CHAPTER III

Evolution of Grassroots Democracy:
History of Village Council System

3.1: Introduction

Democracy has been practiced and experienced by the people of Mizoram only few years before India got her independence. The then Superintendent A. McDonald had organized a District Conference to aid and advice him in managing the affairs. The Lushai Hills which was divided into 20 circles would send two representatives each in the District Conference, one representing the commoners and the other representing the chiefs. The first election to the members of the District Conference was held on the 16th January, 1946 at Aizawl. After the formation of the District Conference the Mizos got the permission for organizing into a political party by the Superintendent which was granted on the 9th April 1946. Consequently, the Mizo middle Class had started forming the first Political party in the Lushai Hills which was known as Mizo Union, about which we discussed in the previous chapter. The Mizo Union, since its formation had started taking all necessary steps in order to have better political and administrative set-up in the Lushai Hills looking ahead for certain reforms for their future political set-up. The desire for enjoying political rights by the leader of the Lushai Hills has been fulfilled and the Mizos were awakened from their deep slumber of “Backward-Track” or “Excluded Area”.

1 Chaltuahkhuma, Political History of Mizoram (David Memorial Press, Aizawl, 2001), p. 53.
On the eve of the Indian independence an Advisory Committee on minorities, tribals, etc. was formed under the chairmanship of Sardar Vallabhai Patel by the Constituent Assembly of India on the 25th January 1947. The advisory Committee has appointed a Sub-Committee called the Bordoloi sub-committee after the name of its Chairman Gopinath Bordoloi, the Premier of Assam, to aid and advice the Advisory Committee on the affairs of the North Eastern tribal areas. Being an excluded area the Lushai Hills had no representatives in the Constituent Assembly. So, the Sub-Committee of the Constituent Assembly invited the Mizo Union (the only political party in the Lushai Hills) to send their representatives for serving the co-opted members. Accordingly, the Mizo Union after a meeting had nominated Mr. Saprawnga and Mr. Khawtinkhuma, the then President and Vice-President of the Mizo Union to join the Sub-Committee as co-opted members.²

The Bordoloi Sub-Committee was to make a spot visit of the hill areas and make a study of the hopes and aspirations of the hill people in the “Excluded Areas” and “Partially Excluded Areas” when the British Government decided to transfer power to the people of India. The Sub-Committee had visited the hill areas and reached Aizawl on the 17th April 1947, there they had a long discussion on how the Lushai Hills would be governed when the British had left India with the leaders of the Mizo Union and the representatives of the District Conference. The most important points which they have discussed were that there should be a District Council elected by the people, the Mizos should have at least 3 representatives in the Assam Legislative Assembly, there should be one minister in charge of the tribal areas and that the District Council should look after the primary education, Inner Line Regulation and all civil and criminal cases should be taken care by the District Council according to the Customary law of the tribals. Further, the Mizo Union in its memorandum submitted to the Bordoloi Sub-Committee, demanded the following: (i) The Mizo inhabited areas of the neighbouring districts should be included in the Lushai Hills District, (2)

Lushai should be called Mizos, (3) Internal administration should be left to the Mizos and (4) liberal financial assistance should be given.\(^3\) There was a sharp difference of popular opinion among the Mizos regarding the future of the Lushai Hills.

### 3.2: Recommendations of the Bordoloi Sub-Committee

The Bordoloi sub-committee noted the anxiety of the hill people about their land and their fear of exploitation by the economically advanced people, especially the money lenders. The Committee recommended for the Autonomous District Council to be constituted democratically with the power of legislations over the occupation and use of land other than reserved forest and the cultivation of jhum. The District Council should have the power to make law on the use of land, village forest, and agriculture. The District Council should be entrusted to provide administration of justice. The Committee also recommended for the Provision of Regional Council in the District to protect the distinct culture and dialect of smaller tribes. The Committee was not keen to allow the Lushai Hills District to enjoy the status of being “Excluded Area” as it felt that there was a much advancement of the area.\(^4\) It also suggested that the tribal of the region should enjoy uninterrupted freedom in the practice of their respective customs, inheritance, social organizations and way of life.\(^5\)

### 3.3: Formation of the District Council

The report of the Bordoloi Committee was placed before the Constituent Assembly for discussion. There was a criticism against the recommendations for creation of the District Council and Regional Council in the hill districts of Assam on the ground that it might sow the seed of separatist tendency among the Indians. Such a vast power in the hands of the tribes should

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\(^3\) Animesh Ray, *India- The Land and the People, MIZORAM* (National Book Trust, India, New Delhi, 1993), p. 152


lead to chaos, anarchy and disorder throughout the country and the creation of such council would jeopardize the interest of the whole country. Dr. Ambedkar had defended the creation of the District Council in the Constituent Assembly. He pointed out the differences between the tribes in Assam and other parts of the country, who have been Hinduised and assimilated into the Hindu society among whom they lived. But the tribes of Assam developed their own culture and language or dialect and their own religion. Their internal organization, laws of inheritance and marriage, fundamentally differ not only from those of the plains but also from their own immediate neighbouring tribes. Moreover, the hill areas are the frontier of the country which should be well protected and the political aspirations of the people in these areas should be satisfied.

After a long deliberation, the committee submitted its report to the Chairman Advisory Committee on Fundamental Rights and minorities Sardar Vallabhai Patel for approval; it was later on forwarded to the President of the Constituent Assembly with some amendment. The constituent Assembly after much debate and deliberation finally approved the provisions of District Council and Regional Council, which were inserted in the Sixth Schedule of the Constitution. The District Council had been given wide and extensive law making power with respect to the administration of their areas under the provision of paragraph 3 of the Sixth Schedule of the Constitution. The District Council is also empowered to regulate trading and money lending by non-tribals in the district. The Inner Line Regulation introduced by the colonial power was also upheld. A regional autonomy had thus emerged to enable the hill people to safeguard their way of life, to participate in the political life of the country and the administration of their own area, and to develop themselves according to their own genius and tradition.

Mizoram, the then Lushai Hills was incorporated into the state of Assam in 1947 when India independent Act came into force. The central government immediately informed the matter to the Mizo Union which accepted

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the incorporation of the district into Assam state in accordance with the provision of the Sixth Schedule. The Government of Assam enacted the Assam Autonomous (Constitution of the District Council) Act, in 1951.\(^7\) The central government under the provision contained in the Sixth Schedule of the Constitution, Article 244(2) and 275(1) has created six autonomous districts in Assam: United Khasi and Jaintia Hills, Garo Hills, Lushai Hills, Naga Hills, North Cachar Hills and Mikir Hills.\(^8\) There was to be a District Council for each autonomous district, the Governor would divide the areas divided by them into an autonomous region. On the basis of this provision an autonomous region, the Pawi-Lakher Regional Council was created in Mizoram. In this way, the Mizo District Council for the Mizos and Pawi-Lakher Regional Council for the Pawi and Chakma tribes were set up in 1952 and 1953 respectively.\(^9\) The member of the District Council and the Regional Council were to be elected for a term of five years. The entire Mizo District administrations including the District Council was controlled and looked after by a department known as Tribal Areas Department (TAD) under Government of Assam headed by a Tribal Minister.\(^10\)

The Strength of the Mizo (Lushai) Hills District Council at the beginning of its inception was 24 which consist of 18 elected members and 6 nominated members to ensure the participation of every section of people in the society. The nominated members of the Lushai Hills District Council consists of one representative of the government, women’s representatives, two representatives from the chiefs, one representative from the commoners and another representative from the smaller tribes.\(^11\) The newly created Pawi-Lakher Regional Council also consists of 12 members including 2 nominated seats. The creation of the Autonomous District Council within the state of Assam fulfilled the aspiration of the Lushai, now called the Mizos to a great extent. With the introduction of these Councils, the post of Superintendent was abolished and the

\(^{7}\) S.N. Singh, op. cit, p.145
\(^{8}\) K.M. Zakhuma, Political Development in Mizoram from 1946 to 1989 (Offset printers and paper works,2001), p.137
\(^{9}\) S.N., Singh, op., cit p., 145
\(^{10}\) P.Lalnithanga IAS (Retd.) Emergence of Mizoram (Lengchhawn Press, Aizawl, 2005), P.28
\(^{11}\) K.Lawmzuala, Mizo District Council Kha (Lengchhawn Press, Aizawl, 2002), p.22
whole area of Lushai Hills was placed under a “Deputy Commissioner”, with much curtailed powers, and the Chief Executive Members of the District and Regional Councils.

3.4: Legislative Power of the District Council

Under the Sixth Schedule of the constitution, the District Council has been vested with the power to make laws with respect to-

- the allotment, occupation or use, or setting apart, of land which is a reserved forest, for the purpose of agriculture or grazing or for any other purposes likely to promote the interests of the inhabitants of any village or town, subject to the power of compulsory acquisition of any land for public purposes by the Government of Assam;
- the management of any forest not being reserved forest;
- the use of any canal or water-course for the purpose of Agriculture;
- the regulation of the practice of jhum or other forms of shifting cultivation;
- the establishment of village or town committees or councils and their powers;
- any other matter relating to village or town administration, including village or town police and public health and sanitation;
- the appointment or succession of chiefs or headman;
- the inheritance of property;
- marriage and Social customs.

