CONCLUSION

Our endeavour has been to sociologically examine the Naga village councils, their power and functional management which is a pivotal local unit of self-government, which today still operate and function effectively, on the basis of traditional customary law and practices. The study also attempts to highlight the role of customs and tradition, and its sociological importance as a measure of drawing identify and citizenship through the function of the village council even in the contemporary context of the Naga tribes. The universe of our study was Nagaland at large, though as an exercise in delimitation and functional management, we selected only three representative tribes for
this study, namely the Ao, Sangtam and Lotha, each represented by Sungratsu, Chimonger and Wokha villages respectively and who are territorially contiguous to each other. The study is mainly a descriptive exercise, although where naturally pertinent, analysis and evaluation are also inherent elements.

The smallest political unit among the Naga tribals is the village. The society is organized more or less on democratic principles. The villages are generally divided into several wards or quarters, comprised of a number of patrilineal clans, which in turn is further ramified into lineages. The village council in respective villages is the highest organ of power and its basic unit are the respective clans from which the councillors are selected by consensus representing each clan. In selecting the council members, important factors such as age, wealth, moral ethical standards and ability for leadership and service are major considerations. All important matters affecting the village community, become subject to decisions of the village council based on customary law, constituted by tradition and convention. However, decisions arrived at on current contemporary matters of village development, government grants and aids, etc. become village policy only after approval by the total village citizens though general village meetings which are called as and when required.
Village councils among the Naga tribals are not exactly same. There are inherent differences that distinguishes out one from the other. For example, among the Ao tribe, the villages generally have the Chongli and Mongsen groups (i.e. they constitute two dialect groups of the Ao Naga tribe) with their respective councils different from the other in certain functional aspects. These arrangements have roots from the traditional past. The system of village council and its governance that was and is even now followed were run by a body of man called Tateir (chosen leaders or elders). They remain in the seat for a Putu (one generation, i.e. 30 years). In the Putu Menden (village council), the Tateir represents the ruling generation of men and are composed of the following tiers, viz. the Unger (leader of the council), the Tazung (steering or leading members of the council), and Chitangodang (general functionaries to the senior village councillors). Thus the procedure of representation from the various clans in the Ao Naga Putu Menden (village council) today by comparison reflects a federal system of parliamentary democracy.

Among the Ao Naga tribe, the Putu Menden (village council) have power to maintain all administrative affairs in the village to try both civil and criminal cases. One of the important qualities of the ancient Ao villages was their customary law courts (i.e. the council itself) where fair
judgment was given, based on perceived natural law, in absence of a written code. Cases of civil, criminal and religio-ethical cases between individuals and parties were settled in a most democratic way in the presence of the litigants, witnesses and court/council members. There was no chief judge as such, but the natural flow of things on the ministrations of a supernatural power, most often guided them as the judges. So in Ao concept, it is not man but the spirit of the sky, earth, etc. was the final judge ultimately. In this regard, today, the Indian Constitution provides special autonomy to application of Naga customary law under Article 371-A, Clause (ii).

The Sangtam tribal village society rotates on the axis of its political institution called Yangpumji (village council) which exercises centralized authority over every important matter of society, affecting the life of the community at large and the individual in particular. Among the Sangtam tribe, the council is organized by clan representatives which also correspond to the number of village division of Khels (wards). However, unlike the Aos and Lothas, among the Sangtam villages, no explicit functional divisions of duties exists among the Lakhimru (councillors) as a reason of which, a plane of consensus and a high degree of equality among the councillors is achieved. A mere distinction is that though not as an institutionalized rule, the councillors are addressed to
with special reference to their age and seniority, as an exception in social interaction.

All disputes arising within the village is adjudicated upon by the Yangpumji (village council) according to set procedures of customary practices and where on reaching a consensus among the councillors leads finally to a resolution. Cases of all dispute were held and settled at the house of the eldest Lakhimru (councillors) in the presence of the litigants. Contemporarily, such cases are brought to the Yangpumji hall where the Yangtse Aziba (speaker, a present day arrangement) preside over the meeting and trials. Once the verdict or decision as may be pronounced by the village elders are reached, the parties accept it and normally there is no appeal against it. This obedience towards the Yangpumji (village council) is a certificate of loyalty and duty to the tribe and village. According to R.R. Shimray (1985), the Sangtam polity and the organizations of its Yangpumji finds comparison with a republican form of government.

