

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

*Edited by*

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## Preface

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The book includes eleven papers on the traditional self-governing institutions among the hill tribes of the northeast India, besides an introduction by the editor. With profound knowledge of the numerous tribes inhabiting the hills of the northeastern area, the paper authors not only describe elaborately the institutions, but also critically examine their relevance in the context of the changes taking place in these societies. Researchers on tribal issues are likely to count the contents of the book as fascinating. The book is expected to be rated as absorbing by general readers.

All the eleven papers incorporated in this book, except the one on Manipur, were presented in a workshop organised by the Institute with the financial support from the Rajiv Gandhi Foundation, New Delhi. On behalf of the Institute, I would like to put on record the Institute's deep sense of appreciation to the Foundation for the initiative taken and financial support provided.

I owe a great deal to my colleagues, all of whom showed interest in the publication. I had had fruitful discussions with them before finalising the edited manuscripts. I express my thanks to them. Mr. Rustom Ali, Ms. Pranita Kalita and Ms. Anindita Sharma typed out the finalised manuscripts. They deserve thanks from the editor.

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## Introduction

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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 militancies). 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*.<sup>1</sup>

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 superindence over political relations and intercourse with the petty States including Sikkim, Bhutan, Tibet, Cooch Behar, Bijni, Assam, Cachar, Manipur and Jaintia.<sup>2</sup>



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.<sup>3</sup> 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)'.<sup>4</sup> 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

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'.<sup>5</sup> 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 *rāja*, (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.<sup>6</sup>

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.<sup>7</sup>

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'.<sup>8</sup> 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'.<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup>

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.<sup>12</sup>

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.'<sup>13</sup>

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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.'<sup>14</sup>

· 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'<sup>15</sup>. 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'.<sup>16</sup>

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.'<sup>17</sup>

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.<sup>18</sup>

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'.<sup>19</sup> 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.<sup>20</sup>

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 Kebang (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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# 1

## Traditional Self-Governing Institutions Among the Hill Tribal Population Groups of North East India

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– B.K. Roy Burman

At the outset the concept 'traditional' or 'tradition' requires to be examined in some detail. The other concepts which require some probe at least in passing are "self-government" and "hill tribal population".

### **Tradition as Adaptive Continuity**

Generally two dimensions are associated with tradition: temporal and ethical. Action pattern accepted by the concerned group which is time honoured and is transmitted from generation to generation through socialisation process respected by the group comes under the rubric tradition. There is also an ethical dimension in tradition. Breach of tradition is considered to be unethical. It is the ethical dimension which marks out tradition from convention. Deviation from convention may weaken the individual's link with the concerned group; the individual may suffer 'loss of face', but the individual's action as such may not be considered as immoral. In actual life the distinction may not be so sharp, but it would be useful to differentiate between tradition and convention. Without ranking them, it would be good to keep in mind that there is no society which is neither tradition bound, nor convention bound.

Interlacing of temporal and ethical dimensions and the social acceptance of the same imparts elements of dynamism and change to tradition. In response to new challenges or to the emergence of new needs of the society there may be changes in the permutation and combination of the three dimensions of tradition and there may be time gap in varying degrees in their harmonizing with one another. Hence tradition and traditional behaviour pattern should not be considered to be immutable facets of social living. Change is the legitimate offspring of tradition.

An illustration will clarify the meaning of this statement. Most of the Rongmei Nagas of the village Awangkhul in Manipur have been Christians for three generations. They have vast tract of forest land at their disposal. In 1979 they delineated about 5000 acres of land for community horticulture and forestry. First they started with the plantation of a community orange orchard. This was a new mode of production. So long they had been regulating access and use of the sources of production; they had also been collectively helping individual households in the productive activities in case of necessity. But this was the first time they had gone for collective production for sharing the collective output according to norms laid down by the collectivity.

When they were to start their plantation, the whole village gathered at the spot. The seniormost person of the founder clan of the village brought out the gong and other paraphernalia which about 40 years ago they had used, for invoking the blessings of their deities in Rongmei pantheon, for the success of their cultivation. The villagers stood in two rows – one headed by the village headman, and the other headed by the chairman of a non-official activist organisation set up by the villagers themselves. The seniormost member of the founder clan started chanting and making body movements as he would have done before being converted to Christianity. The whole village joined

him in chanting but neither the old man nor the villagers invoked the ancient deities – being Christians they could not do it. They invoked the ancestors of the different clans.

The aura of tradition was there; but what they did was not a carbon copy of the chanting and invocation their ancestors or some of the surviving old persons did for the last time forty years ago.

In the pre-conversion days while led by the seniormost elder of the founder clan, the elders of the other clans carried on invoking chants for the blessings of the tribal deities, the other members of the community would go on dancing to the rhythm of the gong. They would not stand in rows as they do in the church during the Sunday prayer. Also there was no voluntary activist association, outside the kinship framework, whose head was to be given a special position. But they had a tradition of honouring persons who did something specially good on critical occasions of the community.