The District Council or Regional Council is also empowered by the Constitution to establish Village Councils for the village administration; make appointment of members and presiding officers of the Village Councils and courts and to appoint officers for the administration of laws made under paragraph 3 of the Sixth Schedule. The Council may also appoint officers, if necessary, to administer the law made by the Councils.
3.5: Abolition of chieftainships

The supremacy of the chiefs was a great nuisance to the commoners because some of the chiefs had utilized their power arbitrarily. The traditional tax and privileges given to the traditional chiefs was a great burden to the commoners. As Christianity and missionary activities were opposed to the interest of the traditional elites, the new privileged class became wholly dominated by the commoners and posed a challenge to the traditional elites. In this way the British rule gradually loosened the traditional holds resulting in a declining tendency of chief’s traditional powers. A new set of rulers based on democratic principle was envisaged by the people. Later on, the refusal of the chiefs to join the Mizo Union party had created a bitter atmosphere of political rivalry causing a strained relation between the traditional elites and the new privileged class.

In the first election of the Lushai Hills District Council, out of 18 elected members the Mizo Union, greatly supported by the commoners has got 17 seats and only 1 seat was won by the UMFO, supported by the traditional elites. The District Council, soon after its formation, began to make laws on various subjects aimed at bringing about the development of Mizoram. It passed several laws on different subjects within a short period and made commendable work in matters of legislation. The first session of the District Council was convened on the 23rd June, 1952 and the session continued till the 10th July 1952.\(^\text{12}\) Armed by the Sixth Schedule of the Constitution which had empowered them to pass law, majority of the members entertained a revengeful attitude towards the chiefs and expressed their views in favor of the abolition of chieftainship in the Lushai Hills. Accordingly, its first piece of legislation called the Lushai Hills (Chiefs Abolition) Act, 1952, was passed by the District Council with effect from January 1, 1953.\(^\text{13}\) Accordingly the entire existing chief within the District Council were to be abolished and all their powers and their rights to

\(^{12}\) Dr. Sangkima, *Mizos: Society and social Change* (Spectrum Publications, Guwati:Delhi, 1992), p.175
\(^{13}\) Ibid., p.175
receive customary gifts were automatically abrogated. The chiefs were, however, allowed to function as rightful chiefs until another body was formed as substitute.

The chiefs were now reduced to mere figure heads in the Mizo society. They were no more looked upon as absolute ruler by the people. The District Council enjoyed the right to exercise overall powers on the chiefs. The District Council in its memorandum of April 3, 1953 justified the abolition of chiefship and accused the chief of exercising their power arbitrarily and blamed them as the cause of formation of the political party in 1946.\(^\text{14}\) Accordingly the Government of Assam Legislative Assembly passed a bill which became an Act, known as The Assam (Lushai Hills Acquisition of Chief’s Rights) Bill, 1954.\(^\text{15}\) The Act mainly deals with the compensation to be given to the chiefs and the settlement of their land. It further empowered the District Council to administer all the chiefs’ land. With these as many as 255 chiefs in the Lushai Hills and 50 chiefs in the Pawi-Lakher Regional Council were abolished on April 1, 1956 respectively.\(^\text{16}\) In this way the oldest institution of the Mizo Society came to an end, the system of chiefship so long in vogue was done away with and the right and interest of the Chiefs were taken over by the District Council. This paved the way for the creation of a democratically set up institution at the grassroots level.

### 3.6: Formation of the Village Council

With the formation of the District Council the whole administrative set up of the Lushai Hills was changed enabling the people to participate in the formation of the Government through adult franchise. Now with the extinction of the Chieftainship, the Village Council elected through franchise was to be formed in order to substitute the hereditary chiefs, who had all the administrative powers and responsibility for managing the affairs of the villages in the Mizo traditional society. The proposed new system of forming the Village Council was discussed at length in the District Council’s sessions. The

\(^{14}\) Ibid., p.177

\(^{15}\) R.Vanlawma, *Ka Ram leh Kei, (My Country and I)* (Lengchhawn Press, Aizawl, 1989.), p.231

\(^{16}\) V.H.Khuma, *Political History of Mizoram* (Omnipresent Offset, Ramhlun North, Aizawl), p.89
first was the enactment of the Lushai Hills District (Village Council) Act, 1953 (The Lushai Hills Act No. V of 1953). The Governor of Assam gave his assent to the Act on November 29, 1953 and the same was published in the Assam Gazette, dated the 9th Dec., 1953. The Act empowered the District Council to form a Village Council in every village within the jurisdiction of the Lushai Hills District Council. Accordingly the District Council had started taking all necessary steps for the formation of the Village Council. It also provided that the number of the Village Councils would vary from village to village depending upon the number of houses. The Village Councils were divided into various groups in accordance with the Constituency of the District Council. Hrangaia, an Executive Member of the Lushai (Mizo) Hills District Council was appointed as a member in charge of the Village Council.

The first election to the Village Council was held from April 23 to July 7, 1954 with the polling party moving from one village to another conducting the election. In the election the Mizo Union captured most of the interior villages while the United Mizo Freedom Organization (UMFO), another political party largely supported by the chiefs and their follower, won only few seats in the interior villages. After the election of the Village Council the date for the inauguration of the Village Council in each circle was appointed by the District Council, the Chief Executive Member- Mr. Lalsawia, Executive Members- Mr. Hrangaia and F.Sangkunga, Mr.Thanhira MP were appointed to inaugurate various Village Councils of different Circle where the newly elected members were to be present. According to the notification served by the Lushai Hills District Council, the first sitting of the Village Council of all the villages was held on the 16th August 1954, where the President and Vice President were elected. The elected President had to select a person from amongst the villagers, who will act as a Secretary during the tenure of the term and the appointment will

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17 Dr. Sangkima, Mizos: Society and Social Change (Spectrum Publications Guwahati: Delhi, 1992), p.177
18 K. Lalrinzuali, DLAO, Paper presented on 27th Oct., 2004 at the 4th Mizoram Village Council Association General Conference
19 Notification No. E 4290/V-3 Dated: the 7th May, 1954 of the Lushai Hills District Council
be given by the Executive Committee of the District Council.\textsuperscript{20} The Act, further provides that, of the total number of members of the Village Council one-third or nearest shall be nominated by the executive committee and the rest elected by the adults of the village in accordance with the rules made by the District Council under the Act. After completing all the formalities the Village level administration which so long rested with the chiefs began to be performed by the Village Councils in Lushai Hills from 1954. Thus the villages in the Lushai Hills became a village republic where the head of the village or President was elected by the villager for a fixed period. The dream of having democratically set up villages where people would become their own masters had been for the first time fulfilled in the Lushai Hills and democracy started finding its place at the grassroots level under the District Council.

As stated under Section 3, sub-section (4) of the Lushai Hills District (Village Councils) Act, 1953, all the villages did not have Village Council. In order that a village should have a Village Council, there must be first of all a village establishment by a District Council having an area demarcating its boundaries. Number of members of the Village Council shall be decided in accordance with the number of houses in the village as specified below:-

- For villages not exceeding 60 houses, there shall be 5 members
- For villages between 61 and 100 houses, there shall be 6 members
- For villages between 101 and 140 houses, there shall be 7 members
- For villages between 141 and 180 houses, there shall be 8 members
- For villages between 181 and 220 houses, there shall be 9 members
- For villages between 221 and 260 houses, there shall be 10 members
- For villages between 261 and above, there shall be 11 members

However the prescribed number of Village Council members was modified in March, 1970, after the system of compulsory grouping of villages was introduced. The change in the composition of the ratio of the

\textsuperscript{20} Notification No. E 6155/C-11 Dated: the 9\textsuperscript{th} August, 1954 of the Lushai Hills District Council
Village Council membership with the number of household was revised due to the proportionate increase of village population after the introduction of grouping scheme which reads:

- For villages not exceeding 100 houses, there shall be 4 members
- For villages between 101 and 200 houses, there shall be 5 members
- For villages between 201 and 300 houses, there shall be 6 members
- For villages between 301 and 400 houses, there shall be 7 members
- For villages between 401 and 500 houses, there shall be 8 members
- For villages between 501 and 600 houses, there shall be 9 members
- For villages exceeding 600 houses, there shall be 10 members

Again in 1991, an Amendment was made in order to change the criteria for the ratio of the number of seats in the Village Council and number of its nominated elements. It received the assent of the Governor of Mizoram on 3rd April 1991 stating that one-fourth or nearest to its members shall be nominated and the rest shall be elected on the basis of adult-franchise. The criteria for the number of members were as determined below:-

- For villages not exceeding 100 houses, there shall be 4 members;
  For villages with more than 100 houses, but not exceeding 200 houses there shall be 5 members;
- For villages with more than 200 houses, but not exceeding 300 houses there shall be 6 members;
- For villages with more than 300 houses, but not exceeding 400 houses there shall be 7 members;
- For villages with more than 400 houses, but not exceeding 500 houses there shall be 8 members;
- For villages with more than 500 houses, but not exceeding 600 houses there shall be 9 members;
- For villages with more than 600 houses, but not exceeding 900 houses there shall be 10 members;
- For villages with more than 900 houses, but not exceeding 1200 houses there shall be 11 members;
- For villages with more than 1200 houses, but not exceeding 1500 houses there shall be 12 members;
- For villages with more than 1500 houses, but not exceeding 1800 houses there shall be 13 members;
For villages with more than 1800 houses, but not exceeding 2100 houses there shall be 14 members;
For villages with more than 2100 houses there shall be 15 members;

The Lushai Hills District (Village Councils) Act, 1953 was again amended 1999 to change the condition for the number of members of the Village Councils in Mizoram. According to the amendment, the numbers of members of the Village Councils with the number of households were as follows:

- For Village not exceeding 200 houses, there shall be 3 members
- For Village with more than 200 houses but not exceeding 400 houses, there shall be 5 members
- For Village with more than 400 houses but not exceeding 700 houses, there shall be 7 members
- For Village with more than 700 houses but not exceeding 1500 houses, there shall be 9 members
- For Village with more than 1500 houses, there shall be 11 members.

