CHAPTER IV

Panchayati Raj and the Village Council System:
A Comparative Study

4.1: Introduction

The inclusion of Part IX or the new Panchayati Raj system in the Indian Constitution and its compulsory adaptation by the Indian states led to the existence of great uniformity among the Indian states at the grassroots level of her democracy. However, the Indian states, which possess diverse features cannot be expected to have uniform local administration, keeping this in view relaxation has been given to several states by the Seventy-third Constitution Amendment Act, 1992. As such, the state of Mizoram has been exempted from the compulsory adaptation of the new Panchayati Raj system and the Village Council system continues to exist in Mizoram. This led to great dissimilarities in the working of grassroots democracy in the state of Mizoram and other Indian states covered by the new Panchayati Raj system.

The Panchayati Raj institutions and the Village Council system are the basic level and the most important foundation of our democratic system in India and Mizoram. They play the most important role in the working of our democracy at the grassroots level enabling the rural masses to participate freely in the functioning of the developmental activities of their own village. They are an important instrument for decentralization of power which ensures direct participation of the people in the local administration. It is through them that the villagers could directly participate in discussing the matters relating to their administration, development, necessities and so on through direct participation. The Panchayati Raj system is the form of local government in the
rural areas of India other than the states of Meghalaya, Mizoram and Nagaland while the Village Council system is the form of local government in Mizoram both in the rural and urban areas. In this chapter we shall make a comparative study of the Panchayati Raj system as endorsed by the Seventy-third Constitution Amendment Act, 1992 and the Village Council system which is the prevailing form of grassroots democracy in Mizoram.

4.2: Panchayati Raj Institution and Village Council: Their formation and Rightful Place in the Constitution

The Panchayati Raj institutions existed in different forms in different states before the adoption of the New Panchayaty Raj system. After the middle of the 20th century there was a strong momentum for the revision of the working of the Panchayats in all the states of India and all the important political parties made it as one of their most important principles. After the passing of a resolution by majority of votes in both the houses of the Parliament the Panchayati Raj system has been inserted in the Indian Constitution.

The Bill for the formation of the Panchayati Raj institutions in its present form has been introduced as the 72nd Constitution Amendment Bill in September 1991. The Lok Sabha passed the Bill on the 22nd December 1992 and was passed by the Rajya Sabha on the day that followed. By the time the bill has been passed its sequence changed to 73rd Constitution Amendment Act. After certain ratification by more than half the State Assemblies, the President gave his assent on the 20th April 1993 and came into force on the 24th April 1993. After the completion of all formalities the Constitution (Seventy-third Amendment) Act, 1992 has been inserted in Part IX of the Constitution. Since then, the Panchayati Raj system has got its rightful place in the Indian Constitution and its formation became mandatory all over the Indian states other than a few exceptional states in the north-east. In order to empower the Panchayati Raj institutions the addition of Eleventh Schedule (Article 243G) has

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2 Ibid., p.10
been made after the Tenth Schedule in the Constitution. The Eleventh Schedule has clearly mentioned the functions and responsibility to be allocated to the Panchayati Raj institutions.

It may be well-recognize that the formation of the Village Council, unlike the Panchayti Raj system did not have anything to do with the Parliament but has merely got the assent of the Governor of Assam, Lushai Hills being apart of Assam during the period. Thus, the Village Council system has been introduced as a formed of local government in the Lushai Hills with the permission of the Government of Assam. The establishment of the Village Council led to the elimination of chieftainship which has been in practice for a long period among the Mizos.

The Village Council system has been formed by the District Council which was empowered to constitute a village council or courts under the Sixth Schedule of the Indian Constitution. The Lushai Hills District Council made certain laws in regard to the formation of the Village Council after the abolition of Chieftainship in 1953. The formation of the Village Council was discussed at length in the District Council Sessions which led to the enactment of the Lushai Hills District (Village Council) Act, 1953 (The Lushai Hills Act No.V of 1953). It received the assent of the Governor of Assam on 29th November 1953 and the same was published in the Assam Gazette on 9th December 1953. All these led to the formation of the Village Council in all the villages within the jurisdiction of the Lushai Hills District Council which later on came to be known as the Government of Mizoram.

4.3: Structure

The Indian Constitution has provided three-tier structure for the Panchayati Raj system in all the states, Panchayats at the village, intermediate and district level. It also provided that the Panchayats at the intermediate level

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3 Part 4 (1) of the Sixth Schedule to the Constitution of India
4 Dr. Sangkima, Mizo: Society and Social Change (Spectrum Publications, Guwahati: Delhi, 1992), p.177
5 Article (243B) (1) of the Constitution (Seventy-third Amendment) Act, 1992
may not be constituted in a state having a population not exceeding twenty
lakhs.\textsuperscript{6} Besides the three tiers structure, the Seventy-third Constitution
Amendment has provided for the Constitution of the Gram Sabha which will
exercise certain powers and functions at the village level.

\textit{The Gram Sabha:} Every Panchayat is to constitute a Gram
Sabha which is an organ of direct democracy. The Seventy-third Constitution
Amendment says: “A Gram Sabha may exercise such powers and perform such
functions at the village level as the Legislature of a State may, by law provide."\textsuperscript{7} It
is not the representatives of the people but the peoples themselves and it may be
rightly called the representatives of the villages. It is a body consisting of persons
registered in the electoral rolls relating to a village comprised within the area of a
pachayat at the village level. It is through the Gram Sabha that the villagers have
the opportunities to share their views participate in the working of the Panchayati
Raj institutions. The constitution does not mention how frequently the meetings
of the Gram Sabha should be conducted for this reason the numbers of meetings
of the Gram Sabha varies from one state to another. All the states invariably
provide for the institution of the Gram Sabha but the powers and function
assigned to them may not be always the same in different states.

Similar to that of the Gram Sabha, the villages in Mizoram
has developed the system of ‘\textit{Vantlang Rorel Inkhawm}’ which may means a
public gathering though nothing about it has been mention in the Lushai Hills
District (Village Council) Act, 1953. ‘\textit{Vantlang Rorel Inkhawm}’ is usually
represented by the head of the family or in his absence any member of the family
whose decision may be accepted by the whole family. It is the practice of the
members of the Village Council to summon ‘\textit{Vantlang Rorel Inkhawm}’ when
there is an important matter for discussion or when the members of the Village
Council think that the matter could not be decided by the members alone. It is an
important body through which the Village Council discusses with the villagers on
important issues regarding the administration of the village and seeks advice

\textsuperscript{6} Article (243B) (2) of the Constitution (Seventy-third Amendment) Act, 1992
\textsuperscript{7} Article (243A) of the Constitution (Seventy-third Amendment) Act, 1992
from the villagers in performing their duties. With the modernization of the Mizo Society however the popularity of ‘Vantlang Rorel Inkhawm’ had started diminishing.