While, what the Rongmeis of Awangkhum did in 1979, was not the exact replica of what they would have done one or two generations ago, some of the behavioural aspects which they considered in 1979 to be the core of the tradition, were repeated. The seniormost member of the founder clan who otherwise was not an influential person in the village at the time of re-enacting the past, was assigned his traditional role; the gong and other ritual paraphernalia which had not been used for forty years were used in the way they were used in the past, with the same sense of solemnity, perhaps with different degrees of intensity. Along with the tribal deities, the ancestors were invoked in the past; on this occasion also the ancestors were invoked. The obliteration of the supernatural deities and the deification of the ancestors alone, was perhaps a subtle shift from the uncanny shadow of the unknown to the loving smile of the known. The moral sanction for the new mode of production, as some would be inclined to conceptualise in political

economic term, flew out of it. Even for the special role assigned to the chairman of the voluntary association, a less frequently occurring tradition could be referred to. While standing in rows and everyone participating in the invocative chant was a departure from the pre-existing tradition; it was part of a parallel tradition in the making. For two generations they had been behaving like this in the church on solemn occasions. It had been a time honoured practice. Though it had been a different type of behaviour; the spirit behind it was the same as the earlier form of behaviour. The earlier form of behaviour was an expression of the solidarity of the village community; the new form of behaviour also carried the same meaning. Departure in some forms of action, was not seen as a violation, but as reinforcement of the tradition through adaptation to the new situation.

There is another side of the legitimisation of new mode of production by invoking selective elements of the tradition. There is a hiatus in the *de jure* right and *de facto* right in respect of the forest tracts under the disposal of the Rongmei Nagas. While the *de jure* right over the forest tract belongs to the state, the *de facto* right claimed by the community is that the tract belongs to it. By reviving the traditional practice with requisite adaptive changes, the village community not only reinforced its solidarity but also established customary right over the forest tract. As it turned out later, by this shrewd move the village community could thwart the attempt of the state forest department to take over the forest under cover of development.

This brings into focus the context or the motivation for adaptive change in tradition or traditional behaviour. At this stage, this aspect need not be gone into further. The purpose of narrating the event at Awangkhum is to illustrate the point that tradition is sustained through adaptive changes. Hence a study of persistence or apparent disappearance of traditional self-governing institutions is also

a study of change and/or suspended animation of self-governing institutions. More frequently than not, tradition does not die; it may change its form through accretion or demition or otherwise; it may drop or acquire new ancillaries; it may even maintain the form but change the meaning – but in all cases the effective-ethical dimension associated with it tends to persist. All these will be illustrated with reference to the self-governing institutions in North East India. But before doing that the concepts ‘self-government’ and ‘hill tribal population’ will be discussed in a summary manner.

### **Self Government**

There is a general impression that pre-colonial Indian villages were isolated, self-governing little republics having nearly everything that they can want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down, revolution succeeds revolution – but the village community remains the same (*Metcalf's Minutes on the Settlement in Western Provinces, 7<sup>th</sup> November, 1830*). In case of the tribal communities the picture of isolation is even more complete.

A few decades ago Roy Burman drew attention to the fact that the tribal communities generally existed in contact zones of two or more dominant politico-cultural entities and that frequently they played bridge or buffer roles in between the dominant entities. He rejected the stereotype of isolation in respect of the tribal communities. Of late social historians are questioning the image of isolated republic in respect of Indian villages also (Steward Gordon 1994 : *Marathas, Maraudars and State Formation*; Oxford University Press Delhi, p. 100). He finds considerable peasant mobility with villagers as active negotiators in the larger political processes of the eighteenth century. In a UNESCO publication, Roy Burman referred to the same

process among the tribals of Chotanagpur (*Post Primitives in Chotanagpur; Trends in Ethnic Group Relations in Asia and Oceania*, 1979). While rejecting the myth of isolation, one must not swing to the other extreme of denying the prevalence of considerable self-governance, particularly among the tribal communities. The question is whether this self-governance is/was complete in all spheres complemented by articulation with the wider polity. In the latter case, awareness of the nature of wider articulation becomes a part of the study of traditional self government among the tribal communities.

