CHAPTER VII
Summary and Conclusion

A detailed study of the working of the Village Councils in Mizoram exposes its inadequacies as a local-self government in its structure, composition, powers and function. The Village Council which is the creation of the Lushai Hills District Council under the Sixth Schedule has no proper place in the Constitution in its present form due to the elevation of the District Council into a Union Territory in 1972 and to a full-fledged State of Mizoram in 1987. With the upgradation of the District Council into the Legislative Assembly the management of the Village Council was handed over to the newly formed Local Administration Department and the Lushai Hills District (Village Council) Act, 1953 was adapted by the Union Territory of Mizoram and later on by the State Government. In the process the Village Council designed to look after by the elected representatives of the people was handed over to the state administrators. The Village Council thus becomes out of tune with the change of circumstances. The state administration which is responsible for the maintenance of the Village Council system is not inclined to improve its status. As a result, the Village Council has been the victim of negligence, apathy, confusion and inaction.

The following discussions may emphasize the various observations and suggestions that would improve the working of the Village Council in Mizoram and make it the responsible institution as a representative of the people at the grassroots level and managing its administrative affairs in the most appropriate and effective manner.
The management of the Village Councils affair by the Local Administration Department is an important instrument which led the Village Council to be a steward of the bureaucrats while performing their duties. It is through the Local Administration Department that the state Government tightens its control over the Village Council. The Administrative Officers served orders and notifications to the President of the Village Council and give instructions to them in the management of their affairs. They also see that the Village Council manages their affairs properly and efficiently and the audit of their accounts is left to the Local Administration Department. It is also empowered to dissolve, abolish or create a new Village Council through administrative orders. In the process the officers of the Department become the masters of Village Council which makes our grassroots democracy undemocratic.

It may be suggested here that the destiny of the representatives of the people at the grassroots may once be placed again into the hands of the peoples’ representatives at the state level or the District Council as it happens at the initial stage when the Village Council was created.

The states which have been covered by the Panchayati Raj system have got completely two different sets of local bodies (Panchayats in rural areas and municipalities in the urban areas) having different structures, facilities and functions. But the system prevailing in Mizoram is totally different. Mizoram which has been characterized by rapid urbanization till recently failed to make a distinction between rural and urban local self-government. This may be one among the few important reasons which makes the urban areas in Mizoram to be deficient in certain development infrastructure, sufficient drinking water, proper drainage system, better lightning facilities, public places and marketing facilities.

As per 2001 census, the urban population of the state is 49.63 and the state government has identified some towns in the state as urban areas but the nature of their administration has not been changed. The Village Council structure with the same powers and functions which looks after local administration in the remotest villages has been entrusted to look after the
administration of the urban areas as well as the District capitals including the city of Aizawl.

On the other hand, the rapid increase in urbanization is also the result of the failure of Village administration. It may be pointed out here that the rural areas in Mizoram are not properly equipped with developmental facilities and for simple reasons such as education, medical facilities, getting justice, daily commodities, better job facilities, etc., the villagers have to move in the towns. So, it has been clearly observed here that the Village Council system in its present form is neither suitable to look after the urban areas nor the rural areas. Therefore, there must be a better substitute to replace the form of local-self government that exists here today in Mizoram. There must be separate sets of local-self government in the state; one suitable for the rural areas and the other suitable for the urban areas having their own laws and regulations. However, the Government of Mizoram has recently passed the Mizoram Municipalities Act in 2007 for setting of municipalities in the cities of Aizawl and Lunglei. The newly elected government of Mizoram has to implement the said Act so as to separate the urban areas from the rural areas of the state.

The Lushai Hills District (Village Council) Act, 1953 has been adapted by the Union Territory of Mizoram and later on by the State Government. But the State Government which has been authorized to amend the Act paid little or no attention to the problems which has been faced by the members of the Village Council. As such the Act which has been amended from time to time is only suitable for the villages in the rural areas whose economy heavily depends upon agriculture. The villages in the urban areas whose livelihood depends upon other than agriculture are not touched by most of the executive functions of the Village Council. It is also clearly observed that the administrative powers and functions suitable for village administration are not suitable for the administration of modern cities and towns which has got a great deal of dissimilarities and distinctive features. Moreover, the name itself is not suitable for the local government in the city and towns of the state.
The principal executive functions of the Village Councils such as: distribution of jhumland for the purpose of shifting cultivation and regulation of jhumming, enforcement of ‘hnatlang’ or collective labour, the control of animal and taxation of animals, allotment of house sites for the villagers, prevention and control of the outbreak of fire and protection of forest has to be carried out only in the villages. For instance, there are no forests to be protected in the cities and no public forests for shifting cultivation, no places for rearing animals and the allotment of house sites cannot be carried out by the Village Councils in the cities. It may be pointed out here that the allotment of house sites which was formerly carried out by the Village Council are now carried out by the Deputy Commissioners or the State Government in some of the districts of the state.

