CHAPTER SIX

THE CHIEFS AND COUNCILS

The Lushai system of administration consisted of three elements - Lai (chief), Upas and the people. The chief was supreme authority in his village, but he was benevolent. His house was a shelter for the poor and he looked after his subjects as his own children. In the olden days, a person who had committed serious crime could enter the Chief's house and thus escaped vengeance. Theoretically, all that was in the village belonged to the chief. He could and did call upon people to furnish him with everything he needed. All disputes in the village was settled by the chief. He selected sites for jhum land and a village. But in practice he could not misuse his power or oppress his people. Any chief whose rule was unduly authoritarian soon found his subjects leaving him.\(^1\) The chief, therefore, tried his best to rule according to customs usages and resorted to democratic instruments of government. In other words, the Lushais were used to a loose form of democracy.

According to the prevailing custom, the chief was succeeded by his youngest son both in regard to chiefship of his father's village as also his property. In respect of the elder sons, the chief would set up a separate village when they attained maturity. This was done by transferring a certain number of households from his village to a new one established for the son. No tax was paid by the son

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to his father. He was left to himself to establish his position as a chief through his ability. However, in times of stresses and strains, he was supposed to help his father. The son would not hesitate to be disloyal to the father if the former managed to find sufficient following of his own.  

The chief had a council of Elders who were called Upas. With the cooperation of these Upas, the chief transacted the business of the administration of his village. The Upas were appointed by the chief himself and the latter could dismiss the former as he chose. There was neither fixed number nor fixed term for the appointed Upas.

Village Council

The popular element or the Village Council held its meetings in the chief's house. It was presided over by the chief. Since they knew not writing, cases tried by the Council were never put down in writing. They tried both civil and criminal cases. Being the one and only court of justice in the village, there was no appeal from their decisions. Any person who had case would bring before the Chief's Council, and the latter, after hearing from both sides would only come to a final decision. The losing party was fined a "Salam" which was received by the chief and his Upas as a fee for trying cases. This was a maximum punishment. A maximum punishment was a fine of female mithan which was to be attended by a Salam. The most severe penalty

2. Ibid., p.42.
appeared to be seizing all the property of a man who was found to be disobeying the chief's orders. This could be inflicted on any villager by the chief and his Upas. The chief and his Upas also could turn out any villager if the latter was found to be repeating an offence several times or made a nuisance of himself in the village.  

No person other than the council members was allowed to listen the discussion of the Chiefs Council. But anybody was allowed to hear the debate between youngman and youngwoman over the question of their love affairs before the Council. The amount of control exercised by Chief depended largely on his personal character. A powerful chiefs like Sookpilal, Lalul and Sheeboet (Sibuta) had a considerable amount of influence upon their Upas and subjects. In dealing with all types of cases, the Village Council was guided by traditional Lushai custom. As already mentioned, any Council which did not take the custom into consideration and oppressed villagers would soon lose its importance and popularity. This custom afforded a very solitary check on too arbitrary use of power on the part of the chief.  

The British occupation of the hills did not bring any apparent change in the administrative of the chiefs. The local authorities considered it quite convenient to administer the hills through the

chiefs. It was realised that it would be possible to run the district without great expense if the chief's rule was maintained. The people respected their chiefs and strongly desired that they should continue to rule. A sudden change from the indigenous form of government, it was felt, would lead to confusion, indiscipline and inefficiency. Therefore Chieftainship was maintained highly in their powers to some extent. To make the administration more effective the number of chiefs was not allowed to be multiplied and definite boundaries were laid down to existing villages. Each chief was provided with a Ramri Lehkha or boundary paper. Their lands were hereditary and subject to good behaviour and physical and mental normality, the chiefship was made hereditary.