In recent years the question of self-government of the tribal peoples has been mixed up in international parlance with self-determination. In 1966, the UN had adopted two covenants on human rights, namely, International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights. Article 1, para 1 of both the covenants stipulates "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". At the stage of deliberation on the two covenants, India lent its support to the inclusion of the term "right of self-determination" and India's representative stated in the UN forum that it was inherent in a true democracy. Later India ratified the two covenants. Of direct relevance to the tribal communities is the draft declaration by the UN Working Group on Indigenous Populations. Though the term 'indigenous' cannot be exclusively used for the tribal peoples in India or Asia, international agencies and large sections of tribal intelligentsia in the country have tended to accept the equation, perhaps because in another international document, namely, ILO Convention 107 of 1957 "indigenous" and "tribal" were clubbed together and India had ratified the Convention. A discourse on self-government of the tribal peoples would therefore be incomplete if the concept of

self-determination is not addressed to. Many eminent jurists dealing with international law expressed the view that under UN Charter right of self-determination does not imply right of secession. The UN is the creation of independent states and they cannot give mandate to the UN to do anything to dismantle the states except for promoting independence of non-self-governing trust territories. The position was clearly stated by the Secretary General of UN in 1970 to the effect that right of self-determination under UN system does not and cannot include right of secession. Even then two Committees set up by UN forums - one headed by Gross, the other by Crestescu, examined the matter and ruled out right of secession as a part of self-determination within the UN framework.

With this clarification, the structure and process of traditional self-government vis-à-vis those of self-determination require to be considered. Though both self-government and self-determination may cover the same interest areas, there is a basic difference between the two. In case of self-government the moral binding within the community is the primary motive force; in case of self-determination it is the power dimension - internal and external to the social processes of concerned people which is more prominent. It does not mean that in self-determination, moral binding does not play any role. But it is more of an instrumental role, complementary to several other factors and processes. Looked in a different way, in self-government moral binding is an end in itself; it represents an act of self-immersion of individuals in the sublime psychic depth of the collective oneness; self-determination on the other hand is almost a continuous process of discovery of untrodden territories in different realms of life and of assertion of right of managing and shaping the same through hegemonic domination of a particular segment of the collectively or through coalition of fractional interests of the collectivity, if necessary.



Self-government of any entity is also to be differentiated from local self-government of the same entity. As already mentioned, self-government is almost *sui generis* in character. Even though it might have a history, it transcends history; it becomes meta-historical. It is inherently autonomous; or through a process of becoming it acquires the attributes of autonomy. Local self-government on the other hand, has hardly any real autonomy. It derives its legitimacy primarily from extra-local authority. But over the length of time the extra-local authority may turn into a nominalistic fiction and the institution of local self-government may emerge as the institution of self-government. The local withers away and the cosmos is born. In this perspective tradition does not always bear the testimony of the past. One can look for it in the promise of the future. But then the moot question is : promise for whom? This leads to the third conceptual issue mentioned earlier.

### **Population vs. Peoples vs. People**

Population means an ensemble of persons, not necessarily with a structural relationship among themselves. For the term people, there is no universally accepted definition. But it is not just an assemblage of persons; it is a collectivity with a sense of identity. Peoples again is not an assemblage, of which 'people' constitute the component unit. Peoples are distinct socially, culturally and otherwise structured entities, which over a length of time may turn into a single people through participating in common endeavours. It is difficult to say that all the tribal communities in India or even in North East India have forged a common identity and emerged as a single people. They are also not amorphous populations; they are peoples. The central concern of the present paper is a rapid probe of the institution of self-government of the tribal peoples. The aspects covered here are (a) broad over-view of the historical ecology of North East India, (b) structural arrangements for self-government and behavioural pattern of the concerned

peoples, (c) sources of legitimisation of the structural arrangements, (d) areas of action, (e) operational processes, (f) linkages with state apparatuses, and states processes and regulatory institutions in the region, (g) ramifications on social, political and economic processes of the wider society.

### **Broad Overview of Historical Ecology of North East India**

North East India is the meeting point of four subcontinents, namely, South Asia, South East Asia, East Asia and through Tibet, Central Asia. Pastoral economy was the dominant source of livelihood; long distance trade connecting various parts of Asia with one another and with Europe was ancillary to this. The dominant source of livelihood in South Asia, South East Asia and East Asia was agriculture. Ancillary to the same were handicrafts, animal husbandry, collection and consumption of forest products and long and short distance trade. Symbiotic relations between Central Asia and other regions were more, than those between the other regions, as their dominant sources of livelihood were more or less the same. Long distance trade through land route in pre-colonial period promoted the existence of bridge and buffer peoples with politico-cultural cores and capacity to accommodate institutional attributes and traits from other cultures through a process of syncretism, continuous reinterpretation of the reality and with a sense of collective custodial responsibility about the surroundings. Most of the social formations playing bridge and buffer roles can be categorised as tribal peoples.

With the establishment of hegemonic Mongol control of the regions through which the inter-continental trade routes passed, as a sequel to Zengish Khan's avalanche-like march of conquest and penetration of Mongol dominance upto Yunnan in China within a generation after him, the chain of alliance and hostility balancing each other was disrupted. Large scale South, South East and South

West-ward migration of tribal and peoples analogous to tribal social formations took place during the 13<sup>th</sup> and 14<sup>th</sup> centuries AD. Some of the migrant peoples reached North East India.