*The Village Panchayat:* The lowest level of the Panchayati Raj institutions is constituted at the village level and may be known as the Village Panchayat. The Village Panchayat may be formed by a village or a group of villages depending upon the pronouncement made by the Legislative Assemblies of the concerned state. It is the first stage of the peoples’ representatives and acts as the executive body of the Gram Sabha.

On the other hand, the Village Council System which may be known as the unique feature of Mizoram has no tier structure. The members of the village Council are the only democratically set up institution at the local level in Mizoram. It is the only statutory body which has got its representatives at the village level to manage the affairs of the villagers. The Village Council system may have three to six members depending upon the number of households in the village. The elected members shall form an Executive Body who will be responsible for the working of the Village Council.

*The Block Panchayat:* The second tier of the Panchayati Raj Institutions is constituted at the Block level. It is known by different name in different states which may be due to the diversity of language.

In case of the Village Council, though no tier structure has been constituted democratically the Block Development Committee exists in Mizoram at the Block level. The Presidents of all the Village Council within the Rural Development Block are members of the Block Development Committee which makes it moderately democratic. But the meeting of the Block Development Committee is held on a very rare occasion which is normally once in a year.

*The District Panchayat:* The District Panchayat is the apex body of the Panchayat Institutions which is constituted at the District level. The District level Panchayat is known as Zilla Parishad or Zilla Panchayat in most of
the states. The allocation of function for the district Panchayat may vary from state to state.

In case of the Village Council system, there is no representatives’ body at the District level but the Government of the State has placed the District Local Administration Officers to look into the administrative affairs of all the Village Councils within its area. The office of the District Local Administration Officers issues all important notification and orders which are related to the working of the Village Council.

**4.4: Composition**

The Constitution (Seventy-third Amendment) Act, 1992, has mentioned that the legislature of a state may, by law, make provisions with respect to the composition of the Panchayats; provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such a Panchayat to be filled by elections shall, so far as practicable be the same throughout the state. It also states that all seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable be the same throughout the Panchayat areas.

It further states that the Legislature of a State may, by law, provide for the representation: (a) of the Chairpersons of the Panchayat at the village level, in the Panchayat at the intermediate level or, in the case of a state not having Panchayats at the intermediate level, in the Panchayat at the district level; (b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the District level; (c) of the members of the House of the People and the members of the Legislative Assembly of the State within the Panchayat area representing the constituencies which comprise wholly or partly a Panchayat

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8 Article (243C) (1) of the Constitution (Seventy-third Amendment) Act, 1992
9 Article (243C) (2) of the Constitution (Seventy-third Amendment) Act, 1992
area at a level other than the village level in such a Panchayat; (d) of the members of the Council of States and the members of the Legislative Council of the State, where they are elected as electors within- (i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level; (ii) a Panchayat area at the district level, in Panchayat at the district level.10

The Gram Sabha: If we look into the composition of the Gram Sabha in the state like Bihar, Karnataka and Rajasthan, all the adult residents of a village or a group of villages are its members.11 In other states it consists of all the voters in the area which means that all the persons whose name appear on the electoral rolls for the state Legislative Assembly. Therefore a Gram Sabha is composed of all the adult citizens of a village or group of villages rather than their representatives, this enables them to participate directly in the working of the Panchayati Raj institutions.

The membership of a Gram Sabha varies from state to state ranging from 250 to 5000 members. In case of the Mizo villages, there is no definite qualification to be a member of “Vantlang Rorel Inkhawm”, it is usually attended by the head of the family and in his absence one among the members of the family, whose decision is acceptable by the members of the family may attend the meeting. The members to attend the meeting may also depend upon the agendas to be discussed in the meeting.

The Village Panchayat: The lowest of the Panchayati Raj institutions which may be called the Village Panchayat is composed of the elected members of the Gram Sabha which forms the Executive Committee of the Gram Sabha. The members are elected by means of adult franchise through secret ballot. The number of its members varies from one village to another depending upon the number of population. In all the states, one-third of the seats are reserved for women. Special representation for the Schedule Caste and Schedule Tribes also exists in all the states depending upon the number of their

10 Article (243C) (3) of the Constitution (Seventy-third Amendment) Act, 1992
population. The Chairperson of the Panchayats at the village level may either be appointed by the government or elected from the members of the Village Panchayat depending upon the law provided by the Legislature of the respective State. The Head of the Panchayat is known by different name in different states, he is known as the Sarpanch or Pradhan in most of the states.

On the other hand, the Village Council is composed of all elected members who were elected by the villagers on the basis of adult franchise. The elected member varies from three to six depending upon the number of households in the village or the group of villages forming the Village Council. The composition of the Village Council did not mention anything about the reservation of seats in the Village Council. This shows that the fittest persons who has acquired all the qualification to be a member of the Village Council and is willing to become a member of the Village Council will be elected as its members. The Village Council is headed by the President who is elected by the members from amongst themselves and is substituted by the Vice-President in his absence. The Secretary of the Village Council is appointed by the government on the recommendation of the President and can be dismissed whenever the President considers it necessary.\(^{12}\)

*The Block Panchayat:* Though there is no uniformity in constituting the Panchayati Raj institution at the intermediate level it may be mentioned here that the Block Panchayat or the Panchayat Samiti is composed of the primary members, ex-officio members, associate members and co-opted members. The primary members include all the members directly elected by the voters of all the constituencies falling within the area of the Block Panchayat. The Chairpersons of the Village Panchayats within the area of the Block or Panchayat Samiti are made the ex-officio members of the Block level Panchayat. The members of the State Legislature and of Parliament who have been elected from the area cover by the Block are the associate members; these associate members are not allowed to cast their vote in the decision making process of the

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\(^{12}\) Sub-section (2) of Section 7 of the Lushai Hills District (Village Council) Act, 1953
Panchayats. It also appoints a specified number of women, persons from Schedule Castes and Scheduled Tribes as its members and they are called co-opted members. The Head of the Panchayat at the intermediate level is called a Chairperson, President or Pramukh in most of the States. The Block level Panchayat, in its first meeting, elects two of its members as Chairman and Vice-Chairman.

