Local Self Governance as Democratic Participation: The Unique Case of the Nagas

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ABSTRACT

Local self governance has remained the cornerstone of Indian democratic system. However, the nature of participation of various segments of the society in such a framework remains disproportionate. The present paper outlines the unique social capital of the Naga people residing in the Northeastern region of India who through their various local institutions of self-governance provide an emulative model of participatory democracy.

Keywords: Naga, self-governance, culture, customary law.

INTRODUCTION

The concept of decentralised development management is neither new nor alien to Indian experience. In ancient India, there were various traditional modes of managing resources and implementing development programmes through local involvement (Maithani & Rizwana, 1991). These had different degrees of authority and approval and operated with varied structures with the aim of promoting ‘social welfare’ through ‘public participation’. Institutionalising this practice and giving it constitutional recognition as the Panchayati Raj Act 1992 was a process that went through a number of reviews and reorganizations.

The Gandhian ideology of ‘Gram Swaraj’ had been an integral part in formulating national policy for the revival of village panchayats. The Directive Principles of State Policy under Article 40 of the Indian Constitution enshrining this philosophy and recognizing the aspirations of local self governance mandated: “the State shall take steps to organize Village Panchayats and endow them with such power and authority as may be necessary to enable them to function as units of self governance.” The ground for development through decentralized governance was set by the first Prime Minister of India, Jawaharlal Nehru when he introduced the Community Development Programme in 1947. This was followed by the National Extension Service in 1953. The bureaucratization of both these programmes and their subsequent failure prompted the government to set up a review committee headed by Balwant Ray Mehta in 1957. The committee recommended the three-tier Panchayati Raj System at the village – block – district levels. The recommendations of the committee were adopted and Panchayati Raj Institutions (PRIs) were set up in some states like Rajasthan and Andhra Pradesh, but the centralization of governance could not be overcome through these measures.

Subsequently various other committees were constituted to look into the prospect and scope of PRIs, namely Ashok Mehta Committee (1977), G V K Rao Committee (1985) and L M Singvi Committee (1986). But the lack of constitutional status never allowed PRIs to become effective institutions of decentralized governance. Attempts by subsequent governments to streamline the Bill giving recognition to Panchayats were defeated. Finally the 73rd Constitutional Amendment which accorded constitutional status to PRIs was passed by Parliament on December 23, 1992 and became effective from April 24, 1993 under the aegis of Narasimha Rao government. This Act entitled 'The Panchayats' consisted provisions from articles 243 to 243-O and added Part - IX to the Constitution of India giving a practical shape to the bottom-up approach of planning and governance and ensuring “genuine transfer of power” to the people.

A Panchayat according to this act is an institution of self-government for rural areas. The act provides for three tier system of governance at village, intermediate and district level for states with population above 20 lakh and two-tier (village and district) for other less populated states. Article 243G of the Act says that the State may endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government for -
a) the preparation of plans for economic development and social justice;
b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule of Indian Constitution.

The provision of Panchayati Raj Act that is significant for the context of this present paper is clause 243M which exempts the states of Meghalaya, Mizoram, Nagaland and tribal areas of Assam, Manipur and Tripura from the jurisdiction of the Act and allows these states/areas to continue with their existing traditional institutions of local self governance. Taking advantage of such Constitutional provisions which empowers the State Legislatures to endow Panchayats with varying powers and functions, the Northeastern region of India has pioneered some institutions of decentralized development, like the Village Development Boards in Nagaland.

This is in further consonance with the Sixth Schedule of the Indian Constitution which gives special status to administration of tribal areas of Northeast India through formation of Autonomous District and Regional Councils. The emphasis in the Sixth Schedule is on self- rule as many of the communities inhabiting the northeastern region had ruled themselves until the British subjugated them in the 19th Century.

The architect of Indian Constitution, B R Ambedkar, had provided the rationale behind the Sixth Schedule saying that the tribes of Assam were “different” as unlike their counterparts in rest of the country who were Hinduised and had assimilated with the culture and civilization of the people around them; the tribes in ‘Assam’ had not adopted the modes and manners of the Hindus around them and continued to practice their own laws of inheritance, marriage and other customs. This distinction prompted the makers of the Constitution to have a “different sort of scheme for Assam” from the one provided for other tribal territories and gave them considerable local autonomy. The other regions in India outside northeast which also have large tribal population are covered by the Fifth Schedule of the Constitution and there the emphasis is on “welfare and advancement” of the tribal people.