Again with the growing importance of international marine trade another disruption took place. Long distance land trade route became slender in volume. While short and medium distance land route trade gained ground, the direction of the trade changed. Commodities had to move towards entreports. To ensure this, kingdoms and mercantile establishments backed by the armed might of the sponsoring kingdoms and states in Europe became operative in various forms during the 17<sup>th</sup> and 18<sup>th</sup> centuries. In the wake of this, the inter-peoples relations which came up during the 13<sup>th</sup> to 17<sup>th</sup> centuries were again put to strain and spurt of migratory movements took place during the 18<sup>th</sup> and 19<sup>th</sup> centuries. Bulk of the Mizo-Kuki Chin group of tribes, as well as the Khamtis, the Singphos and their agnates migrated to different parts of North East India during this period. These contingent facts of history had their bearing on the traditional self-government of the tribal communities.

During the colonial period contradiction of the strategic interest of the empire and the commercial interest of the establishment was an important fact to shape the British policy towards the tribal peoples.

In independent India, growing articulation of the state process with the neo-colonial world-order dominated by capitalist technocratic-bureaucratic nexus smothered by particularistic human right orientation, rooted in European history, and the ethos of India's own freedom struggle has been the most important factor in guiding the tribal policy through twists and turns. The various dimensions of tribal self-government in North East India are to be understood in this context as well as the context of ecological constraint related to the interplay of various factors and processes.

### **Structural Arrangement for Self-government and Behaviour Pattern of the Concerned Peoples**

Broadly three types of self-government are found among the tribal communities of North East India. They are: self-regulated convivial type, republican type and monarchical type – each with a transformational potential over a length of time. Each of these types may have the attributes of a regime with subjugated social formations under its shadow; again each of these types may be under the shadow of a regime with stronger power base. In each case the density of the shadow may not be uniform; may even be porous. Again in between each of these types there may be intermediate structures or structural designs. Again transcending its limit, each of these types may move for meta-structural design and may either succeed to build it up or may recede, when faced with adverse factors and processes. Self-regulated convivial type is represented by the Nishis. Traditionally they do not have village level or supra-village level organisation. Their habitat tended to be scattered longhouses, each of these house having a number of households, generally bound together by having a common ancestor. Intra-longhouse disputes were generally settled by the seniormost male member of the longhouse. In case of disputes between members of two long houses help of a mediator selected through the process of divination would be obtained. If necessary the mediator would ask for the assistance of influential elders in the neighbourhood.

In Weberian term Nishi social formation may also be described as 'regulated anarchy'. But this 'anarchy' had also the character of a collective regency. The Sulungs, a neighbouring tribe, were like serfs and had to render free labour for stipulated number of days. The Sulungs had their traditional village councils which exercised considerable control over the members on matters concerning the basic institutions of marriage, succession, sharing of the common land-based resources. But they had to put up with the intervention of the Nishis.

It is difficult to say that the Nishis were under a dense political shadow of any regime in the pre-British period. But as they used to serve as middlemen between the Apatanis, who had developed sophisticated agricultural technology and the peoples in the plains, they had to be in good terms with both. The Nishis near the foothills had from time to time agreed to pay ceremonial homage or even political tribute to the Ahom kings and on some crucial occasions they helped Ahom kings to fight their adversaries. It may be said that at least some sections of the Nishis were under porous political shadow of Ahom kingdom. But the institutional arrangement through which the relationship was regulated is not clear, in view of the fact that the Nishis did not have even village level government.

The republican type of institutional arrangement was more common and is still more common among the tribal peoples of North East India. Particularly among the Naga group of tribes, republicanism had an aura of ideology, which in its turn was related to the pattern of control and management of land and land based resources. But it would be incorrect to say that all Naga tribes were republican in orientation. For example, in Manipur, the Mao Nagas were having hereditary Chiefs.

The monarchical type, with ranking system veering towards stratification system is best exemplified among the Wanchos of Tirap district in Arunachal. The Wancho people are divided into four ranked collectivities (The system may not be called stratification system as there is hardly any difference in life-style except in ceremonial matters). At the top are the nobles; at the bottom are the commoners; in between the two are persons involved in mixed marriages and their descendants. The Great Ang of Mon has a number of villages under him, not only in Arunachal Pradesh but even in Burma who pay tribute to him.

The monarchical type operates among the Khamtis, the Singphos, the Mizo-Kuki Chin tribes along with many

others. The Khasi Chiefs (Syiems) had also formal agreements with the British and at the time of India's independence they signed the instrument of accession. Tripura was a full fledged prince's state and the Tripuri king belonged to a tribal people.

Though in structural arrangement there was considerable similarity, the historical process of emergence of this type of institution was not same. Three broad processes can however be noted. The role of the Khasi Chiefs was related to the maintenance of long distance trade connecting the plains south of the Khasi and Jaintia Hills with Brahmaputra valley and beyond. The Syiem was more of a spokesman of the community than a ruler. His role was reinforced by the association of an oligarchy; but in the access to the productive resources the commoners also had a right to a fair share.

