

DISTRICT COUNCILS IN MANIPUR

FORMATION & FUNCTIONING

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RAJENDRA KSHETRI

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(FORMATION AND FUNCTIONING)



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District Councils in Manipur: Formation and Functioning

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Vice-Chancellor

From the Vice-Chancellor's Desk

I am delighted to introduce the monograph series on history, culture, ethnography and polity of Manipur, brought out by the Centre for Manipur Studies. Dr Rajendra Kshetri researched on the Formation and Functioning of District Councils in Manipur Hills.

This volume **District Councils in Manipur (Formation and Functioning)**, by Dr Rajendra Kshetri has focussed on a relatively ignored but important theme of research in Manipur hills. Under the Manipur (Hill Areas) District Council Act, 1971, the local bodies known as the District Councils with decentralised administrative powers were formed so that the people in the hill areas of Manipur could exercise their franchise in the democratic governance of their districts. The decision for formation of the District Councils in Manipur were taken, keeping in view the constitutional provision of the devolution of powers to the local bodies and also the introduction of Sixth Schedule in some of the neighbouring States. The Centre for Manipur Studies has taken up a commendable step in publishing the present work.

N BIJOY SINGH
Vice-Chancellor

Director's Note

One of the basic policies of the Government of India is to give a special priority to promote and protect the distinctive identity of the tribal people. The ideas of autonomy and self-government are the main theme under this policy. With the basic objective the Government of India, through the Constitution of the country, provides district level autonomy for tribal people. This is known as the Sixth Schedule of the Constitution. However, most of the common people particularly of Manipur are not able to have a detailed information about the nature of the working of the District Council in the tribal area. So, sometime a sense of confusion was developed in their attempt to understand the working system. This work prepared by Dr. Rajendra Kshetri, perhaps, is the first of its kind of study on the functioning of District Council. In this work he analysed very critically about the nature of the functioning of the system of the autonomy in the District Council of tribal inhabited area. Indeed, it is a good exercise to bring awareness among the common people in general of the character of autonomy at district level. The publication of this work itself is also a big contribution to those research scholars who are intending to do further research work in this area.

Prof. N. JOYKUMAR SINGH
Director
Centre for Manipur Studies
Manipur University

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CHAPTER 1

INTRODUCTION

Soon after India attained her Independence, the importance of local government in the country has been increasingly recognised. The problem of training the rural masses into the art of self-government has now acquired, as never before, an urgency that can no longer be overlooked. Of late it has been felt that people's participation in all the development schemes at the grass roots level is one of the most important prerequisites for the successful implementation of the planned policies of the country. It means that planning and its implementation must be a democratic process.

In a country like India with so many different ethnic communities, the conceptual idea behind the establishment of local bodies would obviously vary from region to region and state to state and even within the region. For example, in the north-east region of India autonomous district councils were established under the Sixth Schedule to the constitution of India for the primary purpose of enabling the hillmen to participate in the administration of their areas and also to protect and safeguard the tribal culture. Autonomous district councils were also established in Manipur under the pattern of the Sixth Schedule. Not much has been written on the district councils in Manipur. The district councils are the most important local bodies in the administration of the hill areas. Their significance and full importance are however, yet to be appreciated even after two decades of their existence. The demand for the extension of the Sixth Schedule to the hill areas of Manipur has now become a big issue with the

successive state governments recommending the same to the centre. And it is not unlikely that the Sixth Schedule would be extended to the Manipur Hills. It is therefore important and in fact necessary to make an appraisal and study the existing District councils in Manipur established under the Manipur (Hill Areas) District Councils Act 1971. It is all the more necessary to analyse the actual workings of the District Council before they once again start functioning not under the 1971 Act but under the rules framed under the Sixth Schedule to the constitution of India.

CHAPTER 2

HISTORICAL BACKGROUND

Before the main features of the District Councils in Manipur and their differences from those constituted under the Sixth Schedule are considered, a brief survey of the traditional policy of Manipur towards the hill areas and the policy followed during the colonial period is necessary. The administration of the hill areas in the Post-Independence period will also be briefly summarised.