Formerly there were fewer number of chiefs and they held very large tracts of land. The chief was to allot to each of his sons a tract of land and set up a separate village for him. He would keep only the youngest to his village. Owing to this custom the land had been rapidly fragmented into much smaller units at the time of annexation of the hills. Further subdivision of lands became almost impossible. There were in the Northern Hills alone, seven villages of 500 houses and over, and ten villages between 300 to 500. In 1905-96, there were only three villages of over 300 in the whole

7. Parry, Op.cit.,p.3. In 1898 Shakespear, the first Superintendent of Lushai Hills, introduced 'Land Settlement' and every chief was given a certain area of land, with definite demarcation, within which he and his subjects could jhum according to their convenience.
district and none of over 400. In Aijal district there existed 139 villages averaging thirty-eight houses, Lungleh 121 villages averaging thirty-eight houses.\(^8\)

The reason for fragmentation is not far to seek. Firstly, the British occupation of the Hills brought permanent condition of peace and settlement. Secondly, there were large number of chiefs who persistently refused to obey the Superintendent's orders, and established their trusted sons in separate villages before their death. Thirdly, the British authority used to make chiefs who were drawn from clans other than Sailes. Vacant lands were allocated to them for setting up a village. These chiefs were called "Haamchawm" chiefs. The above tendency increased the difficulty of administration and lowered the authority of the chiefs.

Succeesion to Chieftainship

To cope with the aforesaid circumstance the Commissioner, Surma Valley and Hill Districts, issued orders about the succession of chief's sons in the Lushai Hills.\(^9\) Parry in his book 'A monograph on Lushai Customs and Ceremonies', said that when a chief died his eldest son succeeded him. In supporting this, McCall also suggested that the eldest son

\(^8\) AS., File No. 12G, Genl. B, August 1906, Nos. 452-474; General Administration Report, V-Political.

should succeed to the chief's lands where he had not been settled out in a separate village before the death of his father. Parry had consulted many chiefs and the custom described in his monograph were admitted to be true and reasonable. However, L.L. Peters, Superintendent of Lushai Hills, and Shakespear had described somewhat different story. The former stated that the majority of the chief's opinion was divided. The chiefs who had already established separate villages for all their sons except the youngest ones were not in favour of the suggestion. But Fanai, Pawi and Lakher chiefs supported the move because the eldest son was the heir by custom. Shakespear felt that while the youngest son was to inherit the chief's village and property, the eldest son was only to get a share occasionally. Peters pointed out that the succession to the chiefship and land or 'ram' on the death of the chief did not involve the question of inheritance of the 're' or other property. Though it might perhaps be understood that 're' includes the 'ram' and chiefship. He was of the opinion that this two lines of inheritance were not synonymous. He said that in respect of inheritance of the 're' (house, garden etc), the established tribal custom, recognised from time immemorial, was that the youngest son inherited. With regard to succession of chiefs this was not so. He pointed out that the chief did not acquire an alienated right to his 'ram'. This was, always vested in government. Therefore, the government had the right to nominate a successor in each and every instance.

10. Ibid., L.L. Peters to Commissioner, Surma Valley and Hill Districts, 2 August 1935.
Under the circumstances, the Commissioner considered it necessary in 1935 to issue fresh orders as regards succession of Lushai chiefs. He opined that if there was any dispute, each case could be decided on its merit by the Superintendent. He insisted that the government should recognise a change in the order of succession to chiefship which had the support of the Lushai chiefs. This was all the more necessary because no right as against government were recognised in the chief, the family and the person. The rights of the chief was to arrange the jhumming of his villagers in the area assigned to his village, and for so doing to get two baskets of paddy from each house. He had no right in the land. The office of a chief is a thing entirely separated from his property. Therefore, there would be no difficulty for government to lay down that property would devolve according to strict Lushai custom, whereas for the office of chief guide rules of manual book should be followed. 11 There it is mentioned "when a chief dies his eldest son succeeds him subject to the Superintendent's approval...".