In the election of the Village Council, no person other than the tribals are allowed to participate, and tribals, permanently residing in the Mizoram are permitted to vote and contest in the election of the Village Council. This regulation may be suitable for the elections of the Village Council within the District Council formed under the Sixth Schedule which has been given special privileges. But Mizoram being a full-fledged state and no more an autonomous District Council under the Sixth Schedule should allow the participation of all sections of the people in the functioning of democracy at the grassroots. It may be important to make reservation of seats for Schedule Caste and Schedule Tribes in proportionate to their number to ensure their participation.

The Village Council system has also suffered a serious setback due to the lack of adequate financial powers and resources. Though, there is a provision of village fund, power of Village Council to levy and collect taxes and power to fine, the amount that collected from these sources are very insignificant. For instance, the source of income derived by the council is ‘Fathang’ (paddy tax) collected for the use of land no longer exists, the nominal animal tax collected by the Village Council has been credited equally to the local fund and the state exchequer, it may impose fines on persons accused by village
courts or on those who abstain themselves from ‘Hnatlang’ (a voluntary community work) which occasionally occurs. The council therefore is dependent on the government for fund. The involvement of the community in the Village Council System at the level of the implementation of development programme is non-existence. The development work in any area of the state is the exclusive power of the state and the Village Councils are not authorized to handle them. Whereas, in the states where the 73rd Amendment is implemented the Panchayats handled many of the various Centrally Sponsored Schemes. In Mizoram all these programmes are handled by the state government. In the absence of adequate financial resources, the Village Council system seems to be inadequate to be the local self institutions.

The villagers have got several source of income other than that of rearing animals but all the revenue goes into the state treasury. The revenue collected from the forest product, mining, merchants, shopkeepers and businessman, private institutions, house and land revenues, etc., all go into the state exchequer. In the process the villagers that have protected their land and forest earn no profit. On the other hand, the state government who has paid little or no effort has to be rewarded with all the benefits. In the present situation, if the Village Council or the villagers want to carry out certain activities for the improvement of the village that incurs some expenditure, the amount has to be collected directly from the people which is very much expensive for the poor villagers. It may be suggested here that the Village Councils should be empowered to raise their own funds and collect them which in return may be utilized for the benefit of the village and the villagers. This will also empower the Village Council to control and protect the villages in the rural areas.

The functionaries of the Village Council as directed by the government officials draw up various development schemes and projects and submit to the government for the sanction of funds. It is at this stage that the Village Council comes face to face with the real problem. The priorities as listed by the Village Councils at the time of submission of development schemes are radically altered or are left out by the officials who may alter the sequences or
reject some of the proposals at their will. This is obviously true in case of the opposition controlled Village Councils. This may be one of the reasons which let the politicians compare the opposition Village Council with that of a bucket having an outlet at its bottom. It may also be observed here that the development works within the villages and its surrounding areas are often handled by contractors and politicians who are in the good book of the ruling party at the state level. In the process, only a small percent of the funds sanctioned is utilized for the real purpose and the remaining goes to the contractors as their profit, thereby hampering social and economic development in the villages. The Village Council, thus virtually exists to carry out the development functions at the will of higher authorities and not for the wider purpose of self-government as originally intended. In view of this developmental programmes should be directly handled by the Village Council as in case of the grassroots representatives in the states which adopted the Panchayati Raj system.

The job of the Village Council functionaries are not at all attractive because their remuneration are too less and the functionaries of the villages are to perform certain development works within their village territory without any power to adequate finance. We cannot expect to have sincere and efficient Village Council who will give great devotion to their duty as a functionary of the Village Council. Further, the members of the Village Council have to earn their living in one way or the other, though they are deemed to be a public servant.

It may also be pointed out here that the state Government did not recognize the importance of the local administration and is not inclined to accommodate its agents in the villages with the necessary financial power. The state government is not inclined to lay down budget for the administration of the villages. When a great pressure has been put on the State Government by the members of the Village Council in order to increase their monthly remuneration the criterion for the number of members of the Village Council has been altered before hand which reduced the number of the members in great number.
It may be suggested here that the members of the Village Councils should also be treated as a public servant not only in their performance of duties but also in terms of their remuneration. The dignity or prestige of a person or an employee to a great extend depends upon the amount which he earns for the performance of his duty.

If we look into the criteria for the number of members of the Village Council we may clearly observe that the number of the members to look after the villages are too less to manage the affairs of the villages in relation to the number of the households or the number of population. The Lushai Hills District (Village Council) Amendment, Ordinance, 2006 says that a village not exceeding 200 houses shall have three members; a village with more than 200 houses but not exceeding 500 houses shall have four members; a village with more than 500 houses but not exceeding 800 houses shall have five members and a village with more than 800 houses should have six members. Their number has been reduced from time to time including the abolition of the nominated seats.