MANIPUR'S TRADITIONAL POLICY TOWARDS THE HILL TRIBES

The hill areas of Manipur is inhabited by different tribes belonging to Naga and Kuki Chin groups. From time to time the tribes, who were independent not only of one another but of the Meitei Kingdom have been engaged in Tribal warfare against one another. There have also been many instances of sporadic tribal raids into the valley areas of Manipur. Tribal villages in the Pre-British period were like mini republics independent of outside influence. The exact nature of relationship between the Meitei kingdom and the hill tribes is lost in obscurity. This much, however, is clear that the Meitei kingdom had adopted more or less a policy of non-interference in the internal affairs of the tribes. The hill administration was left to be managed basically by the tribal chiefs who enjoyed a considerable amount of autonomy and faced no direct intervention from the Meitei kings. Each reigning king, according to his powers and influence, determines the scope and extent of his subjugative control over the hill areas. The tribal chiefs showed their allegiance and loyalty by paying

annual and/or occasional tributes to the Meetei kings¹. It was also obligatory on the part of the chiefs to attend the Mera Haochongba²- as a mark of their allegiance and loyalty to the king. Failure in payment of tributes were strictly dealt with by the king of Manipur by sending armed expedition against the defaulting chiefs³. The overall supervision of the central authority over the subjugated tribal areas was managed through the appointment of Meetei officials known as Lambus.

The central supervision over the hills areas became more active during the reign of King Charairongba. It was during the reign of Charairongba that the Haomacha Loisang, the Department of hill tribes was established after the discord of his son Garibniwaj a Thangal ally. The Meetei title of Khullakpa, Ching anglakpa, 'Mantri', 'Senapati' were also introduced in the village administration⁴.

ADMINISTRATION OF HILL AREAS DURING COLONIAL PERIOD⁵

With the introduction of British paramountcy in Manipur in 1891, the administration of the hill areas was also taken over by the British. However, the British rule did not bring any marked change in the hill administration save for certain changes at the organisational level. For example, the Political Agent in Manipur was entrusted the task of managing the hill administration. Maintaining the statusquo, the Political Agency continued the earlier Pre-British policy of employing the Meetei Lambus. In 1893, the hill areas were divided for the first time into five sub-divisions namely Mao, Ukhrul, Tamenglong, Tengnoupal, and Churachandpur. A Lamsubedar with the assistance of seven Lambus was entrusted the task of managing these sub-divisions.

Even as Maharaja Churachand Singh attained majority and was allowed to assume the administration of the valley in 1907, the administration of the hill areas continued to be under the Political Agent upto the month of September 1919. Since the next month of the same year, there were however, some changes in the British management of the hill areas in that the administration of the tribal areas was transferred from the Political Agency to the President of the Manipur State

Durbar⁶. The President who was given the responsibility of administering the hill areas was however a British officer, lent from the Assam Province. Therefore, for all practical purposes, the hill administration can be said to have remained totally unchanged and would have remained so but for the rebellion of the Kuki tribes (1917-1919) against raising of forced labour corps. Following this and as part of steps taken up for administering the hill areas more effectively, sub-divisional headquarters were opened at Imphal, Ukhrul, Churachandpur and Tamenglong and schools, hospitals, etc. were started. The President was to continue to administer the hill areas but on behalf of the Maharaja⁷. For the first time a separate budget was set aside for the administration of the hill areas. There was however little interference in the village administration. Most of the disputes except certain heinous offences against the state were settled according to the tribal customs. An interesting feature of the colonial administration was that while the hill administration was completely separated from the rest of the administration, the foreign missionaries were allowed to operate in the hill areas.

