a five-year duration of panchayats, (vii) empowering panchayats to prepare plans for economic development and social justice and implement schemes as may be entrusted to them including those in relations to matters listed in the Eleventh Schedule, (viii) constitution of Finance Commission in every State at a regular interval of five years to review the financial position of the panchayats and (ix) constitution of a State Election Commission in every State for superintendence, direction and control of the preparation of the electoral rolls for, and conduct of, all elections to the panchayats. These mandatory provisions have laid down a solid foundation for democratic decentralization, besides paving the way to the civil society for launching a frontal attack on the forces at present inhibiting the panchayats from becoming vibrant institutions of self-government.

The Sixth Schedule provisions compare unfavorably to those of the (Seventy-third Amendment) Act, 1992 on a number of points. In the Sixth Schedule there are no manda-

tory provisions for (i) reservation of seats for women and reservation of offices for women members, (ii) establishing a quinquennial finance commission for looking after the financial health of the councils, (iii) constituting bodies below the district level with clear demarcation of functions and power, (iv) reserving seats for minority social groups proportionate to their respective population in the total population, (v) empowering the councils to prepare plans for economic development with social justice and (vi) holding of elections within a period of not exceeding six months in the event of dissolution of the councils. The positive elements of the Seventy-third Amendment Act need to be emulated by the autonomous district councils. There is no constitutional hurdle in doing this. Article 243 (4) (a) provides that the Legislature of a State referred to in Sub-clause (a) of Clause (2) (viz the States of Nagaland, Meghalaya and Mizoram) may by law, extend Part IX to the State, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of that house and a majority of not less than two-thirds of the members of the house present and voting. It is to be added that the power of the district councils in matter of administration of justice is handicapped by the rule making power of the Governor. Similarly the law making power of the district council is of limited operational value, as laws, promulgated by the council until assented to by the Governor can have no effect.

If the traditional 'self-governing' institutions of the hills of the northeast showed signs of stress under the combined impact of monetisation and spread of western education during the British rule (by giving birth to a small section of the privileged class, whose interest clashed with that of the incumbents of the traditional order), the strain got heightened by the constitutional provisions of the Sixth Schedule. The constitutional bodies of autonomous district councils had the effect of intruding into the functional

domain of the traditional bodies, in many cases superseding the latter. Thus, in Mizoram, immediately after their constitution, two autonomous district councils abolished the traditional dues payable to the Chiefs in 1953 through necessary enactment. Further the Mizo Districts Council persuaded the Government of Assam to abolish chieftainship. Accordingly, the Assam Lushai Hill District (Acquisition of Chiefs' Rights) Act 1954 abolished the autocratic institution of chieftainship in Mizoram in areas falling under the jurisdiction of Mizo Hills District Council and the Pawi-Lakher Regional Council. All the autonomous district councils constituted in accordance with the provisions of the Sixth Schedule were empowered to make laws relating to, among others, appointment or succession of Chiefs. Consequently, like the Khasi Siems, all Chiefs in areas falling under the jurisdiction of autonomous district councils became subordinate officials of district councils. This further strained the relationship between the district councils and the traditional institutions. This strained relationship between the statutory and traditional bodies is observable in Arunachal Pradesh also where the statutory bodies happen to be panchayats. Even the Kebug (traditional village councils of Adi group of tribes of Arunachal Pradesh) proceedings are being increasingly dominated by elected panchayat members, despite their inadequate knowledge of customary laws. Nagaland is probably the only State where the clash between the statutory and traditional institutions at the village level has not surfaced as the statutory institution of the village council has incorporated in it the essence of the traditional system.

Despite the absence of democratic norms in most cases, the traditional institutions still continue to receive substantial popular support. It is the traditional institutions which do the back-seat driving in case of confrontation with the state and state apparatus. Similarly, in the regulation of basic institutions centring family, property and customary matters

the traditional village headman and his associates play important roles. The most serious infirmity of traditional institutions is the absence of women participation in their working. It is a paradox that even though women participate in productive activities very intensely, they have no place in the decision-making process. Therefore, in trying to accommodate some of the traditional institutions to the statutory bodies care has to be taken to see that these traditional institutions do not deny the legitimate democratic rights to any section of their contemporary society.

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