In villages having two hundred households, there are only three members to manage the affairs of the village. In case one of the members has to absent himself from the meeting due to some unavoidable circumstances, only two elected members have to decide some important matters. It is very difficult to expect that very few representatives at the grassroots level would take the right decision on many of the important issues concerning the administration of the villages. Moreover, only few members cannot be expected to achieve great things for the villagers. This may be one among the important reasons which led the government to entrust many of its important functions which are likely to be carried out by the Village Councils to the non-governmental organizations or to the Young Mizo Association. Thus, the criteria for the number of the member of the Village Council must be revised.

Before the election of the Village Council, the unit of each political party at the village level holds a meeting in which proposals are made for the party candidate, as such, the members are selected. As a result, the elected member of the Village Council will always give priority to his political party
rather than to the villagers. He often thinks that he represents his political party at the village level. So, it has been clearly observed here that the members of the Village Councils will fulfil the desire of the political party they belong as a member of the Village Council rather than the village which he stands for as a representative of the people at the grassroots level of the democratic system. Further the members of the Village Council are utilized by various political parties to bring in stability in the organization of their political party. This factor causes retardation in the development of the villages and stands in the way of unity among the villagers.

From the earlier discussion it has been clearly observed that the non-governmental organizations, such as- YMA, MHIP, MUP, etc., earn great support from the people and make great contribution in the administration of the villages and their branches spread throughout the state. The state Government often entrusted these non-governmental organization to implement its policies. They also operate as pressure groups on various occasions and the State Government has been easily influenced by these organizations rather than the Village Council.

The Village Council may be allowed to work without the involvement of political parties. Therefore, the members of the Village Councils may be elected by the villagers using their free will without the consent of political parties similar to that of the election of several non-governmental organizations. In the process members may have better co-operation and may work for the good of the village rather than that of the political party to which they belong to. This may accelerate the economic and social developments of the villages to a great extent. The real choice of the people may be realised and elected to administer the villages. The dirty game of the politicians creating discontent in the working of the Village Council will not have a chance to infiltrate into its management.

The Village Council being an institution formed to run the administration of the villages must be endowed with all the requisite qualification to function efficiently as local government. It should have enough potential to
maintain public health and take certain preventive measure with the outbreak of
seen epidemics. It should have enough capacity to provide moral and social
education at the least up to primary standard. It should have enough judicial
power for public safety within its jurisdiction to prevent certain civil and criminal
cries and it should have enough power to develop its own village for public
construction. But the Village Council has been denied all these important powers
and functions. This makes the Village Council an inefficient local self-
government. However, the importance of local self-government cannot be
denied, though the Village Council has been deprived of all these important
functions.

The state government has a habit of handing out the
developmental works to the non-governmental organizations and party units
especially where the executive head of the Village Council belongs to the non-
ruling party at the state level. In such a situation the executive head of the Village
Council remained helpless but has to remain a silent spectator. The community
halls and public places are also named after the Young Mizo Associations in
many of the villages because it substitutes Zawlbuk or men’s dormitory of the
traditional Mizo Society. Moreover, many of the public recreation centres are
constructed by the people under the leadership of the Young Mizo Association in
collaboration with the financial aid from the government. All these lead to the
increasing importance of the Young Mizo Association who perform all its
function in the name of voluntary services and contribute to the decreasing
importance of the Village Council.

The Young Mizo Association is engaged in the disposal of
the dead bodies, protection of the village from various crimes, naming of the
streets, numbering of houses, fighting against intoxicating things, sanitation
works in the form of ‘Hnatlang’ (a voluntary service). For these entire purposes
donation has been made by the people to the Young Mizo Association in every
village. Many of the duties assigned to the Village Council were now assigned to
the voluntary organizations. Many of the population had failed to recognize the
importance of the Village Council realizing that it has made little contribution in
looking after the villages. They thought that the YMA has made greater contribution in running the administration of the villages. It may be rightly said that the YMA acts as a protector and guardian of the villages in the remotest villages of the state.

The Mizo Women Federation popularly known as the MHIP and the Senior Citizens Association of Mizoram popularly known as MUP also plays important role in the villages for the welfare of the people. For instance, Anganwadi Centres and crèches are looked after by the Mizo HHIP in the selected villages which has got the centres in collaboration with the Social Welfare Department. The Village Council being elected on the basis of political party often creates division or factionalism.

It may be suggested here that the Village Council be equipped with more power so that it may be efficient enough to carry out its functions or duties as a local-self government and all the development work and the steps taken to uplift the society that has to be carried out in the villages should be properly managed by the local government rather than other voluntary organizations. The members of the Village Council must be empowered by Rules and Acts and not by the higher authority or the ruling party at the state. In order to manage all these important functions there should be several organizations under the supervision and recognition of the Village Council. The cases which can be decided by the Village Courts and the punishment which can be imposed by the Village Courts need to be revised. The Village Council should be given more powers so that it may earn popular support in executing their functions and the people may recognize their importance and responsibility as a local self-government.