As discussed earlier, the Village Council System exists only as a form of a single tier structure in Mizoram but at the block level there exists a Block Development Committee (B.D.C.) which in many ways is similar to that of the block level Panchayat institutions. The Block Development Committee is composed of: (a) all the Presidents of the Village Council within the area of the Rural Development Block; (b) a representatives from all the units of the ‘Mizo Hmeichhe Insuihkhwam Pawl (M.H.I.P.)’ which means Mizo Women Federation within the area of the Rural Development Block; (c) a representatives from all the units of the Young Mizo Association (Y.M.A.) within the area of the Rural Development Block; (d) member of the State Legislative Assembly elected from concern Rural Development Block. Besides these elected members, the Sub-Divisional Officer (Civil) of the concerned Rural Development Block acts as a Chairman of the Block Development Committee and the Block Development Officer (B.D.O) acts as a Secretary of the Committee. The meetings of the Block Development Committee are also to be represented by one Junior Engineer (J.E.) or one Assistant Engineer (A.E.) from the department of the District Rural Development Agency (D.R.D.A.). So, it may be rightly said that the Block Development Committee like that of the Block Panchayat is composed of the elected representatives of the Village Council, representatives of women, representatives of the youths, members of the State Legislatives Assembly and other ex-officio members appointed by the State Government.

It may also be noted here that though the representatives of non-governmental organizations such as Young Mizo Association and Mizo Women Federation of all the villages within the Block area are made a member

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13 SR.Maheshwari., op., cit., p.92
of the Block Development Committee, the meetings were seldom attended by
them because the agenda for the meetings were made known to them before the
meetings of the Block Development Committee. The agenda for the meeting
were first discussed at the village level and the decisions made by this meeting
were then forwarded to the Block Development Committee by the President of
the Village Council. Further, the members of the Block Development Committee
include the members of the Village Councils and non-governmental
organizations only within the rural areas as decided by the government of the
state. It may be noted here that though the Tlangnuam Block Development Office
has been located within the city of Aizawl, its members includes those
representatives of the people in the surrounding villages of the city which may be
called the rural areas; however, the members of the Village Council and the
members of other non-governmental organizations within the city which may be
known as the urban areas are not members of the Tlangnuam Block Development
Committee. These are some of the exceptions found in Mizoram.

The District Panchayat: The uppermost tiers or the District
level Panchayat is composed of all Presidents of panchaya samitis in the district;
all the members of the Parliament (both the Lok Sabha and Rajya Sabha)
representing the constituencies falling within the area of the District Panchayat;
all members of the State Legislature (including members of the Upper House, if
it exists) elected from constituencies within the area of the District Panchayat; a
representatives of co-operative society, normally the president of the district
cooperative society; certain specified number of Schedule Caste and Schedule
Tribes and some co-opted members possessing experience in administration in
public life or rural development.14 Its composition shows that it is less
democratic because of its ex-officio and co-opted membership. The number of its
members varies from place to place. The Head of the District Panchayat is
known by different name, such as, Chairperson, President, Pramukh or
Adhyaksha. He is elected by the members from among themselves.

14 SR.Maheshwari., op., cit., p.110
In the Village Council System of Mizoram not a single representative from the villages has been sent at the district level. There is no democratically set up institution at the District level. However, it may be mentioned here that there are three Autonomous District Councils in Mizoram which are all located in the Southern part of the State. These Autonomous Districts are created under the Sixth Schedule on the basis of linguistic and cultural diversity and as a means to protect the interest of the minority communities. The Autonomous District Councils are: the Chakma Autonomous District Council meant for Chakma tribes, the Mara Autonomous District Council meant for Mara tribes; the Lai Autonomous District Council meant for the Lai tribes. These Autonomous Districts are given wide and enormous Powers and functions within their jurisdictions under the Sixth Schedule of the Constitution. The Autonomous District Councils elect their own representatives and these representatives are known as the Members of the District Council. They manage the affairs of the Village Council within their area and pass all the law in relation to the Village Council. This led to various differences in the working of the Village Council within the areas of the Autonomous District Councils and the Village Council working under the Government of Mizoram. It may also be important to note here that the working of the Village Council within the areas of the three Autonomous District Councils may not be always the same because the Autonomous District Councils are empowered to make their own laws within their respective jurisdiction by the Sixth Schedule of the Constitution.

4.5: The President

In every Village Panchayat there shall be a President or a Sarpanch and the Vice-President or Up-Sarpanch who is appointed by the state Government or directly elected by the voters from a person qualified to be elected as a member of the Panchayat. He is the Executive Head of the Institutions and all business in the Panchayats is transacted in his name. The efficiency of the Panchayati Raj institutions to a great extent depends upon the
aptitude of the President. In the absence of the President, the Vice-President takes over the charge of the President. The office of a President of the Village Panchayats or any other level shall be reserved for Schedule Caste, Schedule Tribes and women in accordance with the decision made by the State Legislature or the prescribed authority.\textsuperscript{15} He can be removed from his office if motion of no-confidence is passed against him.

In case of the Village Council the President and Vice-President are elected by the members from among themselves.\textsuperscript{16} The State Government will later on give appointment to the President and Vice-President in accordance with the decisions made by the elected members. The President and Vice-President of a Village Council are remunerated by the State Government and are consider to be a public servant.\textsuperscript{17} The President presides over all the meetings of the Village Council. He is the executive head and all business is carried out in his name. He is also the Treasurer of the Village Council fund.\textsuperscript{18} He is responsible for the smooth functioning of the Village Council and he is empowered to disqualify other members in the meetings of the Village Council on reasonable grounds. The efficiency of the Village Council strongly depends upon the aptitude of the President. The Vice-President takes over the Charge of the President in his absence. The President of the Village Council may be removed from his office by the State Government for the misconduct of his duties or on reasonable grounds. He may also give his resignation to the State Government with his own desire if he wants to resign from his office. However, the President of the Village Council cannot be removed from his office by means of no-confidence motion.

4.6: The Secretaries and other staffs

The Seventy-third Constitution Amendment did not mention anything about the appointment of the Secretary and other Staffs of the

\textsuperscript{15} Article (243D) (4) of the Constitution (Seventy-third Amendment) Act, 1953
\textsuperscript{16} Sub-section (1) of Section (7) of the Lushai Hills District (Village Council) Act, 1953
\textsuperscript{17} Sub-section (8-A & 9) of Section (7) of the Lushai Hills District (Village Council) Act, 1953
\textsuperscript{18} Section 15 of the Lushai Hills District (Village Council) Act, 1953
Panchayati Raj institutions. But it is well known that these institutions cannot function by the representatives of the people alone. The appointment of the Secretary of the Village Panchayat is left to the Panchayats in concurrence with the Panchayat Samiti in conformity to the standard of the qualifications laid down by the State Government or the prescribed authority which shall make all necessary arrangements for carrying out the duties of the office of Secretary of Village Panchayats. The Secretary of Gram Panchayat is responsible for keeping and maintenance of the records of the Panchayats. The other staffs were also appointed by every Panchayat with the approval of the prescribed authority. The justification, methods of recruitment, salaries, leave, allowances and other conditions of service including penalizing matters of such officers and staffs shall be prescribed by the concerned authority.