Origin of Tripuri kingdom also seems to be related to long distance trade connecting the hill tract in the south with the plains of Bengal. More than internal factors, the external support of the Sultanate of Gour seems to have provided advantage to the Tripuri Chief over the rivals, particularly of Riang tribe for ascending the throne. Tripuri kingdom could not therefore take the character of an absolutist state. It was an internally segmented polity and considerable autonomy was exercised by the tribal social formations. Except for the Mizo-Kuki group of tribes (who had settled in the north east of Tripura, and had Chiefs who were looked upon by their peoples as king, under the King of Tripura, whose title in their language was something like an emperor), other tribes had headmen, assistant and council of elders at the village level.

The monarchical type of self-government among the Mizo-Kuki group of tribes, and perhaps among the Singphos, the Khamtis can be related more to inter-tribal feuds, conquests and to the fact of being subjected to a state of almost perpetual instability for several centuries. As

mentioned earlier two stage disruption of inter community socio-political arrangements in Central and East Asia in the middle ages had caused mutual jostlings and pushing and migratory movements on a continental scale. In these periods of perpetual flux, autocratic leadership had emerged among the peoples concerned. They were rulers of their subjects, rather than owners of territories. Territory provided the nexus for the sustenance of the social organisation, but not the core around which the social organisation was woven. This comes out from two facts. First, among the Mizos, if a person killed an animal in the territory of another Chief, he had to give flesh tribute to his own Chief and not to the Chief in whose territory the game was bagged. Second, during war, the Chief depended on a hero, called pethe, who enjoyed many privileges in the community life. But in the matter of management of land he had to depend on a council of elders, called Upas, selected by him from among the different lineages. There are documents which indicate that the colonial rulers in their interest tried to enhance the role of the Chief, and projected him almost like a landlord. But there was widespread resentment against this among a large section of people. Though for sometime after independence, the Government tried to protect the position of the Chief, the people's mobilisation forced the Assam Government to pass an Act in 1954 based on a resolution adopted by the Lushai Hill Autonomous District Council to abolish chiefship. Elected village councils were established, but subsequent events suggest that the structural arrangement adopted as a replacement of autocratic chiefship was not adequate to meet all facets of the situation.

One aspect of Mizo-Kuki chiefship deserves special mention. It was noted by Soppit decades ago, that where the Kukis had been living peaceful life for a long time, the autocratic character of chiefship tended to be eroded and a more democratic pattern came to prevail. Frequently the

Mizo-Kukis describe the Chiefs as custodians of their interests, but as already indicated, there was vested interest to project the role of custodians and spokesmen as that of rulers. It will be shown later that there is also a vested interest to project their roles as custodians as that of owners of the resources.

### **Inter-relationship Among the Three Broad Patterns of Structural Arrangements**

The inter-relationship can be examined in terms of different analytical frameworks. One is the framework of eco-institutional dynamics; the other is the positivistic framework of empiricism.

The framework of eco-institutional dynamics presented here is a radical departure from the conventional system of classification of societies. In the conventional system, societies are classified with reference to the main economic activity. Thus they are classified as hunters and gatherers, shifting cultivators, settled agriculturists, livestock rearers, craftsmen and traders, dependent on industrial technology, multi-dimensional post-industrial explorers of new society.

The framework of eco-institutional dynamics defines social formation with reference to locus in two axes; one is physical environment-human relationship, the other is inter-human relationship.

Primal hunting and gathering peoples were dependent on ingratiating mode of subsistence and lived on convivial social relationship; similarly early slash and burn agriculturist peoples depended on convivial-ingratiating mode of production; the settled agriculturists were having convivial custodial mode of production, the peasants involved in market economy moved towards convivial-predatory mode of production, the colonial industrial societies generated predatory saptral mode of production and today when existence of life on the planet has obviously



become problematic, the highly industrialised peoples are pushing ahead a predatory-demiurgic mode of production.

This ideal typical eco-institutional framework is not however always an empirical reality. One of the reasons is that though today the existence of life on the planet is generally perceived to be problematic, there is no reason to think that similar perceptions were not there, when any particular mode of subsistence or of production passed through a period of crisis due to natural calamity, longterm climatic change reaching a turning point, mismatch between population growth and subsistence base and such other causes. On all such occasions the linkage between nature-human relationship and inter-human collective relationship would be put to severe strain and may experience schizophrenic break of the linkage. In such cases permutation and re-combination may take place and bits of one type of relationship may be linked up with bits of another type of relationship. It would therefore be unpredictable intervention of history rather than predictable operation of social law. This is a possibility which should not be ruled out. But admittedly hardly any work has been done on this line.