It is a well-known fact that the real essence of democracy is mass participation where all the citizens irrespective of all discrimination, participate in the decision making which influence and have an effect on them. Developmental programmes have better chance of success, legitimacy, equity and effectiveness when the people and the general public have a chance to participate in the decision making process of the developmental programmes.
The general public should have a chance to participate in the planning, monitoring and evaluation of developmental policies and schemes and the outputs of the programmes may be made known to the people in an adequate manner. The people may have a chance of inquiring on the various activities carried out by the government in their village and the fiscal position of the village may be made known to the general public. The fiscal position or the money meant for the development or management of the villages are neither made known to the villagers nor to the members of Village Council. It is believed that the formation of the Village General Assembly or the Gram Sabha may bring in accessibility and accountability in the village administration which is a requisite for the success of democracy. But all these requirements are beyond the reach of the Village Council system as it exists today in Mizoram.

The participation of the people in the working of local-self government in Mizoram came to an end at the end of the Village Council’s election that occurs after a lapse of every three years where they exercise their voting rights. In the working of the Village Council System the villagers are not permitted to participate in the meetings of the Village Council. Section 13 of the Mizoram (Village Council) Act, 1953 has clearly mentioned that the meetings of the Village Council may be conducted in the presence of the non-members but no person other than a member of the Village Council shall vote nor shall speak or take part in its deliberation and any person contravening this provision shall be punishable with a fine not exceeding Rs.50.¹ Thus, the masses other than the members of the Village Council are not permitted to participate in the decision making process, in planning the developmental programmes and in making projects for the welfare of the people.

The Village Council in Mizoram has a habit of organizing a meeting in which all the representatives of every family are request to attend the meetings. These meetings are called ‘Vantlang (Rorel) Inkhawm’ and decisions in the meetings are usually taken by majority of votes. But nothing about it has been mentioned in the Village Council Act, 1953 as such; its formation and

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¹ Section 13 (3) of the Lushai Hills District Village Council Act, 1953
meetings depends upon the desire of the President of the Village Council. The democratic system as it functions today in Mizoram is not easy to be accepted because only few representatives of the people have a chance to participate. However, it may be called a government of few elected representatives of the people.

In other states of India, under the PRI system the meetings of the Gram Sabha and the frequency of the meetings to be carried out by the Gram Sabha are made mandatory. All the adult citizens in the village participate in the meetings of the Gram Sabha which is an important place for decision making. It makes budgets, plan programmes for development works and projects for the welfare of the people. The beneficiaries of different programmes are selected in the meetings of the Gram Sabha. It is through the Gram Sabha the participation of all the adult citizens in the decision making process that direct participation of the people has been guaranteed in the working of the democratic system.

It may be suggested here that the Village General Assembly may be formed in the cases of Mizoram Village Council system to ensure the mass participation of the people in the working of grassroots democracy as desired by the Constitution. The Village General Assembly may have the same meaning with the Gram Sabha. But here the word Village General Assembly may be chosen because the people living in Mizoram are more familiar with the phrase. There should be a forum through which the citizens have the opportunities to share their views and participate in the working of the democracy at the grassroots level. Further, the elected Village Council may form an Executive Council or Office Bearers who may carry out the important decisions made by the General Assembly. Decisions in the meetings of the Village General Assembly may be taken by majority of votes which will make democracy at the grassroots more genuine. In the process the right persons may be benefited with the various schemes supported by the Central Government as well as the State Government. The development projects may be utilized in the right manner for the development of the poor villagers and the villages. The
political institutions, the politicians and the petty officers will not have a chance to interfere in the affairs of the villagers and that development works and projects will pass through the appropriate channels.

Active participation of the people in the management of local affairs is also expected to bring oneness and a sense of responsibility and participatory on the part of the people. The formation of the Village General Assembly will provide a forum through which the grievances and suspicions of the people may find their solutions. In the process the objects of democracy such as transparency, accountability and accessibility in the working of the government may be achieved.

The elected members of the Village Council as it functions today are subservient to the government employees. They are entrusted with whatever is thought important or necessary by the government employees or officers through orders and notifications. The elected representatives of the people at the basic level of democracy look upon as a subservient of the government employees is contradictory to the spirit of democracy. The elected representatives of the people should provide leadership to the other employees and that they should be empowered so that they may provide leadership in their efforts to develop their own villages. Unless the system is set right, we cannot expect to achieve great success in our efforts of developing the rural areas in Mizoram.

The tenure of the Village Council is three years which is too short to make plan, programmes and projects for developmental works. Moreover, their term come to an end before they could fulfil their proposed programmes. They do not have another chance to make the same proposal unless they are re-elected. This may be the reason why the Constitution (Seventy-Third Amendment) Act, 1992 has made five years term for all local-self governments in India. Besides, while other popular representative bodies in the country like Parliament and State Assemblies are having a term of five years, such small tenure of the Village Council makes the institution unimportant and casual. It may be suggested here that the tenure of the Village Council may be altered for a
period of five years as it takes place in all other forms of democratically elected representatives in India.