Later on, in 2006 the criterion for the number of members of the Village Council was again changed. Under the ordinance of the Lushai Hills District (Village Council) (Amendment) Ordinance, 2006 (Ordinance No. 1 of 2006, Dated 10.2.2006) the compositions of the Village Council with the number of household are as under:

- For Village not exceeding 200 houses, there shall be 3 (three) members;
- For village with more than 200 houses, but not exceeding 500 houses there shall be 4 (four) members
- For village with more than 500 houses, but not exceeding 800 houses, there shall be 5 (five) members;
- For village with more than 800 houses, there shall be 6 (six) members

At its inception out of 410 villages only 288 Village Councils were constituted in the Lushai Hills District. In the Pawi-Lakher Regional Council there were 72 Village Councils out of 123 villages. The numbers of Villages having Village Council in Mizoram keeps on increasing.

21 Dr.HC.Thanhranga, *Village Councils in Mizoram*, (Lengchhawn Press, Aizawl, 1994) p.3
with the passage of time and more villages have been recognized by the District Council. The latest record maintained by the state government had shown that there are 556 Village Councils, looked after by the state government with 2036 members. The following table may indicate the number of Village Councils and its members in each district looked after by the state government.

**Table 2.1**

_The number of Village Council and its members in the General Election held on 24th and 25th February 2006:_

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Districts</th>
<th>Number of Village Councils</th>
<th>Number of members of the Village Councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Aizawl District</td>
<td>166</td>
<td>664</td>
</tr>
<tr>
<td>2</td>
<td>Lunglei District</td>
<td>132</td>
<td>457</td>
</tr>
<tr>
<td>3</td>
<td>Champhai District</td>
<td>100</td>
<td>350</td>
</tr>
<tr>
<td>4</td>
<td>Mamit District</td>
<td>72</td>
<td>244</td>
</tr>
<tr>
<td>5</td>
<td>Kolasib District</td>
<td>44</td>
<td>168</td>
</tr>
<tr>
<td>6</td>
<td>Serchhip District</td>
<td>42</td>
<td>153</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td>556</td>
<td>2036</td>
</tr>
</tbody>
</table>

*Source: Results of General Election to Village Council 2006, Issued and Published by Directorate of Local Administration*

Besides, the above mentioned number of Village Councils and its members there are other Village Councils which were looked after by the District Council which got the right to make their own laws as empowered by the Sixth Schedule to the Constitution. Though nominated seats have been abolished under the state government in 1999 the three Autonomous District Councils still continue to have nominated seats within their jurisdictions which indicate that the District Councils have got enormous power in looking after the Village Council. The nominated members are usually appointed by those persons capturing majority seats and in the drawn Village Council nominated seats usually go to those persons who belong to the majority party in the District Council. The following table may indicate the number of Village Council and number of its elected member in each Autonomous District Councils within the state of Mizoram.
Table 2.2
The Number of Village Council and number of its members under
The Autonomous District Councils:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the District Council</th>
<th>No. of Village Council</th>
<th>No. of member of the Village Councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lai(Pawi)Autonomous District Council</td>
<td>77</td>
<td>209</td>
</tr>
<tr>
<td>2</td>
<td>Mara(Lakher) Autonomous District Council</td>
<td>70</td>
<td>240</td>
</tr>
<tr>
<td>3</td>
<td>Chakma Autonomous District Council</td>
<td>65</td>
<td>305</td>
</tr>
<tr>
<td>4</td>
<td>Total</td>
<td>212</td>
<td>754</td>
</tr>
</tbody>
</table>

Source: Secretariat of the District Council Affairs, Government of Mizoram.

From Table 2.1 and 2.2 we have come to know that in the whole state of Mizoram there are 768 Village Council and 2790 elected members.

The Administrator or the District Council has got the power to abolish a Village Council if the number of household of the village has, in his opinion, is too small to have a Village Council of its own. In such a situation the villages shall be merged with the nearest village having a Village Council.

3.7: Composition of the Village Council

The composition of the Village Council includes of all the elected members who were elected by the villagers on the basis of adult franchise; nominated members in case there are nominated members, Secretary and ‘Tlangau’ or Village Crier. The President and Vice President of the Village Council are elected by the members of the Village Council from amongst the elected members of the Council. The Secretary is appointed by the Government on the recommendation of the President from amongst the villagers. The

22 Sub-Section (1) of Section 7 of the Lushai Hills District (Village Council) Act, 1953
appointment of the Village Crier is made by the Village Council’s full sitting from among the applicants through an advertisement.

The Executive: The executive body of the Village Council consists of the President, the Vice-President, and the Secretary. While the President and Vice-President were elected from among the members, Secretary is appointed and dismissed by the government on the recommendation of the President. The secretary is not a member of the Village Council. He participates in the meetings of the Village Council but does not enjoy the right to vote. The Secretary keeps all records and takes the charge of the Village Writer and has no right to cast his vote when decisions are taken. He records the proceedings of the meetings and publishes notices, orders and proceedings. Similarly either the President or the Vice-President is not eligible to hold the office of the Secretary of the Village Council. They are considered as public servants.

The President: The President is the executive head of the Village Council and all executive functions are carried out in his name. He shall cause notices and instructions for prevention of dangers such as outbreak of fire, epidemics, etc. He shall be responsible for the compliance of all orders and notifications issued by the administrator or the District Council. He shall cause all such orders and notifications to be read by the Secretary in the meetings of the Village Council and shall examine the books kept by the Secretary from time to time as he may deem necessary. The President also acts as a Treasurer of the Village Council and all local fund and development fund were take care by him, he should see that the cash book of the Village Council is maintained properly.

The Vice-President: The Vice-President shall have the position next to the President and in the absence of the President he shall perform the duties of that office and during such period the power of the President shall be vested in him.

The Secretary: The Secretary of the Village Council is the substitute of the ‘Khawchhiar’ or Village Writer in Mizoram since October 15, 1954; they were in charge of all the responsibility of the Village Writer during
the colonial period.\textsuperscript{23} The Secretary shall record all the proceedings of the Village Council as well as the Village Courts and such records shall be signed by the President. He shall publish orders and notifications and records as may be necessary, such orders, notifications, and records shall be signed by the President. On receipt of any order, notice, or circular or letters from higher authority, the Secretary shall cause it to be served as may be directed and shall be responsible to carry such directions. He shall keep all the books and records of the Village Council and of the Village Court. He also acts as a Financial Secretary of the Village Council and is expected to maintain a good record of the receipt and expenditure of the Village Council on the advice of the President who acts as a Treasurer of the Village Council. All the books and records shall be kept ready to be examined at any time by the Officers of the concerned department, or any members of the Village Council on his behalf.

\textit{The ‘Tlangau’ or Village Crier:} The Village Crier always holds an important position in the Mizo villages from time immemorial. The Village Crier shall bring to the notice for the public all orders and notifications the Village Council may direct to be notified. He shall summon all parties and other persons required by the Village Council or Village Court to attend its meetings. He shall carry notice, to all members of the Village Council for all meetings of the Village Council recommended by the President. If any emergency occurs requiring the gathering of public in the interest of the village any member of the village may, without the previous approval of the President order the ‘Tlangau’ to summon all the villagers.

\textbf{3.8: Qualification to be a member of the Village Council}

A member of the Village Council should be a member of a Schedule Tribe, he must have attained the age of 25 years on the qualifying date, he must be a voter in the village where he desires to contest, he must not be a member of any other Village Council, he must be of sound mind and he must not

\textsuperscript{23} \textit{Executive Department Order No.EV.202/v-4, Dt: 28th Sept., 1954. of the District Council, Mizo District.}
be convicted by any court or imprisoned three years before. A person who has been employed as a government servant on regular basis cannot be elected as a member of the Village Council.

