Democratic Decentralization in India:  
A Comparative study between Village Panchayat and Village Council in Mizoram

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Abstract: The modality of democratic decentralization in the hill states of Northeastern region of India differs from the mainland India. Meghalaya, Mizoram and Nagaland opted for Autonomous District Council and Village Council (VC) rather than Panchayati Raj or Municipality system. The paper analyzes the working of Village Council (VC) in Mizoram by comparing the provisions of Panchayati Raj Institution under the 73rd Amendment of the Indian Constitution. Village Council is the lowest unit in the structure of democracy in Mizoram like the Village Panchayat in other parts of India. The paper argues that Panchayat bodies have an upper hand than the VCs in the matter of devolution of power at the grassroots level with the exception of the judiciary power of the VCs. The VCs do not have any power to initiate any project. Financially VC depends on the state government; however the Panchayat bodies can initiate what is good and required for the villages under it, independently.

Key words: Democratic decentralization, Village Council, Panchayat and autonomous.

Introduction

The idea of democratic decentralization through Panchayati Raj Institutions (PRIs) has been India’s developmental discourse as well as debates for consolidation/deepening of Indian democracy at the grassroots level. Since independence, there have been strong voices in favour of decentralization and have a structure of local government (grassroots democracy) where local decisions are taken by the people at the grassroots level. This has led to 73rd Constitutional Amendment Act with an aim to provide the structure of the local institutions and to empower them. (Gupta, 2004, p.1) The 73rd Constitutional Amendment Act however does not apply to every village or locality in India particularly in the hill areas of North Eastern Region of India. In the hill states of the North Eastern Region of India, democratic decentralization is different from the rest of India. These states do not implement the 73rd and 74th Amendment of the Indian Constitution in all the areas with the exception of Arunachal Pradesh. Meghalaya, Mizoram and Nagaland were given the option to implement it or not and they choose Autonomous District Council (ADC) and Village Council (VC) rather than Panchayati Raj or Municipality. As a result, they were later exempted by the Government. The study is an attempt to analyze the nature of working of Village Council in Mizoram by comparing the provisions of Panchayati Raj Act. The paper is mainly divided into five parts. The first part briefly discusses the concept of democratic decentralization. The second section analyzes the emergence of Panchayati Raj Institutions in India and its provisions in the 73rd Constitutional Amendment Act. The third segment examines the Village Council in Mizoram. The fourth part of the paper makes a comparative analysis of PRIs and VC. The last section of the paper makes concluding observations of the paper.

Democratic Decentralization

The concept of democratic decentralization has become popular recently for political restructuring and for approaching new strategies for economic development at the local/village level. The term however is not of recent origin. It has been seriously discussed and debated by writers, political philosophers, political scientists, political actors, etc. since the beginning of the decolonialization process particularly in the newly independent States. The basic idea of the term—democratic decentralization—is to expand the area of democracy by granting authority and autonomy to the people at local levels. In other words, it symbolizes an attempt to create democracies within democracy. It implies mass participation of the people at the grassroots level both in the decision-making and the decision implementing processes. (Malik, 2004, p.17) According to Western liberal tradition, decentralization promotes democracy in myriad ways. By bringing government closer to citizens, decentralization allows people to participate more effectively in local affairs, including identification of community priorities. Local leaders can be held increasingly accountable for decisions that affect citizens’ lives. Citizens and their elected leaders gain experience in the practice of democracy. (Centre for Democracy and Governance, 2000) It implies that the
characteristics of democratic decentralization are authority, autonomy, accountability and capacity. (USAID, 2009) Democratic decentralization is a plea to further democratize local self government to enable it to enjoy more authority, shoulder greater responsibility, take more initiative and experience greater autonomy in the management of the affairs of the local area. Decentralization is regarded as a necessary condition of social, economic and political development. It establishes social harmony, community spirit and political stability. Decentralization is not an end in itself, but it depends on the circumstances under which decentralization occurs. Democracy provides the best environment for nurturing its growth and realization. Democratic Decentralization Programming Handbook (DDPH) conceives decentralization as a means to achieve democratization. Though democratization is given the first priority, different countries pursue decentralization with various goals in mind. These goals are “democratization,” “stabilization” and “economic development.” (Ibid) In other words, the primary goals of democratic decentralization are stability, democracy and economic development. (Ibid) The three goals of democratic decentralization may not necessarily give equal weightage when countries try to adopt and implement it.