With positivistic orientation, based on his experience in Manipur R.K. Das suggests that authoritarian chiefship among the tribal communities is assailed from two directions, namely confrontation with polity with stronger power-base and aspirations and political assertion of commoners. Through combination of these two processes, the authoritarian chiefship tends to give place to republical polity. There is considerable logic and empirical support for this position. But two other possibilities should also be kept in view. Regimes with stronger power-base may promote authoritarian chiefship as a policy of subsidiary alliance. Kabui referred to this in respect of some sections of the Anala. Again, to avoid mutual confrontation, the authoritarian Chiefs may promote republical polity as a territorial buffer or a functional buffer.

### **Sources of Legitimation of Structural Arrangement**

Srivastav observed ontological root of Chief's power among the Wanchos. The Chief is sacred, so is his blood. Chief's successors also must be of pure blood.

Role of external agencies to redefine the tradition and to influence the traditional structural arrangements has received some attention of ethnographers. Perhaps more analytical appraisal is needed. One illustration would be provided here by referring to the Toto, a small tribe in the border of Bhutan and West Bengal. In the pre-British period the Toto village had changed hand several times between Koch kingdom and Bhutan. Ultimately Bhutan firmly established its control. Each Toto clan had its delineated area in the village for slash and burn cultivation. The Totos had a dual division - one division involved in carrying on trade in Koch kingdom and bringing articles needed by the Bhutias at Totopara; the other division was engaged in carrying the articles needed by Bhutias from Totopara to Bhutan and on return journey carrying commodities needed by the people of the south. By this arrangement, even when Bhutan and Koch kingdom were at war the flow of commodities remained undisturbed. Each division had a headman. When in 1865 the British took over Totopara, in the wake of Anglo-Bhutan war, the Chief of the southern division had to negotiate with the new rulers on behalf of the entire Toto people. He thus emerged as the head of the village as a whole. The Chief of the north division however was not completely divested of his position. Totos were culturally closer to the Bhutias, and the Chief used to monitor the observance of the matters related to culture and custom. With loss of his secular role, he now emerged as the custodian of the religion of the people.

Another interesting change took place. Bhutan had lost its political control of Totopara, not through political assertion of the Totos but through external intervention.

The Governor of Bhutan at Paro lost his coercive power, but did not lose his image as ultimate authority in social matters. A dissociation of authority and power took place. Till the late 50's of the last century, the Totos continued to pay tribute to him. But there was a change in the perception about the nature of the tribute. Earlier it was payment to the ruler; in the changed context it acquired a sacerdotal character and became ritual offering to the authority on religio-cultural matters. The priest headman used to perform a rite with the sacrifice of a pig and a fowl at the time of making the payment. This was a case of a secular power turning into a sacred authority.

Similar process seems to have taken place in parts of Kameng district of Arunachal. But the descriptive accounts are not adequate for coming to definite conclusion.

Role of the king/state as a source of legitimisation of structural arrangement cannot be ignored. Among all the tribes of Tripura while the village headman was selected by the villagers (and while generally the son succeeded the father) confirmation by the king was necessary. During the British rule in the administered areas of Arunachal, Nagaland and in the partially excluded areas of Nowgong, Sibsagar, Cachar (which are now mostly included in the Sixth Schedule areas of the state) the Gaonburhas selected by the villagers required government confirmation. In all such cases there was a mix of endogenous process and the potential of exogenous intervention, which however was rarely exercised contrary to the endogenous process. On the other hand, the fact that the endogenous process took place in the shadow of potential exogenous intervention could not but influence the endogenous process itself. Over a length of time the structural arrangement tended to be considered by the concerned peoples as a part of their tradition of self-government, whereas the state looked upon it as institutional arrangement for local self-government. This hiatus in perception is of considerable importance.

Though the prevailing structural arrangements are not exactly rooted in tradition this have acquired the aura of tradition and introduction of any alternative structural arrangement is looked upon by the concerned people as intervention in their tradition; but in view of the fact that even in the prevailing structural arrangement the state has a role, the policy makers of the state do not consider it an imposition if an alternative structural arrangement is introduced.

### **Pragmatism in Interpreting Structural Arrangement of Self-government**

In 1974, the Autonomous District Council of Tengnoupal district of Manipur constituted a committee with the present writer as Chairman, and the District Magistrate, the Chairman of the District Council and Prof. Gangumei Kabui as members to examine the problem of education of customary laws of the different tribes of the district. A problem arose in the matter of interpretation of the nature of chiefship among the Anals. One faction led by an Anal Minister of Manipur state claimed that Anal Chiefs were elected by the people; he and his supporters produced a number of documents in support of their position. An opposite faction led by a former president of parallel Naga Federal Government (Regional) contended that Anal chiefship was hereditary. This faction also produced a large number of documents in support of their contention. It later transpired that both the factions had the same objectives but had different strategies. Both were anxious to retain Anal control over the lands and forests in the territories inhabited by them. The Anal Minister felt that if the chiefship was considered as hereditary, the Government officials could bribe the Chiefs and take over the resources on behalf of the state; the faction close to the parallel government felt that the people's mobilisation was strong enough to keep the Chiefs under check and the Government would not be in a position to take over the resources because

in that case huge compensation would have to be paid to the Chiefs.

The committee reported that the Chiefs during their lifetime selected their successors but such selection was subject to the confirmation by the concerned peoples.

Subsequent developments proved that both the factions were partially right and partially wrong in their assessment of the future. The Manipur Land and Land Reforms Act does not recognise community as a legal entity. On the other hand almost entire lands in the hills of Manipur are under communal occupation. Manipur state legislature decided to extend the operation of the Act to the hills. The Government would recognise only homestead lands and lands under settled agriculture as being owned by individual households; the remaining land was to be recorded as state land. In some areas, the villagers had thrown out the Chiefs forty years ago; now the villagers requested the Chiefs to lay claim as owners of the lands. The Chiefs were quick to take advantage of the development and started negotiating with the Government to pass on the land to the state if modest compensation was paid to them. A new feudalisation process was initiated through the façade of land reform and convenient interpretation of institution of self-government. However things did not take place exactly as designed by each of the parties due to intervention of different quarters including some social scientists. The details of the new development are not important to the present discourse. What has been presented here brings out the manipulative scope of the institution of self-government by picking up its elements in a selective manner.

### **Functional Jurisdiction of Self-governing Institutions**

Functional jurisdiction of the self-governing institutions broadly extends to four categories:

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- A. Management of external relations;
- B. Regulation of basic institutions centering family, property and various customary matters;
- C. Maintenance of civic amenities;
- D. Channel for introduction of 'development' activities.

In the management of external relations, particularly with the state and state functionaries, the self-governing institutions have frequently been relegated to the background. Statutory bodies of local self-government play more prominent role. But in case of confrontation with the state and state apparatus, frequently the traditional institutions do the back-seat driving or even sometimes come to the forefront. In the context of insurgency in many parts of North East India this is a matter of considerable importance.

In the regulation of basic institutions centring family, property and customary matters the traditional village headman and his associates play very important roles. Disputes are referred to them for settlement according to the prevailing norms of the concerned peoples. In case of inter village disputes some of the tribes like those belonging to Adi-group have institutional arrangement of higher order (Bane Kebang) to step in.

Petty crimes and torts are more frequently decided by statutory institutions of local self-government, as the dissatisfied party can lodge appeal to the Government court.

In the matter of maintenance of civic amenities the roles of traditional institutions and statutory bodies vary from tribe to tribe. Many tribes of Mizo-Kuki Chin group, Naga constellation and Adi constellation for instance, have age-group system, though bachelors' dormitories and spinsters' dormitories have ceased to exist in most cases. Generally these age-groups with their own functionaries operate in an autonomous manner; but they are expected to accept

guidance of the traditional head of the self-government institution. The youth of the village – males and females collectively undertake such activities as clearing the access road to the village, the sources of drinking water, maintenance of supply reserve forest and tree-ring to protect the residential area from the burning shoots floating down from shifting cultivation fields.

As channels for development activities (however defined) the traditional institutions of self-government hardly play any role. The statutory bodies are more in the picture, as the requisite inputs are generally made available through such bodies.

In Nagaland an attempt has been made to synthesise the traditional structure and the new impulses. The statutes in Nagaland recognise the traditional institutions of self-government. For each village, these bodies are authorised to set up a Village Development Board, which operates model schemes provided by the Government or approved by the Government; but which has also formally receive concurrence of the traditional set up. This experiment has passed through many vicissitudes. But to understand the extent of the effective or ineffective function of the V.D.Bs, the totality of the socio-political field in Nagaland must be analytically kept in view.

### **Operational Procedures**

Operational procedures are to be considered in three aspects, *viz*, spatial aspect, participation aspect and proclamatory aspect.

#### **Spatial aspect**

Where bachelors' dormitories exist generally the village council meets there and discusses the disputed issues in the presence of all the villagers. Some sections of the Mishings are reported to meet in the village namghar (Vaisnavite

community sacred house for prayer, religious discourse and ancillary activities with an aura of solemnity).

Where separate community places, having the aura of tradition in one form or the other, does not exist, the village council meets at the place of the headman or the Chief.

If the facts are disputed, the system of divination or trial by subjecting the concerned persons to ordeals in various forms is taken recourse to. Two decades ago, one student of sociology explained in a public lecture at Delhi that these procedures, particularly subjecting a person to harsh ordeal, are taken recourse to only after other methods including oath taking fails. Besides, trial by ordeal generally requires consensus of the entire community. Hence the formal procedure is of secondary importance. What is more important is the agreement among the villagers about the morality of the particular action under the given circumstances.