The Secretary of the Village Council is appointed by the State Government on the recommendation of the President of the Village Council. The Secretary of the Village Council is to make a record of all the proceedings of the Village Council. He also acts as a Financial Secretary of the Village Council. The remuneration of the Secretary is decided by the Government together with that of the other members of the Village Council. The Secretary of the Village Council remains in his office as long as he is in the good book of the President or he may give his resignation to the President if he has the desire to resign from his office. Another important figure in the office of the Village Council is the ‘Tlangau’ who is also appointed by the State Government on the recommendation of the President. This shows that the President of the Village Council has great authority in the appointment of the Staffs of the Village Council. Moreover, the Secretary of the Village Council and the Crier remains in the office at the good will of the President.

4.7: Women Participation

The Constitution Seventy-third Amendment Act provides for the reservation of seats in the working of the new Panchayati Raj system. It says that not less than one-third of the total number of seats reserved for
scheduled Caste and Scheduled Tribes shall be reserved for women belonging to the Schedule Castes and Scheduled Tribes.\(^{19}\) It further says that not less than one-third (including the number of seats reserved for women belonging to the Schedule Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.\(^{20}\) It also provides for the reservation of seats for women in the offices of the chairperson in the Panchayats at different level as decided by the law provided by the State Legislature.\(^{21}\) All these statements shows that in the working of the Panchayati Raj system women has been given wide and enormous opportunity to participate in the working of the Panchayati Raj system. It is believed that their participation will give a great opportunity for women to expose the hidden potential in them.

In the working of the Village Council reservation of seats for women has not been provided and their participation is very low. It is a well known fact that the political system in Mizoram to a great extent is dominated by men who desire to grab all powers in their hands. Women were hardly given party ticket to try their fortune in the working of the Village Council leading to a very low rate of women participation. In the latest Village Council General Election under the government of Mizoram which was held in February 2006, out of 2036 elected members only 33 women can enrol themselves which constitutes only 1.6 per cent of the total number of elected members. Out of 556 Village Council President four of them are women which constitutes 0.7 per cent of the Village Council Presidents.\(^{22}\) Though their participation is very low, it has been better in comparison with women’s participation at the initial stage. However, it may be well recognized that at the village level various committees are formed by the Village Council with the recognition of the state government for the welfare of the people in which the representatives of Mizo Hmeichhe

\(^{19}\) Article (243D) (2) of the Constitution (seventy-third Amendment) Act, 1992

\(^{20}\) Article (243D) (3) of the Constitution (seventy-third Amendment) Act, 1992

\(^{21}\) Article (243D) (4) of the Constitution (seventy-third Amendment) Act, 1992

\(^{22}\) Records of the Secretariat (Village Council Wing), Government of Mizoram
Insuihkham Pawl (Mizo Women Federation) are appointed to be a member in most of the committees. This shows that the participation of women in the working of Village Council or local self-government has not been fully deprived of though their involvement is very low.

4.8: Membership

The Constitution Seventy-third Amendment has provided for the disqualification of a member of the Panchayats. It says that a person shall be disqualified for being chosen as, and for being a member of a Panchayat if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned provided no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years. It also says that a person shall be disqualified to be a member of the Panchayat if he is so disqualified by or under any made by the Legislature of the State. If any question has arises as to whether a member of a Panchayat has become subject to any of the disqualifications mention above, the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may by law provide.

The provision for the qualification to be a member of the Village Council has been clearly provided in the Lushai Hills District (Village Council) Act, 1953. It says that a person shall be qualified to be a member of the Village Council if he is a member of the Schedule Tribe; if he has attained the age of twenty-five years on the qualifying date; if he is a voter in the village where he desired to contest; if he is not a members of a Village Council elsewhere; if he is of sound mind and is not convicted by any court or imprisoned three years before. Further, a person who has been employed as a government servant on a regular basis cannot be elected as a member of the Village Council.

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23 Article (243F) (1) of the Constitution (Seventy-third Amendment) Act, 1992
24 Article (243F) (2) of the Constitution (Seventy-third Amendment) Act, 1992
25 Section 4 of the Lushai Hills District (Village Council) Act, 1953
4.9: Election

For the purpose of election, the entire Gram Sabha is divided into wards with each ward electing one panch or member of the Panchayat. The number of members of the Village may consist of not less than five and not more than thirty-five members. The Seventy-third Amendment fixes the minimum age for contesting the election of the Panchayat to twenty-one years. It also provides a provision for the constitution of the State Election Commission consisting of a State Election Commissioner who is appointed by the Governor.26 The State Election Commission is to supervise, direct and control the preparation of electoral rolls for the Panchayats and is responsible for the conduct of all elections. It further provides that subject to the provision of the constitution the Legislature of a State may by law, make provisions with respect to all matters relating to, or in connection with the election to the Panchayats.27

The Seventy-third Amendment has also proclaimed a bar to interference by courts in the electoral matters. It says that the validity of any rule relating to the delimitation of Constituencies, made or purporting to be made under New Panchayati Raj Act shall not be called in question by any court. It also says that no election to any Panchayat shall be called in question except by an election petition to such authority and in such manner as is provided for, by or under any law made by the Legislature of the State.28 However, the election of all the members of Panchayats at the village level is direct but the mode of election of the Chairmen of the Village Panchayat is left to the state government to decide. As regards the election for the chairpersons at the intermediate level and district level, it has been provided that they will be elected indirectly by and from amongst the elected members.

In case of the Village Council, the villages are not divided into wards and the candidature is open to any of the villagers provided he acquires the desired qualifications. All the members of the Village Council are directly elected by villagers on the basis of adult franchise. The State Government

26 Article (243K) (1) of the Constitution (seventy-third Amendment) Act, 1992
27 Article (243K) (4) of the Constitution (seventy-third Amendment) Act, 1992
28 Article (243O) of the Constitution (seventy-third Amendment) Act, 1992
shall appoint a Registration Officer in each district for the Village Council and may appoint one or more persons as Assistant Registration Officer to assist him in the performance of his function. The Registration Officer shall appoint Returning Officers, who will also function as Presiding Officers and also Polling Officers who will conduct the election of each Village Council. No civil courts shall have jurisdiction to question the legality of any action taken or any decision given by the Returning Officers or by any other persons appointed in connection with the Village Councils elections. A candidate is to furnish a security deposit of Rs.25 to the Returning Officer along with his application. Election to the Village Council is conducted by symbol system as prescribed by rules. The Returning Officer shall fix the hours of polling votes and each voter shall be given as many ballot papers as equal to the number of seats to be filled up. After the election, the counting of votes will be carried out by the Returning Officer and those persons appointed to assist him in counting votes and the list of elected candidates shall be published in the State Gazette.