In 1936 the Governor-in-Council framed rules on succession issue in the light of discussions between the government of Assam, the Commissioner, Surma Valley and Hill Districts and the Superintendent of Lushai Hills through correspondence. Accordingly, the eldest legitimate son of a ruling chief was to inherit the lands of his father's village. But such eldest son should not have already been accommodated

11. Ibid., Commissioner, Surma Valley and Hill Districts, 21 November 1935.
in an independent village. The youngest son was to inherit his father's property according to custom. If an eldest son settled in an independent village died without any issue the next eldest legitimate son was to succeed. But if he died with male issue his own eldest son was to succeed and a period of regency being declared if necessary. No other younger brother of the deceased could contest the succession. If a chief died leaving only "Hmeifas" or illegitimate sons the above rules was to operate. It was open to a chief to move the Superintendent to disinherit a son who would normally succeed him. In this case the Superintendent was required to call a Panchayat of fellow chiefs of the same clan. The Panchayat would consist of five members of whom two would be nominated by the chief and two by the son and one by the Superintendent. The Superintendent, could come to a finding. After settling out the relevant factors in the case, he would submit his recommendations to the Commissioner for orders.12

Village officials under the Chiefs

The chief had a number of officials besides the Upa. They were the Tlangau, the Ramkual, and Zalen, the Puithiam, the Thideng, and the Khawchhlar.13

12. AS., Pol A, 5 May 1936; Notification. Order by the Governor General in Council, Appointment and Political Department, Diary No. 912.

Formerly there was no Khawchhiar or Village Writer. This post was created by the British when they occupied the Hills.

The Tlangau was the Village Crier. His duty was to proclaim the chief's orders at night by going round the village. Usually he was given a basket of paddy from each house as remuneration and was exempted from cooly labour.

The Rambuas were an expert 'jhum' cultivators who gave advice where jhum should be cut each year. The chief selected from villagers who were good cultivators. They were allowed first choice of jhuming sites. But they should pay larger quantity of paddy to the chiefs as Fathang. The Rambuas were men of possession.

The Zales were also men of possession. They were exempted from paying Fathang to the chief, but were obliged to help the latter if he ran short of paddy or fell into any kind of difficulty. These men also had the privilege of first choice of jhuming lands.

The Puithiam was the village priest and the Thirdeng was the village blacksmith. The former and the latter received certain amount of paddy from each households as remuneration.

The Khawchhiar was the village writer and was very important official. Being appointed by the Superintendent, he was really a government official. He kept the important statistic, registers, the village house list, a list of all guns in the village and others. If the chief was illiterate,
all letters and reports were written by him. He was exempted from cooly labour and house-tax. 14

Besides these, the chief had two other functionaries, Sadawt and Tlaphawi. The former was the chief's private priest while the latter was assistant to the former.

Sources of Revenue

Every Lushai chief was entitled to receive a number of dues from his subjects. He was given Fathang or a due of rice by his subjects for cultivating within his lands. He received Sachhiah or the left foreleg of every wild animal shot or trapped by any one of his villagers. A due on salt, known as Chichhiah was also given to the chief. 15 The chief's house was constructed by the villagers at free of cost. The subjects were required to collect all building materials such as bamboo and timber from the forest. In turn the chief provided the villagers a feast with Zu or rice beer. 16 As mentioned already, whenever a case was tried by the chief and his Upas, in addition to the rice beer, a due known as Salam (a fine of female pig) was realised from the losing party.

Functions of the Chiefs: Judicial and Police

The chiefs and his Upas were empowered to deal with all types of cases except murder and rape which

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14. Ibid.
had to be reported to the Superintendent. Any person who had been fined by a chief might appeal to the Superintendent against the chief's order. Cases between people living in different villages were tried by the courts in Aijal and Lungleh. Punishments took the shape of cash fines which might range up to an upper limit of £40. The former practice which consisted of seizing all the property of a man who disobeyed the chief's orders was no longer allowed.\(^{17}\)