Among the Lotha tribe, in founding a village, unlike other Naga tribals, a selection of Pvuti (priests) first precedes the formation of the village council, who was and is even now functionally both religious and to an extent, administrative head. Such type of tribal village government ruled by a priest and assistants by comparison reflects a facsimile of Zuni theocracy (Fogelson and Adams, 1977).
With this tribe, the village council is called *Oyan Yansa* or often today, *Ngti*. It is constituted by notable persons representing each clan (*Khel*) and are called *Tongti* (*Khel* leaders). Among the *Tongti*, there is generally a chief, for reasons of having first founded the village who today may be a descendent of the founder or relation by birth, reflective of a monarchy. Below the *Tongti* is another tier of functionaries called *Chochang*, who assists the former. Further below it is another tier called *Pangki* (general members) who has no specific function in the council, but merely represents their clan or *khel*.

The office of the *Tongti* in the village council (i.e. *Oyan Yansa*) functionally is distinguished from that of *Pvuti* is that the former is secular and the latter religious. Thus in all secular matters the *Tongti* is the highest authority while the *Pvuti* in religious aspects is the highest seat and also holds the function for life. The *Oyan Yansa* (village council) have judicial as well as administrative functions, and in contemporary times under state government funding, also of development functions in the village territory like other tribal village councils. The authority and power of the *Oyan Yansa* (village council) depends largely on the personal qualities of the *Tongti* and *Sotsoi* (other village elders).

After Indian Independence, various constitutional provisions recognized the tribal people and their cultural
heritage, practices and customs. Article 371-A (introduced in 1962) of the Constitution, effectively applied after grant of statehood to Nagas in 1963 seek to protect the Naga religious and social practices, their customary law and procedure and their land holding patterns. These provisions were supposed to be the constitutional guarantees to the Naga people's right of self-government at large and the villages in particular. Later, by several Nagaland Legislative Assembly Acts, the village council as it is now known, was designated as such, instead of the old nomenclature of generation seat etc. (i.e. Putu Menden). The State Legislative Assembly have over the years made suitable amendments in regards to the village councils.

The village council members' selection are highly organized. The prospective candidates have to fulfill a number of qualifications. The seats of the village councils represent all clans of the village. There is little scope for conflict over such an issue. The entire villagers gathers to elect the new councillors in accordance with customary practices. No inhabitant, unless granted the right of citizenship of the village, can take part in the social and political life of the village. Women are excluded from political life and thus have no membership in the village councils. The outgoing members are not allowed for re-selection to the council again. The change of administration from one generation (i.e. 30 years) to
another is considered as a process of renewal and continuity, each generation symbolizing a particular feature.

Most Naga tribes are highly democratic in their functioning of the village council. Free and cordial discussions take place in the council meetings concerning common matters under consideration and every representative in it has the right of free expression. No decisions are thrust on the village subjects by force. In operations like jungle clearing, village defence or other community work, the approval of the whole village group is acquired. The collective task is treated as personal by every one. These example of free help and community spirit of adventure, all combine to inspire in them the feelings of loyalty and solidarity.

The functional administration by the village council, which is based on tradition and conventions are orally transmitted from generation to generation. The council, in fact, binds the people in various social and cultural activities within the village jurisdiction thus maintaining village identity and solidarity. Disputes among villagers are settled by the council which otherwise, would have meant breakdown of cordial relations or even war in the olden days. Verdicts arrived at on disputes were and are settled by payment of a live cattle or pig on the part of the penalised. But in certain offences, particular
punishments are prescribed. In the case of homicide, whether deliberate or accidental, the aggrieved party may content themselves with wrecking the murderer's house, or divest his property or ex-communicate him from the village. In most cases of homicide today, the cases are handed over to the state machinery. Thus the village councils are considered to be sovereign authority over all aspects of village administrative affairs.