For instance, when India aims to bring democratic decentralization, she made an attempt to improve the country’s development performance rather than stability or the transition to democracy. Economic development was the core concern that motivated the Indian government. It was aimed to improve quality and services of local public goods. Until 1993 it was the state governments in India that were in charge of providing most public goods, including sanitation, health services, basic education, roads, and streetlights. With the 73rd Constitutional Amendments Acts, India transferred to rural governments’ responsibility for 29 different items, along with greater fiscal resources. In order to focus public revenues on the basic needs that are so critical for development, India’s decentralizing legislation also included rule changes that greatly expanded the participation of women in local planning decisions. (Ibid)

Emergence of Panchayati Raj System

Many scholars described Panchayati Raj System as a part of democratic decentralization in India. (Dutta, 2009, p.5) The concept of democratic decentralization in the Indian context has been associated with the Gandhian philosophy of non-violent social order consisting of self-sufficient village republics (Malik, p.16)—the Panchayat. Democratic decentralization in India emerged as a Panchayat during the ancient period. In ancient India, Panchayats are mentioned in Rig Veda, which is believed to have been composed more than 1000 years before Christ. The five members of the Panchayat of the village were known as Pancha Parameswar, or the five godly persons. Kings were respectful towards them. The Panchayat distributed land, collected revenue and settled disputes in the village. Panchayati Raj system prevailed during the Chola period. The planning of the town unearthed in Mohenjodaro reveals the nature of administration of the township. Several thousand years after the Indus Valley, during the pre- Aryan period or the pre-Vedic period, it was found out that common people participating in political deliberations and decision-making in India. Rig Veda speaks about two basic political organizations or assemblies namely ‘Sabha’ and ‘Samity’. Of these two, as per the Vedic interpretation ‘Samiti’ appears to be an institution of general public where they assemble on particular dates and deliberate on important matters. The next important account that comes across about ‘nagar palika’ administration is the account of Greek Ambassador Megasthenes who was stationed in the Court of Mauryan King Chandragupta. The account was related to Pataliputra—the greatest city of that time. During the Mauryan rule, there was a local form of administration. Kautilya’s Arthasashatra reveals that the Kingdom was divided into several districts and each district into a number of villages. During Gupta period there was an elaborate arrangement for local administration. In pre-British India, there were village Panchayats consisting of elders of prominent households in a village. These Panchayats were empowered to adjudicate civil disputes of residents’ related to rights in land and also administer criminal justice. They also performed regulatory functions related to village commons (grazing lands, woods and water bodies). (Bhowmick, 2007)

During the British period, the Panchayat was not destroyed, rather preserved it. The Mayo’s resolution of 1870 gave momentum to the development of local institution by enlarging their powers and responsibilities. In fact, Rippon's Resolution of 1881 and 1882 can be taken to be the origin of democratic decentralization in India. (Goel & Rajneesh, 2009, p.9-10) The tradition of decentralization continued after India got her independence. The founding fathers of Indian constitution placed it under Part IV of the Indian Constitution (Directive Principles of State Policy). Article 40 of the Indian Constitution says, that the State shall take steps to organise village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of local self-government. The idea gained momentum with the introduction of ‘Community Development Programme’ (CDP) on 2nd October 1952 in 55 selected blocks of the country to coincide with the birthday of the Mahatma. The CDP was followed by the National Extension Service (NES) in 1953. The NES blocks were earmarked as the lowest unit of development of administration. CDP and NES had a disappointing
result because of flaw. Neither of the two was free from the control of bureaucracy. These types of shortcoming force the Government to appoint committees to look after the working of the local self government in India.

Hence, the Government of India appointed a committee under the Chairmanship Balwantrai Mehta in 1956 to study the whole crisis and recommend ways and means to put into operation the scheme of Panchayati Raj on some uniform lines throughout the country. This was followed by the formations of different committees—Ashok Mehta Committee (1977), GVK Rao Committee (1985) and L.M. Singhvi Committee (1986)—for revitalization of Panchayati Raj Institutions for democracy and development. It tries to devolve more economic powers and resources to the Panchayati Raj Institutions for over development of the rural areas. The recommendations of the committees were not adopted properly. As a result, Government of India tried again to give Panchayats a constitutional status.