This arrangement was abolished about a decade after and between 1930 and 1933, the Manipur hill areas witnessed two different systems of administration. First, the four hill sub-divisions of Manipur were consolidated into two sub-divisions namely the South Hill sub-division and the North Hill sub-division. Secondly, the hill areas were again divided into Sadar, Ukhrul and Tamenglong sub-divisions respectively⁸.

The British India Policy of keeping the tribals administratively separate was further intensified under the Government of India Act 1935 by delimiting into excluded and partially excluded areas. The 1935 act did not result in any substantial change as far as the tribes of Manipur are concerned. Unlike their neighbouring counterparts, the tribes of Manipur were neither included under the excluded nor the partially excluded areas. Following the 1935 Act, demands were however, made for reforms in the administration of the Manipur tribal areas. The main demand for consolidating and bringing the valley and the hill areas administration into a common and single administrative unit with elected members

was rejected by the Political Agent on the ground that Manipur was not ripe for democracy⁹.

Towards the fag end of the Second World War, the British India Government, sensing its impending departure, brought some constitutional changes in Manipur by introducing the Chief Court of Manipur in 1944. The powers of the former Judicial Bench of the Durbar was transferred to the Chief Court. There was however, no change as far as the Hill Bench was concerned. Only with the introduction of the Manipur State Court Act 1947, the Hill Judiciary underwent certain changes. Thereafter, the Hill Judiciary came under the Chief Court and in accordance with the Hill Regulation of 1947. Barring these changes at the organisational levels, there was no structural change in the hill administration. The direct British management of the hill affairs came to an end on 10th August 1947. On this day was formally handed over the British management of the hill administration to the Maharaja and the hill Peoples (Administration) Regulation 1947 introduced. The administration of the Manipur tribal areas thus underwent a sea change since August 1947 in that the former was brought under the overall administration of Manipur.

The Manipur State Interim Council was formed by the Maharaja on the eve of Independence. Out of the seven members of the councils selected by the Maharaja, two were hill representatives. One of the hill representatives was in charge of the hill areas. This could perhaps be the first time for the hill people to participate in the management of their own affairs.

ADMINISTRATION OF HILL AREAS AFTER INDEPENDENCE

After the lapse of British Paramountcy in August 1947, the Manipur State Constitution Act 1947 was enforced and the hill and the valley areas was subsequently brought under a common unit of administration. As per provision of the Act, an election on the basis of adult franchise was held in 1948. As laid down by the Act, 18 out of the total 53 seats of the Manipur Assembly were allotted to the hillmen. The term of the Interim Council came to an end with the formation of the state Assembly and the Council of Ministers. All the elected

members swore allegiance to the Maharaja and his heirs as the constitutional head of the state. The Council of Ministers had two elected hillmen who were in-charge of hill affairs and forest and agriculture respectively. The promotion of welfare of the hill areas was taken as its primary responsibility by the Council of Ministers under article 38 of the Manipur Constitutional Law¹⁰ and 17 ½% of the real Annual Manipur revenue was earmarked for planning and development of the hill areas.

As mentioned earlier, the areas after the transfer of power came under the overall administration of Maharaja for the first time. The system of administration in the hill areas was however, laid down in the Manipur State Hill People (Administration) Regulation Act 1947 and the Manipur State Constitution Act 1947. The Minister in-charge of the hill affairs (an elected Hillmen) was in fact responsible for the administration of hill areas though subject to the higher authority. In all matters concerning the hill people, it was necessary for the administration to consult the concerned minister. It was also provided by the Regulation Act that the support of both the hill ministers was necessary in matters concerning law and order, assessment of tax, land disputes etc¹¹.

