Relevance of Traditional Institutions in Geography:

The traditional institutions are to an extent influenced by the geographical phenomenon. During their migration as well as process of the re-settlement as static communities the geographical factors like climate, soil and water resources played a pivotal role. The geographical pressure compelled them to imbibe excessive strains which were in turn responsible for inter-clan and inter-tribal feuds. These Mizo tribes were spread over the entire area and took to migration for the purpose of security. Under such circumstances, the people, tribes and sub-tribes developed institutions of their own and their perception of space was circumscribed by the forces of geography. It is evident that geographical factors (steep ridges, deep valleys and dense forest) have kept hill tribes secluded from one another from the very inception of their settlement on the present location. The growth of animosity and mutual distrust among the people living

in isolated pockets of Mizoram ultimately led to the development of specific pattern of traditional Institutions.

Chieftainship, as an institution in Mizoram can be explained as due to the forces of geographical phenomena. The chief was a necessity for migratory tribes where the population was unsettled and disorganised, wherein a strong man was required to act as guardian. The chief had his own perception of space — village. The village was everything for them. The chief and the villagers did not think above the village parameters. The plot of agricultural area, of household area, hunting, horticulture, jhuming and piggery or poultry area were delimited by the chief and his council of Edlers. The individual perception of space was narrow and remained conditioned by the chief and their council of elders who realised taxes in different forms from the villagers. In consequence, it is clear that the geographical elements had a decisive role in the development of traditional institutions of chieftainship and the council of elders (Upas).

Chieftainship:

In Mizoram, the institution of chieftainship can be traced to the biological origin.* The Sailo chiefs

*Zahmunha, being a brave and strong man was the first chief during the migration period. His sons viz. Zadeng, Pallane, Thangluaha, Thangura, Rivunga and Hokhuma became chiefs subsequently, of different villages. Thangura was most powerful among them whose descendents were called "Sailo" who established their supremacy in whole terrain and spread out the entire region.
established their supremacy throughout the Lushai Hills excepts in Pawi-Lakher region (where they (Pawls) had their own chiefs controlling the south-eastern parts of Lushai hills) Similarly, the Paite, Thado, Ralte, Hmar, Zahua chiefs ruled their own tribes till the advent of the British. (Table -30).

**Table - 30**

Mizo Chiefs in 1947

<table>
<thead>
<tr>
<th>Name of tribes</th>
<th>No. of chiefs</th>
<th>No. of households</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sailo</td>
<td>105</td>
<td>15,154</td>
</tr>
<tr>
<td>Lusei Thangura</td>
<td>25</td>
<td>1,573</td>
</tr>
<tr>
<td>Ralte</td>
<td>7</td>
<td>819</td>
</tr>
<tr>
<td>Thado</td>
<td>2</td>
<td>713</td>
</tr>
<tr>
<td>Paite</td>
<td>4</td>
<td>904</td>
</tr>
<tr>
<td>Hmar</td>
<td>15</td>
<td>2,209</td>
</tr>
<tr>
<td>Pawi</td>
<td>30</td>
<td>614</td>
</tr>
<tr>
<td>Hualnge</td>
<td>7</td>
<td>1,522</td>
</tr>
<tr>
<td>Fanai</td>
<td>17</td>
<td>1,293</td>
</tr>
<tr>
<td>Mara</td>
<td>20</td>
<td>1,293</td>
</tr>
<tr>
<td>Others</td>
<td>28</td>
<td>2,050</td>
</tr>
</tbody>
</table>


Powers and Position of the Chiefs:

Before the annexation by the British in late 19th century, each village was an independent unit of administration under a chief called 'Lal' who was like a dictator. He was the hereditary chief. But it did not mean, however, that all members of the ruling clan were chiefs rather it was only for those who were endowed with the capacity of drawing men to them under their command. A chief's power was measured by the number of his followers. The chiefs, in fact, were the head of the villages, the leaders in war, owners of the village land, protectors and the guardians of the subjects. In the beginning they enjoyed enormous powers but subsequently, they were curtailed by the British after annexation. The chiefs were the executive authority and the dispenser of the justice. In him, one could find the quality of a good guardian, a brave and dependable commander, and impeachable judge which were the essential attributes to organise and stabilise the primitive unsettled and disorganised habitats. The chiefs were endowed with vast knowledge of the villagers, their lives, difficulties and problems. In hours of crisis they used to supply essential commodities to the starving villagers.

The chiefs administered the villages with the help of 'Upas' or elders nominated by them settled all villages

disputes, distributed land for jhum cultivation, collected taxes for the Government and carried Government orders in the villages. The Upas or the council of elders were nominated by the chiefs at their discretion. They were like the 'panches' of the plain districts of India. These elders were called the Upas who were rich, well-informed, broad-minded and experienced wise men in their respective fields. Their expertise knowledge helped chiefs in the smooth running of the village administration. The chiefs used to select from the persons who were the 'Thangchhuahpa' i.e. one who had done 'Khuagchawi' and were thus above petty jealousies. Besides, upas some other officers were appointed by the chiefs to assist them in running the village administration smoothly. Besides, there were some other important officers in the villages who helped the administration. They are as follows:-

1. Zalen:- Next to Upas, another group of Officers were called Zalen who were from the aristocrat group. The chief used to consult them in critical hour of crisis. These Officers were enjoying certain privileges and were exempted from paying taxes (Fathang) and were given a plot of land for cultivation and house construction.