Once the facts are established, the behaviours of all concerned in the dispute are discussed in terms of the logic of the system and requirement of the situation. Unlike in formal law the dispute settlement in the traditional system tends to be an act of retribution rather than act of reprisal. Individual circumstances of the guilty person or persons are taken into consideration so that they can be retrieved to the community. Retaliation is not generally the objective, at the community level. But until recently before the community was involved, blood feud and retaliation at the individual or family or lineage level were practised among tribes like the Nishis of Arunachal.

At the Council meetings women were not active participants in the decision making process, almost anywhere. Even among the matrilineal societies like the Garo, the Khasi or the Jaintia, matriarchy did not have any place in public affairs. Orientation of all these peoples was patriarchal. Even then, on some occasions outstanding



women personalities played important role in the traditional set up. Mention may be made of Rani Baitangi of the Mizos who faced the British officials on behalf of her people in the sixties of the 19<sup>th</sup> century.

During the Council meeting drinks were to be supplied by the aggrieved party asking for the meeting. Among many tribes drinks were provided by both the parties. After getting the facts established and hearing all concerned, the Chief pronounced the decision.

The punishment in most cases was in the form of compensatory payment to the aggrieved party and also fine to be paid to the Chief or headman who generally shared the same with the other office bearers and elders.

### **Challenges and Response**

One of the major challenges faced by the institutions of traditional self-government is the introduction of statutory institutions of local self-government, some of which are found to be inauthentic on closer look. Arunachal Statutory Panchayats which were in existence during 1967 to April 1994 can hardly be called institutions of self-government. Density of population in Arunachal is about 10 per sq km. Here, distance from one village to another is frequently quite long. In this context Gram Panchayats were established for every 300 population, which would make face to face interaction among the concerned peoples impossible for months. On the other hand existence of the statutory Gram Panchayats tended to make traditional institutions of self-government irrelevant in the eyes of the various implementing agencies. The Gram Panchayats were however not vested with any effective power. These were operative agencies of the Anchal Samities. The Subdivisional Officer or an officer of equivalent rank was the Chairman of the Anchal Panchayat. Besides an unspecified number of officials were ex-officio members of the Anchal Panchayats. It would be a travesty of reality to call such a bureaucracy

dominated body an institution of local self-government. And yet this body was vested with wide ranging powers including management and control of open sites, waste, vacant and grazing lands, not being private property and river bed. Given the facts that (a) in Arunachal bulk of the land is communal land, and not private land (b) the concept of waste and vacant land is an ambiguous one and the prevailing concept in legal epistemology is considered to be a colonial legacy, vesting such power with the panchayat samity was virtually an act of by-passing Nehru's commitment that tribal rights in respect of land would be respected. The Zilla Parishad under North East Frontier Agency Panchayat Raj Regulation 1967 had only advisory power. The challenges faced by traditional institutions of local government are really serious and there are indications that in some areas the people have not passively submitted to the challenge.

Challenge in another form is being faced in some other parts of the country. In the 1970's Awangkhol in West Manipur district was connected by motorable road with Imphal in Manipur and Silchar in Cachar. In this village slash and burn cultivation is extensively practised, the shifting cultivation cycle being about 10 years. Normally if a person does slash and burn cultivation on a plot he has the first prerogative to come back to the same land. During the intervening years he looks after the land and has the prerogative to enjoy the naturally grown produce on the land, including extraction of bamboo and timber. He has also the right to sell bamboo from this land to the co-villagers for their consumption. With the motorable road coming up, some of the villagers sold bamboo to outside contractors who removed the same by trucks. A joint meeting of the traditional village council and the village authority set up under Hill Village Authority Act 1956, decided that the individual's traditional prerogative over the land was for traditional use of the product, but sale of bamboo to outsiders

for profit was a non-traditional use and the individual had no right in this matter.

The joint meeting decided that in future in case of such extraction, the royalty would go to the common village fund and would be used for running a village school. But such decision could not be uniformly adopted in all the hill villages or even in all the Rongmei Naga villages of Manipur. In this matter intervention of the state officials was sometimes found to be a negative factor. Awangkhul with history of resistance to bureaucratic intervention but at the same time of going for collective endeavour to improve the conditions of life of the village, could size up to the challenge or even counter the negative intervention of a section of officials. But the villages without such history became the victims of counter-history, that is, forces disharmonic to the ethos of the historical experiences of an entity.

### **Ancillary Matters**

This rapid over-view brings out the fact, not very sharply perhaps, that traditional self-government is not a matter of mere structural arrangement. Structural arrangement is important, but linking up its functioning mode with the conditioning facts of history reflected in the ethos and eidos quietly (and sometimes not so quietly) prompting the peoples to action in various forms is equally important. This requires re-thinking of many assumptions and ideas that inform the policy makers and implementing agencies.