As per provisions of the Regulation Act and the State Constitution Act, local self bodies were set up in the hill areas. The hill areas, for the purpose of administration, were divided into circles, sub-divisions and villages. A Village Authority was formed in each village having twenty or more tax paying houses. The members of the Village Authority were nominated by the village elders in accordance with the traditional customs. Likewise, a Circle Authority for each circle was also constituted. The Circle Authority was responsible for the promotion of lower and upper primary education, maintenance of the bridle paths and bridges. Maintenance of land record and assessment and collection of land tax was done by the Circle Authority. The special responsibility of improving agricultural products and checking/reducing *jhum* cultivation was also given to the Circle Authority. With the assistance of the Village Authorities, the Circle Authorities were to maintain law and order in their respective areas. Members of both the village and the Circle

Authorities were recognized by the sub-divisional officers who were in-charge of the respective sub-divisions.

As far as the administration of justice in the hill areas is concerned, it was managed by the court of Village Authorities, the court of Circle Authorities, the Hill Bench at Imphal and the Chief Court of Manipur. Even after the merger of Manipur into Indian Union in 1949, the aforesaid arrangement was continued in the administration of the hill areas upto 1955.

The Manipur Merger Agreement of 1949 marked the political integration of Manipur into Indian Union. Manipur was given the status of part C state by the constitution of India, which came into force on 26 January 1950. As was the case in the administration of the part C states, the administration of Manipur was directly managed by the President of India through a Chief Commissioner appointed by him. An Advisory Council was formed to assist the Chief Commissioner. The administration of Manipur by the President through the Chief Commissioner was not that of a responsible government and the formation of the advisory council was not more than a mere political move to give a popular colour to the rule by the executive.

The States Reorganisation Act of 1956 (7th Amendment Act, 1956 of the Constitution of India) converted the status of Manipur, a part C state, into a Union Territory. Despite the change in her status, the administration of Manipur continued to be governed by the President through a Chief Commissioner. The States Reorganisation Act of 1956, however, brought a slight change in the general administration of the state. A Territorial Council of 30 elected members headed by a chairman was established in 1957 under the Territorial Council Act 1956. The hill administration too underwent some changes with the passing of Manipur (Village Authority in Hill Areas) Act, 1956. Under this Act, the members of the Village Authority were to be elected by the people on the basis of adult suffrage. However, the members, for all practical purposes, were elected by the village elders on the basis of voice-vote. The formation of Village Authority under this Act is quite *akin* to those formed under the earlier Regulation Act of 1947. Like the earlier village authorities, village authorities under the

Manipur (Village Authority in Hill Areas) Act, 1956 were formed in every village having twenty or more tax-paying houses. The number of members of a Village Authority is fixed according to the number of tax-paying houses in a village. For example, a village having less than twenty but not more than sixty have five members, seven members for a village having more than sixty but not more than one hundred tax-paying houses; ten members for a village having more than one hundred but not more than one hundred and fifty tax-paying houses; and twelve members for a village having more than one hundred and fifty tax-paying houses¹². The Chief or Khullakpa of the village is the ex-officio chairman of the Village Authority of that village. In cases where there is no such Chief of Khullakpa in the village, the chairman is elected by the members of the Village Authority from among themselves. The term of office of members of a Village Authority is for a period of three years. No court can interfere in matters relating to the election of members of Village Authority. The Village Authorities are under the control of the sub-divisional magistrates subject to the general superintendent and control of the Deputy Commissioner. The Deputy Commissioner is also entrusted with the power to remove any member of a Village Authority. However, the Chief Commissioner is empowered to call for and examine the records of Village Authorities, sub-divisional magistrates or Deputy Commissioner.

For the administration of justice in the hill areas under the Village Authority Act, 1956, a village court consisting of two or more members of the Village Authority appointed by the Chief Commissioner is constituted. The village courts thus constituted could try cases upto the value of two hundred rupees only. The decision of village court is final but the district judge may, on application of any party to the suit made within thirty days from the date of the decree of the village court, cancel or modify the decree or order of the village court or direct a retrial of the suit by the same or any other village court or by any other court subordinate to him. All proceedings before a village court is to be conducted in Manipuri.