5. V.V. Rao 1977, Sociology of Mizo Politics(in) S.M. Dubey(ed) North-East India, Delhi, p.100.
6. T.H. Lewin n.4 p.100.
2. Ramhauls- These were the experts on Jhum cultivation and assisted the chiefs in allotment of the land for Jhum cultivation. They knew the fertile area suitable for cultivation within the village jurisdiction and hence his experience in fair distribution of land for cultivation and house construction was always utilised. Their position was similar to the 'Patwary' in plain district of upper India. The chiefs were always accompanied with Ramhauls whenever they went round the agricultural field of the villages. Ramhauls were also enjoying certain privileges and exemption from the taxes.

3. Tlangau- The chiefs order or any message to the villagers were served properly by a man called 'Tlangau' (Village-crier). The order mainly related to work to be done next day or the suspension of earlier orders of the chiefs. This work was done either at night or early morning when the villagers are in their houses. The Tlangau was paid one tin paddy from each house for their services. This resembles with the provision of 'Barahil' during the zamindari system of Bihar.

Thirdeng:- The agricultural tools and implements of the villagers were made, repaired or changed by a man called 'Thirdeng' (Blacksmith). He held an important position in village life. Their services in those days were worth
appreciation. They were paid a basket of paddy from each house.

Puithiam: - Tribal ritual performances were conducted by a man called 'Puithiam' whose main purpose was to propitiate God and goddesses for peace and prosperity of the villagers. He was also paid one basket of paddy for his services. His position in the early days was of great importance which were reduced to an insignificant position after the spread of Christianity.

Sdawt: - Like the Puithiam Sdawt was also engaged for similar religious performances. Both were given a special regard and veneration for their religious role. In the primitive society they helped the chief in consolidating and stabilising his position.

Khawchhlar: - In the villages of the early tribal society Khawchhlar held a significant position and was a link between the chief and the British Superintendent, and the chief and the villagers. He maintained vital statistics, register of village house list, list of all guns in the villages, roster duty chart to be required for social work. For this work he was exempted from house tax and manual work.
Powers of the Chiefs:

The chiefs were the main agents of the British administration in the Lushai hills. So they increased the number of chiefs taking them from other clans and allotted them vacant lands for the establishment of their villages.

The Pawis and the Lakhers had their own chiefs. The chieftainship of the Pawis was on the same line as the Lushais. The Lakhers' chiefs were like Chin chiefs and were less democratic than the Lushais. The power of the chiefs was greater and the chiefs' relatives and other wealthy persons form a kind of peerage. A Lakher chief was the leader in war, owner of village land and the guardian of the people. The main duty of the Lakher chief was to protect his people, and help them in times of famine or other distress and in return, the people had to pay certain dues and services. They were always ready to render services whenever called for.

Non-interference policy of the British emboldened the chief and made them dictator and power drunk in real sense of the term which pricked the conscience of the authority.

also. The British sense of justice and fair play induced them to abolish the system of the chieftainship.

Judicial Power of the Chief:

The chiefs were the eyes and ears of village administration. They were both executive and Judicial heads of the villages. In their judicial capacity they decided all the litigations and petty feuds according to the customary laws of the society. The chiefs and 'Upas' constituted the village court and disposed of cases except heinous crimes like murder, rape, which were handled by the Superintendent. An appeal against the judgment of the chiefs was referred to the superintendent. But the superintendent always upheld the authority of the chiefs on the general principle of non-interference.

Rights and Privileges of the Chief:

The chiefs were the rightful owners of the land (ram) within their jurisdiction and the definite boundary of chief's village was clearly laid down and each one was having a 'ramrilekha' or boundary paper.

(ii) The chiefs with the help of Upas distributed the land among the villagers for cultivation.

(iii) The chiefs were entitled for free labour from the villagers for construction and repair of their houses.

(iv) The chiefs were entitled to a share of the produce cultivated in their 'rams'. This share is popularly known as 'fathangs' paid by the villagers in kind.

(v) The chiefs were also enjoying privileges to get taxes from various commodities either grown or collected occasionally.

(vi) The chiefs used to get taxes from various sources, such as Sachhiach (Meat tax), Khualchhiah (bee tax), Chi-chihlah (salt tax), sangah-chhiah (Fish tax), etc. Besides, tax was also collected from the traders doing business within jurisdiction. They had right to confiscate half of the paddy produced by the villagers who migrated to another villages without permission. The chiefs and the Upas were also entitled to get rupees five from a fine imposed on the villagers for doing offences. The chiefs were virtually the masters of the land and used to get free labour for their personal works. This is tantamount to 'begari system'.
of the zamindars of the plain districts. Thus, it appears from above analysis that the chiefs were the real despots who exploited the commoners (Hnamchawn) socially and economically. They may be compared with the feudal lords during the British days. It was intentionally done by the British authority to administer the people through the chiefs. However, there was an erosion in the status and powers of the chiefs. The lands were taken over by the government and the government became the owner of the land but redistributed again among the chiefs.  

Zawlbuk:

The Zawlbuk is one of the oldest traditional institutions of the Lushai Hills District which is a dormitory house, made by the villagers in open field by the side of chief's house. In early days, the unmarried youths were asked to sleep inside Zawlbuk and be in readiness to chase the enemy at short notice. The security of the village depended on the preparedness and quick attack on the enemy.

Zawlbuk was like a local authority consisting of two types of members: Tlangvals (grown up) and Thingnawifawn Naupang (young boys). The head of the institution was called 'Val Upa' who was elected on account of his personal quality of bravery industrious and large-heartedness. The zawlbuk was the training ground for youths in matters of general discipline and defence of the village. The youth potentialities were also channelised in making preparation for attack on enemy. Besides, the security of the village, Zawlbuk was also the centre for cultural activities, like dance, music and other allied activities. The guardians or the chiefs did not interfere in the internal work of the dormitory.