During the advent of British administration, the two institutions of Dobashi (government interpreters) and Gaonburas (village elders, i.e. government agents) were introduced, which are still in function even today. The Gaonburas serves as government representatives to the village councils and it was through them that the administrative officers used to transmit state government orders to villages for compliance. Over time, these Gaonburas have been integrated as representatives into the village councils as members only in so far as the state government is involved with the village affairs, otherwise, in so far as the village alone is strictly concerned, it is the council members representing the clans that decides and exercises all the powers. The Gaonburas have no judicial powers but may according to situational needs settle petty cases in the villages. They are also responsible to collect government taxes, from which a nominal sum is realized for themselves. But the Dobashi's, though originally meant for
translating the language of villagers to the then colonial officers were endowed with judicial as well as police powers with the passage of time. The reasons for this was since colonial administration, the Dobashis by virtue of their function of translation, could also act on behalf of the administration to dispense justice where the customary laws and traditions were involved, particularly in matters of inter-village disputes or dispute between dissatisfied individuals and their village council, thus the installation of the Dobashi court in the Naga Hills in 1935. The Dobashis are paid government servants and the organization of their court to represent the administration have meant that in comparison, the village council are subordinate to the Dobashi court. But this is strictly judicial in nature. The Dobashis are appointed by government on the recommendation of the respective village councils, to represent each village and range within a concerned district.

Contemporarily, as per the Nagaland Village Councils Act (Article 16(6) 1982, no government servant is entitled to become a member of the village council or a Gaonbura. A Gaonbura by law serves 5 years only, whereas a member of the traditional village council, as practice from the past serves for 30 years. All these are envisaged in the Nagaland Village Councils Act and in the light of the above presentation in brief, the study attempts to highlight the
unique position of the Naga village council, its power and jural structure.

Despite and also as a result of all the constitutional safeguards, it is to be noted that the Naga village today is enveloped within a larger state structure and administration at large, linked through the Gaonburas and the Dobashis, which has several consequences. Added to it are the political parties, whose road to power is mainly the rural electorate. This new phenomenon has facilitated the entry of state political parties and inexorably its organizations consequently into village social structure and relations, particularly to do with the general state assembly and parliamentary elections. Thus the traditional solidarity of the village social structure stands broken to a great extent and most villages today are polarized on party lines despite the edifice of the village councils. In some villages this has also coincided with the clan lines and its division; of which, Sungratsu, Chimonger and Wokha villages are clear testimony. This has as a result shifted clan loyalties and alliances into party loyalties; in which process the traditional structure and composition of clans as a reference point to the village council orbit are slowly losing meaning and content. An example here to illustrate is that of litigants that resorts to the Dobashis court and other administrative/judicial courts for redressal, inspite of village council adjudications.
Further, owing to the state administration, the workings of the traditional village council have also been transformed particularly in its operation. The village council operation is principally based on unquestionable loyalty by the village citizens, unanimity of decisions, adherence to customs and traditions, respect for age and experience are all being resisted and challenged by new attitudes of change. Loyalty and adherence to custom have come to be questioned and decisions in village councils are not readily accepted or respected as in the past. Deliberation in the village council have come to be influenced by state political considerations which as a result sidelines the role of traditions. The village council which held total sway over the life of the individuals no longer enjoys the same position today. The village councils are losing ground and their place is being taken over by young influential persons with numerical support in the village based on political party lines at the cost of village council integrity and clan and khel solidarity. This has in consequence affected village council decisions where it is influenced by sectarian interests of political parties. Of this, Sungratsu, Chimonger and Wokha villages under study are clear examples. Further, oath taking is a thing of the past and rational evidence is increasingly becoming the basis of settling disputes in the village council. All these are rooted in
the introduction of modern administration and its influences added to new processes which has thus brought about significant changes in the traditional village councils of the Naga society at large, which signifies an impending danger of being completely slipped from their traditional moorings and customary practices. In comparison, these constraints experienced by the village councils as a result of the state administration's influence and changing social attitudes and role of political parties on certain cases may be equated with the Vietnamese village councils whose powers and functions greatly diminished owing to state control and other processes of change (Hickey, 1964:179). Under sociological considerations, all these process of resistance to functions of tradition and custom, such as the Naga and Vietnamese councils are by the yardstick of change and development, quite inevitable. Only the society have to be very clear about how it should preserve and sustain their tradition in the context of continuity and change.

Despite all the pulls and tears to the Naga village councils and their tradition, we cannot help admit that under constitutional provision, the Naga right of self-government of villages as evidenced by protection of their customary laws and usages is on the one hand, a measure of autonomy in so far as maintaining their tribal identity and sense of autonomy is concerned which spells of magnanimous concern, and on the other, the supremacy of state control
over the villages in matters beyond the capacity of the villages themselves like modern aspects of development, law and order at large, etc. is reflective of the special position of the Naga villages and its councils today.