3.9: Terms of Office

The normal term of the Village Council is three years from the date of its first meeting, unless dissolved sooner. However, the life of the Village Council may be extended or shortened for a period not exceeding 18 months. Although, the term of the office of a Village Council is three years normally, if the government finds that the Village Council is too week, inefficient and is not able to carry on the village administration, it can dissolve such Village Council and during the period of such dissolution the government can appoint its Circle Assistant or some other officers to look after the administration of the dissolved Village Council. The government, if necessary, may conduct an election of the dissolved Village Council for the remaining period of the term. However, under the District Council whenever the Village Councils are dissolved, the Executives of the District Council in its first session have to lay down the reason for its discussion by the members in the meeting and all necessary actions may be taken. But under the government of Mizoram discussion about the Village Council were never made in the Assemblies as the provision for it has been deleted when Mizoram was upgraded into a Union Territory.

It may be interesting to note that the first four general elections of the Village Councils were conducted smoothly in 1954, 1957, 1960 and 1963 respectively. However, with the outbreak of violence and insurgency, the 1966 Village Council election was suspended for several years. During this period all political activities were suspended, the term of the existing District Council and Village Council were extended. After the return of normalcy in political situation, political leaders reactivated political parties and the District

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24 Section 4 of the Lushai Hills District (Village Council) Act, 1953.
25 Section 5 of the Lushai Hills District (Village Council) Act, 1953
26 Section 25 of the Lushai Hill District (Village Council) Act, 1953
Council reassumed its normal functions. The fifth Village Council election was thus held in 1971 after a lapse of eight years.

In case, the President of the Village Council wants to resign before the expiry of his term he has to give his resignation to the government with his own handwriting but continues his duties till his resignation has been accepted. The Vice-President will give his resignation to the President who will forward it to the government for acceptance. \(^{27}\) The President also has to forward the resignations of other members of the Village Council to the government, and whenever any post in the Village Council remains vacant, it is the duty of the President to inform the government or an officer in charge of it for necessary action. The government may remove the President and the Vice-President on grounds of inefficiency, corruption, loss of majority support of members or “acting in a manner prejudicial to the interest of the state.” \(^{28}\) But the Village Council has no power to impeach President and Vice-President. If a member remains absent in ten consecutive meetings without proper information, the Village Council can dismiss him in a specially convened meeting for the purpose and communicate the decision to the Government.

### 3.10: Election to the Village Council

Election to Village Council is conducted by the District Council under the Autonomous District Councils and the Government of Mizoram under the state government. The administrator shall, by notification in Gazette fix the number of seats for each constituency to form a Village Council. Every Village has got their own electoral rolls which shall include the names of all persons who are bonafide residents and entitled to vote in the election to Village Council, in accordance with clause (g) of Rule 2 of the Mizoram (Election to Village Councils) Rules, 1974 as Amended. The administrator shall appoint a Registration Officer for each district for the Village Council and may appoint one or more persons as Assistant Registration Officer to assist the

\(^{27}\) Sub-Section (4) & (5) of Section 7 of Lushai Hills District (Village Council) Act, 1953.  
\(^{28}\) Ibid., Sub-Section (10)
Registration Officer in the performance of his function. The Registration Officer shall appoint a Returning Officer, who will also function as Presiding Officer, and also Polling Officers, to conduct the election of each Village Council constituency. The Registration Officer, Assistant Registration Officers and Polling Officers are usually appointed from among the teachers of the concerned village. The Returning officer has been empowered to appoint a substitute to a Polling Officer in case of illness or any unavoidable circumstances and inform the Registration Officer accordingly. No Civil Courts shall have jurisdiction to question the legality of any action taken or any decision given by the Returning Officer or by any other person appointed under these Rules in connection with the election.

The Administrator shall, by notification in the Gazette, fix the date or dates for such election in each constituency simultaneously or consecutively according to convenience.

Any person whose name is included in the electoral roll of the constituency and who is not otherwise disqualified under section 4 of the Lushai Hills District (Village Council) Act, 1953 may offer himself or herself as a candidate for election to a Village Council and shall inform the Returning Officer, in writing of his intention to do so by a particular date to be notified in this behalf by the Returning Officer in the respective constituency on a date and time to be notified by him. The scrutiny of candidature shall be taken up by the Returning Officer in the respective constituency on a date and time to be notified by him. A candidate shall furnish a security deposit of Rs.25/- to the Returning Officer along with his application for his candidature which will be refunded in the event of the withdrawal of candidature or at the earliest date after the conclusion of the Election.

Election to the Village Council is conducted by symbol system. Each candidate should select a symbol out of those prescribed by rules. They are chicken, cock, cage, lantern, hen, house, horse, axe, spade, pen, kettle,

29 Sub-Rule (1) of Rule 4 of the Mizoram (Election to Village Councils) Rule, 1974 as Amended.
30 Ibid., Sub-Rule (4)
31 Ibid., Rule 37
sickle, men’s smoking pipe, Mizo hat, umbrella, etc. The number of election symbol is 60 in accordance with the notification served by the Local Administration Department before the Village Council election of 2006. If more than one candidate selected same symbol, the Returning Officer shall decide by draw of lot to whom the symbol shall be assigned.

As regards the arrangement of voting there should be one or more polling stations for the same constituency depending upon the number of voters. One election agent of the candidate appointed in writing and submitted to the Returning Officer shall be admissible into the Polling Booth in the case of candidate absenting himself from the Polling Station. TheReturning Officer shall fix the hours of polling votes. Each voter should be given as many ballot papers as equal to the number of seats to be filled up. Each voter shall record his vote/votes by dropping only one ballot paper in each box containing the symbol assigned to the candidate of his choice. After the closing of the poll, the Presiding Officer shall, in the presence of the candidates or their agents, close the ballot boxes in safe custody until the commencement of counting of votes, which shall be as soon as possible carried out by the Returning Officer and those persons whom he had appointed to assist him in counting of votes. In case of equality of votes the Returning Officer shall decide membership between those candidates by drawing lots. The list of elected shall be published in the Gazette.

In case the election of a member to constitute a Village Council cannot be held due to any reason considered unavoidable by the administrator or the District Council but the circumstances demand immediate constitution of such village Councils, the administrator may also nominate the remaining number of members who shall hold office for a period not exceeding one year from the date of the first meeting of the Council.

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33 DLAO, Local Administration Department, Aizawl; District, Notification No-B-12020/11/2005-DLAO(A).
3.11: Powers and Functions of the Village Council

The Mizo Chiefs from time immemorial had governed their villages with unwritten laws on the advice of the ‘Upas’ or elders, which they think is most suitable for the villagers. Later on, these unwritten laws developed into tradition and culture of the people occupying the Lushai Hills. N. E. Parry, the Superintendent of the Lushai hills from 1924 to 1928 collected the customs which have been practiced by various chiefs and prepared a book which was published in 1928; the book was greatly utilized by the chiefs and elders in giving judgments to the villagers. Later on, when the Lushai Hills was placed under the Sixth Schedule of the Constitution having its own District Council, N.E.Parry’s book with certain modification was developed into a Mizo Customary Law and was published in 1957. The book was legally utilized by the District Council Court and Village Council Court till recently in Mizoram with several modifications.

The Village Council since inception has got certain functions and responsibilities being substitute of the Village Chiefs who enjoyed enormous power and had taken up the responsibilities of legislating, executing and protecting the village and the villagers. It is the duty of the Village Council to see that the villagers have enjoyed enough liberty in every sphere of life. The powers and functions of the Village Council may be broadly divided into two groups, which are the executive and judicial functions which has been discussed below:

3.11.1: The Executive powers and Functions of the Village Council

The Executive powers and functions of the Village Council may be discussed under the following:-

(i) Distribution of jhumland for the Purpose of Shifting Cultivation:- The first important executive function of the Village Council is the distribution of Jhumland within its jurisdiction. Jhumming or Shifting Cultivation being the most important source of livelihood for the villagers in Mizoram and

administering the jhumland always plays an important role in administration of the villages. The Lushai hills District (Jhumming) Regulation, 1954 had empowered the Village Council to distribute jhumland each year to the villagers on the appointed time. The law has been adapted by the Dissolution of Mizo District Council (miscellaneous provision) Order 1972 when the Mizo District Council was dissolved. The law has been again adapted by the State of Mizoram under The State of Mizoram Adaptation of Laws Order (No.2) of 1987.\textsuperscript{36} The Village Council has got the responsibility of reporting the place and area to be cultivated or distributed every year in the month of September, in written to the Government. The jhumland was distributed by means of draw of lots. The privileges given to the President, Vice-President, and members of the Village Council to select the jhum site were suspended since 1958.\textsuperscript{37} This may be due to the remuneration of the members in terms of money since August 16, 1957.