Formerly there was no police force in the Lushai villages. The chief, Upas and villagers themselves performed the duties of police. The invaluable service of the village youths rendered it possible for the chief to solve difficult problems in his village. They were always available for any emergency or any urgent work. They guarded the village from being attacked by unknown enemies. Discipline was strictly maintained in the village.\(^{18}\) When the Chief Commissioner of Assam requested Porteous, the then Superintendent of Lushai Hills, to submit a draft rules for the 'Administration of Police' in the North Lushai Hills, the latter suggested the creation of rural police consisting of chief of villages, headmen, mantries and other village authorities. These

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elements would discharge the ordinary duties of police and would maintain peace and order within their respective local domain. No appeal should lie to the Political Officer against their orders but should be final. The Chief Commissioner, however, might call for the proceedings and modify or reverse any order. They should report to the Political Officer and other officers duly authorised by him, all heinous crimes, violent deaths and serious accidents occurring within their jurisdiction.\footnote{19}

In pursuance of the proposal of Porteous, Sir Henry Cotton, the then Chief Commissioner, made draft rules for the administration of Lushai Hills in October 1897. Accordingly, the chief and headmen of villages were to report to the Superintendent all heinous crimes, violent deaths and serious accidents occurring within their jurisdiction. The villagers were bound to help the regular police when required to do so.\footnote{20} The Chief Commissioner's proposals were accepted by the government of India. According to third proclamation No.978-P, which published the rules for the administration of the Lushai Hills, the internal administration of villages was placed in the hands of the chiefs and his Upas.

* "...heinous crimes were rebellion, riot, counterfeiting coin, possessing counterfeit coin, murder, wounding to the injury of life or limb, rape, unnatural offences, robbery, dacoity, arson, house-breaking and forgery". Vide AR., 13 August 1897; Porteous to the Secretary to the Chief Commissioner of Assam, 13 October 1896.

\footnote{19} AR., File No.JS, 13 August 1897; Porteous to the Secretary to the Chief Commissioner of Assam, 13 October 1896.

\footnote{20} Ibid., No.30; Draft Rules for the Administration of Justice and Police in the North Lushai Hills District.
Miscellaneous Duties

Over and above administration of justice, civil and criminal, the Lushai chiefs had manifold duties to perform in their respective villages. As early as 1890, Dr. R. Lyall, the Commissioner of Chittagong Division, suggested that the chief should be responsible for the safety of frontier policemen, Dak-runner and a telegraph official in the rural areas. He should make roads round the village and maintain and improve them. He should be responsible for the collection and payment of the tax of a village.21 As a result, as A. G. McCall, Superintendent of Lushai Hills (1932-42), reported the chief was responsible for the control of their villages in every way, for allotment of cultivation, and for maintenance of inter-village paths. He was also responsible for supervising the work of his village Khawchhiar. He must sign the house-tax assessment register prepared by the Circle Interpreters. He should report the presence of any foreigner within his villages, but should take no action if the foreigner held a pass from the Superintendent or his Assistants.22

21. AS., Pol and Judl., For A, August 1890, Nos. 47-77; D.R. Lyall, the Commissioner of Chittagong Division to Bengal Government, 12 January 1890.
Although the British occupation of the Hills did not result in any appreciable change in the administration, yet it brought some changes in the status of chiefs. McCullough points out that the lands in possession of chiefs at the time of the British occupation were reverted to vest in the government. These were then apportioned to chiefs, as circumstances would, but guided generally by existing possession. The traditional right of chiefs were also extinguished. These were right to order capital punishment, right to seize food stores and property, the proprietary rights over lands, right to freedom of action in relation to (slaves) and right to attack the property of villagers when they wished. Consequently, chiefs were deprived of their erstwhile freedom of action. In some cases, lands were given to persons who had no pretence to chieftainship. This helped to lower the dignity of the traditional chiefs. The British might consider that there could not possibly claim that their lands had such justification, but their extinction degraded them before all their people. In view of this fact, it was through these villages and their descendants that the people were...