4.10: Reservation of Seats

The new Panchayat system has laid down provisions for the reservation of seats for the Schedule Caste, Schedule Tribes and Women. It has mentioned that in every Panchayat the number of seats reserved shall bear, as many as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Schedule Castes in that Panchayat area and of the Scheduled Tribes on the Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat. Further, not less than one-third of the total number of seats reserved for Schedule Castes and Schedule Tribes shall be reserved for women belonging to Schedule Caste or Scheduled Tribes. Among the unreserved seats for Schedule Castes and Schedule Tribes one-third of the total number of seats shall be reserved for women. In case of the offices of the Chairpersons in the Panchayat reservations may also be made for Scheduled
Castes, Scheduled tribes and women as the Legislature of the State may by law provides.

In the working of the Village Council System reservation of seats has not been provided. It may be noted here that the Village Council was constituted by the Autonomous Lushai Hills District Council more than fifty years back, when in those days the Lushai Hills enjoyed a special statute under the Sixth Schedule, which has protected the customary laws and culture of the people in the Lushai Hills. As such the laws have been provided in order to provide special privileges for the tribals permanently residing in the Lushai Hills. Therefore, a person to be elected as a member of the Village Council must be a person belonging to Schedule Tribe which means that all the seats in the Village Councils are reserved for Schedule Tribes. It also mentioned that a person to be elected as a member of the Village Council must be a voter in the village where he desires to contest the election of the Village Council which means that all the seats in the Village Council were reserved for the villagers themselves.

4.11: Tenure

The Seventy-third Amendment Act, has provided that every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for a period of five years from the date appointed for its first meeting. The election for the new Panchayat must be completed before the expiry of its duration. If the Panchayat is dissolved before the expiry of its duration of five years, the election for the dissolved Panchayat must be completed within six months and the newly elected Panchayat will hold its office for the remaining tenure, but if the remaining period of the dissolved Panchayat is less than six months, it is not necessary to hold any election for constituting the Panchayat for such period.

The Lushai Hills District (Village Council) Act, 1953 has clearly mentioned that the term of the Village Council is three years from the date of its first meeting. The term of the Village Council may be extended or shortened for a period not exceeding eighteen months depending upon the
circumstances. If for any reason, a Village Council is dissolved the Government is empowered to appoint its Circle Assistants or some other Officers to look after the administration of the dissolved Village Council. If the State Government considers it necessary, an election to the dissolved Village Council may be conducted and the newly elected Village Council may remain in the office for the remaining period of the term.

4.12: The Finance Commission

The Seventy-third Amendment Act provides for the establishment of the Finance Commission for reviewing the financial position of the Panchayats. It empowers the Governor of the State to constitute a Finance Commission within one year from the commencement of the Seventy-third Amendment Act, 1992 and there after at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayat. The composition of the Commission, the qualification for the appointment of its members and the manner in which they shall be selected shall be determined by the Legislature of the State.

The Finance Commission shall make its recommendation to the Governor in regard to the principles which should govern: (i) the distribution between the State and the Panchayat of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this part and the allocation between the Panchayats at all levels of their respective shares; (ii) the determination of the taxes, duties, tolls and fees which may assigned to or appropriated by the Panchayats; (iii) the grants in aid to the Panchayats from the Consolidated Fund of the State; The Finance Commission is also to take measures needed to improve the financial position of the Panchayats; and to review any other matter referred to the Finance Commission by the Governor in the interest of a sound finance of the Panchayats. The Commission has been given freedom to determine its procedure and shall enjoy such powers as the State Legislature may confer upon it. The recommendation of the Commission shall be placed by the Governor along with an explanatory
memorandum as to the action taken thereon, before the Legislature of the state. The establishment of the Finance Commission gives proper channel for the Central Government to interfere in the financial stipulation of the Panchayati Raj institutions through the Governor of the State.

In Mizoram, no such provision for the establishment of the Finance Commission has been provided and there is no separate arrangement to look after the financial situation of the Village Council. This is one of the important reasons that make the Village Council handicapped due to the paucity of funds and to worsen the condition no step has been taken by the concerned authority to improve the fiscal condition of the Village Council. It may be noted here that the fiscal involvement in the working of the Village Council is much low in comparison to the fiscal involvement in the working of the Panchayati Raj institutions.

4.13: Audit of the Account

The Panchayats are required to maintain the accounts which are subject to audit. The provision regarding the maintenance of accounts and auditing are determined by the respective State Legislatures. In most of the States there exists a separate and independent Audit Organization under the control of the State Government to look after the audit of accounts of Panchayats. The Audit Organization consists of such officers and staff, to be appointed by the State Government, as the State Government may deem fit from time to time. The manner of the auditing of the Panchayat accounts, payment of audit fees and action on such audit report shall be as prescribed by the concerned authority.

In case of the Village Council system, all the Village Councils are to maintain an Account or Cash book where all the expenditure or amount received is to be recorded. This Account or Cash book is to be sent to the office of the District Local Administration Officer after a lapse of every three months for examination. The auditing of the accounts is to be carried out by the Circle Assistant or a person appointed by the District Local Administration Officer.
4.14: Conduct of Business

The Gram Sabha: The meeting of the Gram Sabha is mandatory. The frequency for the meetings of the Gram Sabha is decided by the respective State Legislatures which causes great variation in the number of its meetings. The Gram Sabha meets once in a year in the states of West Bengal and Madhya Pradesh, two-times in the states of Andhra Pradesh, Gujarat, Maharashtra, Rajasthan, Uttar Pradesh, Karnataka and Kerala, three times a year in the states of Tamil Nadu and four times a year in the states of Bihar and Assam. The functions confers to the Gram Sabha by most of the states are examining annual statement of account and audit; considering proposals for fresh taxation; selectinog schemes, beneficiaries and locations; mobilising voluntary labours; giving assistance in the implementation of development schemes; considering the budget prepared by the Gram Panchayat; scrutinising the existence schemes, etc. The Chairperson or the Sarpanch usually presides over the meetings of the Gram Sabha and decisions in its meetings are usually taken by means of vote. It is these meetings of the Gram Sabha which enable direct participation of the people in managing the affairs of their own villages in the rural areas sustaining the true spirit of democracy and local self-government.

The convening of ‘Vantlang Rorel Inkhawm’ is not mandatory. Its meeting may be summoned by the President of the Village Council whenever he feels it necessary. Its meetings are presides by the President of the Village Council and in his absence the Vice-president. The Secretary of the Village Council is to record all the proceedings of the meetings. Decisions in the meeting of ‘Vantlang Rorel Inkhawm’ are usually taken by means of votes. It is through the meetings of the ‘Vantlang Rorel Inkhawm’ that the members of the Village Council consulted the villagers on important issues regarding the administration of the village and the maintenance of justice in the village.