Disobedience of the Village Council or Government’s Order on the distribution of Jhumland is punishable with a fine of Rs.500 and failure of cultivating the selected site is punishable with a fine of Rs.100.\textsuperscript{38} The Village Council therefore needs to be very careful while fixing the area to be cultivated each year. The Village Council was given the responsibility of preventing the outbreak of fire while burning the trees for clearing the jungles. If there is any dispute concerning the distribution of jhumland, the final decision will be made by the Government or officer in charge of it.\textsuperscript{39}

\textit{(ii) Enforcement of ‘Hnatlang’ or Collective Labour:-} The next important function of the Village Council is the enforcement of ‘\textit{hnatlang}’, which means common service for the common good of the villagers which the residents of the village are to render without any reward whenever the need for it arises in the village. The Lushai Hills District (Village Council) Act, 1953, section 9 had empowered the Village Council to call for ‘\textit{hnatlang}’ whenever the need for it was felt by the members of the Village Council. All developmental

\textsuperscript{36} Directorate of Local Administration Department, Government of Mizoram, \textit{Village Council Kaikhruaina Bu. p.12}

\textsuperscript{37} Mizo District Council, \textit{Executive Order No.12 of 1957.}

\textsuperscript{38} Section 10 of the Lushai Hills District (Jhumming) Regulation, 1954, (as amended in 1996).

\textsuperscript{39} Ibid.
works, cleanliness or sanitation, helping out the poor and needy, etc. cannot be carried out by the government alone but can be carried out by the collective labour under the supervision of the Village Council.

The Village Council was also empowered to exempt anyone from ‘hnatlang’ but the reason for it must be carefully recorded. People above the age of 60 years were also exempted from ‘hnatlang’ and children below the age of 15 years cannot be accepted as a representative of a household. Absentees from ‘hnatlang’ without any reason thereof, are punishable with a fine of Rs.50.40

(iii) The Control of Animal and Taxation of Animal:- The third executive power and function of the Village Council is controlling of the animals within their village. The Mizo Animals (Control and Taxation) Act, 1980 (as Amended in 1991) had empowered the Village Council to control and tax the animals within their jurisdiction. The task of collecting animal tax was given to the Village Council. The Village Council get 50 percent of the tax collected and another 50 percent will be given to the Government as a consolidated fund of Mizoram. All the people having animal should get them register and the registration fee of an animal is 50paise and that of a young animal is 25paise.41 The Village Council was to maintain the registration fee and accounts of the register that may be checked by the officer in charge from time to time.42

The Village Council should see that no animal in the village was a nuisance to the neighbours or villagers and every animal should have their own homes. The owner of any animal caught in the street may be fined with a sum of Rs.50 and if any animal destroyed somebody’s property, the owner of the animal had to compensate the victim.43 The Village Council has got the right to

40 Section 9 of the Lushai Hills District (Village Council) Act, 1953. (as amended in 1996)
41 Sub-Section (1) of Section 21 of the Mizoram Animal (Control & Taxation) Act, 1980 (as amended in 1991)
42 Ibid., Sub-Section (3)
43 Ibid., Sub-Rule (2) of Rule 21
auction any animal caught, if it was not claimed by the owner within a period of seven days, subject to proper notification.44

(iv) Allotment of House Sites for the villagers:- The fourth important executive function of the Village Council is the allotment of House sites in the village for the villagers to live in. The Lushai Hills District (House Sites) Act, 1953 had empowered the Village Council to distribute land within its jurisdiction for the construction of houses for homes. But the Village Council was not authorized to distribute land for the purpose of agriculture, shops, hotels and any other forms of business.

(v) Prevention and Control of the Outbreak of Fire:- The fifth important executive function of the Village Council is the Prevention and Control of fire within its jurisdiction as given in “The Mizoram (Prevention and Control of Fire in the Village Ram) Rules, 1983. The village Council was given the responsibility of preventing the outbreak of fire within its jurisdiction. In accordance with the office memorandum No.B 11011/19/91-FST dated Aizawl, the 8th Feb., 2000; all the villages were to set up a Village Forest Fire Prevention Committee in which the President of the Village Council was to be the appointed chairman of the committee. The committee was to appoint Fire Watcher for a period of two months i.e. from the 15th Feb., to the 15th April which would be a voluntary work. In case there is an outbreak of fire the villagers were expected to stop the fire on the basis of hnatlang under the supervision of the Village Council. Moreover, the Village Council was assigned to give information or report to the Deputy Commissioner/SDO (Civil) for necessary action.

The responsibility of the Village Council in order to prevent the outbreak of fire is given under the Mizoram (Prevention and Control of Fire in the Village Ram) Rules, 2001.

a) The Village Council has to fix the period for clearing the jungles and cutting down tree for the purpose of jhuming every year.

44 Ibid., Rule 23
b) The Village Council should fix the date for burning down the jhum sites and the notice should be served three days before the fixed date.

c) The Village Council should see that all preventive measure has been taken for the prevention of the outbreak of fire.

d) Subsidiary shifting jhum cultivators should inform the Village Council seven days before they were going to burn their subsidiary jhum. The Village Council then will fix the date for burning down the subsidiary jhum.

e) The Village Council will take all preventive measure for the outbreak of fire before the proposed subsidiary jhums were burnt down.

(vi) **Control and Protection of Forest:** The sixth important function of the Village Council is the control and protection of Village Safety Reserve, Village Supply Reserve and Protected Forest Reserve under the Mizo District (Forest) Act, 1955 (Act No. IV of 1955). There are three types of forest reserve, they are:

- **Village Safety reserve:** This reserve has been protected to prevent the village from the outbreak of fire, to maintain the health of the villagers and to maintain the purity of springs and streams from which the villagers fetch water for domestic purposes. These reserve should not be used for any other purpose and cutting down of trees within this area is strictly prohibited.

- **Village Supply Reserve:** These reserves have been protected so that the trees and bamboos within this area may be utilized only for domestic purposes. All the villagers are allowed to cut down trees and bamboos within the village supply reserves.

- **Protected Forest Reserve:** This reserve area should not be utilized for any other purposes unless permission has been obtained from the government.
The Village Council is given the responsibility of protecting this reserved forest and maintained the records of its boundaries.

(vii) Sanitation of the Village:- Chapter II of the Lushai Hills District (Village Council) Act, 1954 had clearly indicated that the Village Council is responsible for the sanitation of the village. The Village Council has been empowered to establish a Sanitation Committee and make certain law which would regulate the functioning of the Committee. The members of the Village Council being very small in number may not be able to maintain the sanitation of the whole town or village. With the help of this committee that may be grouped into various sections the Village Council has to carry out this important function and prevent the spread of various diseases.

In addition to the above, the normal functioning of Village Council covers a variety of items. It has to handle all the developmental programmes, with the help of the administrative officials, within their respective jurisdiction. The President is to report the harvest of rice of his village to the Government so that the Government will be able to take remedial measures if the harvest is very poor. In any severe incident that takes place in the village, the Village Council is responsible to inform the Government. The Village Council is to carry out all the duties assigned to it by the Government. Also it is to consider the welfare of the villagers, in bringing their felt needs to the notice of the Government such as for opening of school, post office, construction of inter village path and construction of roads and approach foot-path to jhum, etc. The Village Council is also expected to take various steps in order to prevent the spread of communicable diseases or epidemics, etc. The President also acts as a communicating link between the villagers and the Government.

3.11.2: The Judicial Functions of the Village Council

The most important function of the Village Council is the Administration of Justice in the village. For this purpose the Village Council is empowered to organize the Village Court constituted under the administration of Justice Rule, 1953 and the member of the Village Council Court as a bench. The
Village Court is the lowest court of the District Council and later on the state. The Village Council has to appoint three of its members or up to half of its members to be a member of the Village Court. The normal term of its member is of three years. The Village Court can give judgments only in the presence of at least three of its members. Therefore, in a Village Council where there are only three members, court judgments can be given only in the presence of all the members.

A Village Court can try suits and petty cases in which both the parties belong to Schedule Tribes or Tribes resident within its jurisdiction in accordance with the customary laws of the village, but the court should not try offences in respect of which the punishment is obligatory under Indian Penal Code. A Village Court shall try all cases in open Durbar in the presence of the complainant and the accused and their witnesses, if any, it shall decide the issue by a simple majority of votes and pronounce decision as soon as possible. Registers of all suits and cases disposed of by a Village Court shall be kept by the Court.

The Village Court, which was given the responsibility of maintaining law and order in the village, has been empowered to try the following cases:

1) Civil cases if both the parties were tribal and the nature falling within the purview of village or tribal laws and customs.

2) Criminal cases falling within the purview of tribal laws and customs and offences of petty nature, such as petty theft and pilfering, mischief and trespass of petty nature, simple assaults and hurt, affront and affray of whatever kind, drunken or disorderly brawling, public nuisance and simple cases of wrongful restraint:

3) The Village Court can decide cases which are concerned with the following:

   a) The Lushai Hills District (Village Council) Act, 1953 as amended from time to time;

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45 Sub-Rule (1) of Rule 6 of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953
b) The Lushai Hills District (House Site) Act, 1953 and The Mizoram Land Holding and Settlement Act, 2000;
c) Administration of Justice Rules, 1953;
d) The Lushai Hills (Jhumming) Regulation, 1954;
e) The Mizo District (Forest) Act, 1955;

4) The Village Court has got the power to fine an accused up to a sum of Rs.500 depending upon the crime he has committed.\footnote{Rule 15 Sub-Rule 1 of the Lushai Hills Autonomous District (Administration of Justice) Rule, 1953} If the accused person fails to pay the amount, the Village Council has the power to confiscate his property.