As a step towards the formation of responsible government in the state, the Union Territories Act, 1963

(the 14th Amendment of the Constitution) provided a Legislative Assembly of 30 elected members and a Council of 3 Ministers for Manipur. Tribal members of the Assembly functioned as the Hill Standing Committee of Assembly in-charge of some hill affairs and some of them were included in the Council of Ministers. Though the Territorial Assembly gave the Manipur administration a popular and democratic look, it still continued to be administered by the President of India through a Chief Commissioner appointed by him. The Territorial Government was far short of a responsible and democratic government and failed to arouse any enthusiasm among the people. It fell short of the people's demand and aspirations. Right from its formation, the Territorial Government was in fact deemed to be a failure because the territorial status, besides a many other things, deprived the MLAs of Manipur to take part in the election of the President of Indian Union who was directly responsible for the administration of the territory. It was very clear to the people that they did not enjoy equal rights with their counterparts elsewhere in the country. It was, therefore, not unnatural for the statehood movement to gain state-wide momentum. In the midst of protests, agitations, strikes against the territorial regime the Union Government, on 14th November 1969,¹³ reorganized Manipur into 5 administrative units namely Manipur Central District (Head Quarter, Imphal); Manipur East District (Head Quarter, Ukhrul); Manipur West District (Head Quarter, Tamenglong); Manipur North District (Head Quarter, Karong); and Manipur South District (Head Quarter, Churachandpur). The reorganization brought in a Lt. Governor who, in place of the Chief Commissioner, took over the charge of the Manipur administration. Finally, Manipur was granted the status of a full-fledged state in 1972 under the North Eastern Areas (Re-organisation) Act, 1971. Henceforth, the Governor became the head of the state and the State Legislative Assembly was enlarged with the number of seats in the Assembly increased to sixty as against thirty in the previous Territorial Assembly, of the total sixty Assembly seats, nineteen are reserved for the scheduled tribes. Again of the two Lok Sabha seats for the state, one (outer Manipur parliamentary seat) is reserved for the hill people. A Hill Areas

Committee whose main objective is to promote and look into the welfare of the hill areas is formed by the elected hill members of the Assembly. The Committee is headed by a chairman appointed by the Governor on the advice of the Chief Minister.

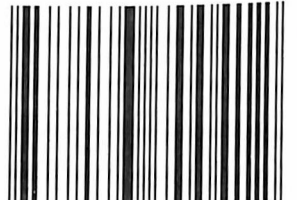
After Manipur attained the status of a full-fledged state, the state is divided into six districts¹⁴. Of these five are hill districts. In view of the special nature of the problems of the hill areas, hill districts have been granted 'Autonomous' District Councils. But before we go in detail about the formation of district councils in Manipur Hills, it is necessary to take note of the fact that after Independence, the whole approach to the tribal problem of the country was radically altered by the founding fathers of Indian Constitution. The old British policy of isolation and separation was replaced by a policy of integration and development. For example, excluded and partially excluded areas under the Government of India Act, 1935 have been replaced by scheduled areas and Tribal areas under the constitution.

In keeping with the new policy of integration and development, the Sixth Schedule¹⁵ to the Constitution of India has provided for Autonomous district or regions in the hill areas of Assam. Each Autonomous district/region is to have a District Council/Regional Council. Since the establishment of Autonomous District Councils in 1952 in the hill areas of Assam under the Sixth Schedule has a direct bearing on the formation of 'Autonomous' District Councils in 1973 in Manipur under the Manipur (Hill Areas) District Councils Act, 1971, it is necessary to have a general notion of what the Sixth Schedule is. It becomes all the more necessary as District Council in Manipur are constituted under the pattern of the Sixth Schedule.

NOTES

1. Kh. Chandrasekhar Singh, Loyamba Shilyen, 1975, cited in Ksh. Shyamkanhai Singh, *Administration of Manipur Hill Tribal Areas*, Souvenir, the Third Annual Conference, 'North East India History Association, December 6-8, 1982.
2. It is sort of a festival cum annual meeting held in Mera the Meetei equivalent of October – between the Meetei officials

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