The Village Panchayat: The Seventy-third Amendment has mentioned that the Chairperson of a Panchayat and other members of a

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29 SR.Maheshwari, op. cit. p.80
30 Ibid., p.81
Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats. The Panchayats like any other democratically set-up institutions are a deliberative as well as the executive body and it transacts its business by passing resolutions. Resolutions in the meeting of the Village Panchayats are made by means of majority of votes. The Chairman of the Village Panchayat is to cast his vote in case of tie. The Chairman or the Sarpanch of the Village Panchayat presides over and conducts the meetings of the Panchayat and exercises control over its administration by maintaining law and order. He exercises the powers that are delegated to him by the Panchayat. The Village Panchayat is to have at least one meeting in a month or the members of a Panchayat can request the Chairman to call for a special meeting.

In case of the Village Council, the Lushai Hills District (Village Council) Act, 1953 clearly describes how the meetings of the Village Council are to be carried out. The President presides over the meeting of the Village Council and in his absence the Vice-President. The number of meetings to be carried out by the Village Council is nowhere mentioned but the President can summon the meeting whenever the necessity for it arises or if two-third of the members in writing made a request to the President to call for a meeting. The resolution in the meeting of the Village Council is taken by a majority of vote. The President at the initial stage does not cast his votes but acts as a tie breaker. No person other than the members of the Village Council is allowed to speak or take part in the deliberation of the Village Council. The President shall preserve orders and may direct any member whose conduct in his opinion is disorderly to withdraw or suspend from the meeting. In the meetings of the Village Council the Secretary has no right to cast his vote when decisions are taken but may share his opinions on certain topics with the permission of the President. The Secretary shall record all the proceedings of the meeting and with the approval of the

31 Article (243C) (4) of the Constitution (Seventy-third Amendment) Act, 1992
32 Sub-section (2) of Section 13 of the Lushai Hills District (Village Council) Act, 1953
President he shall publish all orders, notifications and records as desire by the Village Council.

*The Block Panchayat:* The meetings of the Block Panchayat or the Panchayat Samiti are Presided by its Chairman or President and in his absence the Vice Chairman or the Vice-President and in case of their absence, one among its members may be elected to presides over the meeting. The Panchayat Samiti ordinarily meets at least six times each year for the transaction of its business and not more than two months are allowed to elapse between any two consecutive meetings. A meeting of the Panchayat Samiti is either ordinary or special. Any business can be transacted at ordinary meetings unless required by the Act or the Rules made there under to be transacted at a special meeting. The date for the meeting is fixed by the Chairman and notice of every meeting specifying the time and place thereof and the business to be transacted is dispatch to every member not less than ten clear days before an ordinary meeting and four clear days before a special meeting. A meeting of a panchayat Samiti may be adjourned and its business can be transacted on the following meeting with the permission of the majority of the members present.

The Block Development Committee ordinarily meets once in a year. The Sub-Divisional Officer (Civil) of the concerned Rural Development Block presides over the meetings of the Block Development Committee and the Block Development Officer acts as a Secretary of the meetings. In the absence of the concerned Sub-Divisional Officer, the Block Development Officer presides over the meetings of the Block Development Committee and appoints one of its staffs as a Secretary. The Secretary of the Block Development Committee records all the proceedings of the meetings and the decisions made therein may be distributed to all the members. The meetings of the Block Development Committee discuss how the Rural Development Schemes such as: SGSY, EAS, IAY, PMGY, PMRY, JRY, IRDP, MIP, NLUP., etc as sanctioned by the Central or State Government are to be implemented in the area and makes selection of the beneficiaries under various schemes. The proposed beneficiaries as selected by the Village Councils are finalized in the
meetings of the Block Development Committee. The Block Development Committee has got the power to accept or reject the proposals made by the Village Councils.

The District Panchayat: The meetings of the Zila Parishad or the District level Panchayat like the other tiers is presided by its Chairman, who exercises administrative, supervision and control over the Chief Executive Officer and other Officials of the Zila Parishad. The Zila Parishad meets once in three months. Its special meetings can also be held when requested in writing by one-third of its members. The Chairman has to call such a special meeting within fifteen days of such a request.

In the working of the Village Council system, there exists no institution similar to that of the District Panchayats. But mention may be made of the Autonomous District Councils whose meetings were presided by the Chief Executive Member. Similar to that of the State Legislative Assemblies decisions in the meetings of the Autonomous District Councils are taken by majority of votes. The meetings of the District Council discuss all the important issues regarding the welfare of the people, developmental works and the maintenance of justice within their respective jurisdiction.

4.15: Administrative Powers and Functions

The Legislature of a State may endow the Panchayats with such powers and authority as may be necessary to enable them to functions as institutions of self-government and such law may contain provisions for devolution of powers and responsibilities upon the Panchayats at the appropriate level, subject to conditions as may be specified therein, with respect to: (a) the preparation of plans for economic and social justice and (b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule. 33

The development role of the Panchayati Raj institutions has been incorporated in

33 Article (243G) of the Constitution (Seventy-third Amendment) Act, 1992
the Eleventh Scheduled of the Constitution. It includes various subjects such as agriculture, land reforms, minor irrigation, animal husbandry, fisheries, social forestry, small scale industries, rural housing, drinking water, roads, rural electrification, poverty alleviation programme, primary and secondary education, technical training or vocational education, cultural activities, health and sanitation, family welfare, women and child development, social welfare, welfare of the weaker sections, public distribution system and maintenance of community assets and other important matters associated to the welfare of the rural masses.  

The functions assigned to the Panchayats at the three tiers are more or less the same throughout the country. The Gram Sabha is held responsible for the annual statement of the accounts and the audit report of the Village Panchayat, the programme for the succeeding year, the taxation proposals and any other schemes of a developmental nature involving community services and voluntary labors. The Village Panchayat as an executive of the Gram Sabha several performs several functions regarding the administration of the village which include – rule making, rule implementation, financial functions and even minor judicial functions. The rule making and its implementation may cover a wide range including civic administration, cultural, social and developmental activities from sanitation, conservatory, crop experiment, promotion of cottage industries, registration of births and deaths, etc. The Village Panchayat is empowered to make general orders and has the power to enquire and report about the misconduct of petty officials. It has also the power of the Village Panchayat to name streets and number houses. The Block Panchayats are assigned the duties of doing everything necessary to step up agriculture production, Animal Husbandry and Fisheries, Health and Rural Sanitation, Communication including construction, repairs and maintenance of inter-village roads., Social Education, Co-operation and other miscellaneous functions, etc. The powers and functions assigned to the District Panchayats vary from state to state. In most of the states the District Panchayat is held responsible

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34 Eleventh schedule of the Constitution (Article 243G)
for the general supervision over the working of the Block Panchayats and advises the Government on the implementation of the developmental schemes.