However, the Zawlbuk started declining with the spread of christianity. The life-style of Mizos was metamorphosed into western culture; and life-style completely changed. This affected the downfall of traditional institution of Zawlbuk.

Modern Institutions

(a) Mizo District Council and Pawi-Lakher Regional Council.

Genesis:

Before the introduction of the Government of India Act 1919 the Lushai Hills District was a 'Scheduled District'
under the provision of the 'Scheduled District' Act 1874 on account of being a hilly area inhabited by the primitive tribes with poor economic resources. Again this district was put under the category of 'Backward area' in 1919 on the recommendation of senior officers like Robert Reid who favoured exclusion of the area from the reform scheme. As a result the popular ministry in Assam could not exercise authority over the administration of the Lushai Hills district. The Governor of Assam was directly responsible for the administration of the backward area and the Council of Ministers was not responsible for its administration. Thus, the Lushai Hills district remained un-represented in Assam Legislative Assembly between 1921 and 1927. The Government of India Act, 1935 incorporated the provision of 'Excluded Areas' and partially Excluded Area for the Hill District of Assam. So the Lushai Hills district, Naga Hills district and the North Cachar Hills were labelled as 'Excluded Area' while the Mikir Hills and the Garo-Khasi Hills as 'Partially Excluded' Area. The administration of the Excluded Area was carried on from April, 1, 1937 to 1947 by the Governor of Assam acting independently of the Government of Assam. The British policy

under the shadow of Excluded and Partially Excluded Area Act, kept these hill people isolated from the general administration. This arrangement intentionally done by the British to prevent 15 million tribals from the reforms. Taking the advantage of the arrangement, the Christian Missionaries under the patronage of the British brain-washed the simple and innocent Mizos and made them anti-Indian and thereby sowed the seed of anti-Indian feeling in their heart.

Scholars and administrators were more concerned with the future of the hills people of Assam. J. P. Mills was in favour of exclusion of all hill districts of Assam from the reforms and the formation of the Hill State under the control of his majesty Government. R. Coupland, a constitutional expert advocated for the creation of 'Crown Colony' for the tribals of Mongoloid stock inhabiting the hill tracts of eastern frontiers of India, and on the north western frontier of Burma who were neither Indian, nor burmese and the innocently belong to the Indian or Burman Nation. Apparently, the tribals (Lashais) are not Indian in any sense of the word, neither in origin nor in languages or appearance or in habit, and outlooks. It is mere a historical accident that they have been tagged as an Indian province.

Despite various shades of opinion put forward in this connection, the security of the British India was of paramount importance because of its proximity with China. With this and in view, Andrew Clow, Governor of Assam (1945) suggested the merger of the hill areas with Assam on the condition that the tribal customs and institutions be given due recognition and respect. In alternative separate province for hills with some link with regard to administration of certain be made.

**Cabinet Mission Proposal:**

The Cabinet Mission suggested that there should be an Advisory Committee on the rights of the Citizens, minorities and tribals of Excluded Areas. The Chairman of the Mission, Staffords Cripps suggested that a proper and powerful committee should be set up to make the proposals for the administration of tribal areas. Accordingly, the Constituent Assembly set up an Advisory Committee in terms of reference of the Cabinet Mission plan on January, 24th, 1947. This Committee appointed three sub-committees. The

Committee' with G. N. Bordoloi as Chairman was one of them. Other members of this Committee were Rupnath Brahma (Plain tribal leader of Assam), A. V. Thakkar, Rev. Nicholsroy (Khasi leader) B. N. Rao, Constitutional Advisor of the C. A. Two co-opted members from Lushai Hills were Saprawanga and Khawtinkhuma both members of Mizoram Union Party.

District Conference:

When the independence of India became almost an accomplished fact, a section of Lushai under the patronage of the British opined to separate from Indian and join with Chin Hills of Burma. Under such situation Macdonald, the Superintendent of Lushai Hills called a conference of the leaders of commoners and the representative of chiefs and formulated a scheme known as Macdonald scheme which included.

* The following clauses

(a) There shall be a legislature which will include the representatives of the Chiefs and the Commoners.

(b) There shall be a judge and an auditor, a Minister and three Councillors who will constitute the executive. The Judge shall hold office for 16 years, auditor and Minister for 4 years and representatives for three years.

(c) There shall be a public service Commission for the recruitment of public personnel.

(d) The defence, external affairs and a few subjects would be transferred to Government of India.

(e) The territorial jurisdiction under the plan also included a part of Burma and would have access to the sea in the Bay of Bengal.

18. Proceedings of the North-East Frontier (Assam) Tribal and Excluded Area Sub-Committee vol. II (Evidence Part I C.A.D.) Delhi, 1949
This scheme was unwarranted and unworkable. It reflected the ulterior motive of Macdonald which aimed at separating the district from the country. As such the scheme was not acceptable by a sizeable section of the Mizos.

L. L. Peter, the last British Superintendent took initiative and formed a Committee of Chiefs and Commoners in 1947 which affirmed that the Lushai Hills would join India for 10 years after which they would decide their political future. This idea was also opposed by the Mizo Union Party. In the meantime Bordoloi Sub-Committee visited Aizawl and met a cross-section of the people and collected opinion on the following:

- Whether the people want to remain with Central Legislature.
- With the provincial legislature
- Whether to have representation in Ministry safeguarding their interest.
- To what extent people desire to have autonomy for district.

Recommendation of the Bordoloi Committee:

The Committee recommended the autonomous District Council to be constituted democratically with power of legislation over the occupation and use of land other than
reserve forest, and the cultivation of Jhum land should be left to the District Council. The District Council shall have 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 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 much advancement of the area. Dr. Guha, a famous anthropologist giving evidence before the sub-committee, suggested that no attempt should be made at assimilation which cannot take place by sudden breaking of tribal institutions. There should be gradual evolution on old foundation and the initiative should come from tribes itself. He further opined that the future of these hills did not seem to lie in absorption in hill people but in political and social amalgamation.

Constituent Assembly and The Sixth Schedule:

The report of the North East Frontier (Assam) Tribal and Excluded Area Sub-Committee was placed before the constituent Assembly for discussion. There was criticism against the recommendations for creation of the District Council

---

and Regional Council in the Hill District of Assam. Kuladhar Chaliha, a member from Assam criticised the draft of 'Sixth Schedule' as the product of the British. He said that the British was in favour of it as it wanted to sow the seed of the separatist tendency among the Indians. In other words, such a step seemed as a exercise to create 'Tribalistan' as we have created Pakistan. The ultimate result would be the creation of 'Communistan'. Taking the thread of discussion Brajeswar Prasad, a member from Bihar pointed out that the creation of District Council and Regional Council would lead to the establishment of another Pakistan in the Country. Such a vast power in the hands of tribals would lead to chaos, anarchy, disorder throughout the country and the creation of such Council would jeopardise the interest of the whole country. He argued that if we want to educate the tribal people in the art of administration let us enact Municipal Act. If we want to keep them separate, they would combined with Burma. The autonomous District Council would be a weapon to keep perpetually away from non-tribals and thereby a bond of friendship would go for ever. These institutions would promote almosfness and there might not be scope of assimilation.

21. Ibid p. 1009
Contradicting such arguments Jaipal Singh, a tribal member from Bihar and Rev. Nichols Roy, a Khasi member from Assam argued that it was an attempt to create a feeling of friendliness and mutual understanding and unity. Dr. Ambedkar also supported their arguments and observed that tribals in other areas are more or less Hinduised and were assimilated with the culture and civilisation of the people with whom they lived. But this was not the case of Assam. The Lushais occupied a position similar to that of Red Indians in U.S.A. Thus finally the constituent Assembly approved the provisions of District Council and Regional Council which were inserted in the Sixth Schedule of the Constitution. Thus, the Government of Assam enacted Assam Autonomous District (Constitution of the District Council) in 1951. The Mizo District Council for the Mizos and Pawi-Lakher Regional Council for the Pawi-Lakhers and Chakma Tribes were set up in 1952 and 1953 respectively.

**Constitutional Structure of District Council and Regional Council.**

Based on the provisions enshrined in the Sixth Schedule of the constitution, the Government of Assam enacted the

23. Ibid p.1015
25. Ibid p.1025
26. Govt. of Assam Notification No. TAD/R/10/50 dated 31.7.51 and TAD/R/15/50 dated 31.7.51.
Assam Autonomous District (Constitution of the District Council) Act in 1951. Consequently, the Lushai Hills District Council (later in Mizo District Council), and the Pawl-Lakher Regional council came into being in 1952 and 1953 respectively. The Mizo District Council worked for 20 years and was abolished in 1972 (when Mizoram became a Union Territory) along with the Pawl-Lakher Regional Council under the North-Eastern Areas (re-organisation) Act, 1971. The Pawl-Lakher Regional Council was trifurcated into there Regional Councils, the Lakher Regional Council and the Chakma Regional Council and each one was upgraded to the District Council in 1972 under the same Act(Table - 31).

Table - 31

<table>
<thead>
<tr>
<th>Name of the District Council</th>
<th>No. of members</th>
<th>Date on which constituted</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The Pawl-Lakher Regional Council.</td>
<td>12</td>
<td>Apr. 23, 1953</td>
</tr>
<tr>
<td>3. The Pawl-Regional Council</td>
<td>12</td>
<td>Apr. 23, 1953</td>
</tr>
<tr>
<td>4. The Lakher Regional Council</td>
<td>9</td>
<td>Apr. 02, 1972</td>
</tr>
<tr>
<td>5. The Chakma Regional Council</td>
<td>9</td>
<td>Apr. 02, 1972</td>
</tr>
<tr>
<td>7. The Lakher Dist. Council</td>
<td>0</td>
<td>Apr. 29, 1972</td>
</tr>
<tr>
<td>8. The Chakma Dist. Council</td>
<td>0</td>
<td>Apr. 29, 1972</td>
</tr>
</tbody>
</table>


The main reasons behind such change was ethnicity, compact geographical contiguity, fiscal adequacy and community of interest. Over and above, the political factors were more powerful and dominating which overshadowed other factors.

**Election:**

For the smooth conduct of election, the District Council is divided into single member constituency on the basis of population and area.


The Autonomous District Council is a local authority which has a definite area constituted in the pursuance of Art. 244(2) and 275(I)(a),(b) of the Indian Constitution. It has a corporate character having perpetual succession and a common seal with a right to sue and be sued. The council consists of members elected on the basis of adult franchise. There is provision of nomination by the governor on the recommendation of the Chief Executive Member. The nominated
members normally belong to the minority group which are not represented in the council. The composition of the District Council was as follows:

<table>
<thead>
<tr>
<th>Name of the District Council</th>
<th>No. of members</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Mizo District Council</td>
<td>24 (20 + 4 nominated)</td>
</tr>
<tr>
<td>2. The Pawi-Lakher Regional Council</td>
<td>12 (10 + 2)</td>
</tr>
<tr>
<td>3. The Pawi-District Council</td>
<td>21</td>
</tr>
<tr>
<td>4. The Lakher District Council</td>
<td>16</td>
</tr>
<tr>
<td>5. The Chakma District Council</td>
<td>12</td>
</tr>
</tbody>
</table>

Qualification:

A person shall not be qualified to be elected as a member of the District Council unless he is a citizen of India, has completed 25 years of age and is entitled to vote in the election of member or the council, besides, he must belong Scheduled Tribe community of the District. No one shall be member of two District Council. Those who have attained the age of 21 years are eligible for vote in the District Council election provided his name is registered in the electoral roll of the Assembly. The only limitation in this case is that he must have resided in the constituency at least for six months. In case of
non-tribal, he must be a permanent resident of the autonomous District areas and must have resided within its jurisdiction for not less than 12 years.

Teneure:

The term of office of the members of the District Council was 5 years from the date of the commencement of the first meeting after the general election of the council. There is also provision for extension of the term for one year.

Rights and Obligation:

Ordinarily the members enjoy the same rights and privileges as enjoyed by the members of the legislature.

Chairman and Deputy Chairman:

There shall be a chairman and a Deputy Chairman of the Council to conduct the business of the session. They are elected by the elected members of the council. The Deputy Commissioner presides over the said meeting. In 1952 Dr. Rosiama was elected as Chairman and Tui-Kherliana as Deputy Chairman of the Lushai Hills District Council.
Executive Committee:

The Executive Committee is a miniature cabinet to carry out the Executive function of the District Council. The Executive Committee consists of one Chief Executive member and two other members. The Chief Executive Member (CEM) is elected by the members of the District Council and two other Executive Members are appointed by the Governor on the recommendation of the C.E.M. from amongst the members of the District Council. Besides, there is a Secretary who is appointed by the CEM from outside.

Functions of the District and Regional Council:

The Mizo District Council and Pawi-Lakher Regional Council (now Pawi-District Council, Lakher District Council, Chakma District Council) have been provided with ranging powers. These powers can be grouped under three headings: Legislative, Executive and Judicial. Under Legislative side the District Council make law on (a) allotment, occupation use and settling a part of land (other than reserve forest) for the purpose of agriculture, grazing, residential or other non-agricultural purposes. Likely to promote the interest

28. Sixth Schedule(Para 3) of the Constitution(Art.244(2)
275(1)).
of the inhabitants of any village or town (b) The management of forests not being a state reserved forest (c) The use of any canal or water course for agricultural purpose (d) The regulation of the practices of Jhum or other forms of shifting cultivation. (e) The establishment of the town and the village councils and the determination of the powers and functions (f) any other matters relating to village or town administration including, town or village police (g) public health and sanitation (h) The appointment or succession of Chief or headmen. (i) The inheritance of property (j) Marriage and divorce (k) Social customs, money, lending and trading by persons other than the Scheduled Tribes.

Executive Powers:

According to para 4 (sub para 6) the councils have the executive powers to construct or manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads and paths, and also to prescribe the medicine and manners of primary education in the Mizo District.

Judicial: So far as the judicial powers are concerned, para 4 of the sixth schedule endows the District council to constitute village council courts and District council courts within the autonomous areas for the adjudication of trial
of suits and cases on customary laws in which both the parties are tribals.

The District Council court and the Regional Council court are the courts of appeal with respect of all suits and cases whose trial has been done by the village council courts and the subordinates District council courts. No other courts except the High court and the Supreme court of India have jurisdiction over suits and cases decided by the council courts. The council with prior approval of the Government may also frame rules and regulations for the constitutions of these courts.

**Financial Power:**

The District Council and Regional Council are provided with financial powers in respect of assessment and collection of land revenue and also imposition of taxes on lands within the jurisdiction. The District Council for an autonomous district shall have the power to levy and collect all or any of the following taxes within the jurisdiction of the council. These include:

(a) Taxes on profession, Trades, callings and employments;

30. Ibid para 8
31. Ibid Para 8(2)
(b) Taxes on animals, vehicles, and boats;
(c) Taxes on the entry of goods into a market for sale therein and tolls on passengers and goods carried in ferries;
(d) Taxes for the maintenance of schools, dispensaries or roads.
(e) Licences or leases for the purpose of procuring for or extraction of minerals.

Further, there is provision for a District Fund for each Autonomous District and Regional Fund for each autonomous Region to which shall be credited all moneys received respectively by the District council and Regional council in course of administration of the such district or region.

As regards the tax on motor vehicles it is assigned to and collected by the State Government on behalf of the District council. The councils also derive their income from grants in-aid, loans and advances etc. from the State Government. In fact, the District Council enjoys so much autonomy that the acts of the Parliament and the State legislative on the above subjects do not normally apply to the autonomous District.

Village Council.

The Lushai Hills District (village council) Act was
passed in 1953 to establish village council. This was thought to be essential to democratise the old system after the vacuum created by the abolition of village chieftainship. Similarly, the Pawi-Lakher Regional Council (village Council) Act was passed in September 1954 to streamline village administration in the Pawi-Lakher region.

**Organisation of Village Council:**

Village Council is the lowest unit of administration of Mizoram. The number of the village councils in Mizoram stands as 494 (373 in Aizawl, 121 in Lunglei and Chhimtuipui district). On every 300 houses there is a village council which consists of 12 members depending upon the number of houses specified in the Act; one third of the total strength is nominated by the administrator (who is the government official) and rest two third are elected by the members on the basis of adult franchise for three years. Members belonging to schedule tribes who are above 25 years are eligible for membership of the village council. The election procedure in this case is the same as in case of Assembly or Parliament election.

---

32. *Brochure of Mizo District Council and Pawi-Lakher Regional Council*.

33. V.V. Rao, n 1.p.205.
Village Council Executive:

The Executive body of the village council consists of the President and Vice-President and a Secretary. The Secretary is appointed by the administrator or the district council. The President and the Vice-President are elected by the members of the village council. The meeting the village council is summoned by the President who presides over the meeting. The President may resign any time from the Executive committee. But the village council has no power to remove the President. This is highly undemocratic.

Powers and Position:

The President is the chief functionary at village level. He issues instructions and other notices for prevention of dangers such as outbreak of fire, epidemics etc. in the village. He is assisted by the Secretary who is appointed by the Government. The Secretary maintains the records of the village council. The President is also the chief custodian of the village council fund.

Function of the Village Council:

The village council is entrusted with administrative and judicial functions. The administrative function includes
the construction and maintenance of inter-village paths, roads, distribution of jhum land (earlier done by the chiefs) by drawing lots. Besides, the council also allots house sites to the villagers maintains birth and death register and regulates voluntary service (Hnatlang) for community.

**Judicial:**

The village council court is the lowest court in the village whose strength varies from 3-11 who are elected by the villagers for three years. The court tries both civil and criminal cases falling within the purview of village tribal laws and customs. Petty offences of theft, pilferage, mischief and trespass, assault, drunken and disorderly brawling, public nuisance. The court can impose a fine for such offences up to Rs.50/- only. An appeal against the order or the decision of the village council court lies in the subordinate district council court which can be preferred within 60 days of the judgement of the village council court.

The constitution of the village council replaced the traditional institution of the chieftainship and the council of elders (Upas) which was undemocratic in true sense. The
modern institution of village council has a great impact on the socio-economic life of the villagers in Mizoram. Although the council suffered from the shortage of trained personnels and paucity of funds, the council has paved the way for democratic system at the lowest level in Mizoram. The council has no power of taxation and tax collection. However, its functioning in the remote and inaccessible villages has encouraged the villagers to follow democratic path. The President is most powerful but not dictator in the village whose command and respect always lie in their heart.  

Analysis of the working of the District Council.

The main idea behind framing of the sixth schedule of the constitution was to provide a simple and inexpensive administrative machinery in the tribal districts of Assam so that they could protect their customary laws, traditional institutions, forests, law of inheritance, and their mode of administration of justice. The creation of the District council and Regional council was also to enable them to shoulder political responsibility in the art of administration.

Secondly, each tribe was given representation in these councils so as to defuse ethnic tension or dominance. Even the provision of nomination for unrepresented tribes or sub tribes was kept reserve. Such tribes included Riangs, Nepali, or Chakma, etc.

The working of the Mizo District Council and Pawl Lakher District Council did not serve the purpose for which it was created. The Assam Autonomous District (Constitution of District Council) Rules 1951 was subsequently amended in 1954, 55, 56 and 57) thus rules framed by the Mizo District Council on the basis were also amended in 1957, 61 and 62 but these were never implemented (The Council was never summoned three in a year).

The Mizo district council and the Pawl Lakher Regional Council enacted some useful laws which served the need of the people and reduced hardship and exploitation by the chiefs. The Mizo district Council passed laws on land and Revenue in 1957 which were subsequently amended in 1960, 63 and 67%. Accordingly, the ownership of the land was transferred from


36. Ibid (the Lushai Hills Housing site: Act,1953) p.130.
the chiefs to the District and Regional Councils. The transfer of right over land was not permitted without the permission of District Council. The Mizo District Council enacted the Mizo district (transfer of land Act 1964) to regulate the transfer of land within the jurisdiction of District Council. Accordingly, the land was not to be sold, mortgaged, leased, bartered, gifted or otherwise transferred by a tribal and to a non-tribal or by a non-tribal to another non-tribal without the permission of the executive Committee of the District Council. Apparently, it seems that there is violation of the rule of law (Article 14 to 20) equality before law but the spirit of the sixth schedule had always been kept in mind i.e. the protection of the hillmen's land and wealth from exploitation by unscrupulous plainsmen. 37

The Mizo District Council and the Lakher Regional Council were supposed to ameliorate the socio-economic backwardness of the district by utilising the economic potentiality but later on the attention had been diverted towards politics on the pretention of Mini-state.

Some of the acts passed by the Council were also prejudiced. These were challenged in High Court and declared

invalid. For an example, the trading by non-tribals Act, 1954 was turned down by the Supreme Court on the ground of violation of fundamental rights (Lal Sarda, a non tribal businessman challenged the act and the Court finally set aside the Act).

The Mizo District Council worked well for few years but subsequently, failed to achieve its goal. The heavy expenditure over establishment became burden on State Exchequer. Further, resources were not properly tapped. Out of 6919 Sq. Miles of land only 70 sq. miles had been assessed.

The District Council, as a matter of fact, did not have sufficient power and authority to take effective part in the development programme and Council did not make proper use of their power of legislation and taxation. The Council, therefore, suffered from inadequacy of financial resources and lack of sympathy from government. The Council failed to evoke local initiative and people's participation in developmental activities to a desired extent due to political instability and disturbed atmosphere which generated hatred.

Impact of Traditional Institution on subsequent Development:

The traditional institutions have far reaching impact on political and administrative system in Mizoram. The institution of Chieftainship and the council of elders (Upas) were
inevitable during the formative stage of Mizo society. Their services were required during the unsettled and disorganised life of Mizo tribes. The chief played a pivotal role in stabilising village life and minimising fear of insecurity to the villagers. Subsequently, the feeling of status consciousness (commoners and autocrat chiefs) surfaced and notion of exploitation of commoners by the chiefs was sounded in the air. This resulted into the formation of first political party the Mizo Union (MU) which became popular among the commoners. The abolition of chieftainship under the leadership of the M.U. and establishment of modern institutions like District Council and Regional Council are the subsequent development. These institutions enabled tribal people to administer themselves in all matter of vital concern and save them from the administration which was both expensive and remote. Thus the root of the modern democratic institution in Mizoram lies in the age old traditional institution of chieftainship.

The chieftainship has consolidated the migratory people and helped them in stabilising their footing. The
growth of sub-nationalism on the basis of ethnicity by uniting the various sub-tribes into a common fold is also due to the pivotal role of Mizo chiefs.

**Head of the State.**

With the implementation of the North-Eastern areas (Re-organisation) Act, 1971, the Mizo hills district was upgraded to the status of Union Territory as per para 6 of the Act and the Government of the Union Territories (Amendment) Act, 1971. As a result the Mizo District Council was abolished (Para 20 A of sixth schedule). The three other tribes of the district namely the Poi, Lakhers and Chakmas reaped the benefit of this reorganisation and three district councils were created.

Immediately after the formation of the Union Territory of Mizoram, the Chief Commissioner was appointed to represent

* Akin to nationalism, regionalism is sometimes held to be synonymous with, and/or dubbed as sub-nationalism and localism and even anti-system and anti-nationalism.


the state. S. J. Das, IAS, formerly Commissioner of Cachar and the Mizo Hills district was appointed the first Chief Commissioner of Mizoram. The Chief Commissioner occupies a position lower than the Lt. Governor. This arrangement wounded the sentiments of the leaders and the general people of Mizoram and hence, they represented to the Central Government. Subsequently, the post of Lt. Governor was created and S. P. Mukherjee, a retired Chief Secretary of Tripura was appointed first Lt. Governor of Mizoram on 23rd April, 1972.

**Powers and Functions.**

The Lt. Governor is the head of the State (U.T. of Mizoram) and he is endowed with legislative, executive, judicial and other miscellaneous powers. The Lt. Governor summons, prorogues and dissolves the legislative Assembly of Mizoram. But he is advised by the Chief Minister in all these matters. However, he can summon sessions under extra-ordinary circumstances (if he is not advised by the Chief Minister in this respect) Normally, the Governor including Lt. Governor acts on the advise of the cabinet in prorogation and dissolution of the house. Brigadier T. Sailo, (retd) Chief Minister advised Lt. Governor in 1978 to dissolve the Assembly when some of his partymen
defected. The Lt.Governor obliged him and dissolved the Assembly. But he has discretionary power in this respect also. Besides, all the bills (including amendment to the existing Act) must be accorded green signal by the Governor before its introduction in the Assembly. No bill shall be introduced in the legislative assembly except on the recommendation of the L.G. (Administrator) if such bills make provision for (a) imposition, abolition, remission, alteration or regulation of any tax (b) amendment of any law with the respect to any financial obligation undertaking or to be undertaken by the Government of India (c) appropriation of money out of the consolidated fund of Mizoram.

The Lt.Governor signs the bill which have been passed by the legislative Assembly of Mizoram. The Governor, however, may reserve the bill for consideration of President who can direct the Administrator (Governor) to return the bill to the house for reconsideration. Besides this, the Governor has also special responsibility in respect of security of the Border and he may take action which he thinks necessary.

**Administrative Function.**

The Administrator (L.G.) is the custodian of State property. He must protect and maintain properties of Mizoram in consultation with the cabinet. He may act in his individual
capacity also. It is his duty to enforce the rules and regulation in relation to the condition of services of this persons recruited for the services of Union Territory. The Administrator may call any time, the Secretaries of the department in disposal of important cases.

**Council of Ministers.**

There shall be a council of Ministers which Chief Minister at his head to give aid and advise to the Administrator (L.G.) in his functions. The council of Ministers is the highest political institution in the state. This institution is the pivot round which the whole political machinery revolves. It is steering wheel of the ship of the state in actual practice the Governor of Mizoram like other state is the nominal executive head of the state. The real power lies in the Council of Ministers of which the Chief Minister is the supreme Authority. The first Council of Ministers was constituted in Mizoram in 1972 which was formed by the Mizo Union party led by Ch.Chhunga, other minister were Khawlinskhum, Vaivenga, R. Thangliana and Lalsangzuana. The Ministry functioned till the expiry of its term (i.e. May 1977). After the completion of its term the cabinet was dissolved and the President's Rule was imposed on May 11, 1977. After the second General Election in May, 1978 the Peoples Conference,
a regional party led by Brig. T. Sailo (Retd.) was appointed Chief Minister. Other important Ministers were Lalthming Thanga, Zairemtanga, P.B. Rosanga, and F. Malawma. The Internal friction later on forced Brig. Sailo to request the Governor to dissolve Assembly and fresh Election was again held 1979. T. Sailo again goted to power. After the fourth election of Mizoram Assembly in 1984 the Congress party led by Lalthanhawla formed the Government. But after the peace accord of 1986 a coalition Government (Congress(I) and M.N.F. party) was formed and Laldenga became the Chief Minister and Lalthanhawla, Dy. Chief Minister.

The Council of Ministers is the pivot of state administration. The Chief Minister allocates the portfolio to the respective Ministers. The Chief Minister has the prerogatives to distribute the Portfolio according to his discretion. The Chief Minister supervises the performances of all the Departments and divests power and portfolios of the Ministers in case of unsatisfactory performances. The Chief Minister presides over the meeting and prepares agenda for the meeting. It is the duty of the Chief Minister to furnish all information relating to the administration of Mizoram and all proposals for legislation. The Administrator (L.G) may call for any information from the Chief Minister.
Mizoram Legislative Assembly:

This is the highest political institution in Mizoram which came into being in 1972 (when Mizo Hills District was upgraded into a Union Territory named Mizoram the Assembly consisted of 33 members (30 elected and 3 nominated) subsequently the strength was raised to 40 (21 seats in Aizawl, 5 in Lunglei and 4 in ChhimtuipuiI district). The delimitation of constituency is based on population and geographical contiguity. The ethnic consideration was also kept in mind while drawing the constituency boundary.

Election:

After the formation of the Union Territory, the first election of the Assembly was held in 1972 in which 1,56,898 electors (76,315 males and 80,583 females) participated in the election of 30 members. The number of electors subsequently, increased to 3,33,733. The percentage of female vote is neck and neck to the male counterpart although their representation in the Assembly is very poor. The present strength of the Assembly is 40 only. The demarcation is on the basis of geographical condition of the area and not on the gerrymandering policy. (map)


See also Report on the Fifth General Elections to the Legislative Assembly of Mizoram, 1987. Issued by Chief Electoral Officer, Govt. of Mizoram, Aizawl.
The first Assembly Election took place in 1972 and the Mizo Union party was voted to power (M.U. 21 seats and Congress - 6, Independent - 3, and nominated - 3) The second Election took place in 1978 and the Peoples Conference party was voted to power. But due to internal split in the party the Assembly was dissolved within six months. The mid term election held in early 1979 again gave mandate in favour of the Peoples Conference. The fourth election of the Assembly held in 1984 gave mandate in favour of Congress(I) Party led by Lalthanlawla. However, political settlement with M.N.F. on June 30, 1986 led again dissolution of the House and fifth General Election held on February 26, 1987 voted M.N.F led by Laldenga to power.

**Speaker:**

The newly elected members of the legislative Assembly elect the speaker and Dy. Speaker of the house to conduct its business. The first speaker of the Assembly was H. Thangsanga. The Speaker controls the business of the house maintains order and decorum in the House.

**Powers and Privileges of the Members.**

The powers and privileges of the members of the Mizoram Legislative Assembly are the same as enjoyed by the
members of other State Assemblies. The salary and allowances are decided by the House itself.

Session:

According to the provision contained in Act 1974 of the Constitution, the House shall meet at least once in a year and six months shall not intervened between the last date of the first session and first date of the next session. One third of the strength forms the quorum of the house. The opening session is addressed by the Governor of the State. The medium of the transaction of the proceedings of the house is Mizo language.

Powers and Functions.

Like other state Assemblies, the Mizoram legislative Assembly has also power to make law on any item contained in the state list or the concurrent list of the seventh schedule of the Constitution subject to restriction under Article 286, 287, 288 and 304 of the Constitution.

Committee System.

Like other states Assemblies, the Mizoram State Assembly also works through various committees like Business Advisory Committee, Public Accounts Committee, Estimates Committee,
Privilege Committee, House Committee, Subject Committee (also called the budget Committee) and several other committees. The appointment of the Chairman and other members of the Committee is made by the speaker of the house on the basis of knowledge, experience and party affiliation.
The geographical phenomena tended to separate North East India into different local zones, each with a regional spirit of its own. Each zone or unit has made the ground fertile for the growth of regionalism. The Lushai Hills District (now Mizoram) is one of such units which clearly reflects the larger influence in its major activities. Consequently, separatism is often induced and which attempts to assert itself in the regional landscape. The ethnic and linguistic demands as a result asserted themselves.

The Mizos and associated sub-groups migrated to this land in different phases and occupied either the virgin land or forced the earlier settlers to move northward or westward and thus paved the way for their territorial location. This migrated group readjusted themselves to the new environment they found themselves. They located their settlements in defensive position i.e. either on mountain tops or slopes. Their institutions also reflected sizeable geographical adaptations. The traditional institutions like chieftainship or Jawlbuk (dormitory) also reflected the changing environmental requirements. The frequent internecening warfare between various groups and sub-groups called for strong administrative leadership. This enabled each village settlement to have strong capable leadership. With the passage of
time these individual villages became village republics. Geographical isolation restricted their mobility and obstructed the flow of information. Hence, the traditional institutions expressed the changing perception of these tribe and sub-tribes. The terrain and physiographic condition provided the inhabitants factors that were conducive to perpetuate the traditional mode of life, on the contrary, these very elements later (after independence) became factors that retarded their growth and development.

The traditional institutions formed the foundation upon which the edifice of modern institutions like District Council and Regional Council or the State Assembly of present Mizoram stand. The development of the modern institutions including the political party system were contrary to the traditional institution and were products of modernization particularly a product that emerged after the missionary activities in the state.

The Chieftainship and the role of chiefs in the village administration created a feeling in the mind of people that chiefs were exploiting the commoners. Thus a rift between the chief and the commoners surfaced. The discontented elements gradually voiced their grievances.
against the existing traditional system of administration. The abolition of the chieftainship made the chiefs disgruntled which led the formation of political parties, particularly UMFO and later MNF.

The traditional institutions and their modification during the British administration provided adequate scope for the inhabitants to express their political and economic aspirations such as autonomy and for discontented elements separation and independence. (In this connection it can be said that the loss of power and position compelled the traditional elites to opt, for separate ideology hoping for retrieval of lost position.

These institutions are also responsible for escalating insurgency in Mizoram. The disgruntled chiefs supported the MNF because they were deprived of from the traditional privileges. The political institutions which developed in course of time and the interpretations encouraged the need for autonomy and later separatism.

The District Council and Regional Council enabled the inhabitants of Mizoram to effectively participate in the regional developmental administration for the first time.
Subsequently many socio-economic requirements of the inhabitant were highlighted in their councils that developed a wide discrepancy between the requirements, policies and their implementations. At the state level the individuals articulated their disenchantment with the policies and implementation, as they failed to alleviate the immediate problems of the people. This aggravated the crisis in the state.