The gap between the peoples’ representatives at the state level and the village level is too far in the absence of the intermediary level. The Village Council at the beginning of its establishment in 1954 had been looked after by the Lushai Hills District Council within the Government of Assam. With the upgradation of the District Council into a Union Territory and later on into a full-fledged state, the gap between the two democratically set up institutions has been occupied by the bureaucrats and the unelected party workers which diluted the spirit of democracy. Moreover, the problems faced by the members of the Village Councils which are frequently discussed in the meetings of the District Council have no room in the meetings of the State Legislative Assembly. The rules which govern the workings of the Village Councils are hardly amended to make it more competent or suitable to the development of the society.

It has been clearly observed that it is difficult to maintain cordial relationship and mutual co-operation among the members of the Village Councils belonging to different villages. Though the Mizoram Village Council Association was established in 1992 with an objective to uphold the dignity of its members, it has failed to achieve its objectives, and cannot function properly. It has failed to conduct its election for many years and it ceased to function as an important organization. The fourth General Assembly of the Mizoram Village Council Association acknowledging the importance of the intermediate level has decided to organize an association of the Village Council in all the districts of Mizoram but it has failed to achieve the desired objective. The Aizawl City Village Council Association had been established in 2007 but it did not earn proper support from the non-ruling members of the Village Council.

The Block Development Committee has been organized at all the block level of the rural areas of the state where the Presidents of the Village Councils and other important representatives of the non-governmental organizations are made its members. But the committees have been formed under the supervision of the Rural Development Department with a desire to utilize the
Village Councils and the non-governmental organizations to implement their projects and policies. The officials of the department at the block level are the heads of Committee who make the final decisions. Thus it has been clearly observed that the Block Development Committee are not a democratic set up but they are merely an organization formed by the State Government to implement their policies and programs by utilizing the representatives of the people in the targeted villages of the rural areas.

It may be pointed out here that the members of the Village Council are elected from those persons who are willing to work unselfishly based on the philosophy of ‘Tlawmngaihna’ which means selfless sacrifice for the good of the village and the villagers. Their poor remuneration also reveals that the job has to be carried out as a voluntary service. All these often lead to narrow localism creating disharmony in their relationship with the neighbouring villages. Moreover, the members of the Village Council within a definite area are not properly organized to share their problems and to find a solution for the purpose.

The villagers must be made aware of the importance of cordial relationship and mutual co-operation among them to achieve the objectives of local-self government. The creation of the intermediary level in all the districts or blocks is the need of the circumstances to avoid the intervention of the bureaucrats and the unelected party workers in the working of the Village Council. The elected leaders of the people should be made the head of the institution at the intermediate level which is essential to make it a democratic set up. Further, it may also be suggested that laws which govern those institutions at the local level may be closely observed and amended from time to time to suit the need of the modern society.

It may also be observed that boundary dispute is one of the common problems faced by villages which have created a far reaching disharmony in the hearts of the people in their relationship with their neighbours. The history of the Mizos is also by and large characterized by boundary dispute since and after the creation of proper boundaries by the British. While working of the Village Councils in Mizoram has been examined, it has been noticed that
many Village Councils are created without demarcating their boundaries properly. As such, boundary dispute has greatly hampered the working of the Village Council which is very difficult to solve by the concerned department. It also creates disharmony among the villages in their relationship with one another. For instance, one of the most important functions of the Village Council is regulating of jhum cultivation and protection of its forest by preventing the outbreak of fire. In this situation, the Village Councils come to face with the real problems in the rural areas whose livelihood depends upon agriculture and forest products. It may also be pointed out here that in the Village Council General Election 2006, election could not be conducted at Bungkawn (Nursery) which is within the city of Aizawl on the notified date due to the failure of proper demarcation of boundary.

The creation of new Village Councils cannot be avoided for the convenience of grassroots administration. If we look into the capital city of Aizawl, its population has been increasing rapidly and the density of population within the hearts of the city is very high in comparison of its density few decades back. In the process the Village Council within the city has to be split for the convenience of the administration in the city. Similarly, the district capitals are also influenced by the rapid urbanization leading to multiplication in the number of households. Moreover, the members of the Village Councils being an important connectivity between the State Government and the common people have to be aware of the all the problems faced by the villagers and have to give necessary information to the government. If a village, town or city is looked which is very highly populated is looked after by a single Village Council or if a territory is too vast the administration of it would become quite bulky leading to maladministration and confusion. Therefore, the need for the creation of new Village Council often arises with the change of circumstances.