The powers and function of the Village Council is similar to that of the Village Panchayats to some extent because the administrative affairs of the village are entrusted to the Village Council which is the only local body authorized by the Government to manage the local affairs. The Village Council is entrusted with the duty of distributing jhumland for the purpose of shifting cultivation which is the most important source of livelihood for the villagers. The next important function of the Village Council is enforcement of collective labour and voluntary services which may include developmental works, cleanliness and sanitation works. The third function of the Village Council is the control of animals and taxation of animals. The fourth function of the Village Council is the allotment of house sites for the villagers. The fifth function of the Village Council is the prevention and control of the outbreak of fire. The sixth function of the Village Council is control and protection of reserve forest. The seventh function of the Village Council is the maintenance of the health and hygiene of the villagers. Besides, the above mention responsibility the President of the Village Council has to carry out all the important duties assigned to him by the state government through various notifications and orders and it acts as a link between the State Government and the villagers on important matters.

It may also be important to note here that most of the developmental functions and assistance given to the poor for their economic improvement under various schemes assigned to the Village Councils are entrusted to them by the Rural Development Department which had empowered the Village Council to a large extent; however this duties are not assign to the Village Councils in the urban areas. Moreover, most of the powers and functions of the Village Councils given above are carried out in the rural areas because the livelihood of the people in the urban areas does not depend upon agriculture and allied items. Therefore, great disparity lies between the powers and functions of the Village Councils in the rural and urban areas.
4.16: Judicial Powers and Functions:

The Seventy-third Constitution Amendment did not mention anything about the judicial function of the Panchayats, but in order to carry out its important functions the Panchayat institutions have to be equipped with certain judicial powers. For this purpose the Village Panchayats are to maintain their own courts which will safeguard their administrative powers. The Lok Adalats or local courts try offences not punishable with imprisonment for more than two years or which the Government may by notification declare to be triable by such Panchayats. The Nyaya Panchayats both civil and criminal suits and in most of the states it can impose a fine up to Rs. 50. The power to hear civil suits to a certain extent varies from state to state. The Panchayats in Rajasthan, for instance, hear civil suits of up to Rs. 250.\(^{35}\) In some other states, the Panchayat courts have the powers of a law court as well, for example, summoning witnesses, callings for records, maintaining dignity of courts, judicial immunity, etc.

The Panchayats are also empowered to try cases regarding the recovery of moveable property or the value of such property, money or goods sold on contract or the price there of, compensation for wrongfully taking or injuring moveable property. The importance of local courts and its achievement in dealing with petty cases has been increasingly recognized by the states in India.

The Village Council from the initial stage has been empowered to organize Village Courts for the administration of justice. The Village Council after every election is to form a Village Court which will try civil cases if both the parties were tribal and the nature falling within the purview of the village or tribal laws and customs.\(^{36}\) It is also empowered to try criminal cases falling within the purview of the tribal laws and customs and offences of petty nature, simple assaults and hurt, affront and affray of whatever kind, drunken or disorderly brawling, public nuisance and simple cases of wrongful

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\(^{35}\) S. Baluchamy., *Panchayati Raj Institutions*, (Mittal Publications, New Delhi-110059), 2004, P.9

\(^{36}\) Rule 14 (a) of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953
restraints. It has also the power to decide cases concerning the laws regarding the Lushai Hills District (Village Council) Act, 1953, the Lushai Hills District (House Site) Act, 1953, the Lushai Hills Administration Of Justice Rules, 1953, The Lushai Hills (Jhumming) Regulation, 1954, The Mizo District (Forest) Act, 1955, The Mizoram Animal (Control and Taxation) Rules, 1982 and The Mizoram (Prevention and Control of Village Fire in the Village Ram) Rules, 2001. It also has the power to decide cases concerning the inheritance of property in accordance with the customary law. It may also be important to note here that the President of the Village Council sometimes acts as a witness in the courts for incidence which occur in their respective villages.

The existence of the Village Courts has enhanced the power of the villagers because it is due to the existence of Village Court that the villagers can make their own laws in order to maintain justice and bring peace and harmony in the village. The Village court has got the power to fine an accused up to a sum of five hundred rupees depending upon the crime he has committed. The person convicted by the Village Court cannot be sent to jail but has the right to send an accused person to higher court.

It may also be noted here that the Panchayats and the Village Councils may undertake the organization of village volunteers’ force for the maintenance of watch and ward services for securing peace and harmony in the village and for the safety of the villages and the villagers.

4.17: Sources of Income

The new Panchayati Raj institution has been equipped with various financial resources which enables the institutions to engage itself in the socio-economic development of the rural areas. The Constitution (seventy-third Amendment) Act, 1992 has clearly mentioned that “The Legislature of a State may, by law (a) authorized a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to

37 Rule 14 (b) of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953
such limits; (b) assign to a Panchayat such taxes, duties, tolls, and fees levied and collected by the State Government for such purposes and subject to such conditions and limits; (c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and (d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such money therefrom, as may be specified in the law.”

Accordingly, most of the State Legislature empowered the Village Panchayats to collect taxes on property, cess on land revenue or rent, tax on animals and vehicles and professional tax. It also gets income from non-tax resources such as markets, cattle ponds, tanks, waste lands, orchards and other remunerative assets. The main sources of income of the Block Panchayats consists of a share in the land or local cess and duty on transfer of property, community development grants and funds allotted by the State Government or District Panchayat for specific schemes. The main sources of income of the District Panchayat includes the funds allocated to them by the Central or State Government; share in the Land Revenue; funds for the development of cottage; village and small scale industries; income from trusts, loans, donations and contributions from the public or organizations and institutions etc.

The source of income of the Village Council is very insignificant in comparison with that of the Panchayati Raj institutions. The most important financial resource of the Village Council is the animal tax of which fifty percent goes to the treasury of the Village Council and the other fifty percent goes to the treasury of the State Government as a consolidated fund of Mizoram. Another important financial resource of the Village Council is those nominal fines which were collected by the Village Courts from the people as a penalty for the crimes they have committed or for breaking laws. It may also be mentioned here that if there is a cordial relation between the Village Council and the State Government the Village Council may be entrusted to carry out certain development work, such as: construction and maintenance of roads and

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38 Article (243H) of the Constitution (Seventy-third Amendment) Act, 1992
39 Sub-section (3) of Section 20 of the Mizoram Animal (Control & Taxation) Act, 1980
footpaths, sanitation, etc. Sometimes development works are handed to them but it strongly depends upon the relationship between the party in power at the state and the party in power at the village level because there in no definite principle on how the development works would be carried out.