In 1989, the then Prime Minister of India Shri Rajiv Gandhi introduced the 64th Constitutional Amendment Bill for giving constitutional status to the Panchayat. While introducing the bill he said

“...By and large, it appears to me there is general acceptance of the need for maximum democracy and maximum devolution. What is disputed is matters of constitutional jurisdiction, political propriety, electoral motivation and legislative details...The Panchayati Raj and Nagarpallika Bills will generate so many lakhs of elected grassroot representatives that the distance between the voters and his representative would be drastically reduced, the power brokers would be driven from their perches and grassroot problems would be receive grassroot attention. There is no reason why these benefits should not reach the people in a more or less uniform manner throughout the country.” (Mukherjee, 2007, p.344-345)

The Bill however failed to pass it. In the same year, the National Front Government introduced another Bill related to Panchayats in the form of 74th Constitutional Amendment Bill but could not become an Act because of the dissolution of the Ninth Lok Sabha. The bills give an opportunity to go through and understand properly into the details of the issues of Panchayati Raj Institutions (PRIs) by the members of the Parliament and political leaders. By the time the mid-term Lok Sabha elections were held in 1991, consensus emerged among Indian political leaders that PRIs be given Constitutional status and suitable provisions be made so as to enable these institutions to function as an agent of change and development at the local level. After coming to power in 1991, the Congress Government gave top priority to the PRIs and brought out the Constitutional 72nd Amendment Bill, 1991. The Bill was passed by the Parliament on 22nd December 1992 and is now known as the Constitution 73rd Amendment Act, 1992. The amendment inserted Part IX of the Constitution of India which contains provisions for Panchayats. It gives constitutional status to the rural government (the grassroots democracy), the Panchayats. The 73rd Constitutional Amendment Act, 1992 came into effect from 24th April 1993. The basic objective of the Amendment was to reactivate the Panchayati Raj Institutions through democratic decentralization in India.

Provisions of the Panchayati Raj Institutions under the 73rd Amendment Act

Some of the main provisions of the Panchayati Raj system under the 73rd Amendment of the Indian Constitution are as follows:

- Establishment of three-tier structure (Village Panchayat, Panchayat Samiti or Intermediate level Panchayat and Zilla Parishad or District level Panchayat, but states with a population not exceeding 20 lakhs have the option to have or not the intermediate level)
- Establishment of Gram Sabha at the village level
- Regular elections to Panchayats every five years
- Proportional seat reservation for the SCs/STs (among the seats reserved for the SC and ST, 1/3rd of the seats shall be reserved for women belonging to the reserved category of SC or ST)
- Reservation of not less than 1/3 seats for women
- Constitution of State Finance Commission to recommend measures to improve the finances of Panchayats.

Powers and Functions

The power and function of the Panchayats are clearly highlighted in the Part IX of the constitution and incorporated in the Article 243 (243 A to O). The XI Schedule of the Constitution (Article 243G) listed the subjects of the Panchayat which are 29 in number. Some of them are agriculture, land improvement and soil conservation, minor irrigation, animal husbandry, fisheries, social forestry, village industries, housing, drinking water, roads, education, markets and fairs, health, sanitation etc. The Panchayats are given the power for preparations of plans and their execution for economic development and social justice in relation to 29 subjects listed in the XI Schedule of the constitution.
Sources of Income

The Panchayats are given the power to:

- Levy, collect and appropriate taxes, duties, tolls and fees.
- Transfer of taxes, duties, tolls and fees collected by the States to Panchayats
- Grants-in-aid made by the state government
- Funds allotted to developmental activity by the Central or State Government.