Before the creation of a new Village Council it is necessary that their boundaries be defined properly. Prior information should be given to the Village Councils which are to be affected by the newly created Village Council in order to avoid the problems which may arise due to the creation of the
new Village Council and their suggestions and proposals may provide important information to the concerned department.

While examining the judicial functions of the Village Council it has been clearly observed that the judicial power of the Village Council Courts are too meagre in comparison with the judicial power of the Village Chiefs from whom the administrative affairs of the villages has been handed down to the Village Council. This is one of the important reasons for the increasing rate of crimes in the villages. Though the villagers have formed their own organizations to fight against various crimes or to protect their village, they cannot achieve much success because they cannot be well equipped without the presence of proper legitimate authority. The judicial power of the Village Chief, from whom the judicial power has been handed over to the Village Courts, within its jurisdiction may be similar with that of the First Class Magistrate, who has got the power to decide cases up to the extent of death sentences and the decisions made by the Chief’s Court was last and final.

On the other hand, the power of the Village Courts are very much limited because it can decide only simple cases involving petty offences, mischief, trespass, simple assault, drunken and disorderly behaviour, public nuisance, rape and cases of wrongful restraints. Cases can only be decided by the Village Courts if both the parties belong to Schedule Tribes, therefore, Village Council Courts are barred from taking cognizance where the parties in the disputes belong to non-tribals. Further, those persons convicted by the Village Court cannot be given a punishment of more than a fine of five hundred rupees and they cannot be sent to jail nor any legal practitioner is permitted to stand for his client in the Village Council Court. Moreover, the decisions made by the Village Council Courts may be defeated by higher courts. All these may be the important reasons why the importance of the Village Courts have been degrading with the passage of time and it is well known that people do not maintain a habit of making an appeal in the Village Courts. It is a fact that the Village Courts are hardly utilized by the people and the people have a habit of moving to higher courts even for simple reasons.
It is also well-known that the judicial powers of the Village Council are too meager to perform its duty as a guardian of the people. The cases which can be taken to the Village Courts are too less because it can make judgement only in accordance with the customary laws and no lawyer can appear in the Village Courts. Thus the Village Courts are no more suitable to the modern society. In order to prevent the existence of various crimes in the villages the Village Defence Party (VDP) and the Join Action Committee (JAC) are organized in some of the village with the permission of the Village Councils but these organizations developed into a den of criticism because they are not recognized by the government to inflict punishment upon the criminals or lawbreakers. Their popularity has been degrading in the modern society where people are gradually aware of their right.

It may be suggested here that the cases which can be decided by the Village Councils/Courts must be broadened because the Village Courts which are formerly looked after by the District Council meant to protect the customary right of the Mizos are now placed under a full-fledged state of Mizoram. The Village Courts must be empowered to make judgments in accordance with the justification made by the Indian Penal Code (IPC). Lawyers may be engaged in the Village Courts and that furthers appeals may be made from the Village Court to higher court. The Village Courts need to be activated and wider powers must be endowed to the Village Council Courts so that people may find justice at their doorsteps, at faster rate, with cheaper cost and all complicated process may be avoided.

A close examination of the working of the Village Council reveals that it has been largely dominated by the President to whom all the powers are vested. He is the Chairman of the meetings and is empowered to suspend the members from the meetings due to their misconduct. He has got the power to sanction orders and notification because everything is carried out in his name. The President of the Village Council may also act autocratically in the execution of his functions especially when he belongs to the ruling party at the state. The Secretary and the Village Crier (Tlangau) are appointed on his
recommendation. He also dominates the Executive Body which consists of only three persons, the President, the Vice-President and the Secretary. He acts as a Treasurer of the Village Council and the Secretary of the Village Council acts as a Financial Secretary which may lead to shady arrangements between the two. Sometimes the President of the Village Council takes an important decision without the knowledge of the other members because no sanction has been granted for the sitting of the Village Council, nor the number of sittings to be held by the Village Council has been fixed. The efficiency of the Village Council depends heavily on the competence of the President. The President of the Village Council is also given enough financial power. The appointment of a treasurer of the Development Fund also remains at the mercy of the President. He is also authorized to raise fund when he feels it necessary within his jurisdiction. As such, the Village Council has a habit of collecting some amount from the people when the President feels it indispensable for the welfare of the people.

It may be suggested here that powers in the working of the Village Council must be decentralized because it is the most important objective of grassroots democracy. The members of the Village Council must be allocated various responsibilities while carrying out their functions and this will lighten the burden of the President as it is always accompanied with decentralization of function. This may also prevent the problem which can arise due to excessive dependency of the working of the Village Council on the efficiency of the President. The other members should be made Chairman of different committees which may help them to participate actively in the working of the Village Council. The appointment of the Treasurer should be made mandatory and the other members other than the President must be appointed as a Treasurer. The number of sittings to be carried out by the Village Council must be mentioned clearly, and this may avoid certain problems which may arise due to misunderstanding among the members.