Again, article 371A of the Constitution makes exclusive provisions for religious or social practices of the Nagas, Naga customary law and procedure, administration of civil and criminal justice involving decisions according to Naga customary law, ownership and transfer of land and its resources within the state of Nagaland. This act while giving recognition to the traditional practices of the Naga people also validates the uniqueness of their culture when compared to other states of India as well as in northeast.

**Nagaland – people and cust**

The Naga2 people are bound by strong ties of loyalty to their village and clan which define their identity within specific boundaries of ethnic and linguistic space. Traditionally the family, clan, Khel and village represented the extent of a Naga’s concern, and there was very little inter-village, and even less, inter-tribe interaction. The village was the highest political unit and the similarity in culture and shared concerns for security gave a broad common framework of meaning that loosely held the members together (GoN, 2004b). Each Naga village was a self-contained politically autonomous unit from whence the notion of “village-states” came into being. Though these villages were autonomous in their functioning, they all were organized on more or less similar structural principles. The clusters of villages speaking the same language and ingrained in common culture were concretized as tribal entities during the colonial times and these solidified with the passage of time (Aier, 2008).

**Democratic participation in Naga village life**

Even today the kinship of a particular tribe forms the primary identity of an individual which is reflected and interpreted in one’s social activities. The assimilation of these identities into larger kinship groups forming the common Naga identity is a more recent phenomenon forged by the spread of Christianity, rise in inter-tribal interaction and emerging political dynamics. This proto- nationalism and ethnic consolidation usually gets manifested whenever confronted with issues of region, culture and autonomy from “outsiders”.

The Nagas traditionally are organized into strongly regimented village governments with both regulatory and judicial functions. Commenting on the unusual nature of the tribes, Verrier Elwin4 had said, “Naga society presented a varied pattern of near-dictatorship and extreme democracy.” The notion of electing leaders is alien; leaders are recognized and accepted for their qualities and abilities through an informal but stringent process. The village is administered through the Village Council headed by chiefs (hereditary heads) or village elders (Gaon Burah) who are chosen on consensus based on their Khel or clan membership.
Khel is a distinct Naga institution that brings together several clans within the village.

Khels. Membership of a Khel is decided by birth/heredity. Though informally organized, the Khel is the most important and effective unit of governance in a village. No village decision would be taken without the inclusion and approval of all the Khels in the village.

The other important institution of Naga tribes is the Morung – a communal dormitory of the village, separate for young men and women. Every Khel in a village would have its own Morung which would be the hub of all activities of the young. The allegiance to this institution is currently on the decline among Naga villages due to coming of urbanization, but continues to be revered by the people. Traditionally Morungs served as the primary educational institution that nurtured and prepared the young of every clan for life and living. These Morungs provided the meeting ground for youth, prepared them with essential skills of citizenship and served as the breeding ground for intellectual and cultural accretion. All the clan/khel/village history, folklores and legends, songs, traditional practices, including the laws governing community living, were taught here. The Morungs slowly lost relevance in Naga community with the end of the ‘head-hunting’ practice through some Morungs still exists in the Naga villages (GoN, 2004b).

Another important practice of the Naga tribes is their custom of community land ownership. Apart from land owned by a family there would be village and clan land with common ownership and under the supervision of village elders or leaders of the village. Every villager would have access to such land and its resources. The exact norms of ownership and rules for sharing of resources vary from community to community and are formed according to customary law.

Naga judicial system – customary law

Traditionally Nagas did not have formal courts. The judicial practice among Naga people was the responsibility of village elders/leaders and the procedure of law was not codified. Decision was taken based on consensus of the whole community in a way so as to uphold the honour of both the aggrieved and the offender. The judgement would vary according to the severity of crime, context and social position of the parties involved. Punishment was mostly in terms of levying a penalty and in cases of severe crime like murder, exile from village for seven years would be pronounced.

Considering the significance of the village and land in the life of any Naga, this was the most severe punishment that could be given to anyone and was most deleterious to his pride.