4.18: Control of the State Government over the Institutions

The State Government has a very tight control over the Panchayati Raj institutions. The Seventy-third Amendment had given great responsibility to the State Legislature in looking after the smooth functioning of the Panchayati Raj institutions. It is left to the State Legislature to determine the size and territorial Jurisdiction of the Panchayati Raj institutions, control over the staffs and control over the property and documents of the Panchayati Raj institutions, their composition and electoral procedures, their functions, the methods of settlement of disputes in the Panchayati Raj institutions. It is left to the State Government to review, modify or reject the proposals put forth by the Panchayats through the government officers. The State Government is empowered to remove the Panchayat members under prescribed procedures, conduct periodic inspections, and execute the no-confidence motions passed by the Panchayat bodies and even supersede and dissolve these bodies. The State Government determines principles regarding the fiscal policy of the Panchayati Raj institutions in terms of taxes, fees, loans and grants. It determines their budgets and lays down rules regarding the nature and forms of account to be maintained. The audits of the Panchayats are also left to the State Government. The State Government has the power to suspend the resolutions made by the Panchayats if it considers that the implementation of the resolution may cause danger to public life, health or property. It is also the State Government which provides technical guidance to the Panchayat bodies and all the plans and schemes of the Panchayat bodies have to be approved by the State Governments. The Panchayati Raj institutions are also controlled by the State Government through political parties because elections to these bodies are fought on party lines. In case the party in power at the Panchayat level belongs to the party in
power at the state level, the State Government will facilitate its control over the panchayat bodies more effectively.

Similar to that of the Panchayati Raj institutions the Village Councils in Mizoram are also very tightly controlled by the State Government. The situation is even more comprehensive in case of the Village Council because no proper guidelines for the formation of the Village Council have been sanctioned by the Constitution and its workings heavily depend upon the laws sanctioned by the State Government. It is the State Government which determines the size and territorial jurisdiction of the Village Council and has the authority to create new Village Councils. It is the State Government which conducts its elections. The State Government decides the number of Village Council members, their remuneration and has the power to amend the rules which governs the working of the Village Councils. It is the State Government which has got the authority to dissolve the Village Council and is empowered to dismiss the President of the Village Council and his staffs on reasonable grounds. It is the State Government which has got the power to take the final decision on all important matters regarding the working of the Village Council. There is no proper channel to carry out the developmental activities regarding the improvement of the villages which makes the members to fall at the mercy of the government servants. The Block Development Officers are authorized to review, modify or reject the proposals put forth by the Village Councils and take the final decision on important matters regarding the beneficiaries of various schemes and plan proposals. Moreover, the Village Council is financially handicapped and the meager source of their income is not sufficient to maintain their own affairs. The audit of the accounts has to be carried out by the government servants who have to give the reports to the state government. The members of the Village Council are considered public servants and are expected to carry out all the notifications and orders handed to them by the higher authority in the performance of their duties. This may be the reason why the members of the Village Councils are sometimes described as sub-servient to the government officers. Above all, the working of the Village Councils are greatly influenced by the party in power at
the state; in case the political party in power at the state is similar to that of the party in power at the Village Council better harmonization is generally maintained between the State Government and the Village Council; and this cordial relations would surely enhance the power of the Village Council in their management of local affairs.

4.19: Conclusion

From the above comparative examination it may be clearly observed that the Panchayati Raj system and the Village Council system have got wide and enormous dissimilarities, though both the system have functioned as democracy at the grassroots level with the people electing their own rulers forming the local governments. The capability of the Panchayati Raj institutions from various dimensions are much wider than that of the Village Councils which may be recognized in terms of their creation, decentralization of administrative, financial and political powers, contribution towards strengthening the planning process at the micro level and over all rural development and improvement of the access of the rural poor masses to the highest level of decision-making bodies. The Panchayati Raj institutions are the creation of the Constitutions whereas the Village Council system is the creation of the Autonomous District Council when Mizoram was merely a part of Assam. Since Mizoram was elevated into a Union Territory and a full-fledged State the Lushai Hills District (Village Council) Act, 1953 was plainly adopted without proper revision or modification relevant to the changing circumstances.

The Panchayati Raj system was provided with proper administrative structure which enables proper division of power which is not possible in case of the Village Council. The mandatory creation of the Gram Sabha makes it possible for the involvement of more people in the working of the Panchayat Raj system making democracy much more significant at the grassroots level which is not possible in the case of the Village Council. It is due to the existence of various tiers beginning from the Gram Sabha that decentralization of power is possible in the working of the Panchayati Raj system which is not found
in the case of the working of the Village Council system. It is through them that administrative power has not only been decentralized but it also provided the decentralization of political power, which is the main objective or essence of democracy. The Panchayati Raj institutions have better chances to bring in social and economic development in the rural areas because the Constitution has clearly described the functions to be carried out by the Panchayats social transformation of the rural area can also be greatly determined by the members of the Panchayats who are at the reach of the poor rural population.

On the other hand, economic and social transformation of the poor tribesmen in Mizoram is beyond the scope of the Village Council. The Village Council System fails in decentralization of power which is the main objectives of local-self government. It is entrusted with the minimal or insignificant power of administrative, political, judicial, planning and developmental sphere. These make it impossible for the Village Council to create a significant impact at the village level or provide leadership to the villagers. The meager financial resources and failure in the devolution of powers and responsibilities makes the Village Council less dynamic.

The Panchayati Raj institutions are constituted only in the rural areas whereas the Village Councils are institutions meant to administer the rural areas as well as the urban areas in Mizoram. The problems and necessity of the people in the rural and urban areas have got lot of differences and most of the social and economic problems in the urban areas are beyond the scope of the Village Council. The Village Council system, in fact, was established in those days when Mizoram was a land of villages. With the forthcoming of many towns and urban area the need for the establishment of separate form of administration in towns and cities similar to that of other states of the country is necessary for the social and economic development of the people of the state.

The Panchayati Raj system has welcomed the participation of all sections of the people in the society through reservation of seats whereas the Village Council System allowed the participation of the Schedule Tribes only in its working. In case of the Panchayati Raj system the involvement of women is
made compulsory through the reservation of seats and their participation ensures the extinction of gender discrimination which is beyond the scope of the Village Council. It is through the Panchayati Raj institutions that the Schedule Caste, Schedule Tribes, men and women interact freely in looking after the affairs of the people and their own village. This may be called a silent revolution because it provides room for the participation of all section of the people in the society leading to social transformation in every area. However, this is beyond the scope of the Village Council system which is meant only for the tribals. Moreover, the absence of reservation of seats for women also diminishes the interest of half of the population which discourages social transformation through the working of democracy at the grassroots level.