5) The Village Court has the power to summon a witness but if the witness failed to appear in the court he can be fined a sum of Rs.100.\footnote{Ibid., Sub-Rule (3) of Rule 15}

6) The Village Court has an enormous power of deciding cases concerning the inheritance of property in accordance with the customary Law.

It might be important to note that those persons convicted by the Civil Court cannot be given a punishment more than a fine of Rs.500.\footnote{Sub-Section (1) of Section 10 of the Lushai Hills District (Village Council) Act, 1953 as amended in 1996} Moreover the person convicted by the Village Court cannot be sent to a Jail and no legal practitioner is permitted to plead on behalf of his client in the Village Council Court. The Village Court has the right to send an accused person to higher court. An appeal against the decision or orders of the Village Council Court can be made in the Subordinate District Council Court or Additional Subordinate District Council Court within a period of 60 days after the judgment has been given.\footnote{Rule 16 of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953}

The Village Council, although it is the grassroots political institution, is very important in view of the fact that it is constituted in pursuance
of the provisions of valid law. Under Section 43 of the state of Mizoram Act, 1986, all laws in force during the Union Territory of Mizoram, should continue to be in force in Mizoram until alter, repeal or amended and this includes the Village Council Act by which the Village Council was constituted. The President, Vice-President and members of a Village Council including the secretary are deemed to be public servants under Section 21 of the Indian Penal Code. As such obstructing their performance of duties in the discharge of administration of the village will be an offence as is the case with other public servants.

3.12: Conduct of Business

The Lushai Hills District (Village Council) Act, 1953 clearly describes how the meeting of the Village Council has been carried out. The President presides the meeting of the Village Council, in the absence of the President, the Vice-President will be in charge of the duties of the President. The President can summon the meeting of the Village Council whenever necessity arises and if or when two thirds of the members in writing made a request to the President to call for a meeting.\(^{50}\)

The resolution in the meeting of the Village Council is taken by the majority of votes. The President at the initial stage does not cast his vote but acts as a tie breaker when there is equality of votes. The meeting of the Village Council may be conducted in the presence of 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.\(^{51}\) The President shall preserve order and have all powers necessary for the purpose of enforcing his decision during the meeting. For this purpose he may direct any member whose conduct in his opinion, is disorderly to withdraw immediately from the day’s meeting, if any person is ordered to withdraw for the second time from a meeting of the same

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50 Section 12 of the Mizoram (Village Council) Act, 1953
51 Ibid., Section 13
session of the Council, the President may suspend the member for the remaining period. If any member fails to carry out the direction given to him, the President shall report in writing, the conduct of the member to the Administrator which may lead to suspension of the member for any period considered reasonable by the Administrator.

The Secretary of the Village Council has no right to cast his vote when decisions are taken but may share his views on certain topics with the permission of the President. The Secretary shall record all the proceedings of the Village Council and such record shall be signed by the President. He shall publish all orders, notifications and records as may be necessary and such orders, notifications and records shall be signed by the President. All the resolutions passed by the Village Councils were informed to the villagers through the village Crier or 'Tlangau'. All decisions in the meeting of the Village Council are carried out in the name of the President who can greatly influence the decisions of the meeting through his criticism and advice. Therefore, the working of the Village Council to a large extent depends upon the personality of its President.


The most important financial resources of the Village Council are as follows:

1. The Village Council was entrusted to collect ‘Ranchhiah’ or Animal Tax of which fifty percent of the tax goes to the Village Council and the other fifty percent was given to the Government. This tax is the most important financial resources of the Village Council;

2. Another important financial resource of the Village Council is those fines which are collected by the Village Courts from the Villagers as a penalty for the crimes they have committed or for breaking certain laws;

3. While discussing the financial resources of the Village Council we may also mention that sometimes the government entrusts the Village Council for certain development works, such as; construction and
maintenance of roads and footpaths, sanitation works etc. Therefore various development funds and local funds are given into the hands of the Village Council which are utilizes according to the necessity felt by the Village Council. For this reason, people often think that the Village Council is merely a development unit. The Village Council was also often entrusted by the state government to utilize various sanctions which are meant to uplift or help the poor and the needy under various schemes.

The Village Council has not been given the post of a Treasurer but the President of the Village Councils act as a Treasurer, managing the financial affairs of the Council. The Secretary of the Village Council has to act as a Financial Secretary of the Village Council. All the Village Councils are given a cash/account book by the government in which the financial resources and expenditure of the Village Council are to be recorded properly. These cash book may be checked by those persons appointed by the District Local Administration Officer at any time and failure of maintaining cash book may lead to dissolution of the Village Council.

The Village Council, though has been embodied with various powers and functions, has to suffer a serious setback owing to its scarce financial resources. All developmental functions which were to be carried out in the name of the Village Council could not reach up to the expectation of the masses due to the paucity of funds which paved a way for the loss of confidence of the masses.

3.14: The working of the Village Council under the District Council

The Village Council at the initial stage of its formation was looked after by the District Council. The people had rightfully accepted the Village Council as their real representative and the feeling that they are being governed by their own representatives at the grassroots level, and created great enthusiasm among the people. The people have been well aware of the political changes and welcomed the new system of administration. Moreover the people
became more aware of the happenings around them and the existence of democracy at the grassroots level became an important means of educating the people in the field of politics. Besides, in the absence of traditional propriety and sanctions, the Village Council has no arbitrary power beyond those sanctioned by the Rules.

The formation of the Village Council brought in it vast changes regarding the administration of justice which was taken up by the representatives of the people, all cases relating to the native Mizo were taken care of by the District Council Courts and the Village Council Courts. While only those cases involving non-tribal were taken up in the courts of the Deputy Commissioner and his assistance.

However, in the Pawi-Lakher regions, there has not been any strong and antagonistic forces operating against the traditional elites; and the traditional rulers, to a large extent, continue to dominate the new councils. It was only after 1966 that political pressure began to take the shape and form of groupings based on clan membership in this region. Among the Chakmas, there has been little evidence of institutional changes in their political organization as a result of new political set up brought about in Mizoram. Thus, in the areas inhabited by the Pawis, the Lakhers and the Chakmas, there has been little change in the distribution of powers even though the institutional form of legitimate power came to be shifted from chiefship to the new Village Councils.

The Sixth Schedule to the Constitution had given enormous power to the Autonomous District Councils for the Administration of its own territories, therefore the state Government of Assam had little or no involvement in the village administration which was kept in the hands of the Lushai Hills (Mizo) District Council. The District Council had made all laws and regulation for the administration of the Village Council. All elections to the Village Council at the beginning were conducted by the District Council. It prepared the Electoral Roll and declared the Constituency of each Village Council. The District Council would fix all the necessary and important dates for the conduct of election; it also appoints the Presiding Officers, Returning Officers Registration Officers and all
other important persons for the conduct of Election; it announced the election results and appointed the President, Vice-President and Secretary of the newly elected member of the Village Council. The District Council has got the power to dissolve the Village Council and announce bye-elections according to its own law. Therefore, the Village Council has worked according to the laws which were made by the District Council and disobedience of law may lead to suspension or dissolution of the Village Council. Under the District Council the state government of Assam or the bureaucrats had little or no involvement in the village administration or working of the Village Council. The District Council was greatly responsible for the smooth functioning of grassroots democracy in the Village Councils.

i) The First Term of the Village Council under the District Council: The First General Election to the Village Council within the Lushai Hills District Council was held in 1954 in which only the two existing political parties in the Lushai Hills, Mizo Union and United Mizo Freedom Organization (UMFO) have contested the election. In this election most of the interior villages were captured by the Mizo Union and a few Villages by the United Mizo Freedom Organization. The Notification served by the District Council on the 1st October 1954 had revealed that there were 315 Village Council in the whole District.52

ii) The Second Term of the Village Council under the District Council: The second General Election to the Village Council under the District Council was held in 1957. As with the first election the Mizo Union won thumping majority and only few Councils were captured by the UMFO. The result of the Village Council as given by the Mizo District Council Notification on June 10, 1957 had revealed that there were 384 Village Councils in the District Council.53

iii) The Third Term of the Village Council under the District Council: The Third General Election to the Village Council was held in

52 Zoram Hriattirna, 15th October 1954.
53 Zoram Hriattirna, 15th June, 1957.
1960. In this election people having loyalty to the UMFO had contested in the name of a new political party known as Eastern Indian Tribal Union, designed to fight for a hill state. As in the previous elections, the Mizo Union had captured most of the seats in this election too.\textsuperscript{54}

\textit{iv) The Fourth Term of the Village Council under the District Council:} The Fourth General Election to the Village Council under the District Council was held in 1963, more political parties have started finding their place in the hill areas of the Mizo Hills for contesting the election. The new regional political party called the Mizo National Front (MNF), which was set up by the newly educated Mizos in order to show their grievances against the state and Union Government held an important position in this election. The Indian National Congress had also formed various Councils in this election. In the fourth election of the Village Council, the political situation in the Mizo Hills had experienced great changes. The Mizo Union had suffered a great set back in this election in comparison with the previous elections.

The administration went on smoothly until the outbreak of the political uprising and unrest caused by the MNF’s armed revolt in 1966. The administration in the Mizo Hills District faced a serious threat. Due to the MNF launching of the armed revolt; the entire Mizo District (Mizoram) was declared “Disturbed Area” under the Assam Disturbed Area Act, 1955 and the Assam and Manipur Arm Forces Special Power Act.\textsuperscript{55} In order to check the atrocities of the MNF in the District on the one hand and to assure safety and security of the loyalists as also for the development of the district on the other, the grouping of villages’ scheme was carried out. Under the scheme villagers in the far flung and isolated places were brought to different places mainly along the roadsides. The bigger villages with bigger number of population came under the name “protected and Progressive Villages” commonly known as PPVs. In Aizawl Sub-Division there are 79 group centres and in Lunglei Sub-Division there are 29


The normal political activities were suspended for over three years and the terms of the existing District Council and the Village Councils had been extended. However, during this period many members of the Village Council have resigned themselves and many new members were also appointed by the District Council as the prevailing situation of the Mizo Hills was not favorable for conducting election. There were also some Villages who appointed their own members of Village Council without the knowledge of the District Council.

When normalcy returned into the Mizo Hills, the fifth election to the District Council was held on the 23rd April 1970 in which Mizo Union was defeated for the first time by the Congress, which became the main rival of the Mizo Union. The newly elected District Council, soon after its formation began to take steps in order to conduct the election of the Village Council in which there was a great tussle between the Mizo Union and the Congress.

v) The Fifth Term of the Village Council under the District Council: In 1971 the last and fifth election to the Village Council under the Autonomous District Council was held which experienced great changes. The electoral rolls were revised thoroughly, those villages which were used as PPV centres were the only villages which were allowed to have Village Council though some of the villagers had returned back to occupy their own villages. The people were allowed to cast their vote in the grouping centers and those people who are willing to be member of the Village Council were also given the opportunity of contesting the election and be elected as a member of the Village Council. The number of Village Council which was 422 in the 1963 election decreased to 158 in this election. Out of 158 Village Councils, Mizo Union could form only 65 Village Council though it was still the single largest political party in the district. Many political leaders had shifted their loyalty to the Indian National Congress, which formed 40 Village Councils, followed by United Mizo

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People’s Party which captured 27 Village councils.\(^{57}\)

During this period villages in the Lushai Hills were characterize by great famine as it was impossible for them to continue their daily works of Jhum cultivation on which the economy of the villagers totally depended. The government had supplied rations but those were not sufficient to meet the crisis. In order to solve the problem villagers were allowed to move back to their own villages and resume their works but they were not given the permission to settle there permanently. They were allowed to go back to their villages only for economic purposes because the economy of the people greatly depended upon jhum cultivation and forming of big villages would give them great problem as they had to walk long distance for their daily works. These reoccupied villages were not given the status of a village but they were known as ‘Thlawhbawk’ which means a temporary sub-village created for the sole purpose of jhumming in a certain area for a specified period. They were allowed to stay there only few seasons to resume their cultivation and later on move back to their grouping centres. Though many of the ‘Thlawhbawks’ have large population yet they still remained under the administrative control of the Grouping Centres.

The main reason why the people had greatly supported the Indian National Congress in this election was poverty of the people brought about by the MNF uprisings and it’s after effect. The people believed that being a Congress member, which was the dominant all India party, could perhaps save them from economic hardship and atrocities of the security forces, which had brought great sufferings to the people. They thought that better relationship with the central government was the only means of bringing peace and prosperity in the Mizo Hills. Moreover, the increasing aversion to the Mizo Union as a result of the party’s failure to achieve results, also helped the Congress in gaining support, apart from the fact that the Mizo Union was an anti-MNF party.

\(^{57}\) District Local Administration Officer, LAD, Aizawl, \textit{Village Council Election Result Bu (1954-2006)}

Administrative set-up after the formation of the Government of Mizoram: Following the turning of Mizo District Council into Union Territory of Mizoram, the Mizo District Council and Pawi-Lakher Regional Council were abolished in accordance with the provision of the North-Eastern Areas (Reorganization) Act, 1971 and simultaneously three other Autonomous District Council were created on April 2, 1972 to safeguard the interests of minority tribes which were Pawis, Lakhers and Chakmas. These newly created Autonomous District Councils were name after the three minority tribes which were: the Pawi (Lai) District Council, the Lakher (Mara) District Council, and the Chakma District Council with their headquarters located at Lawngtlai, Saiha and Chawngte (Kamalanager) respectively. The three newly formed District Councils enjoyed the same powers and functions as provided in the Sixth Schedule of the Constitution of India. Further, for the convenience of administration, the Government of Mizoram had also divided the Union Territory into three districts; Aizawl District with it’s headquarter at Aizawl, Lunglei District with its headquarter at Lunglei and Chhimtuipui District with its headquarter at Saiha.

The Village Councils under the erstwhile Regional Council became the Village Councils of the Pawi, Lakher and Chakma District Council in the manner that such village as would fall under each of the Pawi, the Lakher and the Chakma District Council till new Village Councils for each of the of three District Councils were elected. The first Village Council election under the Pawi District Council was held in 1974 and 41 Village Councils were constituted. After this, the number of Village Councils was increased and in 1976 the Pawi District Council held 54 Village Councils. The total Village Councils under the Lakher District Council in 1974 was 43. Similarly, the number of the Village Councils under the Chakma District Council was 24.58 These District Councils were given full autonomy within their own jurisdictions to manage the affairs of the Village Council. The government of Mizoram has little or no control over the

58 Dr. HC.Thanhranga, Village Councils in Mizoram (Lengchhawn Press, Aizawl, 1994), p.4
management of the Village Councils which falls within the jurisdiction of the three autonomous District Councils.

After attaining the status of Union Territory in Mizoram, the structure of local administration did not change. The Lushai Hills District (Village Council) Act of 1953 was adopted in the area specified by the Act, under the Dissolution of Mizo District Council (Miscellaneous Provisions) Order, 1972. The adaptation has made certain changes, such as: the term “District Council” and “Executive Committee” has been replaced by “Administrator.” The newly created three District Councils also adopted the Pawi-Lakher Autonomous Region (Village Councils) Act, in their respective areas over which the Government of Mizoram has no control. In short, there are two sets of Village Councils in Mizoram now, one administered by the government of Mizoram and another by the three District Councils of Pawis, Lakhers and Chakmas. We shall make a study of those Village Councils which were administered by the state government.

3.16: Formation of the Local Administration Department

The new Government then started organizing different departments, creating new directorates and inducting Directors to manage them. Plans for smooth functioning of various departments were made with the abolition of the District Council after the inauguration of Union Territory; there was a particular department to look after the Village Council in place of the former District Council. A new department to look after the Village Councils was made by the Government of India, New Delhi known as Local Administration Department (LAD). To head the new Local Administration Directorate, the Additional Deputy Commissioner was given an ex-officio designation of Joint Secretary, Local Administration Department. In that capacity, for all practical purposes he functions as Director.59

59 P. Lalnithanga IAS (Rtd.) Former Director of LAD, an Article in Local Administration Department’s Magazine, 1991-1992, P.15
The Village Council affairs being replete with politics and the Local Administration Department being for all practical purposes the successor of the District Council, problem faced by various Village Councils, like boundary disputes between villagers and demarcation of village boundary all went to the Joint Secretary, Local Administration Department for solutions. The task of looking after the Village Council was a challenging one. A Minister in charge of the Village Council and the Department of Local Administration was given an independent charge in the Union Territory of Mizoram.

3.17: The Village Council under the Local Administration Department

The working of the Village Council under the Government of Mizoram has been greatly influenced by the bureaucrats and officers who were looking after the department. However, it has been slowly characterized by inadequacies of being a local self government because it is now the bureaucrats of the state government and not the representatives of the people, who decide the number of members of the Village Council. They reorganize by abolishing, amalgamating, or bifurcating the village councils without their consent. The concerned department now decides the date for the election of the Village Council, and makes all important appointments. The bureaucrats and officers decide the dissolutions and make all the arrangements for the conduct of election and appointing all important officers in charge of the election. In these way grassroots democracy in Mizoram has been greatly influenced by the bureaucrats and the spirit of the founding fathers of the local-self government has been gradually declining

i) The First Term of the Village Council under the Government of Mizoram: The First General Election to the Village Council under the Union Territory of Mizoram was held on the 7th and 5th May, 1975, which was conducted for the first time by the Local Administration Department. In these election there were 163 Village Councils exceeding the previous number only by 5. Among the 163 Village Councils 50 of them have got 3 members, 37 of them have got 4 members, 24 of them have got 5 members, 37 of them have
got 6 members and 14 of them have got 7 members. Altogether there were 738 elected members in all the Village Councils looked after by the Government of Mizoram.

**ii) The Second Term of the Village Council under the Government of Mizoram:** The Second General Election to the Village Council under the government of Mizoram could not be conducted in 1979 owing to the tension between the underground militants and the central government. For the first time all the village Councils within the two districts of Aizawl and Lunglei, looked after the government of Mizoram were dissolved by the Lt. Governor of the Union Territory of Mizoram, with effect from November 19, 1979. The dissolved Village Councils were placed under the charge of their respective Sub-Divisional Officers, Block Development Officers, and Administrative Officers including Circle Assistants. The termination of the members of the Village Councils before conducting fresh election was severely criticized by those political parties in opposition.

In 1982 the second election of the Village Council was conducted on 15th February in Lunglei District and on the 24th February in Aizawl District. In this election, there were 141 Village Councils in Aizawl District and 41 Village Councils in Lunglei District. In this election, People’s Conference Party has got majority seats in 63 Village Councils and Congress (I) Party has got majority seat in 59 villages, the rest were won by the Independents and few were drawn. The People’s Conference Party earned great support from the people in the Assembly as well as local politics from the beginning of its formation in 1975. It was formed under the leadership of a retired army officer popularly known as Brig. T. Sailo, who had founded the Human Rights Committee in Mizoram, lessening the confrontational activities of the army in Mizoram.

A remarkable incident in the history of the Village Council had taken place in 1982. On the 1st March 1982, the central government had

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granted permission to the villagers to move back and settle permanently in their original villages. They were also permitted to reorganize the Village Councils which was celebrated with great joy on the 11th March 1982. After making all necessary arrangements, by-election of Village Councils to these villages were held on the 24th February 1983. The villages which were recognized only as ‘Tlawhbawk’ were once again given the right to form their own Village Council. In this election, out of 191 Village Councils, People’s Conference party had formed 136 Village Councils which was more than seventy per cent of the total number of Village Councils. The Congress had captured the second largest number of the Village Councils getting majority seats in 30 villages and the few remaining were divided among independent and other small political parties. It may be interesting to note that the number of Village Councils having other than three seats in this election were only 5, which clearly indicates that the reoccupied villages were very thinly populated and moreover all the villagers did not return back to their villages after the grouping of villages. The villages which have got only three members were those villages which have got only less than one hundred households and that two or more villages may form one Village Council. Therefore it does indicate that Villages in Mizoram during this period were very thinly populated.

iii) The Third Term of the Village Council under the Government of Mizoram: The Third General Election of the Village Council under the Government of Mizoram was announced to be held on the 1st and 2nd November 1984 and its result was declared on the 14th December 1984. In this election the number of Village Council had increased in great number because of the reorganization of the Village Councils. Altogether, 306 Village Councils have been elected in Aizawl District and 112 Village Councils have been elected in Lunglei District. In this election most of the Village Councils were captured by the Congress (I) which shows that the election of the Village Councils is greatly influenced by state politics. Those political parties which have got the

62 Ibid., p.293
largest number of seats in the Assembly of the Union Territory are likely to get the largest number of seats in the Village Council election. Moreover, the capabilities of the Village Council to a great extent depend upon the relation between the members of the Village Councils and those parties in power in the Assembly of which the people were very much aware of.

iv) The Fourth Term of the Village Council under the Government of Mizoram: The Fourth General Election of the Village Council under the Government of Mizoram was held on the 5th November, 1987, this was the first Village Council General Election since Mizoram became a full-fledged state. Elections were held for 340 Village Councils in Aizawl District and 112 Village Councils in Lunglei District. The result of this election reveals that Mizo National Front, which was re-established as a political party in 1986, won great support from the people because many new leaders joined the party finding new places because of their achievement in bringing peace in Mizoram. Later on, the Administrator of the Village Council had to conduct by-election to 16 Village Council on the 15th July 1988 because these Village Councils were dissolved by the Department due to failure of administration.

v) The Fifth Term of the Village Council under the Government of Mizoram: The Fifth General Election of the Village Council under the Government of Mizoram was held on the 25th October 1990 in which there was a great tussle between the Congress (I) and the MNF. In this election, there were 14 villages of which the results were withheld because election materials were stolen by anti social elements in 14 villages and election for these villages were again held on 30th November. The Congress (I) has got 151 Village Councils among 349 Village Councils in Aizawl District and the MNF has got 110 Village Councils. There were 29 drawn Village Councils and the rest were divided among other political parties and independent candidates. In Lunglei District elections were held for 116 village Councils.

During this tenure, by-election to some of the Village Councils were held on the 7th May 1992. The department had conducted bye-election because some of the Village Councils were newly created, some of them
dissolved and some of them could not conduct election in 1990 because they were within the demand area of Hmar People Conference, who had demanded the creation of their own District Council causing great disturbances in the demand area.

vi) The Sixth Term of the Village Council under the Government of Mizoram: The Sixth General Election of the Village Council under the Government of Mizoram was held from 1st May to the 4th May 1994 and its result was declared on the 3rd June 1994. In this election, elections to 358 Village Councils were held in Aizawl District and 121 Village Councils in Lunglei District.

vii) The Seventh Term of the Village Council under the Government of Mizoram: The Seventh General Election of the Village Council under the Government of Mizoram was held in 1997 in which elections were held in 393 villages in Aizawl District and in 127 villages in Lunglei District. The election results were declared on the 26th May 1997, which shows that the Indian National Congress earned the greatest support in local politics followed by its main rival MNF. After the expiry of the term of the existing Village Councils, the first meeting of the newly elected Village Councils was held on the 6th May 1997.

viii) The Eighth Term of the Village Council under the Government of Mizoram: The Eight General Election of the Village Council in Aizawl and Lunglei District was held on the 16th December, 1999 under the Government of Mizoram. Elections were held for 504 Village Councils, 378 Village Councils in Aizawl District and 126 Village Councils in Lunglei District. Due to the elimination of the nominated seat the numbers of elected members increased in great number in this election.

ix) The Ninth Term of the Village Council under the Government of Mizoram: The Ninth General Election of the Village Council under the Government of Mizoram was held in 2002 on the 30th and 31st October. In Aizawl District elections were held in 164 villages, in Mamit District elections were held in 67 villages and in Serchhip District election were held in 40
villages. The election in Aizawl, Mamit and Serchhip District were conducted by District Local Administration Officer, Local Administration Department, Aizawl and his staffs with the help of those persons appointed for the purpose. In Lunglei District elections were held in 129 villages, in Champhai District elections were held in 92 villages and in Kolasib District election were held in 39 villages. The elections in Lunglei Champhai and Kolasib were conducted by the District Officers and those persons appointed for the purpose. Many political parties such as Mizo National Front, Indian National Congress, Mizo Peoples Conference, Zoram Nationalist Party, etc. had participated in this election. The overall result of this election had revealed that there was a great struggle for power between the INC and MNF in this election.

x) The Tenth Term of the Village Council under the Government of Mizoram: The Tenth General Election of the Village Council in Mizoram was conducted by the concerned department on the 24th and 25th February 2006. Out of 556 Village Councils elections were held in 553 villages, in which there were 2036 seats. The District Local administration Officers, Local Administration Department of the concerned district conducted the elections. The MNF party was greatly supported by the people in this election, out of 553 Village Councils MNF has formed 337 Village Councils which is more than 60 percent of the total Village Councils. It may also be noted that out of 2036 seats only 33 Female candidates were elected.

3.18: Conclusion

From the above discussion we may say that the working of grassroots democracy has undergone great change during the five decades of its existence. Originally embodied with great powers and authority under valid laws, now the Village Council has been transformed into a mere figurehead. The District Council had made great achievement in establishing the Village Council, in the form of Local- self government penetrating the spirit of democracy at the grassroots level. The District Council in its meetings made long discussion for the welfare of the Village Councils and took great responsibility in looking after
the Village Council. The dissolution and by-elections, creation of new Village Councils and solutions of its problems were discussed in its meetings.

Since Mizoram got its own government as a union territory and later as a state, the responsibly of looking after the Village Council had been taken up by the Local Administration Department. The problems of the Village Councils and its solution were never discussed in the Assemblies. The destinies of the Village Council are in the hands of the bureaucrats and government officials, who are embodied with great powers to look after the functioning of the Village Council. The Village Councils are to carry out the Notification and Orders which were frequently served by the Government or higher authorities, failing which might lead to inefficiency of the Village Council calling for serious actions, even to the extent of dissolution of the Councils without the consent of the Council. In fact, the state government controls the activities of the Village Councils that makes the later enjoy minimum autonomy.

It may also be important to note that in order to look into the welfare of the Mizoram Village Councils “Mizoram Village Welfare Committee’ was set up on the 26th February 1992. Later on the Committee was transformed into “Mizoram Village Council Association” on the 22nd August, 1997. The most important objectives of the Association were to uphold the dignity of the Village Councils, and that Mizo Culture and way of life may be well protected. All the Village Councils under the Government of Mizoram were expected to affiliate themselves in the Association. Till recently no remarkable achievement was made by the Mizoram Village Council Association which may be due to the lack of support from the government, in whose hands all powers of local administration are vested.