Later, with the advent of the British rule, tribal courts were set up and judges were appointed from among reputed persons within the tribal community to decide cases. Thus, the first regular courts were started. The British also created the posts of ‘Gaonburas’ (village elders) and ‘Dobashis’ (interpreters) to assist them in the administration. Gaonburas were charged with the responsibility of assuring good behaviour by their villagers and they later became the spokesmen of the village community. Similarly the Dobashis in the course of interpreting for British administrators also served as liaisons between the British Government and the local people. Having been accredited with the authority of the Government, the Dobashis enjoyed the respect of the native people. Being knowledgeable about customary laws, the Dobashis advised the British officers in the settlement of cases. Subsequently, the Dobashi courts evolved to decide cases according to Naga customary laws. However, the British administrator remained the Sessions Judge, thus combining the executive and judiciary responsibilities in one person. This system was followed till recently, with the Deputy Commissioner being empowered with both executive and judicial responsibilities (GoN, 2004b). The customary law courts are thriving and functional even today as provided in article 371A as a mark of continuity and respect for traditional practices parallel to the adoption of the Indian Penal Code.

Transition in Naga social institutions

During pre-independence era traditional institutions were sought to be integrated into the larger colonial political framework. In the process, the effective independence of the Naga village-states and traditional leadership began to disappear. The social and cultural adaptation of the Naga people from a rural-based traditional set-up to a modernist urban-based structure went deeper than the visible external structure. According to Anungla Aier, an anthropologist, “though the British spoke about a policy of non-interference and allowing village autonomy and traditional customs, in effect, they had a strong presence and were instrumental in breaking down the customary powers of the traditional elites such as the chiefs and village elders by introducing a higher authority over the village” (Aier, 2008).
The Nagas were ferocious people and many parts of the Naga territory remained outside the British administration, being called the ‘excluded’ or ‘un-administered’ areas though they were under British control. Primary among them were the Mon and Tuensang districts of present day Nagaland. The British preferred not to disturb them unless these hill people were creating trouble for the plains people in the adjoining areas through head-hunting raids. For these vast un-administered areas they encouraged Christian missionary efforts to spread ‘enlightenment’. These Christian Missionaries not only proselyted among the various tribes but also undertook many social welfare activities. Christianity was thus instrumental in spreading education and promoting group identity among the Nagas (Gokhale, 1961). Today Nagaland along with Meghalaya and Mizoram in northeastern region of India are Christian majority states (Census, 2001).

The political restructuring initiated by the British was subsequently reaffirmed in the wake of Indian independence and formation of the Nagalang State. Thus, urban-based centralized political and economic structures introduced completely non-traditional modes of achievements and opportunities (GoN, 2004b). At a broader level, traditional systems of land ownership, barter and social and political organization have yielded to modernization, with a cash economy and commodification of goods and services formerly bartered in simple exchange. Chiefs, traditional headman and Gaon Burahs or village elders have been edged out by younger elites composed of bureaucrats, politicians and business contractors with all together new mores (Verghese, 1996).

Today Nagaland has come to represent a context where traditional social institutions have maintained their ground, though with certain modifications and varied degrees of prominence, along with the emergence and validation of nationalised institutions. According to Aier (2008) this process of change from a close-circuit tribal autonomy and isolated social system to a highly monetized economy and complex social system has resulted in distressing situations. The severity of the distress cannot be measured only in material or instrumental terms. More distressing are the cultural and social degradation. One of the glaring evidence of such social transformation is the increasing number of people who are disconnected, lacking in the skill and resources to earn a livelihood with self-respect, particularly among the young people. The culture of hard work, traditional exchange of services and competitiveness symbolized by the feasts of merit has become a thing of bygone days. The obvious question that comes up here is whether this was a process of transition, assimilation or extinction of traditional institutions?

**Nagaland – Local Governance**

Nagaland had institutionalised its traditional modes of local governance well before the commencement of the Panchayati Raj Act through the Nagalang Village and Area Council Act 1978. Today the Village Councils and their subsidiary Village Development Boards (VDBs) are established modes of decentralised governance all over Nagaland. These institutions have evolved from indigenous practices of the Naga tribes and later regularised through legislation, facilitating their easy assimilation with existing village system.

Every recognized village in Nagaland has a Village Council and its development wing the Village Development Board. Nagaland has 1278 villages in its area of 16.6 sq. km. spread over 11 districts and 52 blocks. There is specific distribution of duties and power between the Village Council and the VDB. The Council has administrative and judicial duties whereas the VDB has financial and development functions.