The President of the Village Council who is elected by its democratically, is not directly elected by the people but elected by few members of the Village Council who do not have the power to impeach him. This is
undemocratic because the members who had given him the power have no means to prevent him from excessive or unpleasant behaviour. The members of the Village Council who elected him as a President should have the power to impeach him.

Democratically set up institutions at the Central, State and local level in India are always characterized by the Territorial Representation. But the Village Councils in Mizoram are not territorially represented. A villager who has got all the desired qualification to be a member of the Village Council will contest the election of the Village Council and will represent the village if elected and not a particular territory. The method of its election does not lead to the division of the village into wards. This factor led to the negligence of particular areas which have no member in the Village Council for a definite period. This also often leads to the frustration of a particular area of the village thinking that they are neglected and ill-treated.

It is thus necessary that the villages be divided into wards avoiding the negligence of particular area of the village and that the problem of every part of the village may be recognized through their representatives and their solution may be sought.

The Lushai Hills District (Village Council) Act, 1953 did not prevent women to take part in the working of the Village Council System. Women are given equal rights to men and they have got the right to contest in the elections of the Village Councils and exercise their voting rights. A study of the result of the Village Council since it formation has shown that the rate of women participation is very low, though its percentage has been increasing gradually. The various decadal census of the population has clearly shown that women have always constituted half of the population in Mizoram. It is also a fact that women in Mizoram have made great contribution in the economic sphere. Most of the economic activities in the State are run by women. The contribution of women in various activities has shown that they are not inferior to men and they have got enough potential to take part in politics. However the political institutions are
always dominated by the males and hardly female citizens are found to occupy the political platforms in Mizoram.

Reservation of seats for women in the working of the Village Council is an imperative need to make our village Councils a successful institution. This will be in tune with the reformed Panchayat system as is obtained in other states of the country. This is believed to be the most important method through which the interest of women will penetrate into the functioning of the government. Their participation may also be an important route through which the problem of women may be acknowledged by the government and avoid the negligence of women’s interests in the functioning of the institution. Without reservation of seats for women in the Village Council which is considered to provide good training ground for young politicians may continue to fail in placing Mizo women to stand at the forefront of the state politics in Mizoram.

The members of the Village Council are the most suitable agency to carry out the various developmental works in the rural areas. They also have to carry out all the important functions assigned to them just as the panchayats by the Central Government. As such many responsibility and functions were handed down to them by the Rural Development Department. It is the Rural Development Department which actually empowers the Village Council by giving them the powers to select certain beneficiaries of the schemes laid down by the Central and State government. In the process the Rural Development became the most important agency for implementing the Rural Development programmes.

The Village Councils as it functions today has been looked after and are responsible for two departments- the Rural Development (RD) Department and the Local Administration Department (LAD) which is very complicated. It may be more convenient that if the RD Department has been authorized to deal with the problems of the Village Councils and is made responsible for the development of the rural areas. It may also be mentioned here
that the State government has set up the Urban Development and Poverty Alleviation Department to look after the villages or towns in the urban areas.

The Constitution (Seventy-Third Amendment) Act, under Article (243 M) sub-clause (a) of clause (2) has clearly mentioned that “Nothing in this Part shall apply to the states of Nagaland, Meghalaya and Mizoram”. As such, the state of Mizoram may be exempted from the implementation of the seventy-third Amendment. However, sub-clause (a) of clause (4) of the same Article has mentioned that “the Legislature of a state referred to in sub-clause (a) of clause (2) may, by law extend this Part to that State, except the areas, if any referred to in clause (1), if the Legislative Assembly of that state passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting”.

Further, Article (243 B) of clause (1) has mentioned that “There shall be constituted in every state, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part”. However, in supplement to this sentence Clause (2) of the same article has mentioned that “Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a state having a population not exceeding twenty lakhs”.

From the above statements, it is clear that the Constitution (Seventy-Third Amendment) Act, 1992 or the New Panchayati Raj system may be applicable to the State of Mizoram with a resolution passed by the Legislative Assembly by a majority not less than two-third of its members. Further, the three tier Panchayati Raj institutions, at the village, block and district level may not be necessarily constituted in Mizoram because its population does not exceed twenty lakhs. The population of Mizoram according to the 2001 census is only 888,573 lakhs. As such, the Panchayati Raj institutions in Mizoram may have only two tier structures which may be constituted only at the village and the district or block level.
A comparative study of the Village Council System and the Panchayati Raj system in chapter IV has shown that the Panchayati Raj system has got more of positive factors than the Village Council System as an important institution of grassroots democracy. The Panchayati Raj system which has been created by the Constitution of India is to a large extent more suitable to the people in Mizoram rather than the Village Council system which has been created by the enactment of the Government of Mizoram that has no proper place in the Constitution. The provisions of the Village Councils are merely amended by the executive and administrative orders, as such, it is undemocratic. Moreover, if the Panchayati Raj system has been adopted by the Government of Mizoram it will stand at par with all other states enjoying all the benefits of the Panchayati Raj institutions and all uncertainties and confusions in the functioning of democracy at the grassroots may come across their solutions.

The Panchayati Raj system is more relevant than the Village Council system because of the existence of the Gram Sabha, which sanctions mass participation. It is the objectives of all democratic form of government to ensure the participations of all its citizens in the working of the government and that the citizens are made their own masters. It is through the Gram Sabha that people directly participate in the working of our democracy and in the decision making process. Without the existence of the Gram Sabha, collective participation of the people in the functioning of democracy comes to an end after the casting of their votes. It is through the participation of the masses or the target group that developmental programmes have better chances of success, legitimacy, equity and effectiveness. It is through direct participation of the people in the decision making process that man becomes his own master and that the real power has been vested in the people.

Due to the absence of the Gram Sabha, democracy in Mizoram seems to be a government of the few representatives and a large number of our population have no chance of involving themselves in its working. The active participation of the people in the decision making process provides a training ground for the young politicians who will provide leadership in the state.
and the nation in future. Moreover, direct participation of the people in the working of local-self government may create a sense of belongingness on the part of the masses and encourage them to carry out their duties more delightfully as loyal citizens. It is due to the absence of the Gram Sabha that there exists no accessibility and accountability in the working of grassroots democracy in Mizoram.

The existence of the various tier structures in the Panchayati Raj system is its advantage over the Village Council System. It is through the existence of various tiers that power has been decentralized in the working of the Panchayati Raj system which is an important factor that realized the desire of democracy. When power has been confined into few hands the state has an enormous chance of falling into an authoritarian form of government. As such, decentralization of power or acceptance of the Panchayati Raj system is an important means to avoid the concentration of powers into few hands. Decentralization of power enables the existence of better and faster communication, involvement and commitment of the people in development, mobilization of support and utilization of resources in a better manner for national development, reduction in delayed decision making, and greater equity in allocation of resources and investments as well as reduction in lack of interest in the administration.

Decentralization of power also leads to the division of work and it is the only means to develop our country. It will also bring to light the hidden potential in human beings and increase man power in the state. Division of work may also act as an important means of solving unemployment problem which is the need of the society. It is through decentralization that democracy truly becomes representatives and responsive and that most decisions are taken not by an individual but the authority has been vested in a committee. The existence of various tiers also provides less chance for the involvement of the bureaucrats, petty officers and party workers as a wide gap between the local government and the state government has been occupied. It may also be noted here that the existence of the representatives of the people at the block or district
level is expected to usher in better co-operation and mutual relationship among the representatives of the people at the grassroots level.

The Seventy-third Constitution Amendment is more relevant to the people of Mizoram as it is gradually modernized in many ways. It covers all the sections of the people in the society and no person is deprived from participating on the basis of his birth, rather there is reservation of seats for Schedule Caste and Schedule Tribes in proportionate to their number. Our democracy or Constitution does not stand for a particular sections of the people in the society and in the same manner our grassroots democracy may also be made suitable for the upliftment of all sections of the people in the society. The new Panchayati Raj institutions not only welcome the participation of all sections of the people in the society it also provide for the reservation of seats for women, Schedule Caste and Schedule Tribes which guarantee their participation. It also provides for the reservation of seats of the Chairperson for women, Schedule Caste and Schedule Tribes at the three levels, viz., village, block and the district levels which enables the penetration of all the sections of the people in the society as active participants in the decision making and implementing process.

Democracy at the grassroots requires the same constitutional sanction and protection as democracy at the state and central levels function. Mizoram has been one among the victims for the failure of recognizing the importance of democracy at the grassroots due to the lack of constitutional sanctions. Though the constitutional provision concerning the Panchayati Raj system was inserted in 1992, Mizoram has refused its implementation owing to the existence of the Village Council, a grassroots institution. But the Village Council has belied the hopes and aspirations of the people in the State. It has been placed at the mercy of the State Government and the people who were supposed to own it has no share in the functioning of it. It did not posses any quality, nor creates significant impact on the rural community, nor does it provide any means for the decentralization of power.

There is a need to do away with the Village Council system as it exists today. There may be a new mechanism at the grassroots level that
may be analogous to the Panchayati Raj institutions as enacted by the Seventy-third Amendment Act. The people of Mizoram may not accept the new Panchayati Raj system in toto, as it denies the exclusive right to protect the customary law of the Mizo people. At the same time, the many progressive provisions of the Panchayati Raj institutions will make the local-government work more efficiently. In view of this, although the Panchayati Raj institutions in toto may not be adopted due to socio-political reasons, the main provisions of the Act can be adopted keeping the local political process in mind. Further, given the tribal nature of the state, the unique character of the state can be protected by adopting the Panchayati Raj institutions with alterations to suit to the local aspirations.