Democratic Decentralization in Mizoram

In the hill states of the North Eastern Region of India, with the exception of Arunachal Pradesh the 73rd Amendment Act is not implemented. Meghalaya, Mizoram, Nagaland and the hill areas of Manipur were given the option to implement it or not to implement. These states decided not to implement it. As a result, they were later on exempted. [Article 243 M (2)] These states choose Autonomous District Councils (ADC), District Councils and Village Councils (VC) at the grassroots level under the Fifth and Sixth Schedule of the Indian Constitution to incorporate their traditional customary laws in governing the people at the grassroots level. This reflects the diverse cultures and traditions of Indian society. This also led to dissimilarities in the working of local democracy in different states of India. In other words, the idea of uniformity in local democracy by adopting Panchayati Raj Institution under the 73rd Constitutional Amendment Act failed though almost all the state implements the provisions in the Part IX of the Constitution.

Village Councils in Mizoram

Right after India got her independence, the present Mizoram was a district of Assam and known as Lushai District of Assam. During the time, a new scheme of administration for the hills district of Assam based on the recommendations of the North-East Frontier Tribal and Excluded Areas Sub-Committee of the Constituent Assembly, known as the Bordoloi Committee was incorporated in Part ‘A’ of the Sixth Schedule to the Constitution of India. As a result, Lushai District Council for the Mizo and Pawi-Lakher Regional Council for Pawi, Lakher and Chakma tribes were established in the year 1952 and 1953 respectively. Later on the term Lushai, Pawi and Lakher was replaced by Mizo, Lai and Mara respectively. After the creation of these District and Regional Councils, the traditional System of Chieftainship was replaced by local bodies known as ‘Village Council’. The Village Council in Mizoram came into existence by Lushai Hills District (Village Councils) Act, 1953 and Pawi-Lakher Autonomous Region (Village Councils) Act, 1954. The Village Councils were officially inaugurated during 22nd July—12th August 1954 and started functioning from 16th August 1954. It replaced the traditional political institution and sowed seeds for the modern democracy with lots of hope and aspiration for grassroots democracy. The abolition of Chieftainship created space and opportunities to a large number of Mizo to participate in the decision making process of their local affairs. In fact, the establishment of Village Council was an attempt to democratize the local body by decentralizing the power structure in Mizoram—the erstwhile Mizo District of Assam.

In the year 1972, Mizoram was divided from Assam and upgraded to the status of Union Territory. After the attainment of Union Territory status (and also after granting full-fledged statehood in 1986), Mizoram did not change the structure of local administration. The Lushai Hills district (Village Councils) Acts of 1953 was adopted without any changes. The administration of the Village Councils was placed under the local administration, town planning and housing department. The Pawi-Lakher Regional Council was trifurcated into Pawi Autonomous District Council, Lakher Autonomous District Council and Chakma District Council. Subsequently, the Pawi District Council was change to Lai Autonomous District Council and the Lakher District Council was also changed into Mara Autonomous District Council in 1988. These District Councils have also adopted Pawi-Lakher Autonomous Region (Village Councils) Act in their respective areas over which the Government of Mizoram has no control. In short, there are two sets of Village Councils in Mizoram—one administered by the Government of Mizoram and another by three District Councils as mentioned above. The present study is about the Village Council under the control of Government of Mizoram.

Composition, Tenure and Executive of Village Councils

There is a Village Council for every village according to the provisions of the Village Council Act. Each Village Council consists of three to six members according to the number of houses as specified by the Act. Members are elected according to the provisions of the Village Council Election Rules on the basis of adult franchise for three years. The term of the VC may be extended or shortened by the District Council for a period not exceeding 18 months in aggregate. It is mentioned in the Act that if a member absent himself continuously in ten consecutive meeting of the Village Council, Village Council may convene a special meeting for the purpose, and declare his seat vacant after giving him an opportunity for hearing and in such case the Village Council shall communicate the decision to the government.

Each Village Council has the Executive committee consisting of President, Vice-President and a Secretary. The president and Vice-President are elected from the members of the VC from
among themselves. The Secretary is appointed (or dismissed) by the Government on the advice of the President, who is in any case not a member of the VC. It means that the executive functions of the VC are vested in three persons. The President presides over all the meetings of the VC. He also summons the meetings of the VC whenever necessity arises and if or when two-thirds of the members in writing request him to summon a meeting. All proposal and questions are deliberated thoroughly and decided in the meetings by a majority of votes. The President of the Council or any person acting in his behalf shall not vote until in the case of an equal votes. The President preserves order and exercises all powers necessary to enforce the decisions taken in the meetings. Besides, it is also the President’s responsibility to issue notice/instruction for prevention of dangers, such as outbreak of fire, epidemic, etc. in the village. The President also acts as the Treasurer of the Village Council. Every VC set up a Fund called as Village Council Fund. Any collection authorized by law other than District revenue and taxes made in a village for the good of the people shall be deposited into the said Fund. The lists of collection are maintained by the Secretary and any subscriber can check the accounts.

The Secretary participates in the discussions of the VC meetings but does not enjoy the right to vote. The secretary keeps all the records and is popularly known as the ‘village writers. He records the proceedings of the meetings and published notices, orders and proceedings. The President examines the registered/account books maintained by the Secretary. The Vice-President in the absence of the President performs all the official duties of the President. The President, Vice-President and secretary are considered as public servant under section 21 of the Indian Penal Code. (The Lushai Hills District (Village Councils) Act, 1953 and Lushai Hills Act No V of 1953, as amended from time to time)

**Powers and Functions of the Village Councils**

The Village Councils are not very powerful; they are concerned with the trivial works in the village. The VC has the powers to make rules in the following matters:

(a) Control, preservation and use of timbers and other forest products accepts of the reserved forests, ordinary utilized for building purposes such as canes, sun grass, stailla, thithek, laisawral, (the three are different variety of grass used for roof of the hut) etc.

(b) Maintenance, preservation and improvement of good water supply.

(c) Control of stray animals within its jurisdiction and at night within the Village areas.

(d) Prevention and control of fire within the Village and the Village areas.

(e) Ngawidawh (means construction of a trap of device by which fishes in the river are trapped and collected in a container.)

(f) Sanitation and Cleanliness of the Village.

(g) Extraction of Khamkhuai (Species of a bee producing honey).

The VC performed two types of functions—administrative and judicial under its jurisdiction. The administrative functions of the VC include construction, maintenance and repair of footpaths, roads, bridges, playgrounds, community halls, school buildings, maintenance of water supply points and their approach road, distribution of plots of land for jhumming and human settlement within its area, prevention and control of fire, control and preservation of forest, maintenance of burial ground, maintenance of village safety, appointment of Sanitation Committee, collection of taxes, maintenance of birth and death register.

In addition to the above, the VC has the power to enforce Hnatlang (voluntary service for community) in the interest of the public/villagers on any person irrespective of religion, caste or class wherever occasion demands. The order also extends to the Government servant also. Any person, who does not comply with the order of Hnatlang is liable to pay fine in kind or cash. The VC can exempt any person(s) from Hnatlang. No person who is 60 years or above and any person who is below 15 years of age shall be compelled to do any Hnatlang. The VC appoints Tlangau (the Village Crier—one who announce information to the public) in each village to bring all orders, notifications of the Council and government to the villagers, carry summons of the Village Court to all parties and other persons to attend the Court meetings and the President’s notice to all members of the Council to attend all meetings. The Tlangau is exempted from the community service (Hnatlang) to provide better service to the people.

One of the most important functions of the VC is the Administration of Justice in the village. The Administration of Justice Rule, 1953 empowers the Village Council to constitute a Village Council Court for each village and the member of the Village Council Court act as a bench. The Village Council Court was established with the objective of providing speedy and inexpensive system of justice to the villagers. (Zahluna, 2008, p.272) The Village Council Court is the lowest court in the state. The Court comprises of three members or half of the Council members, appointed by the Council from amongst its members for three years. [Sub-Rule (1) of Rule 6 of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953] The VC
Court tries suits and petty cases of civil and miscellaneous nature between the tribals in the village in accordance with the customary laws of the land. It also tries criminal cases falling within the customary laws and offense of petty nature, such as petty theft and pilferage, mischief and trespass of petty nature, simple assault and hurt, affront and affray of whatever kind, drunken or disorderly brawling, public nuisance, etc. The VC can impose a fine for any of these offenses and can order any accused or witness to appear before the Court for examination. If such person fails to appear, the VC is competent to impose a fine.

The Village Court has no power to try inheritance cases which are within the purview of the customary law and also cases for which imprisonment is obligatory under Indian Penal Code. It is also not competent to try case of heinous crimes like murder, rape, sexual intercourse with minor and sodomy. (Prasad, 2002, p.152-153)

**Comparison between Panchayati Raj System and the Village Council in Mizoram**

Panchayati Raj System is the lowest form of rural local self government in India other than Meghalaya, Mizoram and Nagaland. The Village Councils are the lowest level of local democracy in the rural areas of Mizoram. The Panchayati Raj Institutions and the Village Councils (in different states of the North East India) are the foundation of Indian democracy. They facilitate the rural masses to participate in the decision making process of their village. It is through these local governments in the villages; the villagers could directly participate in discussing the matters relating to their administration, development, delivery of goods, basic needs and so on. In other words, the establishment of Village Council in Mizoram was an attempt to democratize the local body by decentralizing the power structure in Mizoram. A close scrutiny of the composition, powers and functions of the Village Council system however, reveals its inadequacies of local self-government. In fact Village Council enjoys minimum autonomy. In every step, the state government controls their activities. It is the government which decides the number of members of a Village Council; reorganizes by abolishing amalgamating or bifurcating without their consent. (Satpathy, 1995, p.358) In short, autonomy of the Village Council as a decentralizing local democratic body is limited its power and functions by the interference of the state government. These types of interference are not possible in the Panchayati Raj System.

Moreover, the PRIs have got the constitutional status in the Indian Constitution with the insertion of Part XI and addition of XI Schedule (Article 243 G) of the Constitution through 73rd Amendment Act. It clearly mentioned the powers, functions and responsibilities of the Panchayats in the Constitution. Unlike the panchayats, the Village Council did not have anything to do with the Parliament but got the assent of the Governor of Assam, Lushai Hills being a part of Assam during the time. The Assam Government constituted the Village Council in Lushai Hills without any tier system and continued till date. It means Village Council is the only local democratic body at the Block level in Mizoram. Whereas, the Indian Constitution has provided three-tier structure for the Panchayati Raj system in all the states, Panchayats at the village, intermediate and district level. It also provided that the Panchayats at the intermediate level may not be constituted in a state having a population not exceeding twenty lakhs. Besides the three tiers structure, the Seventy-third Constitution Amendment has provided for the Constitution of the Gram Sabha which will exercise certain powers and functions at the village level.

The tenure of the Village Council which is three years is also very short compared to its responsibilities. Besides, the government can extend or shorten the tenure of the Village Council for a period of 18 months. The Governor, by public notification, can dissolve Village Council; appoint persons for their administration and order for holding election before the due date. [Sub-section 25 (1) of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953 as amended from time to time] While other representative bodies in the country are having a term of five years. The 73rd Constitutional Amendment Act also clearly stipulated for a five year term for all local bodies. It is very difficult for the members of the Village Council to perform their duties effectively within such short duration. In fact, in such short period, it is not possible to initiate a long term plan for the village.

Moreover, it is surprising to know that the Village Council, being the local self-Government at the grassroot level lacks power in important matters particularly financial autonomy. The Village Council has financial limitations due to scarcity of funds. According to the provisions of the Act, the Village Council is the custodian of ‘Village Council Fund’. However, there is permanent source of income. It is not mentioned in the Act except imposition of fine on the accused or on those who absente themselves from *Hnaatlang*. Village Council lacks the power of taxation and tax collection. The sources of income of the Village Councils are solely at the mercy of the state government. Without financial power, Village Councils seems to be irrelevant local institutions. Actually, Village Councils cannot initiate any developmental work on its own and failed to bring desirable socio-economic changes in the rural areas of Mizoram. Whereas the Panchayat bodies are entitled to get funds from the state and central government under several schemes, in addition to their own regular sources of income by taxation, mobilization of locally available resources. Moreover, to prevent the Panchayat bodies from financial crisis, State Financial commission has been established. In fact,
the 73rd Amendment Act provides for the establishment of the Finance Commission for reviewing the financial position of the Panchayats. It empowers the Governor of the State to constitute a Finance Commission within one year from the commencement of the 73rd Constitutional Amendment Act, 1992 and thereafter on the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayat.

The 73rd Constitutional Amendment Act provides for the reservation of seats in the working of the Panchayati Raj system. Article 243 (D) (2) says that not less than one-third of the total number of seats reserved for scheduled Caste and Scheduled Tribes shall be reserved for women belonging to the Schedule Castes and Scheduled Tribes. It further says that not less than one-third (including the number of seats reserved for women belonging to the Schedule Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat. It also provides for the reservation of seats for women in the offices of the chairperson in the Panchayats at different level as decided by the law provided by the State Legislature.[Article (243 D) (4)] In the working of VC in Mizoram, there is no provision for reservation of seat for anybody including women. However, a person to be elected as a member of the Village Council must be a person belonging to Schedule Tribe. It means that all the seats in the Village Councils are reserved for Schedule Tribes. It is also mentioned that a person who is to be elected as a member of the Village Council must be a voter in the village where s/he desires to contest the election of the Village Council which means that all the seats in the Village Council are reserved for the villagers themselves.

Election of VC is conducted by the Government of Mizoram under the provisions of the Mizoram (Elections to Village Councils) Rules, 1974 as amended from time to time. All the members of the Village Council are directly elected by villagers on the basis of adult franchise. The State Government shall appoint a Registration Officer in each district for the Village Council for elections and may appoint one or more persons as Assistant Registration Officer to assist him in the performance of his function. The Registration Officer shall appoint Returning Officers, who will also function as Presiding Officers and also Polling Officers who will conduct the election of each Village Council. A candidate is to furnish a security deposit of Rs.25 to the Returning Officer along with his application. Election to the Village Council is conducted by symbol system. Each candidate should select a symbol out of those prescribed by rules. They are chicken, cock, cage, lantern, hen, house, horse, axe, spade, pen, kettle, sickle, Mizo hat, umbrella, etc. The number of election symbol according to the notification of the government is 60. (Lalsangliani, 2008, p.297)

In the Panchayati Raj system, there is a provision for the constitution of State Election Commission consisting of a State Election Commissioner. The State Election Commissioner is to supervise, direct and control the preparation of electoral rolls for the Panchayats and is responsible for the conduct of all elections. It further provides that subject to the provision of the constitution the Legislature of a State may by law, make provisions with respect to all matters relating to, or in connection with the election to the Panchayats. (Article 243 K) Members of Panchayats at the village level are directly elected by the electorate but the mode of election of the Chairman of the Village Panchayat is left to the state government to decide. As regards to the election for the Chairperson at the intermediate level and district level, it has been provided that they will be elected indirectly by and from amongst the elected members.

Coming to judicial powers and functions, the most important function of the Village Council is the Administration of Justice in the Village. (Lalsangliani, p.303) For this purpose, the Village Council is empowered to organize the Village Council Court constituted under the administration of Justice Rule, 1953. The Village Council after every election form a Village Court which will try civil cases if both the parties are tribal and the nature falling within the purview of the village or tribal laws and customs. It is also empowered to try criminal cases falling within the purview of the tribal laws and customs and offences of petty nature, simple assaults and hurt, affront and affray of whatever kind, drunken or disorderly brawling, public nuisance and simple cases of wrongful restraints. It has also the power to decide cases concerning the laws regarding the Lushai Hills District (Village Council) Act, 1953, the Lushai Hills District (House Site) Act, 1953, the Lushai Hills Administration Of Justice Rules, 1953, The Lushai Hills (Jhumming) Regulation, 1954, The Mizo District (Forest) Act, 1955, The Mizoram Animal (Control and Taxation) Rules, 1982 and The Mizoram (Prevention and Control of Village Fire in the Village Ram) Rules, 2001. It also has the power to decide cases concerning the inheritance of property in accordance with the customary law. (Ibid)

In the case of PRIs, the 73rd Constitutional Amendment Act did not mention anything about the judicial function of the Panchayats. The Panchayats however have to be equipped with certain judicial powers to carry out its important functions. For this purpose the Village Panchayats are to maintain their own courts which will safeguard their administrative powers. The Lok
Adalats or local courts try offences not punishable with imprisonment for more than two years or which the Government may by notification declare to be triable by such Panchayats. The Nyaya Panchayats both civil and criminal suits and in most of the states it can impose a fine up to Rs. 50. The power to hear civil suits to a certain extent varies from state to state. The Panchayats in Rajasthan, for instance, hear civil suits of up to Rs. 250. (Baluchamy, 2004, p.9) In some other states, the Panchayat courts have the powers of a law court as well, for example, summoning witnesses, calling for records, maintaining dignity of courts, judicial immunity, etc. The Panchayats are also empowered to trial cases regarding the recovery of moveable property or the value of such property, money or goods sold on contract or the price thereof, compensation for wrongfully taking or injuring moveable property. The importance of local courts and its achievement in dealing with petty cases has been increasingly recognized by the states in India. (Centre for Research in Rural and Industrial Development, 2011)

Concluding Observation

Democratic decentralization is the expansion of the area of democracy by granting authority and autonomy to the people at the grassroot level. It is an attempt to make mass participation of the people at the grass-root levels both in the decision-making and the decision implementing processes. It tries to promote democracy by bringing government closer to citizens. It is based on the idea that local know what is required and necessary for their locality. In other words, democratic decentralization tries to establish local self-government at the grassroot level. There are two types of local self-government in India. Firstly, the Panchayati Raj Institutions under the 73rd Constitutional Amendment Act, 1992 and secondly those local bodies like Autonomous District Councils, District Councils, Village Council, etc. in the hill areas of Manipur, Meghalaya, Mizoram and Nagaland under the Fifth and Sixth Schedule of the Indian Constitution. In fact, these local bodies (either Panchayats or Village Councils) are the lowest form of government in India. A close observation however; revealed that Panchayati Raj system and the Village Council system have got dissimilarities in many areas, though both the system have functioned as democracy at the grassroots level with the people electing their own rulers forming the local governments. The powers and functions of the Panchayati Raj institutions from various dimensions are much wider than that of the Village Councils. The Village Councils lack both political and economic autonomy whereas the PRIs under the 73rd Constitutional Amendment Act 1992 has more powers in terms of administrative decentralization, financial and political powers, contribution towards strengthening the planning process at the micro level and over all rural development and improvement of the access of the rural masses to decision-making bodies. The Village Councils do not have the power to initiate any project because financially they are dependent on the state government. The Panchayat bodies however, can initiate what is good and required for the villages under it, independently. They plan and execute it without interference from the state government. The Village Council has the judicial power based on the Tribal (Mizo) customary laws. In the case of PRIs, the 73rd Constitutional Amendment Act did not mention anything about the judicial function of the Panchayats. The Panchayati Raj institutions are the creation of the Constitutions whereas the Village Council system is the creation of the then Assam Government, when Mizoram was a part of Assam. Since Mizoram was elevated into a Union Territory and a full-fledged State the Lushai Hills District (Village Council) Act, 1953 was simply adopted without proper and necessary revision or modification require to the changing circumstances. The Village Council members are dominated by male members and there is no provision for reservation for women; whereas, one-third of the seats are reserved for woman in the PRIs. It is a fact that the contribution of Mizo woman in socio-economic life is commendable however, when it comes to politics (both at the state and grassroot level) their participation is very low. So, it can be suggested that reservation of woman in the Village Council in Mizoram will enhance wider participation of woman in the Council. In short, Panchayat bodies have more powers and functions than the Village Councils in the matter of devolution of power at the grassroots level with the exception of the judicial power of the Village Councils.

Endnotes

1 In the Past, Mizo were known as Lushai. The Mizo Chiefs from time immemorial had governed their villages. The traditional Lushai polity was under an authoritarian system of the Chief. The Chief was very powerful. In the administration, the Chief was assisted by two important institutions namely the Council of Elders called *Upa in Mizo* and the *Zawlhak*—the dormitory of the youth. With the establishment of the Village Councils, the power and functions of the Chief were taken away by the Village Councils. Later on, Traditional Chieftainship of the Mizo was abolished by an Act called the Assam Lushai Hills District (Acquisition of Chief’s Right) Act 1954.
According to the Lushai Hills District (Village Council) (Amendment) Ordinance, 2006 [(Ordinance No. 1 of 2006, Dated 10.02.2006) the composition of the Village Council with the number of household are as under:

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

References:


