CHAPTER III

GROWTH OF DEMOCRATIC INSTITUTIONS AMONG THE TRIBALS

- ZOMIS
The importance of establishing democratic system of local self-government in the hill areas of Manipur has been felt even before independence. Though the British started interfering in the valley from 1891 through their political Agents yet they allowed the hill villagers to retain their traditional system of village administration. As most of the hill areas were inaccessible to the Briti-shers due to communication problems they wanted to control the hill areas with the least expenditure. There was no full administrative control of the Britishers over the Hill Areas of Manipur. In the words of Roy Burman, the hill areas were outside the control of the valley administration and they flourished more or less as an independent region till 1920 A.D.\(^1\) Thus the British administrators allowed the village chiefs to continue the village administration as before. The chief was allowed to retain village officials as before the coming of the British. As such the villagers were allowed to continue their indigenous system of the village administration.

\(^1\) Roy Burman, "Demographic and Socio Economic Profiles of the Hill Areas of North-East India" in Census of India 1961 (Ministry of Home Affairs, New Delhi, 1970), pp. 54-61.
Manipur State Durbar:

The system of administration in Manipur underwent changes from time to time. The assumption of authority by Maharaja Churachand Singh on the 15th May 1907 was of great significance in Manipur as it was in this year that the Manipur State Durbar was constituted. The Maharaja and one European Officer (usually an I.C.S.) acted as the President and Vice-President respectively. The Durbar sat five days in a week as the Judicial Durbar, having appellate as well as original sides both in civil and criminal cases. In the criminal cases the Durbar had nearly the same power as those of Session Judges.\(^2\) The term of the Durbar was five years. From the second term, the President of the Durbar was manned by British officers, mainly by the members of the I.C.S. The first such President was W.A.Cosgrave (1907-1910). The President of the State Durbar administered the hill areas in his designation as the President of the Manipur State Durbar (Hills). Thus there were such twenty two Presidents the last being G.P.Steward, I.C.S. (1946-1947).\(^3\)


Division into Sub-Division:

In the year 1894 Manipur was divided into two administrative units - Hills and Valley. The Hill Areas were put under the British administration and valley under the Maharaja. 4

The British Government adopted various repressive measures in the Hill areas including imposition of house tax, land revenue and engagement of people as labourers without any payment. In addition to all these, forced recruitment of tribals for the Allied Corps in France arose great discontentment among the tribals specially among the Kukis against the British. All such discontentment resulted in the outbreak of the Kuki Rebellion 1917-1919. 5 The British Government spend Rs. 28 lakhs to quell the Kuki Rebellion. Moreover many lives were lost in the course of it. The British administrators took this event as one of the main causes of poor British administrative control in the hill areas of Manipur. 6

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5 Robert Reid, History of the Frontier Areas Bordering Assam 1883-1941 (Eastern publishing House, Delhi, reprint, 1983), p. 79.
6 Ibid.
Thus the British administrators felt the need for introducing effective administrative units among the hill tribes. Deeply aware of the loose control over the hill people, the Political Agent W.A. Cosgrave, was of the view that the whole administration of the hill areas be handed over to the exclusive management of the Political Agent. However, the Chief Commissioner of Assam Sir Nicholas Beatson Bell preferred to place the hill people under the personal control of the Maharaja of Manipur provided the rules made it clear that in all things connected with the hillmen, the Maharaja be guided by the advice of the Political Agent. Thus, the Chief Commissioner gave a fresh proposal at an open Durbar held at the Palace on the 16th October, 1919. According to that proposal the state was divided into four sub-divisions - One sub-division in the valley and three in the hill areas. Of the three sub-divisions in the hill areas one sub-division for the south-west area inhabited by the Chin-Kuki (Zomi) group of people with headquarters at Churachandpur, another one for the north-west area inhabited by the Kukis, Kabui Nagas with headquarters at Tamenglong and the last one for the north-east area inhabited by the Tangkhul Nagas and Kuki with headquarters at Ukhrul. The three hill sub-divisions

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7 Home Political Department, Manipur Affairs, Part B Proceedings No. 14, October 1919, Government of Manipur.

8 Robert Reid, op.cit., n.5, p.85.
were put under the control of British Officers namely B.C. Gasper, William Shaw and L.L. Peters respectively. To assist the State to meet the expenses of the new arrangements, the British Government in India remitted a sum of Rs. 50,000/- on condition that the amount would be spent on the hill areas. This proposal gave a great satisfaction to the Christian Missionaries and the British Officials who were working among the tribals since the last part of the 19th century. Though in theory the British Officers continued to control the hill areas of Manipur till 1947 yet in reality the village chiefs were administering their respective villages.

Since 1947 and especially after statehood attempts were made to set up democratic political institutions in the hill areas of Manipur. In this connection the introduction of the Manipur State Constitution Act, 1947, the Manipur Village Authorities (Hill Areas) Act, 1956, the Standing Committee of the Legislative Assembly for the Hill Areas of Manipur, 1963, the passing of the Manipur Hill Areas (Acquisition of Chiefs' Rights) Act, 1967 (though not introduced) and the Manipur (Hill Areas) District Council Act, 1971 are very important.

9 ibid.
The Government of Manipur State Act, 1947:

The Maharaja of Manipur in 1947 constituted a constitution making body consisting of four officials, one Maharaja's representative and five elected non-officials from the valley, six persons from the hills besides one from Jiri area. This body constituted two sub-committees on the 29th March, 1947 (i) the Constitution Drafting Committee and (ii) the Hill Local Self-Government Regulation Sub-Committee. 10


11 Ibid.
The Council of Ministers:

Immediately before India became independent, in July 1947, the Manipur State Durbar was renamed as the 'Council of Ministers' with major F.F. Pearson as the Chief Minister. The Ministry had its first sitting on July 2, 1947 and the last sitting on August 18 of the same year. No hill tribe was represented in the Ministry during this transit period. Again from August 14, 1947 to August 7, 1948, the Maharaja Bodhchandra Singh constituted an Interim Council of Ministers (Caretaker Government) by nominating Capt. Priyabrata Singh as the Chief Minister. This Council had two tribal representatives namely Maj. Khathing, Minister Hill Affairs and T.C. Tiankham, Minister, Forest, Agriculture and Veterinary. 12

Thus, according to T. Kipgen before 1947, the tribals never participated in the Maharaja's administration. The Manipuris in the valley were administered by the Maharaja of Manipur and the tribals in the hills were administered by their respective village Chiefs. As a matter of fact, this sort of joint administration was first introduced by the British administrators when they first established the Manipur

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12 T.C. Tiankham, op.cit., n.3, p.3.
State Durbar (Hills) for all the hill tribes. But the tribals seldom approached the Manipur State Durbar (Hills) because the village administrative system was controlling the village administration effectively.  

The Manipur State Constitution Act, 1947:

The Manipur State Constitution Act, 1947 was extended to the whole of Manipur. But it did not apply in matters where a specific reservation of powers was made to any authority in the hills under the provisions of the Manipur State Hill (Administration) Regulation Act, 1947. The Administration of the state was carried on in the name of the Maharaja upto 1949 when the State of Manipur got merged with the Union of India on October 15, 1949.  

The Manipur State Constitution Act, 1947 states that there shall be a Council of Ministers and the executive authority of the State is delegated and shall vest in it. The Council of Ministers shall consist of the Chief Minister and six other ministers. The six ministers of the Council

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13 Interview with T. Kipgen I.A.S. (Retd.), Member, Manipur State Constitution Drafting Committee, 1947, Imphal on April 6, 1989.


shall be elected by the State Assembly subject to the provision that two of these ministers shall be representatives of the hill people of the state.\textsuperscript{16}

The Manipur State Hill People's Regulation, 1947:

Under the Manipur State Hill People's (Administration) Regulation, 1947, the responsibility for administration in the hill areas shall be vested in the Maharaja in Council and exercised in accordance with the Constitution Act of the State and the provisions of the Regulation.\textsuperscript{17} However, the Ministers of the State Council for the hill administration was responsible for the administration of the hill people under this regulation.\textsuperscript{18}

For the purpose of effective administration all the villages were grouped into circles and sub-divisions. In each village of 20 tax paying houses or more a village authority was constituted and the authority members were nominated by the chief in accordance with the customs of the

\textsuperscript{16} The Manipur State Constitution Act, 1947, op.cit., n.15, Section 10(d), p.2.

\textsuperscript{17} "The Manipur State Hill People's (Administration) Regulation Act, 1947, Section 3, in The Manipur Code Part II (Law Department, Government of Manipur 1963), p.70.

\textsuperscript{18} The Hill People's Regulation Act, 1947, op.cit., n.17, Section 10, p.72.
villagers. The village authority consisted of the Chief (Khulakpa) of the village with his Council of Elders. 19

In each Circle there was a Circle Authority comprised of a Circle Officer and a Council of five members elected by the village Authorities falling within the Circle. In each Sub-Division there was a Sub-Divisional Officer. The Sub-Divisional Officer possessed executive power over the local authorities in the Sub-Division under the orders of the Minister in charge of the Hill Administration. 20

Under section 23 of this Act, Criminal Justice was to be administered by the village Authority's Court. Above the village Court there was the Circle Authority, the Hill Bench at Imphal and the Chief Court of Manipur State which was constituted for the trial of Hill cases under the Manipur State Court's Act, 1947. 21

Regarding the budget for the Hill administration the Manipur State Constitution Act, 1947 provided that a sum representing not less than 17\(\frac{1}{2}\) per cent of the average

real revenue of the State for the preceding three years had to be allocated for expenditure on the welfare and administration of the hill people.\textsuperscript{22}

The first ever election based on adult franchise in Manipur was held in 1948 under the provisions of the Manipur State Constitution Act of 1947. Capt. Priyabrata Singh became the Chief Minister and T.C. Tiankham, who was elected from Hansip Constituency (Churachandpur) was elected as the speaker of the first Manipur Legislative Assembly.\textsuperscript{23} But the Manipur State Constitution Act, 1947 did not operate long. On the 21st September, 1949 the Manipur Merger Agreement was signed at Shillong by the Maharaja of Manipur Bodh Chandra Singh and Manipur got merged with the Union of India on the 15th October the same year. As a consequence of this the Government of India issued the Manipur (Administration) Order, 1949. The Order laid down that from the 15th October 1949, the Ministers in Manipur should cease to function and the Legislature of the State should stand dissolved.\textsuperscript{24}

\textsuperscript{22} The Manipur State Constitution Act, 1947, op.cit., n.15, Section 32, p.7.

\textsuperscript{23} List of members of Manipur (Both M.Ps. and M.L.As) Since 1947 (Manipur Legislative Assembly Secretariat, Imphal, 1985), pp. 4 & 5.

\textsuperscript{24} Manipur (Administration Order 1949, Ministry of States, Delhi, the 15th October, 1949, Section 7, op.cit., n.14, p.268.
It further stated that Manipur was to be administered by a Chief Commissioner to be appointed by the Government of India. 25 Soon a Chief Commissioner was appointed and he issued an order that all the Ministers should relinquish charge of the portfolios held by them with immediate effect and all the portfolios were taken over by the Chief Commissioner. 26 When the Indian Constitution (1950) came into force, Manipur became a part 'C' State and continued to be so until the States Re-organisation Act, 1956 was passed when it became a Union Territory.

The Manipur Village Authorities Act, 1956:

In 1956, the Manipur (Village Authorities in Hill Areas) Act, 1956 was passed. Section 58 of the Act repealed the Manipur State Hill Peoples (Administration) Regulation 1947. Until 1956, the Village Chiefs used to appoint the Village Authority members by themselves. According to this Act, the Village Chief remained the ex-officio Chairman of the village Authority. 27 But the village authority members

were to be elected by the villagers for a term of three years which was later on extended to five years by the Village Authorities in Hill Areas (Amendment) Act, 1984. Thus the Manipur (Village Authorities in Hill Areas) Act, 1956, introduced for the first time the modern democratic form of government in the village level. Though the village chief (which is a hereditary institution) remained the Chairman of the village administration yet the village authority members are elected by the villagers since 1956.

As per the Manipur (Village Authorities in Hill Areas) Act, 1956 the Chief Commissioner (Administrator) may appoint any two or more members of the Village Authority to be members of the Village Court during their term of office. The Village Court was to be presided over by the Chief if he is a member of the Court but if not, the Court was empowered to elect its own President. Further as per this Act, a village Court could try case upto the value of not exceeding five hundred rupees only. It could impose a

28 The Manipur (Village Authority in Hill Areas (Amendment) Act, 1984, Section 2.
30 Village Authorities Act 1956, op.cit., n. 29, Section 49(1) & (2), p. 121.
fine not exceeding two hundred rupees or could imprison a person for a term not exceeding one month to the defaulter. 31

But in practice, the Village Authority under the chairmanship of the Village Chief constituted the Village Court itself and the administrator had never appointed any member of the Village Authority as the Chairman of the Village Court. Except the election of the Village Authority members for a term of five years, the other provisions of the Act were never made operative and the Village Authority under the chairmanship of the Village Chief used to decide all sorts of cases brought to them by the villagers. 32

Hill Standing Committee:

In 1963 the Union Parliament passed the Government of Union Territories Act, 1963. This Act allowed Manipur to have a Legislative Assembly and Council of Ministers. 33 Under this Act there was a special provision for the Hill Areas

31 Village Authorities Act, 1956, op.cit., n.29, Section 26 & 30, pp. 115 & 117.
32 Interview with Mangzachin Guite (Chief of Phaitong village) Churachandpur, on June 10, 1988.
of Manipur which provided provisions for the constitution of a Standing Committee of the Legislative Assembly which consisted of the members of the Legislative Assembly who for the time being represented the constituencies situated in the Hill Areas of the Territory. The Standing Committee was given the powers in the Hill Areas such as land allotment, management of any forest other than a reserved forest, the regulation of the practice of shifting cultivation, establishment of village or town committee or councils. Besides this, the Standing Committee was entrusted with various responsibilities such as appointment or succession of the Village Chief or Headman, the inheritance of property, marriage and social customs etc. Every Bill which is not a financial Bill and contained mainly provisions dealing with matters mentioned above, upon introduction in the Legislative Assembly of the Union Territory be referred to the Hill Standing Committee for consideration and report to the Legislative Assembly.

In this way the Union Territories Act, 1963, provided special provisions for the Hill Areas of Manipur.

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According to T.C.Tiankham (a local retd.I.A.S.Officer) in theory it seems to be very good for the hill tribes of Manipur. But in practice the Hill Areas Standing Committee became only a puppet in the hands of the Council of Ministers of the State Legislative Assembly. Moreover, a committee which is supposed to be very powerful without any financial power could not function effectively and it also effected its working efficiently.\(^{37}\)

After independence, the position of the Village Chiefs in Manipur, Mizoram and Chin Hills in Burma underwent a considerable change. In fact in 1947, in Chin Hill (Burma) the people launched an agitation for the abolition of chieftainship. The Government of Burma responded by appointing a Commission of Enquiry in February 1948. The Commission recommended for abolition of the institution of Chieftainship and the dues to be paid to the chiefs and also prescribed the scale of compensation to be paid.\(^ {38}\) The movement and its success in Chin Hills had its repercussion in Lushai hills of Assam. However, towards the end of the British rule,

\(^ {37}\) Interview with T.C.Tiankham,I.A.S(Rtd.) (Member, the Hill Local Self-Government Regulation Sub-Committee 1947), Imphal, on April 6, 1989.

the feeling of resentment against the chiefs started gaining momentum all over Lushai Hills. In this regard the Government of Assam was guided by the steps taken in the Chin Hills of Burma where similar practice had prevailed for long time. Accordingly, the State Government of Assam framed a bill known as 'The Assam Lushai Hills District (Acquisition of Chiefs' Rights) Bill 1953' and the same was passed in March 1954. Thus, Chieftainship was abolished in Mizoram and the chiefs were given compensation by the State Government.

Meanwhile, in Manipur also the people being encouraged by the movements in Chin Hill of Burma and Lushai Hills, started demanding the abolition of chieftainship. The result was that the people not only refused to pay the different taxes to the chiefs but also refused to work for them. As a result the chiefs appealed to the Government of Manipur against the action of the people. Accordingly, R.G. Menzis, (the last British Sub-Divisional Officer, West Tamenglong) issued an order stating that all paddy dues were to be paid to the chiefs by the villagers and further instructed that under no circumstances the dues should exceed five tins of paddy or Buh Seng Khat (one man load) per house. The Sub-Divisional Officer, in his Orders, further stated that the

building of the chief's house was a village concern and 
the chief should treat his villagers with respect in this 
matter. 40

The demand for abolition of chieftainship became 
more popular subsequently in more villages. In 1948, Lian-
khomang, Chief of Lungthui village in Churachandpur, filed 
a court case against one of his villagers for non payment 
of Meat Tax (Sa-Liang), in the court of the Circle Officer, 
Churachandpur. The chief claimed that one mithun and cost 
be paid to him by the defendant for failing to give Meat 
Tax. The circle officer ordered for the payment of the claim 
to the plaintiff by the defendant. 41

Moreover the chiefs further brought the case to 
the notice of the Government of Manipur. As a result the 
Chief Commissioner issued an order in 1949 stating that 
payment of the dues viz. paddy tax and Meat tax (Sushun-
Saliang) to the chiefs or Khulakpas as the case may be would 
have to be continued at the existing rate until further or-
ders. But the confiscation of houses, gardens and other

40 Orders Misc. Case No.66 of 1942-43, Tamenglong, Govern-
ment of Manipur, the 23rd April, 1946.
41 Civil Case No.13 of 1948-49 of the Circle Officer South, 
Government of Manipur.
properties of the villagers at the time of migration to another village and the building of the chief's or Khulakpa's house in the shape of forced labour would remain in abeyance. 42

The villagers in most of the villages turned a deaf ear to the orders of the Government and the court verdicts. Not only that, the executive had not shown any interest in enforcing those orders or verdicts. So, in spite of the different orders issued by the Government and the Court verdicts in favour of the Chiefs, the movement for abolition of chieftainship in Manipur did not subside.

According to K. Hanghal (the first Circle Officer, Thanlon, Manipur), though the chiefs had supporters in the villages, the majority of the villagers were unhappy with the chiefs. In addition to this the State Government never showed any interest in solving the problems of the hill people. It neither wanted to force the villagers to pay the customary dues to the chiefs or paid it from the state exchequer nor tried to abolish the hereditary chieftainship in the hill villages and replaced it with modern democratic

42 Order No. 5964-94 (Hill) by the Chief Commissioner, Government of Manipur, Imphal, the 21st December, 1949.
institutions. K. Hanghal further stated that the Government's policy has been not to antagonise any section of the people. However, it may be noted that there were some influential chiefs who enjoyed Paddy tax (Buhsun) till 1970's. 43

The Manipur Hill Areas (Acquisition of Chiefs' Rights) Act, 1966:

Meanwhile the movement for the abolition of chief-tenure in Manipur continued. A Bill known as 'The Manipur Hill Areas (Acquisition of Chiefs' Rights) Bill 1966 was introduced in the Manipur Legislative Assembly on the 7th September 1966. It was introduced by the Development Minister and he also moved that the Bill be referred to the Hill Areas Standing Committee. All the members, ruling as well as opposition, who spoke on the Bill supported it as according to them the Bill was a progressive and revolutionary one. 44

The objective of the Bill according to the Government was to acquire the rights and privileges of the chiefs who had been enjoying them under some specific customs, which

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43 Interview with K. Hanghal (First Circle Officer, Thanlon, 8-11-1948 to 24-2-1950) Churachandpur, on September 12, 1988.
gave them various privileges. The Bill sought to acquire those rights of the chiefs. Another objective of the Bill was to introduce land reforms with a view to distribute land to the tillers. 45

All the opposition members who spoke on the Bill were against payment of compensation to the Chiefs. According to them, the land, the fields, the jungles, irrigation cannals etc. are natural and the chiefs cannot claim them as their own property. The claim of the chiefs for payment of compensation therefore had no foundation and as such could not be granted. Further they were appointed by the State Government as their agents. The Government had to deal directly with the people and not through the chiefs. As such the importance of the chiefs waned away. 46 After some discussions it was agreed that the Bill be referred to the Hill Standing Committee for its comment.

The Bill was discussed in the Hill Standing Committee and submitted again to the Government with some recommendations. Thus the Bill was again introduced by the

45 Assembly Proceedings, op.cit., n.44, p.60.
Development Minister in the next session of the Assembly, on January 10, 1967. The Hill Standing Committee in its report recommended the abolition of the hereditary chieftainship in the hill areas of Manipur. But at the same time they were opposed to some of the provisions of the Bill which would enable the State Government to take over the land after paying compensation to the chiefs. They felt that it means the government could extend some of the provisions of the Manipur Land Revenue and Land Reform Act, 1960 over their land. Therefore, they had recommended to the Assembly that the Bill might be redrafted by deleting the provisions which would affect the interests of the tribals. But this view was not supported by the non-tribal members of the Assembly who wanted the Bill to be passed without any amendment and thus it was passed. Though the Bill was passed by the State Legislative Assembly but due to oppositions from Tribal leaders this Act is not yet enforced by the State Government. Thus according to Mangzachin Guite, Chief of Phaitong village, the chiefs continued to be the owners of the village land. In fact the Orders of the Government of Manipur states -

48 Interview with N. Raghunani Singh (Deputy Secretary, Legislative Assembly Secretariat, Manipur) Imphal, on August 10, 1994.
49 Interview with Mangzachin Guite (Chief of Phaitong Village) Churachandpur on June 10, 1988.
"Tribal Chiefs are entitled to compensation for acquisition of their land by the Government for public purposes. Though the lands are not patta lands, Tribal chiefs have assessorimentary right over the lands within the village boundaries and to extend their rights over the lands they will be entitled to compensation.  

According to Piangzathang, President, Manipur Chiefs' Union, the Legislative members were really anxious to see that chieftainship is abolished and the Manipur Land Revenue and Land Reforms Act, 1960 extended to the hill areas of Manipur. In fact at present the non-tribals are not allowed to possess land in the hill areas except by the special permission of the Deputy Commissioner concerned who shall not give such permission unless he has first secured the consent of the chairman of the District Council within whose jurisdiction the land lies.

Moreover, with an aim to introduce democratic political institutions in the Hill Areas of Manipur a Sub-Committee was appointed by the Manipur Legislative Assembly.

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50 Order No.10/10/73 dated Imphal December 5,1978 (Law Department), Government of Manipur.
51 Interview with Piangzathang(President, Manipur Chiefs' Union), Churachandpur, on May 10,1988.
in 1987 under the chairmanship of T. Phungzathang, M.L.A. to study the 'Acquisition of Chiefs' Rights' in the Hill Areas of Manipur. The sub-committee could not submit its recommendation. However, according to T. Phungzathang they are in favour of retaining the traditional chieftainship till such time when the tribals could look after their land without any interference from the plain people of the state. This can be achieved either by extending the provisions of the Sixth Schedule of the Indian Constitution in the Hill Areas of Manipur or by introducing new provisions in the Manipur Land Revenue and Land Reforms Act, 1960.  

The efforts of the late Prime Minister, Rajiv Gandhi to revitalise democracy at the grassroot level are significant. According to him the villages are to be made the focal point of future development of the people's involvement in the development process.

Rajiv Gandhi constituted a three member committee to study Panchayati Raj System in the Hill areas of the

53 Interview with T. Phungzathang, M.L.A. (Chairman, Sub-Committee on the 'Acquisition of Chiefs' Rights' in the Hill Areas of Manipur), Imphal, on April 6, 1989.

54 Late Prime Minister Rajiv Gandhi's speech at the Eastern Zone Panchayati Raj Samelan at Calcutta, on April 7, 1989, The Telegraph (Calcutta, April 8, 1989).
North-Eastern part of India in 1988. The committee had its meeting on February 28, 1989 at Shillong, the Chief Ministers of Meghalaya and Nagaland visited Tripura on March 25, 1989 and had discussions with the Chief Minister and its colleagues and they also had discussions with the Chief Minister of Manipur. Thus, they were of the opinion that the Panchayati system which was prevailing in the other parts of the country is not suitable in the Hill Areas of the North East India and should not be transplanted to this area. The committee had submitted its interim report.

The interim report states that -

"Uniformity of village Administration system or Local Administration even in the Hill Areas will not be desirable .... whenever necessary the traditional institutions should be strengthened and, in the case of village councils, steps should be taken to improve and strengthen the village council system .... there should not be multiple tier in the local administration system and at the most there should be only two tier system below the level of the state government. Creation of multiple bodies based on election and with more powers can create confusion and unnecessary cadre of power brokers."  

55 The committee members were: (1) P. A. Sangma, Chief Minister of Meghalaya, (2) S. C. Jamir, Chief Minister of Nagaland and (3) Lalthanhawla, Chief Minister of Mizoram.
A Bill aiming at giving more powers to Panchayati Raj institutions was introduced in the Lok Sabha on the 15th May, 1989. The Bill was piloted by the then Prime Minister Rajiv Gandhi.

According to him:

In rendering the Panchayats to the people, we lay upon the people's attention first and farmost the need of the poorest, the most deprived, and the most in need.\(^57\)

The Bill was passed by 206 for and 5 against in the Lok Sabha. But the Bill would not be applicable in the states of Jammu and Kashmir and the areas within the jurisdiction of the Manipur Hill Council and the Darjeeling Gorkha Hill Councils.\(^58\) It may be stated that the Utter Pradesh Panchayat Act, 1947 was introduced for the first time in the plain districts of Manipur in 1960.\(^59\) Later on the Manipur Panchayati Raj Act, 1975 was passed on May 9, 1976 and was made effective in the valley. Again in 1994 the Manipur Panchayati Raj Act, 1994 was passed and thus a 3 tier system of local self-government has been functioning in the plain areas of Manipur.\(^60\)

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\(^{58}\) ibid.

\(^{59}\) Ningthoujam Sachi Devi, Panchayati system in Manipur, M.Phil. Dissertation submitted to Manipur University, Imphal, June, 1987, p. 3.

\(^{60}\) Manipur Gazettee, No. 108(A) Imphal June 28, 1994.
Demand for Creation of Autonomous District Councils in the Hill Areas of Manipur:

In the later part of the 1960's the demand for a fulfledged statehood in Manipur got momentum. Meanwhile the tribal people of Manipur felt the need to have more autonomy from the State Government of Manipur. In order to pursue the matter to the State as well as the central governmental level the District Autonomous Demand Committee was formed in 1969. The committee was headed by N. Gouzagin (President, Paite National Council) and Thangkhialal (President United Zomi Organisation) as Chairman and Secretary respectively. A delegation of three members viz., N. Gouzagin, Somkholal and Thangkhialal went to Delhi to meet the Union leaders. They met the then Prime Minister Mrs. Indira Gandhi and submitted a memorandum to her on the 14th October, 1970.61

The demand of the hill people was for the extension of the Sixth Schedule of the Indian Constitution in the Hill Areas of Manipur by incorporating the following points in the impending legislation in Parliament for granting statehood to Manipur. The points are:

61 Interview with N. Gouzagin (Chairman District Autonomous Demand Committee) Churachandpur, on July 10, 1985.
1. Grant of full autonomy in the hill areas of Manipur with Autonomous District Councils having power over the following subjects.62

a) Education up to Higher Secondary stage.
b) Land settlement within the District.
c) Health and Sanitation.
d) Forest (open and reserved) within the District.
e) Agriculture and Allied subjects within the District.
f) Jhum Cultivation.
g) Village administration within the District including matters relating to chieftainship, succession of chief or Headman.
h) Codification of Customary Laws and Usages.
i) Administration of Justice—District and Session Courts.
j) Regional Councils with the District.
k) Property Rights.
l) Marriage and Divorce.
m) Social Customs.
n) Assessment and imposition of land revenue, taxes, duties on profession, trade, callings, animals, vehicles etc.

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62 Memorandum submitted to the Prime Minister, Mr. Indira Gandhi, by the District Autonomous Demand Committee, New Delhi on October 14, 1970.
o) Employment.

p) Maintenance of Schools, Hospitals and Dispensaries.

q) Public-works-Original and maintenance within the District including State Highways.

2. Formation of a Regional Committee in the State Legislature consisting of members of the Legislative Assembly from the Hill Districts with full Legislative powers in respect of Hill Areas.

3. Formation of separate Hill Ministry.

4. Reservation of half the seat of the State Legislative Assembly for the tribals.

5. Establishment of separate Hill Secretariat to be maintained with full facilities.

6. Introduction of a separate budget in the Assembly for the Hill Areas, which was to be introduced by the Hill Minister as recommended by the Regional Committee.

7. Physical demarcation of tribal/Hill Areas.

8. Reservation of 60 percent of employments and services for bonafide tribal residents of the Hill Districts. 63

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63 Memorandum submitted to the Prime Minister, op.cit., n. 62, p.6.
But the Central Government instead of extending the provisions of the Sixth Schedule of the Constitution instructed the State Government of Manipur to draft the Manipur Hill Areas District Council Act. In 1972, the Central Government granted Statehood to Manipur and the Manipur (Hill Areas) District Council Act, 1971 was passed by the Union Parliament.

The Manipur (Hill Areas) District Council Act, 1971:

The Manipur (Hill Areas) District Council Act, 1971 authorised the Governor of Manipur to determine the administrative area of the District Councils. The Hill areas were to be divided into not more than six Autonomous Districts. The Governor after consultation with the Hill Areas Committee could unite two or more Autonomous Districts or parts thereof so as to form one autonomous district and alter the name of any autonomous district. For each autonomous district there was to be a corporate body which could hold acquire and dispose of property. 64

Composition of District Councils:

Each Autonomous District shall have a District Council consisting not more than eighteen members elected by direct election on the basis of adult suffrage from its constituencies. The Governor of Manipur may nominate not more than two persons, not being government employees, to be the members of such a council. Each District Council shall have a chairman, Vice-Chairman and not more than two Deputy Chairman. For the purpose of election to the District Council the Governor of Manipur framed the Manipur Autonomous District Council (Election of Members) Rules, 1972.

Chairman and Vice-Chairman:

Each District Council shall have a Chairman and Vice-Chairman who are elected from amongst its members. The Chairman is a whole time functionary and entitled to salary and allowances. The Act also provides that the Governor may nominate the first Chairman who shall hold office for a period not exceeding one year. The Chairman shall preside over the council meetings. While the office of the Chairman is vacant, the duties of the Chairman shall be performed by the Vice-Chairman.

65 District Council Act, 1971, op.cit., n.64, Section 3(3), p.3.  
Removal of Chairman and Vice-Chairman:

A District Council may remove its Chairman at any time. If a resolution for the removal of the elected Chairman is passed by not less than two-thirds of the total membership of the Council at a meeting held for the purpose. If such resolution is passed the Governor may issue an order removing him on grounds to be specified in the said order. But no such resolution shall be brought within one year from the date of the election of the Chairman. The Vice-Chairman may be removed from his office if majority of the Council members passed a resolution for the purpose. The Chairman or Vice-Chairman may at any time resign from office.

Deputy Chairman:

The Act also provides that the Chairman may nominate amongst the members of the Council a panel of not more than two Deputy Chairman, one of which may preside over the Council meetings in the absence of both the Chairman and Vice-Chairman.

Qualification and Disqualification for Membership:

A person shall not be qualified to be chosen as a member of a District Council unless he is an elector for any District Council constituency in that Autonomous District. A person shall be qualified for being chosen as a member of a District Council if he is not for the time being disqualified for being chosen as a member of either House of Parliament or holds any office of profit under any District Council. Voters at the election to the House of the people are entitled to vote at the elections to the District Council. District Council members are deemed to be public servants within the meaning of Section 21 of the Indian Penal Code. 69

Power and Functions of the District Council:

Subject to such conditions and exceptions as the Governor may make and impose the following matters shall be under the control and administration of a District Council. 70

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69 District Council Act 1971, op. cit., n. 64, Section 7-9 & 28, pp. 3 & 8.
70 The Manipur (Hill Areas) District Council Act, 1971, op. cit., n. 64, Section 29, pp. 889.
(1) Maintenance and management of property both moveable and immovable, and of institutions transferred to it by the State Government.

(2) Construction, repair and maintenance of roads, bridges, channels and buildings transferred to it.

(3) Establishment, maintenance and management of Primary Schools, institution of scholarships connected with such Schools.

(4) Establishment, maintenance and management of dispensaries.

(5) Establishment and maintenance of cattle ponds including such functions under the Cattle-Trespass Act, 1871 as are transferred to it.

(6) Establishment, maintenance and management of markets and fairs and the construction, repair and maintenance of all buildings connected therewith.

(7) Supply, storage and preservation from population of water for drinking and bathing purposes.

(8) Embankment and storage, supply and control of water for agricultural purposes.

(9) Preservation and reclamation of Soil.
(10) Preservation, protection and improvement of livestock and prevention of animal diseases.

(11) Public health and Sanitation.

(12) Management of ferries.

(13) Initiation, inspection and control of relief works.

(14) Allotment, occupation or use of land for promotion of local interests in agriculture or non-agricultural purposes.

(15) Management of forest not being a reserved forest.

(16) Regulation of the practice of jhum or other forms of shifting cultivation.

(17) Any other matter which the administrator may in consultation with the Hill Areas Committee, entrusted to the District Council.

A District Council can recommend to the State Government for legislation in respect of the following matters if they concern members of the scheduled tribes, namely.  \(^\text{71}\)

(1) Appointment of succession of chiefs.

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\(^{71}\) District Councils Act, 1971, op.cit., n.64, Section 29(2), p.9.
The District Council shall have the power to levy all or any of the following taxes within the autonomous district. 72

1. Taxes on professions, trades, callings, employments.
2. Taxes on animals, Vehicles, except mechanically propelled/Vehicles.
3. Taxes on entry of goods into a market for sale therein, and tolls on passengers and goods carries on ferries.
4. Taxes for the maintenance of schools, dispensaries, roads.
5. Any other tax falling under the State List of the Seventh Schedule to the Constitution of India if it is so empowered to levy by the State Legislature.

A District Council can make Bye-Laws for the following purposes. 73

1. Maintenance and management of schools and grants of stipends and scholarships.

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72 District Councils Act, 1971, op. cit., n.64, Section 33, pp. 10 & 11.
73 District Councils Act, 1971, Section 52, op. cit., n.64, p.16.
2. Control and administration of dispensaries and matters connected therewith.

3. Protection from pollution of such tanks, springs, wells or parts of rivers, streams, channels or water courses as are set apart for drinking or culinary purposes.

4. Any matter essential to the carrying out of all or any of the provisions of this Act or rules framed thereunder.

Control over District Councils:

It is the duty of the chairman of a District Council to furnish to the concerned Deputy Commissioner a copy of the proceedings of the meetings of the council and such other informations as the Deputy Commissioner required. The Deputy Commissioner has the power to give such direction to the council as he thinks necessary in the sphere of education in schools controlled and maintained by the council. The Deputy Commissioner may order, suspend the execution of any resolution or prohibit the doing of any act by it, if he thinks that such resolution, order or act is in excess of the powers of the Council or likely to cause breach of peace or annoyance to the public. The Deputy Commissioner must intimate forthwith to the Governor any action he has taken in any of these matters. The Governor on receipt of
a report from the concerned Deputy Commissioner or otherwise, may supersede a District Council for a period not exceeding one year on any of the following groups. 74

(1) Incompetency to perform its duty.

(2) Abuse of its powers.

(3) Its precarious financial situation.

(4) Any situation by reason of which the administration of any District Council cannot be carried on in accordance with the provisions of this Act. The period of supersession may be extended for further period not exceeding six months at a time in consultation with the Hill Areas Committee. But before making such an order, the Governor must give a District Council a reasonable time or opportunity to show cause why such an order of suspension should not be made. 75

During the period of suspension, all the powers and functions of the District Council shall be exercised and performed by such officers or authority as the Governor may appoint in this behalf. 76


Working of the District Councils:

The hill areas of Manipur is divided into six Autonomous Districts and District Councils are constituted in each district. The work of a District Council may be divided into six sections, namely

(1) General
(2) Education,
(3) Medical,
(4) Veterinary,
(5) Agriculture and
(6) Public Works Department.\textsuperscript{77}

At the Secretariat level, the Hill Commissioner is the head but for the administration of the Council the Chairman is the head and for the office administration the Chief Executive Officer (C.E.O.) functions with the assistance of a number of executive officers namely, One Medical Officer, one Assistant Engineer, one Deputy Inspector of Schools, one Agriculture officer and one Accounts Officer for each District Council. There is no separate veterinary Doctor. The Medical Officer is also the Officer-in-charge of the Veterinary Dispensaries. He is being help by some Field Assistants to carry out this function too.\textsuperscript{78}

\textsuperscript{77} Interview with P. Kipgen, M.C.S., C.E.O. (Chief Executive Officer, Churachandpur Autonomous District Council) Churachandpur, on May 20, 1989.

\textsuperscript{78} Interview with V. Kamzain (Accountants, Churachandpur Autonomous District Council) Churachandpur, on July 7, 1991.
Factors Affecting the Working of District Councils:

The functions of the District Councils in Manipur are only in theory. The powers they actually enjoy are the following. 79

1. Maintenance of the existing staff of the junior Basic Schools.
2. Social Forestry.
3. Public Works Department.
4. Civil and Veterinary Dispensaries.

The employees of Junior Basic Schools, Civil and Veterinary dispensaries are under the control of the Council, but here establishment is excluded. Formerly soil conservation was given to the Council but it was taken back by the State Government. Again in Public Works Department also, no construction work is given to them. They are only to maintain those buildings which are under their control. The Manipur (Hill Areas) District Council Act, 1971, was drafted by the Government in 1967 while Manipur was a Union Territory. The first election under this Act was held in 1973. Since then many changes have taken place in Manipur. It became a fullfledged state in 1972. Some provisions of the

79 Interview with L.B.Sona (Chairman, Churachandpur Autonomous District Council) Churachandpur on July 5, 1980.
Act are no more relevant to the present condition. But no amendment is made to bring the Act up to date. 80

According to H. Khatkhojam, Ex-Member, M.D.C., the quantum of autonomy bestowed on the District Councils of Manipur is questionable. Through practical experiences, the existing Councils are quite impotent and ineffective as an instrument to safeguard the interests of the tribals and for the development of the hill areas of Manipur. The District Councils of Manipur are the only District Councils in the North East India which are not under the provisions of the Sixth Schedule of the Indian Constitution. So, unlike other District Councils of the North East India, it envisages no judicial and legislative powers. 81

Section 29(2) of the District Council Act lays down Social and Customary Laws as one of the subjects of the Councils yet, this power is not delegated to them by the State Government. Only some executive and financial powers are entrusted to the Councils. The Councils are not yet empowered

80 Interview with P. Kipgen, M.C.S. (Chief Executive Officer, Churachandpur Autonomous District Council) Churachandpur on May 20, 1989.

81 Interview with H. Khatkhojam, (Ex. MDC), Churachandpur on August 20, 1990.
to mobilise all sources of income. There is no separate budget for the District Councils. They are mainly dependent on grants-in-aid from Tribal Welfare Department of the Government of Manipur.  

According to L.B. Sona (Chairman, Churachandpur Autonomous District Council) the financial problem remained so acute that they could not even pay the salaries of the teachers working under them for months, due to non-release of funds by the State Government. Without salaries for months how can villages expect teachers to teach the students regularly? They have to think for their livelihood. Not only that most of the schools are without buildings. Most of the buildings have collapsed and whatever remains are without furniture. Thus teachers' unrest and staff agitation for non-payment of salaries remained very common.  

Apart from the financial chaos, there is also administrative confusion. The executive power is inadequate. Moreover there is no democratic relationship between the District Councils and the Hill Areas Committee of the State Legislative Assembly. The Hill Areas Committee has no control over the day-to-day

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83 Interview with L.B. Sona (Chairman, Churachandpur Autonomous District Council) on July 5, 1980.
functioning of the District Councils. In the village level also there is no administrative relation between the District Councils and Village Authorities.  

The district Councils survived under the mercy of the State Government of Manipur. The survival of the Councils depend upon the timely release of funds by the State Government. The councils are autonomous in name only but in practice they are under the mercy of the State Government and therefore the real meaning of autonomous is lost. The word autonomy is a misnomer as far as their functioning are concerned. Thus their financial conditions should be improved with separate budgets for the District Councils.

According to T. Haukholian (former M.D.C.), there is increasing feeling among the people of the hill areas of Manipur that the District Councils in Manipur are nothing but a hoax. The survival of these Councils depend upon the mercy of the State Government of Manipur. He further stated that we need a council which comes under the provisions of the Sixth Schedule of the Indian Constitution.

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85 Interview with S. Sumkhanjam (Former M.D.C.), Churachandpur, on June 10, 1990.
86 Interview with T. Haukholian (former M.D.C.), Churachandpur, on July 9, 1991.
Student leaders and different tribal leaders are spearheading the movement for making these councils as effective as possible by bringing them under the Indian Constitution. The All Tribal Students Union Manipur (ATSUM) leaders met the state as well as Union Ministers and submitted representations from time to time since the 1970s. On March 14, 1978 the Hill Areas Committee recommended to adopt the Sixth Schedule of the Constitution of India in place of the District Councils Act, 1971. Again on September 24, 1990 some tribal leaders of Manipur formed the Sixth Schedule Demand Committee, Manipur (SDCM) at Imphal under the leadership of L.M. Ngaranmi and N. Songchinkhup as the Chairman and Secretary respectively. The SDCM leaders met the Prime Minister, Union Ministers and State leaders and submitted representations for the extension of the Sixth Schedule of the Indian Constitution in the hill areas of Manipur.

On May 13, 1991 the State Cabinet under Ranbir Singh, Ministry decided to recommend the extension of Sixth Schedule in the hill areas of Manipur and the Chief Minister intimated

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87 Interview with E. Yungkholian (President, All Tribal Student's Union, Manipur), Churachandpur, on June 6, 1989.


89 Interview with N. Songchinkhup (Secretary, Sixth Schedule Demand Committee, Manipur), Churachandpur on October 3, 1994.
the same to the Prime Minister. The Central Government has been taking a long time to introduce a Constitutional Amendment Bill in the Parliament to fulfill the long standing demand and aspirations of the tribal people of Manipur. In view of the importance of the extension of the Sixth Schedule of the Constitution in the hill areas of Manipur and to fulfill the long democratic aspiration of the tribal population, the State Cabinet under the leadership of R.K. Dorendra Singh recommended it again to the Central Government on September 5, 1992.

To conclude it may be stated that in spite of all the steps taken by the State Government, the traditional chieftainship which is a hereditary institution is still functioning in the hill areas of Manipur. It may be stated that the Village Authorities Act, 1956 is said to be introduced in the hill areas of Manipur since 1956. But, except the election of the Village Authority members for a term of 5 years, the other provisions of the Act are only in name. The village chief and its authority members are unpaid servants of the government, functioning in its traditional

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way. Because of their weak position they are not in a position to undertake any development work in the villages. This has created many problems such as proper administration, proper maintenance and utilization of the village resources. In order to overcome such difficulties the government may either replace the present hereditary chieftainship with modern democratic institutions or revitalise the existing institution by giving them more powers and funds so that they may be in a position to formulate policies and programmes for the welfare of the villagers.

Moreover the tribals of Manipur are looking forward for the prompt and quick action of the Central Government to make effective legislation in the Union Parliament to overcome their problems. This may be achieved by replacing the existing District Councils of Manipur with the District Councils under the Sixth Schedule of the Indian Constitution through constitutional amendment. But, inspite of the requests made by the tribal leaders, since the 1970s, till today nothing has been done by the Central Government to extend the Sixth Schedule of the Indian Constitution in the hill areas of Manipur in order to bring speedy development in the hill areas by making the District Councils more autonomy and effective.