**Village Councils – composition, powers and duties:**

Village Councils have administrative, executive and judicial powers and duties vested in them vide the Nagaland Village and Area Councils Act. Anyone above 25 years can become a member after being chosen based on consensus following Naga customary law. Traditional village chiefs like Gaon Burahs and Angs6 are ex-officio members of the council with voting rights. The council is responsible for planning the development of the village and ensuring maintenance of basic amenities like water, roads, forest, education and carrying out other welfare activities. It is also the custodian of all the community land and resources within the village. No land within the jurisdiction of the village can be transferred for any purpose without the approval of the council.

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The council also has to execute justice according to customary law of the tribe for any dispute arising within the village limits. The council can hear and settle both civil and criminal cases according to customary law. There are instances where Village Councils have settled murder cases also. In case of disputes between
villages the respective Village Councils can settle the matter over a joint meeting or refer it to the Area Council or other appropriate authority.

**Area Councils:**

An Area Council has jurisdiction over villages lying within a mountain range as notified by the state government. Each mountain range has some villages and a particular tribe usually occupies area covered by several ranges. These ranges have special significance for people as land, forest and other resources within the village are common property of the villages lying within the range. The Area Council adjudicates disputes arising out of sharing of this common property. The members of the Area Council are elected representatives from the Village Councils in the proportion of one member for a population of 500 and part thereof not below 250. So, bigger villages have more than one representative in the Area Council.

**Village Development Boards:**

Village Development Boards (VDBs) are subsidiaries of the Village Councils. Being the development wing of the Village Council, it is responsible for planning and implementing various development schemes in the village in consultation with the Council. Every resident of the village is a member of the general body of VDB. The Village Council constitutes a management committee of the VDB for a term of three years from among its own members and others villagers who otherwise according to customary law or by virtue of their age are ineligible to become members of Village Council. One fourth of the seats in the management committee of the VDB are reserved for women who according to customary law and tradition are not allowed to be members of Village Councils7.

The VDBs receive grant from the government through three schemes – Grant-in-aid Programme, Matching Cash Grant Programme (MCGP) and Sampoorna Gramin Rozgar Yojana (SGRY). The first two are state sponsored schemes while SGRY is a central assistance. In parts of Nagaland SGRY has been replaced by the Mahatma Gandhi National Rural Employment Guarantee Scheme (MNREGS)8 and soon it will be implemented in all districts of the state as per its national expansion plan. The two state sponsored financial aid programmes are designed specifically for Nagaland. Under the matching cash grants programme the state government provides financial grant to the VDB which is equal to the common fund generated by the VDB through community contribution or from its internal resources and kept as a fixed deposit in bank for five years initially and then renewed periodically. In order to have a balance in the distribution of resources among different villages, a maximum ceiling of Rs. 2.5 lacks has been fixed for state investment in each village. This fund is utilized as security for the VDB to obtain loans from financial institutions or taking up further development programmes.

However, all BDBs are not equally efficient in generating funds and hence the financial support generated from the state government is commensurate to the efficiency in management demonstrated by the VDB members.

Under the Grant-in-aid programme part of the state government’s annual plan fund is allocated to the VDB for grass-root development. The fund under this programme is allocated to all the recognized villages on the basis of tax-paying households for implementation of development schemes according to the priority and choice of the villagers. Assistance under this plan is fixed at the rate of Rs. 53,000/- to VDBs with up to 66 households and at the rate of Rs. 800/- per household for VDBs with 67 and more households. This ensures the VDBs about the fund available with them as recurring sources and enables them to pre-plan development works to be undertaken at the village.

**Communitisation Project in Nagaland**

The communitisation project in Nagaland involves the mechanism of transfer of ownership and management responsibilities of public utilities and services to the local communities. The Nagaland Communitisation of Public Institutions and Services Act 2002 has paved the way for introduction of this concept to three government sectors of elementary education, grass-root health services and power utilities. Conceived with the motive to improve the grass-root service delivery network and reinstate trust in the government machinery, this approach builds on rejuvenating the dormant Naga social capital. The process also involves training the local communities to efficiently manage the new-found control and discharge their responsibilities effectively. Communitisation thus involves (GoN, 2004a) –
• Transfer of government assets to the community;
• Empowerment of community through delegation of governmental powers of management and supervision in the day-to-day functioning of employees to village communities;
• Ensuring accountability of government employees posted in the villages at service delivery level to local communities through resource devolution to village communities for payment of salaries to the employees; and
• Control of government assets by village committees including the responsibility of maintenance, amelioration and augmentation of assets.

An external impact assessment study of the Communisation approach commissioned by the Nagaland government with support from UNICEF identifies specific improvements in service delivery in all the three sectors while reporting some conflicts between community institutions and government functionaries at decision making levels. The partnership developed between citizens and state agencies in the process is however found to be instrumental in devising innovative solutions at local levels and enabling communities to act with a sense of involvement in the dynamics of governance.

Conclusion

Three primary conclusions about the communication and governance practices of the Naga society can be drawn from the above discussion. Firstly, consolidation of the Naga identity and its developmental philosophy has been the result of a religious and political process initiated by the spread of Christianity in the pre-independence era on one hand, and contoured by the struggle and attainment of statehood after independence on the other. Christianity in terms of its missionary activities was not only engaged in evangelical endeavour of preaching its religious faith but also effectively spread its own developmental articulation in terms of education, health care and other cultural practices. It was instrumental in assuring both continuity and change within the Naga society. The political struggle for statehood and autonomy which had come to represent an integral part of Naga identity also had significant ramifications in articulation of the developmental paradigm both by those within and outside the mainstream political process.

Secondly, there is incidence of a strong social capital among the Naga communities that is evidenced from their various traditions of local governance like the Morungs and Village Councils, and practice of Naga customary law. This is also indicative of a vibrant oral tradition and well-networked indigenous communication institutions.

Thirdly, the traditional practices of governance and social networking in Nagaland have been successfully institutionalised within a modern framework both in national and state policy. Various constitutional provisions and state policies have taken cognizance of these unique Naga traditions and assimilated them with modern governance philosophies.

The unique social institutions of the Naga people thus give an enduring resilience to their culture and allows for learning experiences for others. They however score low on social justice parameters by not creating provision for participation of women in the decision-making process.

End notes:

1. Assam as defined during Independence including North East Frontier Province, currently the states of Assam, Nagaland, Meghalaya, Mizoram, Tripura. Assam territory is currently defined in the Indian Constitution as -The territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas, but excluding the territories specified in the Schedule to the Assam (Alteration of Boundaries) Act, 1951 and the territories specified in sub-section (1) of section 3 of the State of Nagaland Act, 1962 and the territories specified in sections 5, 6 and 7 of the North-Eastern Areas (Reorganisation) Act, 1971.

2. Naga itself is a generic term which represents the complex mosaic of 16 tribes of Indo-Mongoloid race who speak different dialects of Tibeto-Burmese strain. The origin of the term ‘Naga’ is obscure (some say its origin is the Burmese word ‘Naka’ which means ‘people with pierced ears’ – a common practice among the tribes).

3. The fight for autonomy and struggle in Nagaland, or for that matter in other states in Northeast, defines much of the socio-political-economic condition of the region and is a discourse in itself requiring considerable anthropological and ethnographic research which is beyond the scope of the present study.
4. Verrier Elwin (1902–1964) Anthropologist, poet, and activist from England, is well known for his seminal work on the tribal culture of India. He also served as the chief of the Anthropological Survey of India.

5. Head-hunting is a traditional Naga practice as exhibition of valor to uphold the honor of the village/tribes man and pre-requisite to ask for the hand of any female in marriage. It was banned during British rule though the most recent incident reported was in 1960’s when a group of head-hunters from Tuensang district of Nagaland raided a Makware village in Burma (Myanmar) and carried off 14 heads. This was in retaliation to the Makware having earlier taken nine Naga heads. Headhunting was also practiced by few other tribes in northeast like the Wanchos of Arunachal Pradesh.

6. Naga kings who have jurisdiction over a cluster of villages. The practice is prominent among the Konyak tribe of the Nagas.

7. The Village Council has judicial powers and according to customary law the president pronounces judgment. Women are not allowed to ‘hold the spear’ and pronounce judgment. So they cannot be members of Village Council.

8. The Mahatma Gandhi National Rural Employment Guarantee Scheme of the government ensures 100 days of employment to every rural unemployed below the poverty line.

References:


