MODERN AND TRADITIONAL INSTITUTIONS OF LOCAL GOVERNANCE IN NAGALAND

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For

My Parents and Brother

Date: 25th July, 2011

DECLARATION

I declared that the dissertation entitled **"Traditional and Modern Institutions of Local Governance in Nagaland"** submitted by me in partial fulfilment of the requirements of the degree of **Master of Philosophy,** of Jawaharlal Nehru University, is my own work. This dissertation has not been previously submitted for the award of any degree of this University or any other University.

Sulila Anar

CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.

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Above all I thank God for giving me the strength and grace to finish this research. With His unconditional love I continue to pursue the goals set for me.

Sulila Anar

Contents

Acronyms

A.D.C	Additional Deputy Commissioner
D.C	Deputy Commissioner
G.B	Goan Bora
K.V.C	Kohima Village Council
K.V.Z.O.A	Kohima Village Gazette Officers Association
K.V.Y.O	Kohima Village Youth Organisation
K.V.S.A	Kohima Village Sports Association
K.M.K	Kewhimiatfü Krotho
K.V.S.U	Kohima Village Student union
K.Z.K	Kewhimiatfü Zaditfu Krotho
V.C	Village Council
V.D.B	Village Development Board

Introduction

The term democratic decentralization has gained enormous amount of attention in the scholarship on governance over the years and continues to evoke interest to understand the complexity of local governance. This dissertation is an attempt to explore the dynamics of local governance with some empirical data and see how local governance works under conditions where there are modern institutions and traditional institutions working in parallel at the local level. The area of intersection between these two institutions is little studied and often misunderstood. Therefore, there is a need to study these institutions and see how they operate at the local level.

Since both types of institutions are the bodies of governance, this study tries to analyse their role by dividing them into traditional and modern institutions. A traditional institution represents the historical governing body of the people which follows customary laws, usually unwritten to govern the people. Modern institutions here would mean the modern state machineries like the legislature, judicial and the executive body which works in accordance with written formal laws and accordingly function within a strict structural code of conduct. So, the dissertation explores how these institutions undermine or enhance each other performing different institutional roles in local governance.

Arguments for Local Governance

A brief look at the growing fashionable trend for decentralization shows that immediately after the Second World War and Great Depression of 1930's, faith in centralized governance grew. However, by the 1970's, oil shocks there was a surge for interest in alternate systems of governance that could help to cope with the problems of centralized government. This was also supported by civil society and non-governmental organizations .By the 1980's, World Bank frustration over inefficient governance in many African countries lead to an emphasis on good governance through structural adjustment programs in which good governance was defined as '*the exercise of political power to manage a nation's affairs*' which also includes transparency, accountability, participation, electoral democracy among the many recommendations for the Third World countries. This new trend for good

governance included further emphases on decentralization. Thus, good governance at the grassroots was seen as a necessary tool for efficient government.

Scholars of federalism recognised the division of power at all levels of governance, while International Relations Theory advocates multi level governance at the supra national level, national, regional and local level. J.S.Mill's argument for local democracy indicated the quality of public life would depend on an informed population and an institution that runs with local knowledge. It was also realized that people on top are insensitive to the needs of the people on the ground so local governance is advocated as a mechanism which would responds to the aspirations of the ordinary citizen. Bardhan and Mookherjee also reaffirm the idea that decentralization would allow citizen an opportunity to communicate their preferences and views to elected leaders who are subsequently accountable for their performance to citizens. These arguments reflect the substantive value of local governance. (Bardhan and Mookherjee 2007: 4)

The Indian Story

In India, the story of decentralization is often dated back to an ancient time where democratic values were practiced in every village, though there is little definitive evidence to support this view. In modern times, Mahatma Gandhi known was also a strong supporter of village Panchayats. Later on, the 73th and 74th Amendment of the Constitution was enacted in 1993 with the aim of decentralizing power down to the local level, greater participation in public decision-making etc thereby empowering the rural people and especially assisting the weaker sections of the community.

The Case of Nagaland

The state of Nagaland does not come under the Panchayati Raj institutions system. Under Article 371(a) of the Indian Constitution provides "that any act of parliament, relating to religion, social and customary practices of the Nagas and those relating to land and its resources shall not apply to Nagaland unless it is rectified by the State Assembly." Here, traditional institutions mean those institutions that have historically governed the practice of customary laws by the people of this region even before the formal recognition of Statehood in the year 1963. Later, these institutions were formally recognized, in the Indian Constitution as the custodian of customary law and

remain crucial for understanding local governance in Nagaland. Modern institutions here would broadly mean the state, bureaucracy, judiciary and legislature who are elected representatives which came into existence with the advent of statehood.

Over the years there has been a gap in understanding on how traditional institutions facilitate and enhance local governance. Many scholars from Amarya Sen to Satyajit Singh advocate institutional reforms as necessary tools for effective democracy. The problem of the present research is to understand in particular the role of traditional institutions in local governance by studying the relationship between modern and traditional institutions. This will provides an insight and so help in formulating effective, efficient policies and other scope for reforms to further enhance local governance. I am interested in looking at the actual practices of governance and trying to understand the change and the continuity in the discourse of governance in Nagaland.

Literature review

There are very few research studies done on traditional institutions and modern institutions and its role in local governance. Decentralization policy reforms were made to further strengthen democracy especially at the local level. The relevance of traditional institutions and modern institutions at the local level are increasingly debated upon by scholars. This debate can be broadly seen as tradition versus modernity. The effectiveness and efficiency of local governance can be further enhanced through a clearer understanding on how institutions function. Decentralization implies that powers are distributed even at the lowest level and here institutions play a vital role that allows a systematic distribution of powers to function efficiently.

International Encyclopaedia of Sociology defines institution as a "stable social arrangements that perform basic activities in society, legal institutions such as courts for eg enforce laws made by political institutions." Herbert Spencer a sociologist referred to institutions as social 'organ' in understanding society. Later William Graham Summer further developed on Spencer's work and wrote in his book; *Folkways* which studied the origin, change and continuity of folkways and mores. Summer said that "*institutions consist of a concept and a structure*", whereby the

concept defines the purpose of the institution and the structure acts as an instrumental means for the end. (Scott ed. 2001: 9) Richard Scott a renowned scholar on institutions defined institutions as follows:

- Institutions are social structures that have attained a high degree of resilience
- Institutions are composed of cultured-cognitive, normative, and regulative elements that, together with associated activities and resources, provide stability and meaning to social life.
- Institutions operate at multiple levels of jurisdiction, from the world system to localized interpersonal relationships
- Institutions are transmitted by various types of carriers, including symbolic systems, relational systems, routines and artefacts.
- Institutions by definition connote stability but are subject to change processes both incremental and discontinuous.(Scott ed. 2001: 48)

Scott's definition of institutions suggests that both traditional and modern institutions are important source in governing social life as well as subject to change. He also raises interesting questions on institutions and asks whether institutional study helps in promoting stability and order, and if individuals constitute institutions than how can individuals bring about change in the system they depend. This further helps us to evaluate any institutions which are not in tune with the need of the people. Amartya Sen also writes,

> Individuals live and operate in a world of institutions. Our opportunities and prospects depend crucially on what institution exist and how they function. Not only do institutions contribute to our freedoms, their roles can be sensibly evaluated in the light of their contribution to our freedom. To see development as freedom provide a perspective in which institutions assessment can systematically occur. (Sen 2000: 142)

Clingermayer and Feiock emphasize the importance of institutions in understanding local governance as they affect the 'behavior of policy makers' and affects the participation in public decisions. They do not accept any institutions as given, rather seeing them as humanly derived constructs. (Clingermayer and Feiock 2001: 4-5)

The relationship between modern and traditional institutions can be seen through the prism of Max Weber's distinction between forms of authority. Weber talks about 'legitimate authority' not merely as a structure of command but as an object that is

willingly given. Traditional authority therefore, enjoys legitimacy according to the customs and laws of an authority that is considered as having 'always existed'. Traditional institutions, therefore, are increasingly seen as a relevant institution for democratization and decentralization process.

Broadly there are two schools of thoughts on this issue, on one side traditional institutions are seen as an obstacle and outdated and on the other side traditional institutions are seen as compatible with modern institutions and sometimes even more democratic. This debate has been around for quite some time among scholars and continues to attract people from different fields to understand the tensions between traditional institutions and modern institutions and look for ways to address the issue at stake, which would be helpful especially for Third World countries as many Third World countries are facing this dilemma of governance.

On the one hand there are some scholars who are critical of the traditional institutions and its relevance in modern context. Ribot writing on the issue of power and accountability of traditional leaders mainly in West Africa wrote that these traditional leaders are corrupted, selfish and undemocratic. He further argued that local Chiefs should not be partners in developmental projects for the above reasons. Ribot referred to traditional leaders as *"a romantic category of legitimate popular local leader"* which was a colonial creation and had to be done away with, as it provides no right for people to choose its representatives that is one of the important features of democracy. Thus, for Ribot traditional institutions are incompatible with democracy. (Ribot 2002: 52)

Muva also argues that traditional representatives like Chiefs are no longer relevant in modern days as they are egocentric, moreover other modern institutions, like political parties, legislature, executive, judiciary and governmental agencies has replaced the role of traditional institutions which according to her are accountable, transparent and democratic. In a report prepared by the FIDA Kenya that studied on the traditional Justice System in Kenya said that traditional Justice System is particularly bias against women, women are excluded from decision making process and also denied litigants. This leads us to question on whether women enjoy equal rights in traditional institutions, though modern institutions do not by themselves necessarily guarantee ultimate freedom for women. The issues of culture and tradition and of women as

victims in such institutions are often heard and seen, yet we should be careful not to have a fixed idea, such as that traditional institution are bad for women, because modern institutions in themselves provides no guarantee against women's suffering. Indeed in some traditional institutions they enjoyed more rights. Moreover, any institution should be instituted and structured in such a way that every member of the community should have equal rights and freedom.

In the context of decentralization and democratization policy reforms, Chinsinga is particularly critical of the traditional leadership. He says that traditional leaders manipulate decentralization policy reforms to strategically reassert their power. He said that traditional leaders have the potential of playing the role of 'mid wives' which usually customized reforms to local conditions, which ironically leads to an "upward rather than downward pattern of accountability which is the hallmark of the twin processes of democratization and decentralization." He further said that that most people obey the traditional leaders as they do not want to jeopardize their livelihood since traditional leaders still control land holding. (Chinsinga 2005: 257)

Jamil's work on bureaucracy in Bangladesh commented on the tension between the traditional and the modern, observing that traditional administration was elitist, untrustworthy, provides very low space for innovation, high emphasis on morality, family background and subjects with limited choice. In modern institutions, by contrast there was team work, more egalitarianism, room for innovation and individuals had more negotiating power in decision making processes as citizens with equal rights. (Jamil 2002: 98)

Writing on African traditional institutions Williams, Kilson, Mamdani, Ntsebeza etc argue that traditional institutions are not relevant in the modern era for they see Chieftaincy as backward, corrupted, a form of colonial puppet with hereditary rulers not suitable for big cities, a hindrance for development as the public are treated just as subjects and not as citizens, and oppressive towards women and minorities. They argue that only with the complete dismantling of the traditional system can the citizen enjoy equal rights which are not possible within traditional institutions where they have limited rights as subjects. Traditional institutions are thus seen as an instrument of social oppression.

However, on the other hand there are a numbers of scholars who reaffirm the importance of traditional institutions. Molotlegi writes that traditional institutions are not elitist, autocratic, and static but are more accountable, responsible, participatory and he strongly advocates the need for people to govern themselves without any outside influence. (Molotlegi and Kgosi 2002: 44)

Senjonyo, writing on tradition reassert that tradition is any cultural product created or pursued in whole or part, by past generations accepted and preserved, throughout generations to the present. He therefore advocates traditional leaders as "guardians of traditional norms, values and practices that are respected in particular communities from generation to generation- and as such social and cultural change can be realized". (Senjonyo 2002: 8) Quinn, writing on the customary practices of the Ugandan traditional system, observes that traditional institutions focus on values, preservation of culture, unity within ethnic groups, promotion of development and promotion of education. (Quinn 2009: 14) Therefore, according to them the traditional institutions should be left without the influence of modern institutions, as the traditional system of governance is capable of governing its people efficiently.

However, there are some scholars who believe that both these institutions stand complementary to one another. Ananth Pur writes that "customary Panchayats are important local institutions in rural areas."(Ananth Pur 2002: 15) She writes that we need a deeper understanding of the dynamics of these institutions which can enhance efficient governance, promote participation and promote the interests of the poor. She also holds the view that formal institutions and informal institutions are synergistic rather than competitive, as traditional institutions here traditional institutions seen as informal institutions do not decline but adapts themselves to modern forms of governance.

Ananth Pur and Moore argue against the conventional view of traditional institutions as hierarchical, exclusive and conservative and said that they adapt to democracy, by becoming more representative, pluralist and accountable. Anirudh Krishna advocates enhancing information on a regular and reliable basis by institutions in providing necessary information would improve participation in democratic process. (Krishna 2006: 454) In all these arguments we see a significant link between local governance and institutions that needs to play an important role in governance. Leenco Lata writes

that the choice is not between the modern or the traditional. Instead we should tap into and employ the positive and applicable aspects of both. State institutions should hence reflect the positive aspects of both the traditional and the modern.

Gould suggested that an analytical distinction be made between traditional society and modern society, which presupposes that certain social systems which are not compatible with the emergent level of social- cultural integrations should be rejected as per the changing needs of society. On a more positive note, Gusfield, writing on tradition and modernity said that they are "frequently mutually reinforcing, rather than system in conflict" and that traditional value like loyalty and legitimate authority provide greater understanding of stable polities at a national level. (Gusfield 1967: 356)

Even at the international level, a United Nations body like the Economic Commission for Africa studied the relevance of traditional institutions of governance and recognized that a capable democratic state should be grounded in indigenous social values and context, while adapting to changing realities. The United Nations declared in 1993 as the International Year of the Indigenous People, and the year 1994-2004 as the International Decade of Indigenous People. UNDP (2004) also reported that traditional forms of local governance are practiced quite successfully in many part of the world along with the modern institutions like in Sub- Saharan Africa and South East Asia. Of these some are recognized formally while others functions informally and the line between traditional and modern institutions often seems blurred due to the overlapping of the functions they both perform which are not always clearly defined. In all we see that both these types of institutions can immensely benefit local governance and therefore we need to further understand and study the dynamic between these institutions.

Brief outline of Traditional and Formal Institutions in Nagaland

Local governance in Nagaland reflects a complex network of traditional systems working hand in hand with formal institutions. Traditional institutions here mean those institutions that practiced customary laws even before the formal attainment of statehood in 1963. It has been formally recognized by the Constitution later and works

parallel with the modern institution like the state, bureaucracy, judiciary and legislature.

With the formation of statehood the Nagaland state has undergone many changes and evolved itself accordingly as realized needed. Though there have been no major conflicts between the modern and the traditional system of governance, yet there some tensions in decision making process as it indicates a top down process rather than bottom up approach. The line between modern and the tradition is also often blurred because of overlapping leadership as sometime a person could be a member of both traditional and modern institutions at the same time e.g. in some cases, a Village Council member can be a member of any political party and often works on the line of party's interest rather than on the needs of the people. Thus in Nagaland, political parties are becoming major influencing factors that control and direct planning for any development projects which do not necessarily reflects the people's role as decision makers in planning.

There are also many challenges to be address as the state continues to adapt to its new emerging challenges in governance. In this light, we need to see how traditional and modern institutions can further enhance and empower people centric policies that do not clash with their social and indigenous values. The concept of decentralization and local participation needs to be deepened that would also provide space for poor people and women as agents in policies making process which needs to be realized. Though to a certain extent, traditional institutions continues to protect the culture and traditional democratic system of governance. Now the challenge is to see how it could empower people, make it efficient, inclusive and accountable for the people.

Nagas have no written customary laws and the law varies from tribe to tribe. The traditional institutions headed by leaders who are consensually elected as carrier of customary laws enjoys the highest authority which is obeyed by all. So, the Chief and his advisors carry out the task of implementing the customary law. Nshoga writes, "The ancestors of the Nagas governed the village through the interpretation of this law. Customary law emerged from the inner conscience and knowledge of virtuous men. This law is framed according to the lores, mores, customs, cultures, traditions and the local environment of the people that it is to vary from place to place and from

tribe to tribe."(Nshoga 2009: 171) so every tribe according to its specific cultural needs used to framed their laws for village governance.

In Saponti Borthakur's, article he talks about how in earlier time the village level institutions or 'Morung' were independent in nature, and they were organized into small states. Nshoga also said that traditional Naga Village whose structure and function were similar to the Greek city-state, where every village were independent and leaders were democratically elected. This village is further divided to Khels or colony was each Khel had its Morung. There was separate Morung for both men and women and Morung was a place where young men and women were taught handicrafts, wood-cravings, folklores, dignity of labour, social ethos and integrities of life. (Nshoga 2009: 315)

There is evidence to show that both the institutions work complementarily. As stated earlier, through the Constitutional provision of Art 371(a) the state of Nagaland enjoys the benefit of governing its people with their respective customary laws and practices. In course of time, 'Village Council' was formally recognised and also slightly modified however keeping with the same spirit of 'Morung' by selecting members of the Village Council by villagers in accordance with the prevailing customary practices and usages. Unlike earlier time, the Village Council has been slight modification as it now consists of three member bodies namely the Executive Members, Goan boras or Ang or Chief as ex-officio members and the Village Development Board. Under this Village Council as traditional institution, all the members of the community are represented as they select representatives according to their Khel or colony through a consensual system.

This traditional institution also acts as an advisory body to the state, in selecting beneficiaries, influencing the selection of candidates in state elections, by assisting in developmental programs, resolving conflicts, organizing community festivals, organizing social works, maintaining law and order and keeping census records etc. Cases of dispute are mostly dealt with by the Village Council and only in serious cases hands over to the Deputy Commissioner. So, traditional institution has evolved over time and adapted according to the new change and demand. In its functioning it works parallel to the state as the supreme modern institution and still leaving enough

space for the traditional system to continue its practices within the new modern institution.

In Nagaland, one of the major challenges faced in local governance; politically, is the issue of insurgency problem. On economic development, which is crucial for human development, the Nagaland University Teacher's Association has formulated broad challenges as poor state finances, inadequate infrastructure, weak linkage for agro-products with the market, inadequate taxation etc. Dr. Rajendra Kshetri writing on institutions and governance in Nagaland talks on the problem of corruption as one of the major challenges of governance. On the issue of conflict resolution issues, there are very little scholarly literatures available providing empirical evidences on the problem.

Political parties play a major role in governance that usually undermines the participation of the people in the implementation of projects; traditional institutions are mostly seen by politicians as vote banks since there is no proper mechanism of accountability. So, politicians continue to manipulate policies, and gradually some leaders stays only as a puppet in the traditional institutions. Modern institutions are slowly overpowering the traditional institutions especially in decision-making. Many of the development plans are imposed top-down and there is very few evidence of bottom-up approach. Of course there is no one quick solution for all these problems and challenges and therefore one of the aims of this study is also to find the loopholes and dilemmas concerning local governance.

Thus, this dissertation work will be an attempt to explore and develop a deeper understanding on the role and importance of traditional institutions in local governance in Nagaland, as they work parallel to the modern formal institutions. The role of traditional and modern institutions can be understood more substantially for local governance if it is empirically studied, for which I would be doing a field study in Kohima, the state capital also as the centre of modern institution, it has a parallel traditional institution called the Kohima Village Council which is located in Kohima Village or Bara-basti which is also the second largest village in Asia and observe how these institutions interact within a democratic setup and see whether it enhances or challenges local democracy.

Research questions

1. How do traditional Institutions interact with modern democratic institutions? Do traditional institutions undermine the role of formal institution?
2. What are the conflicts and governance challenges encounter in their interface?
3. What are some major changes that have occurred in local governance discourses and practice in Nagaland?
4. How has the role of citizens as decision makers been transformed?
5. How can these two institutions integrate in order to serve people more effectively?

Methodology

The study considers the people as the main actors for deciding policies that would suit their indigenous social values, economic, cultural and political context. It would rely both on existing literature in the form of secondary data and primary data. *Primary sources* include-reports, official documents and interviews. *Secondary source* will include existing literature like books; journals etc. Internet based sources will also be used for this study.

Chapter 1

Traditional Institutions of the Nagas

In this chapter an attempt will be made to look at the traditional institutions that were prevalent among the Nagas in the past. This chapter also attempt to identify the major traditional institutions that acted as governing bodies of the Naga villages and institutions that were recognized by the villagers and conferred with power to govern themselves.

This chapter will look at how they functioned and the specific role they carried out as well as trace and see how this traditional institution were challenged by new institutions in the form of new religion, Christianity and new administration system of the British colonizers which eventually transformed these institutions, and the subsequent changes that took place. This chapter will analyse the new changes that were incorporated into the traditional institutions.

Why do we need to study the culture and tradition of any society? What are the implications of traditional and cultural practices with traditional forms of governance? Will the traditional institutions be able to address the growing demand of modern society? Are traditional institutions with the package of culture and tradition represents the will of the people? Should the traditional institutions be replaced by other institutions or be allowed to continue? These are some questions this chapter will be deliberating in relation to the traditional institutions. Scholars differ in their opinion when it comes to the relevance of traditional institutions especially in a modern context. Therefore, this chapter will make an attempt to look at some significant cultural practices of the Nagas in the past and see its implication on traditional system of local governance.

Culture matters

Culture is an important component of any society. In 1871 E.B.Tylor an anthropologist wrote, "culture or civilization, taken in its wide ethnographic sense, is that complex whole which includes knowledge, belief, arts, morals, law, custom and any other capabilities and habits acquired by man as a member of society." (Tylor 1872: 1)The term culture has two meanings; on the one hand, it denotes the quality or

level of a phenomenon, according to how acceptable it is in the given society. On the other hand, it can be used to describe the uniqueness of the given society. Erasov and Singh writes, "culture is a system of intellectual production encompassing the creation, preservation, spread and consumption of intellectual values, standards, knowledge, concepts and principles."

According to Singh and Erasov the functions of culture are:

1. The function of gathering, preserving and transmitting of values and knowledge and experience.
2. The significative or symbolic function (i.e., the expression and entrenchment of meanings, knowledge and values within a system of symbols).
3. The communicative function (ensuring communication between people during the process of varied activities and the promotion of unity and interrelations between the members of a given society). (Singh and Erasov 2006: 53)

Thus, institutions that are deeply linked with the culture and traditions play an important role in moulding cultural behaviour in a society. According to Jan Vansina, traditions are perfectly congruent with the society. Any alteration in social organisation or practice is immediately accompanied by a corresponding alteration in tradition. Here, tradition is seen as an integral part of a society and so any changes to traditional system is bound to produce changes in the society. This chapter is therefore a sincere attempt to interpret the importance of culture and tradition in understanding governance issue. An attempt will therefore be made to look at how traditional institutions as the guardian of culture and tradition govern the people in the past by taking the case of Nagaland.

The Nagas: A Historical Background

The Nagas are indigenous people inhabiting the hilly region of North East India. The majority lives in Nagaland and others in Arunachal Pradesh, Manipur, Assam and Myanmar. The Nagas belong to Sino Tibetan or Mongoloid race. Scholars claim that the word 'Naga' was coined by the outsiders who came in contact with them for trade and later reaffirmed by the British colonizer. Early writers like John Butler believed that the people living in the plains used to call the hill people as Naga. Yet, even

today there are different opinions on the origin of the word 'Nagas'. On the origin of the Nagas; it is filled with myths, folklores, legends and traditions.

Nshoga, writing on the origin of the word 'Naga' dismisses other theories and conclude that "the name Naga is a heaven-born term applied to the entire Naga race. This term is not derived from any tribal language but it is generic term emerged from the beginning of the creation of earth as its origin. The word Naga is a common noun inferred upon the Naga people, and the same originated from its land and is not exotic in its origin."(Nshoga 2009: 54)

Verrier Elwin also wrote, "Whatever be the origin of the word 'Naga', it appears that the appellation is entirely unknown to any of the hill tribes which are divided into numerous communities or races; and they know themselves by the designations of their respective tribes only, and by any name common to all the races." (Elwin 1969: 84) Robinson also said in 1841, Nagas were "divided into numerous communities and races and knew themselves by the designations of their respective tribes only and not by any name common to all the races... whatever be the origin of the word 'Naga', it appears that the appellation is entirely unknown to the hill tribes themselves." In the same line, Sanghamitra Misra also argues that the term is a colonial construct.

Hewasa Lori and Venusa Tinyi hold a fairly good argument. They said that the realisation of 'we are Nagas' was barely formed as late as 19th Century, it was the outsiders intrusion on the land that made Nagas recognised the uniqueness of their existence.[1] Before, there was no common term by which the indigenous people called themselves. They therefore, claim that it is a recent phenomenon. This argument seems more appropriate as the Nagas always associated themselves with the village and tribe as a source of their identity.

So, the origin of the Nagas is still a debatable issue, mainly because there are no proper written records as Nagas have oral tradition. However, the projection of the Nagas to the world is quite distorted as they are shown as *'barbaric'*, *'savages'*, *'primitive'* and so on. The Naga culture, tradition and rich heritage has been overlooked and often misunderstood. Earlier anthropologists and ethnographer's

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[1] Hewasa and Venusa Tinyi. Who Were We Before We Became The 'Nagas': Exploring the Narrative Discourse. pp.1. They argue on two views that lead to a realization of 'we the Nagas'. Firstly, involvements of Nagas during the two World Wars lead to self awareness of the Nagas. And secondly, the formation of the UNO in 1945 inspired and guided the Naga nationalism (political consciousness).

works on Nagas are now being increasingly criticized by scholars as ethnocentrism[2] in nature. If we put in the line of Jacques Derrida, he called it as '*culture of reference*'. (Derrida 1980: 281) This do not mean that the earlier works on Nagas are invalid but like any history it is incomplete and gravely misunderstood reflecting a heavy load of ethnocentrism. Some aspects of the traditional system have sadly past away with time but others still exist though it has adapted and evolved itself. And, since in the past the Nagas derived their identity through particular village and the tribe they belonged it becomes imperative in understanding the life of the Nagas by seeing through the structure of the village system in past.

Nature of Naga society and the Traditional system of governance

Naga society seems quite simple for a casual observer but if we look deeper we find that it is very complex and diverse. Each village has different dialect, tribe, political system and even diverse cultural practices. The Nagas do not have a written law; it has an oral traditional and follows customary laws. Jan Vansina defines the dynamics on oral tradition as "whether memory changes or not, culture is reproduced by remembrance put into words and deeds. The mind through memory carries culture from generation to generation....oral tradition should be central to students of ideology of society of psychology, of art, and finally, of history." Thus, in the absence of a proper written account, Naga oral tradition formed an integral part in carrying the history of the people.

Customary laws form an integral part of the 'Nagas' way of life. customary laws have been defined by Bekker as, "an established system of immemorial rules which had evolved from the way of life and natural wants of the people, the general context of which was a matter of common knowledge, coupled with precedents applying to special cases, which were retained in the memories of the chief and his counsellors, their sons and their son's sons (sic), until forgotten, or until they became part of the immemorial rules." (Bekker and Seymour 1989: 11)

Customary laws and practices defined the traditional institutions of the Nagas such as in the past; the life of a Naga revolves around the village only. It is only through tribe,

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[2] Ethnocentrism is the tendency to look at the world primarily from the perspective of one's own culture as superior to others.

clan and village where a person gets his identity as an individual or member of a society.

In the book, "*A Brief Historical Account of Nagaland*" M. Alemchiba writes, that in the past Nagas did not have a unified administration like today. Every village remained republic and the Village council acted as the parliament of the village. The citizens enjoyed political stability, social justice, religious freedom and prosperity. There was no high or low class which is almost invisible in today Nagas society. Women enjoyed equal status and still continue to enjoy high reverence from the men compared with women of plain areas. Economically, they were self sufficient, no beggars were known. Tax of any form was non-existent. Every man had his own land, house and field which were sufficient for his family. The rich natural resources like rivers, forests etc belong to the common man and there was no restriction on his movements. People were known for honest and hard work. Cases of theft were exceedingly rare; doors were just latched or closed without lock. There was no police, no jail but if any man was found guilty of severe crime he was banished from the village or forced to live in exile for certain period of time. The tag of social humiliation acted as a healthy medium for controlling law and order problems.

Radcliffe Brown who studied African political system says that there are two forms of sanctions in maintaining social order. Firstly, "there is the sanction of moral coercion as different from physical coercion, the individual who does wrong is subjected to open expression of reprobation or ridicule by his fellow and thus is ashamed." Secondly "there are the various kinds of ritual or supernatural sanction. The most direct of these is constituted by the unquestioned belief that certain actions bring misfortune upon the person who is guilty of them." (Fortes and Pritchard 1940: 4) These two sanctions also seem to hold true for the Naga traditional political system in the past system. The moral and supernatural sanctions brought the villagers together into one social system. It still continues but in a very subtle way as modernization altogether brought about a whole new social gap.

Feast of Merit

The '*Feast of Merit*' coined by J.P.Mills is a significant social practice. Through this feast, a rich man earned high social status in the society. The feast is performed by the rich men of the village who share his happiness and wealth by feeding the entire village as it was believed that it would bring happiness and abundance of life upon his family as the poor people bless them. Stone monoliths or Y shaped post were put up to immortalize ceremonies which still stand today in many villages.[3]

This Feast of Merit that created a higher social status in society is unlike the Marxist understanding of class structure because here the ideology was based on sharing and distribution. The practice of caste system is alien to the Naga society. The men of high status owned special place in the society, eligible to wear special costumes and ornaments as well. It created an elite social class in the village. Besides the most significant product of this event was the privileged they could enjoy in the society and also becoming an important member of village governing body.

N.K.Das writes that through this Feast of Merit the rich man gains certain decision making rights and privileges which are otherwise enjoyed only by village headmen. (Das 1993: 85) So, it was through generosity any rich man could gain respect in society. Dr Elwin wrote on the philosophy of the Feast of Merit saying, "the feast of merit, which bestowed so much distinction on their donors, showed that it was the distribution of wealth rather than its possession that was important." (Shimray 1985: 114)

Over the years we see a decline in such social events due to various reasons. However, in the past this event indirectly affected traditional institutions of governance. The rich man's opinion was highly revered by the villagers and influenced decision making process. He was allowed to also take part in major village events so over the years he becomes an integral part of village governance system. So, the feast of merit as a cultural practice of the people enhances the position of the affluent man in the village, thereby enabling him to take active role in governance.

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[3] The practice of Feast of Merit is almost nonexistent today in Naga society. Through this feast unity of the village were strengthen and enemies becomes friends. For details see R.R.Shimray.1985. ' Feast of Merit' p.110

The feast of merit as a cultural practice was highly revered by the villagers. Rich man indeed becomes a prominent member of the Village governing body. One could be critical of this new elite class created through this feast yet there are no written records against this new social class people, dominating the decision making process by anthropologist or historian in the past. The reason could be, the social life of the village were well organised and thus did not allow certain social class or individual hegemony. Moreover, the governance of the village solely lay with the traditional institutions as a whole.

Before the advent of modern institutions, we see that there were two main institutions namely, the Morung or Dormitory system and the Village Council. These two traditional institutions were the most important element for a Naga village. Every member of the village received their identity as an individual and role through these institutions. Thus, it becomes significant to look at a detailed analysis of traditional institutions of governance such as the Morung and Dormitory system and the Village Council of the Nagas and has attempted below.

Traditional Institutions: Morung and the Dormitory System

Traditional Institutions were formed to inculcate customs which includes traditional forms of labour, behavioural patterns, lifestyle, system of upbringing, norms that allow certain degree of standardised behaviour and values as a medium of cultural regulation oriented towards achieving certain goal. In olden days, the Nagas also had a rich traditional institutional system, one of which is the Morung and Dormitory system that acted as the backbone of their society. Morung and dormitory are huge elaborated halls made originally to keep vigilance at night against the enemies. Therefore, Morung, the boy's dormitory became better known to others than the dormitories for the girls. (Shimray 1985: 193) Verrier Elwin called Morung and Dormitory as the 'dear nurse of art'. Morung and Dormitory formed a vital part of village organisation, it functioned as a centre for art and culture, military headquarter and village governance. It was known in different names in all the tribes.

TRIBE	BOYS DORMITORY/ MORUNG	GIRLS DORMITORY
1. Angami	Kichüki	
2. Ao	Arriju	Tsüki
3. Chakhesang	Keyike/ Cethice	Keyike/ Cethice
4. Chang	Hakishang	
5. Khiamniungan	Kamnoi	Khiamn-Damhaih
6. Kuki	Som-in	
7. Konyak	Pan	Yo
8. Kachari		
9. Lotha	Khumpo	Khumpo
10. Phom	Pang	Nyoha Pang
11. Pochury	Kümzeh	Nohmüza/ Nomzah Küzuhpeh
12. Regma	Rensi	Katsu Nyü
13. Sumi	Apuki	Iliki
14. Sangtam	Roshingvi	
15. Yimchunger	Kheangyam/Athurü Yabpung	Aliberü Yabpung
16. Zeliang	Khangchiuky	Liuchiuky

Table1. The table shows different names of Morung and Dormitory.

Haimendorf mentions as many as eleven Morung systems in a Konyak village. In the past, the largest house in the village was the Morung and Dormitory. In every Morung a huge war drum was kept usually carved out of a single gigantic log about less than twenty feet. It was beaten to announce major events like festivals, war and victory with varied sound of 'war cry'.

A person became a member of the Morung and Dormitory generally when they attained the age of ten years and above. It also differed from tribe to tribe. However, the basic common criteria was the attainment of adulthood. Earlier every boy and girl remained a member until they get married. Later, even married person began to retain their membership. (Shimray 1985: 193) Nshoga also wrote that when a girl or a boy attained the age of puberty it was a compulsory obligation for them to sleep in the Morung and Dormitory. They entered at a junior grade which got upgraded through age system. He further said, "A person who became the member of the Morung, refined his culture; rectified his demeanour; changed his attitude; polished his code of conduct, developed his responsibilities and later became a successful man in the society....worthy husband." (Nshoga 2009: 81) Here the role of institutions penetrates deeper beyond society and affects the sphere of family. It provided a space for healthy social interactions among the members of the society.

Generally Morung was for boys and Dormitory was for the girls. The basic structures of the Morung were divided according to age groups. In other words rules were clearly defined, as negating the view that traditional institutions were unruly. Juniors were usually in charge of collecting firewood and water. Intermediate age group were in charge of taking special care of the ailing elderly members of the village and also assisting the seniors in administration. Senior members were in charge of the administration. Among the seniors again some were entrusted with special tasks in fields like wars and vigils, discipline, daily work and other social functions. The village elders or chief were the advisors who always visited the Morung. Every boy was expected to be obedient, disciplined and good mannered. The disobedient boys were given public beating as a disciplinary action.

Most of the tribes did not have a separate hall for girls' dormitory, like the Angamis, Regmas, Lothas and Sangtams, instead they stayed with their parent and during festivals, they gathered at the house of the rich man or headmen where they would prepare for the feast. For those villages that have separate dormitories for ladies they usually slept there. During the day, all the ladies helped their parents or participate in social works but at night they all gathered together in the dormitory to learn indigenous arts. They were taught indigenous weaving style unique to different tribes, embroidery, necklaces and head dresses. It was also a place where new traditional dress and ornamental designs were also invented. The division of work was based on age groups similar to the Morung system.

Beside all these teachings, building of strong moral character was emphasised and social etiquette were taught and ladies were given valuable lessons on life by elders. There was always singing, teasing and laughter in the dormitory as elderly women advice them how to choose their life partners. As women in Naga society had full freedom to choose her spouse though there are social pressure like not to marry same title or clans. The dormitory was open to boys and it was a place where healthy courtship took place. Shimray wrote that, "Family pride and personal arrogance had no place in the Morung. Rich or poor-everybody was equal in the membership of the Morung in particular and the society in general." (Shimray 1985: 194)

Generally in both the Morung and Dormitories, young boys and girls were taught various arts like weaving, basket making, backing pots and wood carving. Folk songs,

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According to the table 2.1, the per capita forest area in Indian states 1997, which shows the very less distribution in West Bengal, Tamil Nadu, Punjab, Uttar Pradesh, Maharashtra, Kerala, Karnataka, Haryana, Gujarat, Bihar and Andhra Pradesh. But highest in north eastern states like Mizoram, Manipur, Meghalaya, Arunachal Pradesh and Sikkim.

Before looking at the land cover by different vegetation cover, we see the forest classification by forest survey of India. The forest cover is broadly classified in 4 classes, namely very dense forest, moderately dense forest, open forest and mangrove. The classification of the cover into dense and open forests is based on internationally adopted norms of classification. It has not been possible to further segregate the dense forest into more classes owing to enormity of work of ground validation and limitations of methodology. Mangroves have been separately classified because of their characteristic tone and texture and unique ecological functions. The other classes include scrub and non-forest. These classes are defined is below.

Very dense Forest-All Lands with tree cover (Including mangrove cover) of canopy density of 70% and above

Moderate Dense forest-All lands with tree cover (Including mangrove cover) of canopy density between 40% and 70% above

Open forest-All lands with tree cover (Including mangrove cover) of canopy density between 10% and 40%

Scrub-All forest lands with poor tree growth mainly of small or stunted trees having canopy density less than 10 percent

had their own style of governing this institution. The main objective of this institution was to impart education to the young ones. It was compulsory for all the young boys and girls to become a member. No special privileges were given to anyone, everyone was treated equally and the boys and girls slept in their respective dormitories.

Besides acting as an educational institution it also performed other important functions. In Furer- Haimendorf's article he mentioned the judiciary function of the 'Pan' Morung in Konyak tribe where the "council settles disputes and imposes fines for crimes and the breaking of taboos." (Haimendorf 1938: 355) As Haimendorf said, the Morung as a traditional institution acted as a village court, crimes and other law and order issues were heard and solved according to customary laws in the Morung.

Also besides the judiciary function, it was a place where member of the Village Council and elders would deliberate on village governance issues. Law and order of the village were discussed, debated and framed through consensual basis within the Morung. A place where, ordinary citizen can participate in issues concerning village governance. Thus, the Morung system as a traditional institution was more than a *public school* but also functioned as a legislative, judiciary and administrative body.

This significant role of the Morung system makes it inevitable to overlook the multiple roles it played in the life of the Nagas in the past. So, it was not only the place for imparting traditional and cultural knowledge to younger generation but it was also a centre of local governance institution. It performed judicial, legislative and executive functions. The Morung was a place where there was constant interaction and debates on how to efficiently run the village according to its customary laws. Therefore, it was a significant as the centre of village governance.

Figure 1This is a photograph of a Morung and a Log drum of the Konyak tribe (2010)

Monalisa Changkija also writes, "the objective of the education imparted in the *Ariju* (Morung) is done keeping in mind that every citizen has responsibilities, as much as rights, and that to be able to play the roles, shoulder the responsibilities and enjoy the rights, one must acquire the necessary knowledge and education as much as acquire the wisdom to enable the smooth functioning of these democratic ideals, principles and tradition." She further added the need to bring synthesis within the new and the old system. (Changkija 2009: 24)

However, this institution is no longer as vibrant as before. It was discouraged by the earlier missionaries. On this, Lanunungsangs laments that "the golden age of Ao (Naga) civilization ended with the closure of the Ariju (Morung) institution." J.P.Mills also commented on the fast fading life of Morung culture in 1973, "decaying Morung means decaying a village, and well-used, well kept 'Morungs' a vigorous community. It is in the 'Morung' that the old men tell of the great deeds of the past, and the coming generation is taught to carry on the old traditions in the future. When the past is no longer glorified in and the future seems dark and uncertain, the 'Morung' fall into decay." (Mills 1973: 45)

Here the author reflects the decay of Morung and Dormitory as a delay of an entire village which was the centre of local governance in the past. Therefore, the "future seems dark and uncertain' as any new institutions seems inadequate and insufficient to compensate the role that these institutions carried out in the past. In fact the history of Naga history seems to reflect this irony, as many new generations had to go through the phase of confusion and chaos with the decline of Morung and Dormitory as they lost a strong centre for local governance and also lost most traditions and cultural practices. Changes which were not necessarily accepted with the will of the people but mostly through imposition by new institutions undermined the significance of this traditional institution.

With the coming of American Christian Missionaries many of these institutions were discouraged. J.P. Mills a British anthropologist and administrator was right when he wrote in 1926 "Of the mistakes made by the mission, the gravest, in my opinion, and the one most fraught with danger for the future is their policy of strenuously imposing an alien western culture on their converts. I think I am right in saying that no member of the mission has ever studied the Naga customs deeply, but nearly all have been

eager to uproot what they neither understand nor sympathise with and to substitute it for superficial civilization." [4] (Mills 1973: 420) This line captures some essence of lost tragedy. Overall the system of Morung and Dormitory are of bygone days. The hearts of social cultural learning are being replaced by modern schools. The tragedy lies not with the coming of modern education or Christianity but with the loss of rich cultural heritage and healthy social interaction and efficient governance that the institutions of dormitory and morung produced.

It was the Morung and Dormitory as traditional knowledge imparting institutions that acted as centre of village governance. Since it was not only a place where elder members as well as the rich men who gave 'feast of merit' of the village came to teach and interact with the younger folks but they discussed critical governance issues and disputes cases were settled according to customary laws. It was a place where law and order was formulated and strictly maintained as a centre of traditional institutions of the village. It was a place that produced 'local knowledge' as Geertz would call it because law that govern any society is constructive of social realities. This brief historical picture is important for us to understand past Naga social life since Morung and Dormitories used to be a place where even not only education but administrative and judicial actions were carried out. Another traditional institution of governance which was prevalent among the Nagas is the Village Council which will be analysis in the following below.

The Village Council

To the Nagas, family clan and the village are extremely important. The village is the heart of every socio, political and cultural life for the villager. J. P. Mills was right when he called the village as the 'real political unit' of the Naga people. Every village had a Village Council acting as a political unit for governance. Thus, the Village Council as a governing body held great power and command respect in the village.

Chiefs or leaders were known in each tribe by different names like Ang in Konyaks, Akakaü in Sema, Thevo or Peyumia in Angami, Pvüti in Lotha, Nokpao/ Nokshing in Khaimniungan, Repvügu or Keqhekepi in Rengma, Ong in Phom, Ngakobou in Chang, Thevo or Kumuvo in Chakre, Mawu in Kheza, Yangziba or teburü in

Sangtam, Nampou Tingnapeu or Singkuk in Zeliang (Nshoga, 2009:115). As diverse as the names of the village head, so also the systems of governance were very diverse. It differs from village to village.

The Village Councils were vested with administrative, judiciary, religious and political power. They controlled every aspects of governance in the village. The tenure differed from village to village. However, in almost every village a person above 30 years and below 75 years with exceptional qualities like strong moral characters, refined knowledge of customary laws and wise person were selected as members. The member of the Council was also liable to be removed from the office if he was found guilty of any offence or moral misconduct. (Akang 2004: 40)

According to custom and tradition, it is usually the founder of the village who becomes the village Chief. However, over the years in many villages great warriors, men of high social status or men with good customary knowledge are selected as head or chief. The Semas and Konyaks still have their hereditary rulers as Chiefs or Angs. In such system the Village Council are headed by the Chief and the elders as advisors. The Konyak Ang's and Sema Chief's 'word' is still considered as the law by their subjects. It has an autocratic system. The Chief still enjoys a considerable power and he is still looked upon as the father and provider of the village. The chief took special care of poor and widows by distributing land and food grains.

Every village had a different political system. Some tribes like the Konyaks and Semas have Chiefs or hereditary rulers and it was autocratic in nature, while others like Ao's the Council members are represented through the Clanships. Lothas usually elected brave warrior as their leaders and still others like the Angamis elect Village Council members through Khels (colony) and usually men of merit and wisdom were elected as leaders. Most of the tribes have democratic rulers in the sense that they are democratically elected through general consensus. There are also hardly any records or stories about a hereditary rulers or Chiefs becoming autocratic in Naga history so far. Maybe one reason would be that he constantly consults his advisors (village elders) and moreover the close social cultural system kept him accountable to the villagers. The Village Council members were known for their wisdom and good moral ethics. Therefore, they were highly revered and respected and in return, with

personal integrity they looked after their village its land and perform ritualistic prayer on special occasions.

Anthropologists, such as Fortes, Evans-Pritchard and Harold K Schneider writings on African society said "in most tribal societies, age, tradition and supernatural qualities were the sources of political authority and the values governing such authorities." (Baruah 2003: 2) this also seems to hold true in the Naga context as well, in addition individual moral values and good knowledge of customary law was seen as an important source of law in Naga society.

A.W. Davis writing on the Ao tribe said, "each village among the Ao are like small republic and each men is as good as his neighbour, indeed, it would be hard to find anywhere else more thorough democratic communities." He said that headmen do exist, but their power is very minimal. This is an important implication reflecting the nature of the elected leaders and Chiefs. This indicates that the Village Council was a democratic body which made decisions through the consensus of the villagers. This has to be seen in the light of the constant social interaction among the villagers with Council leaders in Morungs and other social events of the village that played an important role to keep the society intact.

Although the traditional institutions seem almost like a utopian state, it is not immune from imperfection. Feminist scholars criticize the patriarchal nature of the traditional system of governance. Dolly Kikon, Eyingbeni Hümtsoe and Toshi Jamir argue that Naga women do not enjoy equal rights and are still unequal. Even after decades of attaining the Statehood there is no single women in the Legislative Assembly. Women are non participant in political domain because modern governmental system continues to mimic traditional female exclusive forms of governance.

Thus, we need to keep all these perspective in mind so that we can make governance more inclusive. Substantive local governance can only be achieved only when all the member of the society enjoys equal status and partake in decision making process. My fieldwork in the Bara Basti or Kohima Village in Nagaland reveals that the women folk enjoy equal status in local governance. They have their representative in the Village Council as well as in the Village Development Board. However, I am not assuming that it exist likewise among other tribes and villages. My intention is just to

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reveal the fact, that there are attempts at some level to bring women in the main stream decision making body.

Challenges to Traditional Institutions forms of Governance

Change is an evitable part of life. Any system or institutions constantly undergoes through change. Culture and tradition continues to grow, change and evolve. So, the rich diversity and practices of the Nagas have also undergone many changes politically, socially and culturally. Some were force upon and some with the will of the people.

The following discussion will broadly look at how traditional institutions were challenged particularly by the American missionaries and British administration. This does not mean that the Nagas lived in isolation before, they had a cordial relation with other neighbouring people before like the Ahoms for about six hundred years but they did not intervene in the local governance of the Nagas. (Luther 1971: 1143) There were also some battles with the Manipuri's, but it did not affect the internal village governance. However, things changed in the 19th Century as the British came to Nagaland. And later on, followed by the American Baptist Missionaries.

Impact of British rule

The year 1880 was a turning point in the life of a Naga Village as the British came to Nagaland.[5] The British occupation of the indigenous territory was important for British throne for many reasons. J.B.Bhattacharjee writes, "The British aimed at using the tribes of eastern fringes as a screen between the newly acquired territories and the kingdom of Burma."(Bhattacharjee 1980: 178) Scholars differ in opinion when it comes to British administration in Nagaland. Scholars like Sanghamitra Misra writes "the initial colonial interest in the Naga Hills and the subsequent pursuance of a policy of 'indirect administration' appears to have been motivated by the geographical location of the Naga Hills and its strategic importance as a border to lands of greater commercial significance for the British." (Misra 1998: 3274) As early as 1843, British discovered tea in Naga region. A letter from Jenkins to the officiating secretary writes "a constant interaction with the Nagas was needed...as this was linked directly to the

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[5]Ian Heath and Michael Perry. Recorded that Angami fort at Khonoma surrendered on 27th March 1880, p.9.

preservation and extension of the indigenous tea plants." (Jenkins 1843: 76-78) Lieutenant Bigge's toured Naga region in 1841. In his correspondence with Captain Jenkins, Bigge suggested a "leisurely tour from village to village assessing the possibilities of communication through land and water and the possibilities of extracting economic benefits from the Naga settlements." (FPP 1842: FC No 71-74) thus, the British wanted to clearly extract economic profit from the region. Attempts were made as they started constructing roads, some still exist today but due to the harsh geographical location of the villages, being scattered and tough terrains they did not succeed much and ruled indirectly for administrative purposes only.

Abraham Lotha, on the other hand observed that in 1866, due to constant raids by the Nagas on the British subjects frontier of the Assam plains, the British abandoned the policy of indirect rule. By 1878, British set up its administrative centre in Kohima. The controlled administrative area was known as 'Naga Hills District'. It should be noted that the Eastern part of Nagaland was not under British administrative area. K.S. Singh also wrote that the colonial tribal policy can be categorized as direct rule and features protectionist policy. For example the Schedule Act 1874 was to have a separate administration for the tribal areas.

On a more positive note scholars like N. Venuh believes that the British administration brought about changes in all sphere of Naga society. However, it also left certain traits of cultural and traditional alive. N. Thakkar also wrote that the British administrators had avoided interference in the traditional village government. During their rule the British introduce three system of governance namely,

1) Gaonburas
2) Dobashis and
3) District administration.

Goan Buras or GB meaning 'village elder' in Assamese was created by the British to mainly collect taxes from the villager. They were also given a red blanket as a mark of authority, which continues till date as we see them wearing red woollen jacket. The number of Goan Buras depended on the size of the village and the numbers of Khels (colony). Eventually their role has changed but they still continue to serve the government which is at the centre. They were initially required not to intervene in the traditional government. But over the years we see there is an overlapping of power

and function among the members. The post of a GB can also be categorized as an elite group. In some interior villages, where the state government neglects to reach out, over the years this has lead to misusing of power for personal gain. This has to be considered critically as any power without a proper medium of check and balance can lead to misused of power. Thus, the role of GB has to be seen in larger spectrum of efficient governance at the grassroots level.

Beside the Gaonburas another important administrative agent of governance was the creation of Dobashis or Dobasha meaning two languages. The main task of the Dobashi was to act as a mediator and interpret between the British official and the villagers. In early days, Nagas rarely spoke other language other than its mother tongue and so this Dobashis were required to learn simple Assamese (Nagamese) likewise the British officials were obliged to learn Assamese as well in order to communicate with the people. The selection of DB's was usually men who were well versed with the customary law. (Thakur 2009: 3) Thus, the role of Dobashis has not changed much as they still continue to be the middle man between the villagers and the government officials.

Over the years more educated and fluent English speaking Dobashis are coming up but still in many interior villages they are illiterate which often posed a problem for them as an interpreter because unlike olden times they now need to explain government schemes which are written in manual or leaflets. Thus, there are many villages which urgently needs to revived its educational system and in some villages they need to breathe life into the educational institutions as they stand as mute broken walls without basic infrastructure and teachers. The role of educational institutions is very important for any society for it to progress and grow. My fieldwork experience has only thrown a dim light into this issue however, villages with high level of education seems more confident and assertive of their rights as a leader or citizen and vice versa. Therefore, beside many other issues the role of education do play a significant role in improving local governance as the public are well informed and even if not, they have the capacity to learn and know on an individual level.

Third important post created by the British was the District Commissioner. The District Officers were in charge of overall administration. They did not interfere in the internal affairs of the village but framed all policies that were to be implemented. It

has to be noted that they were exclusively Europeans. Thus, the decision making power lied at the hands of the British. The village Chief and Headmen still continued to exist but as a nominal head. As N. Venuh observed "the power of the village council....reduced by restricting its traditional power to settle all matters of any degree. Dobashi, which did not exist in the village court, now has become legal where matters of all disputes are settled in the Dobashi court." (Venuh 2004: 97) these new administrative post creations assisted the Britisher.

It was like 'social governmentality' as Shaw-wu-Jung would call it. He argues social governmentality as "the state's effort to administer society on the basis of maintenance of local custom was itself the foundation of modern institutions that necessitated the construction of those local organisations and practices."[6]Thus, by creation of these three systems of governance the British state practice social governmentality that itself laid the foundation of modern institutions in Nagaland as they did not challenge the Chief or Village Council power. There was almost no intervention in the traditional system of governance in internal matters as long as they got the taxes and frontiers secured. Jung calls for a diversion from the conventional western interpretation of law and customs and to gain deeper understanding of non-western culture for the discourse of custom which will enrich studies on law and customs. The Morung and dormitory continued to exist under them until it was discontinued by the missionaries.

Foucault's idea of 'governmentality' also can further help us to understand governance, that the creation of these three systems of governance by the British as a way of state 'governmentality' creating division between modern and traditional institutions for local governance. The next chapter will further investigate these three post created by the British which still continues to play a significant role in relation to modern institutions. Thus, we can say that the British rule has to a certain extend laid the foundation of modern institutions of local governance in Nagaland.

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[6] Shaw-Wu-Jung, defines social governmentality as "state's effort to administer society on the basis of maintenance of local customs was itself the foundation of modern institutions that necessitated the construction of those local organization and practices" 2007, p 6.

Impact of Christianity

The impact of American Baptist Missionaries has left a huge cultural and social transformation in Nagaland. The traditional institutions that were based on culture and tradition of Naga were challenged by the new religion. Terhuja commented that if singled out, the one dynamic factor that changes the life of the Naga, it would definitely be Christianity (Terhuja 2002: 294). Goldsmith tracing the work of American Missionary in Nagaland said that the missionaries entered Nagaland on 6th April 1872. Mrs. Clerk ran a school for girls and was assisted by a local Ms.Tungbangla. In 1881, a new station was started at Merangkung. This was the beginning of mission work in Nagaland. In 1883 C.D.King and Henry Goldsmith also started the mission work among the Angamis in Kohima. (Goldsmith 2008)

Sanyü attributed three causes for the growth of Christianity among the Nagas, firstly the spiritual aspects of missionaries who believed they were just an agent of God by spreading the gospel. Secondly, the material factor which were superior health care services and education. And finally the role of Indian Army, as they burnt down villages the people was forced to flee and eat forbidden food out of starvation. Having broken taboos and filled with sin they longed for spiritual cleansing and Christianity provided that spiritual redemption. As many as 90% accepted Christianity around 1970's during arm operation in contrast to 10% conversion in the early 1950s.

So, American Baptist began Missionary works in Nagaland by the American Baptists in the 1870s among the Ao tribe. The earliest missionaries were Godhula Brown, an Assamese evangelist employed by the American Baptists, and the American Baptist missionary E. W. Clark. The first baptism in Naga soil took place on 23 December 1872. Due to the diversity of the Naga tribal groups in terms of languages and culture, progress of Christianity was slow in Nagaland in the first few decades. Except for members of the Ao tribe, large numbers of the Nagas did not turn to Christianity until the third and fourth decades of the twentieth century. An interesting element in the Christianization of Nagaland is that several Naga tribes such as the Konyak, Sangtam, Chang, Phom, Yimchunger and Khiamnungan were not administered by the British, and the Government did not allow missionary work among them. However, beginning

in the 1930s, the evangelization among these un-administered tribes began and after the Indian Independence, they experienced fast growth. Now the Nagas claim almost hundred percent Christianity, both in and around Nagaland. (Longchar 1998: 248-251)

Hutton wrote in 1969 that the "old beliefs and customs are dying, the old tradition are being forgotten, the number of Christian or quasi-Christians are steadily increasing and the spirit of change is invading and pervading every aspect of village life." (Hutton 1969: 11)

Some tribes like Ao's accepted Christianity earlier than the rest. This new religion not only discourages cultural dances, songs and festivals but it also discourage using of ornaments and banned the Morung/dormitory system. In other words, they directly challenged the traditional institutions of local governance and social system.

The life of Nagas with the advent of Christianity was connoted with phases like 'from darkness to light'. The American missionaries took upon themselves the task of transforming the Nagas society by Christianizing the so called 'primitive' 'pagans' 'barbarian' and 'head hunters'.

The cultural clash between the Christianity (western) and tribal culture can be seen in Hokishe Sema writings as he argues that every tribal ceremonies and festivals were regarded as an act against Christianity. House decorations and wood carvings which were considered as a sign of prosperity and stood as an artefact of Naga traditions were banned and ordered to be burned. The beautiful dresses and all forms of handicraft were discouraged. Even ornaments which are worn as an integral part of the tribal custom were either burned or ordered to be thrown into rivers. The variant songs and dances were also discouraged. According to him, there was a direct attack on the rich cultural history of the people. It resulted in widespread confusion and chaos among the tribal who were confused of the new lifestyle imposed on them. This huge cultural shift directly affected local governance which was governed by the traditional institution all based on culture and tradition.

Dr. Visier Sanyü also writes that the American missionaries with their cultural superiority showed no understanding towards Naga culture. He goes on to say that "these attitudes not only undermined the priceless values of a people's culture but also

resulted in total chaos and confusion for some generations. The present moral crises are often expression of cultural crises, arising from loss of traditional, cultural roots without acquiring new roots."

Scholars like Sanyü, Thanzuava and others critique and argues that the accelerated process of Christianity, tribal culture and modernity need "to construct authentic indigenous Christian theology." The cultural crises that the new generation faces can adversely affect the social life. Eminent economist Amartya Sen said, "Participation in civil interactions and political activities is influenced by cultural conditions."[7] Thus, this cultural crisis can hamper in the political realm of governance as well since they are intricately linked. Governance should not be view in isolation as society keeps on changing given the dynamic of social interaction.

There should be a clear distinction made between Christianity as a religion and Christianity as interpreted by the missionaries. The early missionaries did not try to understand the implication of cultural practices and traditional institutions and just stop the Morung and Dormitory system. So, it was not the religion as such that damaged the traditional institutions but the cultural superiority package of the missionaries that led them to banish any cultural practices which for them seems evil.

Therefore local governance should not be seen in isolation but in its cultural context. For example in my fieldwork the village elders constantly shared their fear of new generation losing out on values of culture and tradition. They took pride in the fact that respect for local culture and tradition has only enhanced local governance. And without it confusion and chaos seems inevitable.

This chapter have analysed the main two traditional institutions of the Nagas. Witness how they were challenged by the British rule and American Baptist Missionary in the past and how it transformed traditional institutions and also laid the foundation for modern institutions. Many changes took place, some positive changes like the introduction of formal education, health care and the end of head hunting era. However, there were equally inevitable damaged done to traditional institutions like direct banned of the Morung system by these new institutions.

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[7] Amartya Sen. How Does Culture Matter? He talks on the importance of understanding culture in bringing about development. Every development project should be frame to its specific cultural context, 2004, p.40

On one hand, we have seen how cultural practices like the '*feast of merit*' played a significant role in influencing decision making body by producing a higher social class who gains a prominent position in governance. On the other hand, we have also seen traditional institutions as the carrier of culture and tradition like Morung and Dormitory and the Village Council as important institutions of local governance in the past which were able to provide quality of life to the villagers. There were no cases of any major famine, extreme poverty or intense enmity among different villages though there were occasional wars in the past. However, generally the villagers had lead a self sufficient life, healthy social interaction and an organised social structure, where every member of the society equally had an important role to play. So, inspite of living out of so called '*civilisation*' world, the people had a good quality life and efficient system of local governance in the past.

Culture and tradition are dynamic and continuous process, and culture exists due to complex inter-play and its acceptance by the society. Norms, values and customs of the people keeps changing. So, on the following chapters an attempt would be to see whether these traditional institutions continues to persist or will it eventually die out with the introduction of modern institutions.

Chapter 2

Modern Institutions of Governance in Nagaland

In this chapter an attempt will be made to follow the course of new governance era in Nagaland. The introduction of Statehood in the year 1963 ushered in modern institutions of governance. With the formulation of new state, an era of new governance began in Nagaland. Modern institutions were introduced to further strengthen the local governance. So, in this chapter the attempt will be to look at local governance in broader discourse by looking at the modern state machinery, bureaucracy in particular and the subsequent changes in the traditional institutions.

Further, analyse landmark Acts for new governance era i.e. Article 371(A) and Village Council Act, 1978 and its implication for local governance. Thus, on one hand analyse the advent of modern institutions and on the other hand, look at the new changes in traditional institutions and see how both these institutions govern the society. Reference of fieldwork in Kohima Village in 2011, will be considered as a current update on the present condition of the local governance.

What is the purpose of modern state machinery? How does bureaucracy as an agent of modern institutions play a significant role in local governance? What is the difference between formal and informal law? Are the new changes in traditional institutions in accordance with the law of the land? Will the role of formal law undermined the role of informal law? Do the modern institutions undermine or enhance the traditional system of governance? These are some questions which will be analyses to seek an answer or an explanation for this chapter. This chapter will be an attempt to also analyse the role of Deputy Commissioner being a bureaucratic body and as a modern state institution in relation with the Village Council as traditional institutions. See the implication for governance as modern and traditional institutions works hand in hand.

Modern State Machinery: Bureaucracy

The nature of the state, according to some prominent thinkers like Locke in the seventeenth, and Rousseau in the eighteenth century argued that the state arose as a result of social contract between the government and the people. So, the modern state

was forms by a contract between the government and the people to form a state which would in turn govern them. Pradip N. Khandwalla argues that twentieth century form of state is characterised on one hand by decline of feudal state and colonial state and on the other hand by increase of democratic states. Moreover, modern state is also subjects to various pressures both from national and international levels. Yet, "differentiated as the state is functionally, vertically, institutionally, and regionally, the state also tries to remain an organic whole." Thus, due to the diversity of pressures modern state is '*incredibly complex.*'(Khandwalla 1999: 23) Modern democratic state activities mostly includes developmental works, so the author suggests a need to recharge bureaucracy an executive body of the state to further strengthen democracy.

In modern state, politician decides and formulates how to govern its citizens and realise its welfare policy and it is generally the bureaucracy who execute the plans of the government. Thus, the role of bureaucracy becomes a significant agent for governance. According to Max Weber bureaucracy is a '*rational organizational system*' which has systematic goal, specialised role, division of labour, formal job description, standardized rules and regulation for efficiency, accountability and smooth governance. So, bureaucracy as a modern state executive is perceived to be accountable, reliable, probity, familiarity with rules and regulations of the government.

Earlier bureaucracy was considered a sphere outside the domain of politics, Woodrow Wilson wrote in 1887 "administration lies outside the sphere of politics...it is removed from the hurry and strife of politics; it at most points stands apart even from the debatable ground of constitutional study." However, this view gives a limited view of bureaucracy and undermines the role it plays in politics. Bureaucracy is a vital part of politics and cannot be understood in isolation.

Later scholars like B. Guy Peters on '*The Politics of Bureaucracy*' said that bureaucracy holds a powerful position in influencing politics as a permanent staff, through the ability to control information, proposals for policy, and knowledge concerning feasibility. He argues the significance of bureaucracy in understanding politics. Johan P. Oslen also emphasised the need to rediscover the importance of bureaucracy, to recognise the role as the institutional custodian of democratic-constitutive principles and procedural rationality. (Olsen 2005: 18)

Scholars like Eldersveld, Jagannadham and Barnabas also wrote on some general belief regarding bureaucracy. Such as, bureaucracy must be based on public consent, their actions should reflect the aspiration, interest, demands and support potential to the public it serve and directs. (Eldersveld, Jagannadham and Barnabas 1968: 3) A circular process of democratic responsiveness by officials and responsible citizens become as preconditions for an effective administration. An efficient bureaucracy is important for the success of democracy. Robson also talks about "*good relations between government and the public*" as necessary condition for democracy. (Robson 1956: 13) So, bureaucrats as a state agent act as a mediator and balance the relationship between the citizens and the state. According to Morris Janowitz bureaucracy should maintain a fine balance or either it becomes despotic or subservient. He also purposed four requirements for attaining democratic balance, they are as follows;

1. *Knowledge* public should have adequate knowledge about the public bureaucracy.

2. *Self interest* the public must consider that its self interest is being served by Bureaucracy and also be aware of its capacity to served act as a neutral and impartial agent in resolving conflict.

3. *Principle mindedness* the public must be of the general opinion that the public bureaucracy is guided in its actions by a set of principles guaranteeing equal and impersonal treatment.

4. *Prestige* public perspectives towards the public bureaucracy must include adequate prestige value towards public employment.

These four requirements according to Morris Janowitz suggest a change in public's opinion towards bureaucracy and Eldersveld, Jagannadham and Barnabas belief on bureaucracy suggest a change in bureaucracy's opinion towards the public. Democracy here implies attaining a fine balance between the citizens and the bureaucracy as a state agent. So, it becomes equally important to look at the role of bureaucracy as modern institutions which can influence the policies of the state that will eventually be imposed upon the people. As a permanent body with specialised roles and specific functions assigned upon them, it does play an important role in governance. Being a state executive agent and mediator clearly in the case of

Nagaland their role becomes very significant to analysis the relationship between the traditional institutions and the modern institutions and its larger implication for local governance.

Eldersveld, Jagannadham and Barnabas referred to bureaucrats as 'administrators' serving as intermediaries between citizens and leaders, consumer-producers and planners. On the nature of Indian bureaucracy they have rightly said that "the theory and practice of the Indian Administrative system is still to certain extend a blend of.....the British administrative system and the indigenous system." (ibid 1968: 7)

The modern institutions of Nagaland also show a blend of old and new system. The old system of Goan Bora, Dobashis and District Administration introduced by the British system still continues to co-exist with the modern state machinery. The three systems which acted as the main agents assisting the British in the past gradually attained a prominent role in the administration of the village along with the village Chiefs and Ang. They function within the system of Village Council and over the years even after the British left, they continued to supervise the village. Thus, even the new state government acknowledged their role and formally recognised it to further assist the new state in governance. More details will be discussed later in this chapter.

The Nagas system of governance had undergone many changes over the years. Challenges from the British administration and Christianity paved the way for modern institutions with the introduction of modern education by the American Baptist Missionary, creation of new administrative posts by British and exposure of the Nagas to the outside world during the World War II as British soldiers were some of the crucial forces that laid the foundation for modern institutions.

Lucian Pye wrote, it is of profound significance that the overriding stress in all Western efforts to make traditional societies into nations has been in the sphere of developing administrative capacities, political development meant the suppression of all irrationalities, emotionalisms, wildly contending forces, favour of coldly efficient, intelligent and far sighted management of public affairs. In contrast with the lines above, Naga traditional system of governance by customary law do not necessarily

meant it was based on irrational and emotional decisions, infact they took decisions based on logical and rational reasoning, though to a certain extend it also holds true in Naga context as Western contact with the people have laid the foundation for modern bureaucratic institutions.

An era of new governance system in Nagaland is mark by the advent of statehood. State, here would mean "a sovereign body that claims a monopoly of independent territorial power and means of violence, that inheres in but lies behind the apparatuses or institutions of organised and formal political authority and that is separated from the ruler and the ruled." (Dean 1999: 16) The introduction of state machinery introduced modern institutions namely the legislative, executive and judiciary all of which follow a formal written law. Though traditional institutions continued, it had also undergone tremendous change along the way. The people now have a formal state to be governed for them by themselves. With the introduction of modern institutions the new state has to also recognise and governs the people with a formal legal framework and provisions. Some of the important legal provisions are given below.

Legal Provision for Indigenous People

Legal provisions whether international or national provide a framework for the governing body to attained efficient governance. United Nations Declaration on the Rights of Indigenous Peoples declares, Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures...as well as the right to the restitutions of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs (Article 12). To participate in decision making in matters affecting their rights (Article 18) and the state to consult, cooperate with the indigenous people (Article 19).

Our Indian state has also made some provisions for its indigenous population. Articles 51 of the Indian Constitution oblige, "the state shall endeavour to foster respect for

international law and treaty obligations in the dealings of organised peoples with one another." The Constitutions of India has about 209 articles and 2 Schedule especially for the Schedule Tribe Articles 13 recognises "custom or usages having in the territory of India the force of law." Some basic conditions for their recognition as customary law includes whether it find its source in antiquity, reasonable, consistent with morality and public policy, conformity with statutory law and openly followed by all. Certain religious texts also can be accepted as a source of law. (Bijoy, Shankar and Shamona 2010: 30)

Legislative provisions like Schedule Caste and Schedule Tribe Prevention of Atrocities Act 1989, the S.T and other Traditional Forest Dweller (Recognition of Rights) Act 2006, and the 73th and 74th Amendments (1993) for decentralize governance are especially framed for the welfare of the indigenous people in India. These legislative provisions were framed so as to allow indigenous people to live with dignity and recognised the age old system of local governance of the indigenous people.

There is a need to understand local governance within these legal provisions which are crucial for the discourse of indigenous people right to self governance. However, all these provisions will be futile if the state government and specially the bureaucracy do not implement it in its true spirit. As seen earlier modern institutions such as the bureaucracy plays an important role in executing the policies and attaining its goals. Policy framers should also carefully consider that laws created for the people do not clash with their socio, cultural, economic and its political set up of the tribal people. Laws are frame for the people and the purpose can be attained only when the people can also accept and recognise it.

Before, we move further into the discourse of modern and traditional institutions of governance in new state of Nagaland it becomes important to distinguish between formal and informal law that differentiates modern institutions from traditional institutions. Since rules and regulations whether in modern or traditional institutions are an important component of society as it controls the activities and lives of the people. Here is an illustration given by Nidhi Srivastava to distinguish between the

formal law and customary law. Traditional institutions have unwritten customary laws which distinguish itself from other modern institutions. (Srivastava 2004: 7)

Difference between statutory and customary law

	Statutory law	Customary law
Form	Written thus usually codified	Rarely codified. It is an expression of positive will of the people handed ov from one generation to another
Nature	Uniform	Varies from community to communit and is usually area specific
Extent and Application	Extends to those parts of the country or the state as mentioned in the law	No uniformity and its extent and application are restricted to a smaller field (region or community specific)
Acceptance	Acceptance by the people is not all that important. A handful of people makes laws and makes it applicable Even if the affected people do no willingly accept it still it has a binding effect	Acceptance from the community is of utmost importance as it is their acceptance that makes any customary law binding on the community
Understanding	Often too complicated for the common man to understand	Simple and lucid therefore indigenous people have a better understanding of these
Awareness	Awareness of these laws is usually low especially in remote and underdeveloped areas due to the above mentioned factor	Awareness is high as it is developed by those very people and is specific to the community or locality
Penalty	Uniform for all. Does not take into account the Capacity of the person. This results in inability to pay the fine at times	Less harsh as usually the penalty is determined according to the capacity of the offender thereby ensuring that the fine/ penalty is paid

Enforceability	Any dispute regarding any violation of this law is brought before formal courts or judicial authorities	Any contravention of this law is challenged in the traditional courts. Recognition is given to customary la in some statutes but in case of a conflict between the two, the principl is that any customary law is not to be in derogation of statutory law
Dispute Settlement	Disputes are resolved and decided by the judges of relevant court	Disputes are settled by consensus or majority in the traditional courts or gram sabha

Table 1 shows the difference between statutory and customary law

This table is an illustration of how formal and informal laws are different from each other. Besides, it also reveals the complexity of each system but how both are constructed by the people to govern their lives. It would therefore be prudent to see which can provide substantive justice to the people in reality.

Locating Nagaland

According to Minority Rights International report 2005, there are twenty six countries in Asia which have indigenous populations. Among these indigenous peoples groups some still follow customary laws and in some societies it is dying out. Presently Asia has about 200 million indigenous groups. In this context the map of India stands out, as it has about 84 million making India one of the largest Indigenous home. Moreover, due to persistent demand the Constitution of India clearly safeguards the customary law and practices of state like Mizoram and Nagaland. They are among the few states in the Asian continent that enjoy the privilege of practicing customary laws.

According to the 2001 Census of India, 8.2 % of Indian population belong to the category of Schedule Tribe, of which 86% lives in Central India, 3% belong to the North and South India and the rest of the 11% belong to the North Eastern Indian state. Of these the state of Nagaland has about 87.70% of the tribal population.

(Oommen 2009: 9) Nagaland is an indigenous society practicing customary law along with the formal law. Cobo defines

> "Indigenous communities, peoples and nations are those which, having a historical continuity with pre invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems." (Cobo, 1987: 4)

The case of Nagaland provides an interesting area for those curious to explore the inter-play of formal and informal laws within institutions, it also provides a space to explore contesting area of traditional institutions as carriers of tradition and culture and its relevance in modern context. As modernity brought along a formal system of governance which follows a rigid formal code of law, the structures are made to perform a highly efficiently job. Modern institutions have clear divisions of role and functions and fixed system performed by state machinery for efficient governance. This chapter will be further discuss the implications of introducing formal state in Nagaland and the subsequent changes that was brought along in local governance.

Figure 1 showing the map of Nagaland in India.

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Figure 2 the map showing the 11 districts of Nagaland

Emergence of statehood

The constitution of India Thirteenth Amendment Act of 1962, enacted by the Parliament in the thirteenth year of the republic of India proposed the formation of the state Nagaland also known as the Act no.73 of 1962. On first December 1963, Dr. Radhakrishnan the President of India inaugurated in Kohima the state of Nagaland becoming the sixteen state of Indian Union. Therefore, the year of 1963 was a historic day in the Naga history. B. G. Gokhale also stated that the creation of the new state assures the Nagas of an opportunity to develop in their own way and without violent disturbance to their cultural life, although the transitional period is bound to bring with it numerous problems of adjustment. The handling of these problems will call for vision and skill on the part of the Naga leaders; the success of the new state will depend largely on the degree of confidence that they can inspire among all of the Naga tribes.

The first Governor of Nagaland said that the formation of statehood was a sign on the part of the people to settle down and rebuild their socio-economic life. Nagaland attained statehood in the midst of political unrest, uncertain future and had its own doubts about new institutions of governance. New statehood seemed geared towards modernization to catch up with fast changing world of globalisation. Nevertheless, it also recognised the traditional institution that was to govern as before the internal administration of the village.

Basic facts about Nagaland

The total area of Nagaland is 16,578 sq.kms. Kohima is the capital of Nagaland which is situated 1,444.12 meters above sea level. The biggest village is the Kohima Village which is also the second largest village in Asia. The state is connected with the rest of the country by railway and airway located in Dimapur, the commercial city of Nagaland. The state shares boundary with Myanmar and Arunachal in the East, Assam in the West, Manipur in the South and in the North with Assam and Arunachal.

There are officially sixteen tribes in Nagaland, namely Angami, Ao, Chakhesang, Chang, Khiamniungan, Kuki, Konyak, Kachari, Lotha, Phom, Pochury, Regma, Sumi, Sangtam, Yimchunger and Zeliang. Presently, there are eleven administrative districts in Nagaland as the number increases over the years, Kohima, Mokokchung, Tuensang, Mon, Wokha, Zunheboto, Phek, Dimapur, Longleng, Kiphire and Peren. The official language is English and almost 98% of the people are Christians. List of Administration Headquarter according to Nagaland Basic Facts are Kohima, Mokokchung, Tuensang, Mon, Phek, Wokha, Zuhneboto, Dimapur, Longleng, Kiphire, Peren, Border Magistrates and Commissioners in New Delhi, Kolkata, Guwahati and Shillong.

Some important legislative provisions are Nagaland Village and Area Council Act, 1978 recognised the Village Council for local governance, and this study will be looking at these Acts in detail later as we proceed. The Village Development Model Rules 1980, constituted Village Development Board to facilitate government in

development programmes. Nagaland Communitisation of Public Institutions and Service Act 2002, model allowed community to participation in management and development of public institution has left its imprint in effective and efficient local governance. The state was awarded Nirmal Gram Puraskar in the year 2008. The Nagaland state come under Schedule VI of the Constitution so the provisions of the Panchayat Extension to Scheduled Areas Act (PESA) 1996, does not apply to the state of Nagaland. Instead Article 37I (a) gives special provision that recognised customary laws of the Naga people. In this light, the Nagaland Village and Area Council Act 1978, further provides special right to the customary body i.e. the Village Council for local governance. The following chapter will be an attempt to look in detail at these two important provisions.

Article 371(A)

The Article 371(a) can be considered as a *'landmark provision'* for traditional institutions which recognises customary law of the land and thereby shaping local governance in Nagaland. With the attainment of formal statehood in 1963, the Constitution gave this special provision under Art 371 (a) that allowed and created space for indigenous people to carry on their age old customary traditions and culture. Let's look in some detail at the provisions;

(a) No Act of Parliament in respect of

- Religious or social practices of the Nagas,
- Naga customary law and procedure,
- Administration of civil and criminal justice involving decision according to Naga customary Law,
- Ownership and transfer of land and its resources, shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides;

(b) the Governor of Nagaland shall have special responsibility with respect to law and order in the state of Nagaland as long as in his opinion internal disturbances occurring in the Naga Hills-Tuensang Area immediately before the formation of that state continue therein or in any part thereof and in the discharge of his functions in relation thereto the Governor shall after

consulting the Council of Ministers, exercise his individual judgement as to the action be taken. Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this sub-clause required to act in the exercise of his individual judgement, the Governor shall not be in question on the ground that he ought or ought not to have acted in the exercise of his individual judgement.

M. Hidayatullah an eminent jurist explained the implication of 'not withstanding anything in this constitution' as giving overriding effect to the provisions of Art 371A over the other provisions of the Indian Constitution. Chonchuirinmayo Luthui further critically explained the implication of this article. They are as follows:-

1. The land and its resources belong to the people rather than the state.
2. Recognition of customary law.
3. Criminal and civil disputes can be settled through the Naga customary law in the State court as well as the dispute settlement mechanism/ judiciary system of the community instead of applying the available law.
4. Art 371A also implies fully the significance of traditional institutions which are germane for the continuation of the customary laws, social and cultural practices, decision making process and the general way of life.
5. The Governor is made responsible for law and order undermining the various social institutions of governance. (Luthui 2010: 128)

Over the years there has been a general tendency of overemphasis on the provisions for customary laws and often overlooked clause 371(b) that deals with the Governor's role. The provision of Art371A on the one hand gives statutory power to the traditional institutions on local governance, which is grounded on customary laws. On the other hand, we need to critically look at the role of Governor, who is a representative of the Central government and enjoys almost unlimited power when it comes to determining the affairs of the state. Perhaps one aspect of his power could be the initial political turmoil in Nagaland as the people were demanding independence. However, now due to cease fire the situation of Nagaland is much peaceful and stable. So, there is a need to revive Governors role in determining the affairs of the state and instead there should be a balance between the two institutions as both do have the potential of becoming authoritarian.

Overall, the central theme of Art 371A was the recognition of customary law and the legitimacy of traditional institutions to govern the village. So, the role of the state is to assist and not impose its rule upon the Village Council. The traditional institution, Village Council is given authority over the internal matters of the village which the state government can supervise and can interfere only when the villagers approach and seek opinions from the government.

The Nagaland Village Council Act, 1978

This act can be considered as the legislation that provides the framework for local governance. It was framed in keeping with the spirit of Morung system so that at the village level traditional institutions could follow its customary laws for local governance. The Act has tried not to disturb the age old system of governance. Though there are some new changes that were brought into the structure however effort of this Act was to revive and continue the spirit of the Morung system, the traditional institutions of local governance of the Nagas.

This is an important clause as it captures the traditional institutions of Village Chiefs, G.B's and Angs and incorporates within the modern state machinery. Such traditional institutions were the main agents of governance in the Nagas life, though the post of Goanboras were formed by the Britishers nevertheless they all acted as a village governing agents and through this Act they regained formal recognition to govern in local governance. Therefore, traditional institutions did not die with the advent of modern institutions but got space and platform to evolve themselves. The role of Chiefs and Angs has considerably declined, they continue to exist till date but they do not enjoy the power it had like in the past. Yet, they also continue to influence the affairs of the village as they hold the post of ex-officio in the Village Council.

6. **Qualification for members**: A person shall not be qualified to be chosen as a member of the Village Council unless, he:-
- Is a citizen of India, and
- Has attained the age 25years.

(a) Every Village Council, unless otherwise dissolved by the State Government, shall continue for five years from the date of appointment. Provided that the said period may be extended by the State Government by a Notification in the Gazette for a period not exceeding one year at a time.

(c) All members shall hold office during the life of the Village Council.

- Provided that a member chosen to fill in a casual vacancy shall hold office for the remainder of the term of office of the member whom he replaced.
- Provided further that Village institution which were traditionally established like the '*Putu Menden*' in Ao area and recognised as Village Council shall continue to function as Village Council according to respective customs and usage.

The tenure for the Village Council members is not followed in many villages, except for few villages that regularly change and reshuffle their members. Some outskirt villages who do not have the knowledge of these provisions continue to have almost permanent members in the Council. This has also led to misuse of power on the part of the Council members for their personal gain. The funds for many developmental schemes are hardly used for the village welfare and so the ignorant villagers continue to suffer with no basic infrastructure like hospitals, roads, electricity, drinking water supply, schools and so on.

Bureaucracy also has its loopholes; the office of the D.C is often inaccessible for ordinary villager. The structured system of bureaucracy is often too complicated for an ordinary farmer to seek help for their problems. So, there is a need for a fine check and balance between the Village Council and the Deputy Commissioner as both these institutions have a tendency of misusing their position and thereby neglecting the need for the villagers.

7) Chairman

1) The Village Council will choose a member as Chairman of the Council.

2) During the absence of the Chairman from any sitting of the Village Council a member of the Council nominated by the Chairman shall act as Chairman.

9) Power to remove members

The State Government remove any member of a Village Council from his office on the specific grounds mentioned in Sec9 (a-f) and on the two third recommendation by the member of the Village Council.

The election and power to remove members are implemented successfully in some of the villages very democratically like the case of Kohima Village. But there are some villages where the villagers have no voice in the election of their leaders. As stated above once the Council members become almost permanent members over a period of time they continue to dominant the decision body and hence get re-elected again. Here some leaders are re-elected due to their efficient and excellent contribution towards the society as the condition of the village are better and efficient. However, if corrupt leaders are re-elected the conditions of the village problems remain stagnant or sometimes become worse. Ironically, state agencies continue to overlook many loopholes at the ground level and failed to perform its duty to supervise the village leaders.

Powers and Duties

1. To formulate Village Development Schemes to supervise proper maintenance of water supply, roads, power, forest, education and other welfare activities.
2. To help various governmental agencies in carrying out development works in the village.
3. To take development works on its own initiative or on request by the government.
4. To borrow money from the government, Banks or financial institutions for the application in the development and welfare work of the village and to repay the same with or without interest as the case may be.
5. To apply for and receive grand-in-aid, donations, subsidies from the government or any agencies.

6. To provide security for due repayment of loan received by any permanent resident of the Village from the Government, bank or financial institutions.

7. To lend money from its fund to deserving permanent residents of the village and to obtain repayment thereof with or without interest.

8. To forfeit the security of the individual borrower on his default in repayment of loan advanced to him or on his commission of a breach of any of the terms of loan agreement entered into by him with the council and to dispose of such security by public auction or by private sale.

9. To enter into any loan agreement with the Government Bank and financial institutions or a permanent resident of the village.

10. To realise registration fees for each litigants within its jurisdiction.

11. To raise fund for utility service within the Village by passing a resolution subject to the approval of the State Government.

12. To constitute Village Development Board.

13. Power to act on events of epidemic in term of preventive measure.

These are the powers and duties of the Village Council as given in the Act. The powers and functions of the Village Council clearly indicate that the internal matters of the village were under the power of the Village Council. They are the representatives of the people and so it is assumed that people know what is best for them. They have the power to participate in the formulation of Village Development Schemes which are clearly written. The ground reality shows that they do partake in discussion but hardly in formulating major schemes. The reason being that government schemes are mostly Central schemes and projects which are already being formulated and structured. So, they simply *help various governmental agencies in carrying out development works in the village.*

The Village Council as a carrier of customary law also has lost its power as its role has been reduced though there are provisions for the institutions to still function legitimately yet they cannot function without the assistance and help from the modern state machinery. For many reasons they have specially become economically and politically dependent upon the state government. They depend heavily upon the state, as all development funds comes only through the state and in all the major policy formulations they need state's approval. Unlike in the past where the Council carried

the function of judiciary, legislative and administrative functions they are now reduced to a supplementary body of the state government.

The Village Administration

The Village Council shall be auxiliary to the administration and shall have full powers to deal with internal administration of the village.

a. Maintenance of law and order;

b. In serious cases offenders may be arrested but such persons should be handed over to the nearest Administrative Officer or Police Station without un-due delay;

c. To report the nearest Administrative Officer occurrence of any un-natural death or serious accident;

d. To inform the presence of strangers, vagabonds or suspects to the nearest Administrative Officer or Police Station;

e. To enforce orders passed by the competent authority on the village as a whole;

f. To report outbreak of epidemics to the nearest Administrative Officer or Medical Officer;

g. No transfer of immovable property shall be effected without the consent of the Village Council. Written record of this shall be maintained by the Village Council.

The statement above which says '*Village Council shall be auxiliary to the administration*' has made the traditional institutions a part of modern institutions however as a secondary and support system for the modern state. As stated earlier in olden days the legislative, judiciary and administrative role was all under the head of the Village Council however now with the advent of statehood this institutions have undergone tremendous change.

The role of Village Council now mostly serves as a support system for the developmental state. The declining power of the Village Council was also evident when one of the ex chairmen of the Village Council said that the most important need for effective governance is division of power at the higher level to local level. According to him, the state enjoys more power in practice when it comes to local

governance as main policy decisions are often taken at the higher levels and the Council are left as an implementers but he argues that local needs are better understood by local leaders.

The Act does make provision for the villager to participate in formulating schemes and projects that will eventually affect them. However, since most of the schemes are Central schemes they hardly have any voice in it. Even the system of planning clearly reflects a top down process. Though the Councils do gives suggestions to the government through the office of Deputy Commissioner it often takes long time for implementation.

The term 'administrative officer' here refers to the Deputy Commissioner's office as he is in charge of the district headquarter. The Act makes the Deputy Commissioner post a powerful position. Therefore, role and functions of D.C should also be critically seen as he is the main agent of the state in relation to the various districts and villages blocks of governance. Over the years the role of D.C has become more prominent for the Village Council in local governance. Misuse and abuse of power by the D.C can lead to a real threat to local governance. So, there should also be a system of checks and balance to keep the any office of modern institutions accountable to traditional institutions

The era of new governance system in Nagaland is marked by the advent of statehood. Since then there has been a tremendous change in the discourse of local governance in Nagaland. The age old social practices like the 'feast of merit' and the traditional institutions like the Morung and Dormitory system did not survive after the new state came into being. However, traditional bodies like the Village Council continued to survive one of the reasons for this being the three administrative bodies introduced by the British namely i.e. the Goan Boras, Dobashis and District Administrator which supervised the British Raj. These were formally recognised again by the new state to carry on the administration of the village as before. So, traditional institutions still continued to play an important role along with modern state institutions in local governance.

Significant legal provisions like Art 371 (A) of Indian Constitutions also recognised customary laws and traditional institutions of Nagas to govern its people without

much interference from the state or central government. Another important provision is the Nagaland Village Council Act, 1978 which provided the framework for local governance by recognising the significance of Village Councils in local governance, the traditional leaders of the villages still practice the customary laws and have full rights to govern the internal matters of the village by the villagers themselves with elected council members from time to time. However at the same time there are equally strong legal provisions given to D.C which deals directly with the Village Council. Therefore, legal provisions should be seen in the light of both these two institutions. There should be fine balance between the two institutions and act as a check and balance for each other.

Traditional institutions do co-exists with the modern institutions yet there is a tendency on the part of modern institutions to overpower the traditional institutions. Over the years the Village Council is increasingly becoming dependent upon the state for its economic needs. There is also an uneven growth of development in Nagaland; some of the villages have all the basic needs while some villages still do not have proper road connection, electricity and basic health care etc. This could be attributed to many critical reasons one critical reason is the lack of checks and balances from both these institutions in village governance.

Thus, Nagaland today reflects a blend of tradition and modernity in the context of local governance in Nagaland. The synergy between the two institutions seems to provide a scope for local governance to be more accountable, efficient and effective. However, there are continues critical issues that these institutions face everyday and complex issues due to various pressure influencing their course of direction. There is a need to be critical of each institution as when given more power over another it has the potential of misusing their power for personal gain or sometimes for their tribe only. The strong links with family, clan and tribal units have often been overlooked in governance studies but in a tribal society they play a very significant role in changing the course of governance. This strong community bond has the potential of either strengthening or harming the flow of smooth governance. With the modern state come complex issues of governance. Local governance should aim at providing a substantive quality of life to its members where institutions play an important role in fulfilling the aims and aspirations of the people.

Chapter 3

Fieldwork Report on Nagaland

In this chapter the attempt would be to highlight the findings of my fieldwork in Kohima Village in Nagaland and some specific reasons on why I choose to conduct my fieldwork there. The chapter will give an account of the fieldwork focusing on the relationship between the traditional and modern institutions of local governance in Nagaland, simultaneously analysing the theory and practice of the mode of governance adopted by traditional and modern institutions. This analysis will be done through the questionnaires that were used as a research tool. Besides, the analysis will also draw upon informal interactions with citizens, government documents and some related materials collected during the fieldtrip. Thus, in this chapter there will be a comparative analysis on how traditional and modern institutions face the challenges of local governance. In particular the case of Kohima Village will be studied to assess whether they enhance or undermine each other's role in local governance.

Fieldwork location

The fieldwork was conducted in the month of April 2011, in Kohima. One of the initial challenges was to obtain an appointment with the government officials. By contrast it was easier for appointments with the members of the Village Council and ordinary citizens. This only reflected the rigid bureaucratic system of the formal system and its restrictiveness in creating space for the public. On the other hand the traditional Village Council members open their homes to various people, which reflected the willingness on the part of the representative to listen and answer the queries of the public. With this brief introduction of initial impressions here are some basic facts about Kohima, Nagaland.

The fieldwork area for modern institutions was conducted in Kohima town. Kohima is the capital of Nagaland; with an area of 3114 sq.km. It is situated 1,444.12 metres above sea level. According to 2011 census, the density of population is 213 per sq.km. The sex ratio is 927 female to 1000 male. The literacy rate is 85.58% with

English as the official language. Kohima is originally an Angami village, but now since its inception as the capital of the state, it is inhabited by various people and now it is a home for many people coming from different places and living in harmony as there are no major cases of communal violence though it is inhabited by various tribes.

My fieldwork area for traditional institutions was conducted in Kohima Village which is situated in the northern part of Kohima town within the capital. It is also the second largest village in Asia and is inhabited by the Angami tribe. This village has suitably adapted to rapid changes over the past few decades. Being in the midst of modern institutions and rapid economic development, the village is more like a mini town than a village. In terms of basic needs the village has a good record since it has good road connections, average water and electricity supply.

To have a clearer understanding of how traditional and modern institutions function I will be particularly focusing on the city of Kohima the capital of Nagaland and Kohima Village (Bora Basti) for my fieldwork. The reason behind the selection of these places on one hand is because in Kohima, all major governmental activities take place. In other words it is the heart of modern institutions where major decision making processes on governance are taken. On the other hand, the Kohima Village is well known for its strong traditional body of governance. Geographically, the village is located within the capital which adds an advantage as traditional and modern institutions of local governance work in parallel. Therefore, the fieldwork is an attempt to explore further this relationship as they work for local governance.

Village Administration

Kohima village administration is based on Khel system. Khel is a local name for colony. In the past Kohima had seven Khels but at present it is divided into four Khels or colonies, namely Tsütuonuomia Khel, Lhisemia Khel, Dapfütsumia Khel and Pfuchatsumia Khel. They are generally known as T.Khel, L.Khel, D.Khel and P.Khel. The largest Khel is the L.Khel comprising of about 5000 population while others Khels ranges between 3000-5000. Each of these Khels sends their most able men for the highest post in the village i.e. Chairman of Village Council. One of the interesting

features of this village administration is that these four Khels agree and take turns to hold the post of the Chairmen unless the person is efficient, in which case he gets re-elected, which happens rarely. For the most part after every five a year new Village Council is elected and the Chairmanship moves on the basis of rotation.

According to the provisions of Art 371(A), these Village Councils came to be formally recognised with the advent of statehood, which continues to govern the village with its customary laws. Nevertheless the democratic system of governance existed from the past, as earlier anthropologists and historians like J.H. Hutton writing on the republic and democratic system of the Angami tribe, have showed the elections of the council members were done through general consensus and the Village Council as a traditional institution looked after the internal affairs of the village.
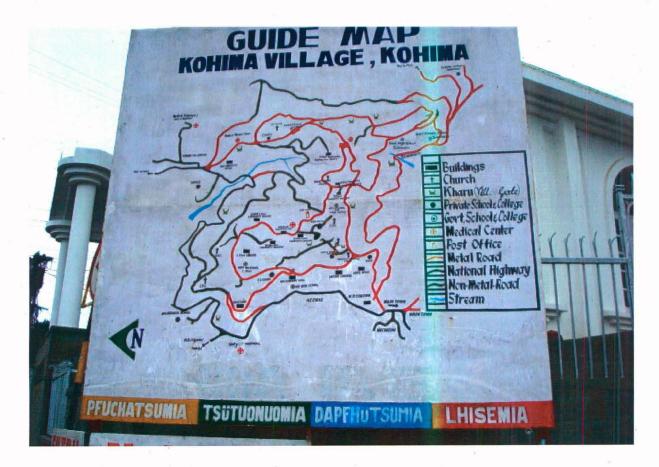

Figure 4 the photo is a signboard showing map of the Kohima Village.

Figure 5 this picture shows a road widening constructed under NREGA project, 2009-2010.

The Administrative Structures of the Kohima Village are as follows, all the four Khels have their smaller version of these administrative structures except the Kohima Village Council and Kohima Village Gazette Officers Association (K.V.G.O.A.) the following administrative structures of governance is for the whole village.

1. Kohima Village Council (KVC)
2. Kohima Village Gazette Officers Association (K.V.G.O.A)
3. Kohima Village Youth Organisation (KVYO)
4. Kohima Village Sports Association (KVSA)
5. Kewhimiatfü Krotho (KMK)
6. Kohima Village Student union (KVSU)
7. Kewhimiatfü Zaditfu Krotho (KZK)

The Kohima Village Council (KVC): The Kohima Village Council is the highest apex body of the village; it has chairman and executive members with proper representation of all the four Khels. They represent the highest body of governance in the village. The rest of the six bodies have their representatives in the Village Council. The role and functions of the Village Council have not changed much, though the power of this traditional body has declined over the past few decades. It

function as an administrative, judicial and legislative body within the village, unless in major cases it is handed over to the Deputy Commissioner's office. They look after the welfare of the entire village. The Chairman act as a nominal head over the Council, every decision are taken only after consulting the Council members, agendas are discussed and debated before arriving at final decisions which are made through consensus system. The Village Council takes decisions and responsibility as a team and so the role of Chairman becomes nominal. Moreover since the chairmanship is based on rotation bases a fine balance of power is maintained.

Kohima Village Gazette Officers Association (K.V.G.O.A): The KVGOA members are all gazetted officers and permanent residents of the village serving in government offices. They assist the Council by keeping the Council aware of any governmental schemes and projects. It is their role to explain and assist any official procedures for applying loans or availing projects. They mainly act as an advisors and consultants for the Village Council. There are two implications we can draw from this association. Firstly, this association is a sign of synthesis between the modernity and tradition since the members of this association are government official in modern institutions, who are also active members of the traditional village council. Secondly, the importance of creating public awareness among the villagers can make a difference in governance, especially as many interior villages are suffering so much mostly due to ignorance. Thus, empowering the villagers through knowledge is a powerful tool for effective local governance.

Kohima Village Youth Organisation (KVYO): This youth organisation is considered as the 'backbone' of the Village Council as it executes all the decisions that the Council passes. According to fieldwork interviews, the main function of the KVYO is to assist the Village Council in maintaining law and order. These are strong youth bodies that take actions and stop anti-social elements in the village, strongly raise their opinion concerning matters of public welfare, and often give press releases against large amounts of deforestation for construction purposes the misuses of public properties, etc. They actively assist the state by, for assistance helping traffic police as there are serious issues of traffic jams in Kohima, and also give suggestions to the government concerning traffic rules.

Kohima Village Sports Association (KVSA): KVSA is considered as the second oldest sport association in India. The history of this organisation shows how sport as an art was used by the leaders in earlier days to unite the people coming from different places to settle in Kohima. The tradition is kept alive as they continue to organise annual sports meets where members of different Khels come to participate, compete in various games and eventually strengthen their bonds with each other.

Kewhimiatfü Krotho (KMK): Kewhimiatfü Krotho is a women's organisation. One of the main tasks of this organisation is to maintain unity in the village, since there is a very strong Khelism in the village which according to them can interrupt the smooth governance of the village. Khelism according to them has a potential of dividing the villagers and without strong public unity it becomes difficult to keep a check on the leaders as well as to organise any developmental works for the village. So, the organisation plays a crucial role in uniting people's indifference for the common good. Besides they also play other important role such as providing special care for the elderly people in the village, providing assistance in empowering women to be self sufficient by teaching various vocational skills like weaving, piggery farming etc. They also participate in all the important decisions concerning village administration. The women folk also said when interviewed that there are no signs of suppressive attitudes or actions from the men folk in governance.

Kohima Village Student Union (KVSU): Kohima Village Student Union is an organisation comprising of the students only. This role and functions vary over a wide range of activities specific to student's welfare, from organising student conventions and other educational seminars, doing social work in the village. Their role in local governance is that this body acts as an executive body, whatever decisions the Village Council takes will ultimately be executed by this body as well. For example they organised social work during festivals, work for road widening projects etc

Kewhimiatfü Zhavipfüko Krotho (KZK): Kewhimiatfü Zhavipfüko Krotho is another women's organisation, but here a person becomes a member of this body only when she passes matriculation. Unlike the KMK women organisation which is open to all the women, this organisation is open only to those who have crosses class ten. According to them, this organisation was formed to encourage women to pursue education as education is still considered a noble pursued. This body has an important

role to play as their role is to preserve the culture and tradition of the community. They learn and perform folk songs and dances during festivals. Festivals are an integral part of a village life because it does not only conserve the tradition and culture of the people but strengthens their social life as well especially during festivals when they forgive enemies, renew friendships and thereby strengthen bonds among the villagers. Thus, it is interesting to see how social events like festivals can also contribute to smooth governance of the village. Therefore, there is a need to have a healthy platform for social interaction which eventually obliges members of the community to be accountable to each other.

These seven bodies are the main administrative bodies of the village; each has their specific roles and functions in local governance and they are inter-dependent and work for the common good of the village. Some aspects of Naga village life, like the morung and dormitory system are nonexistent today, however the spirit of morung and dormitory system are still kept alive within the village through these administrative systems of systematic work distribution among the members as mentioned above.

The Village Development Board is another important branch of the Village Council; the provision declares that any permanent member of the village can become a member of this board. Here there is an overlapping of memberships in the VDB, besides the V.C members, there are women's representatives from KMK and KVGOA who are members of the VDB. The tenure of the board is for three years. The VDB along with the Village Council and its other member boards formulates schemes, programmes of action for the development and progress of the Village as a whole or group of individuals in the village, either using the village community or other funds. The D.C/ A.D.C are entitled to be an ex-officio Chairman of the VDB in their respective districts.

The Village Council as a traditional institution still follows the customary laws and administers the village but is heavily dependent upon the D.C as the head of the modern state institution. The villages have undergone tremendous change over the past few decades. However, the Village Councils have continued to efficiently adapt and face the challenges posed by the new changes around them.

Control of the Village Council

The traditional institutions are heavily dependent on the modern state institutions for local governance which are reflected in the legal provisions. Here are some highlights of such provisions. The Nagaland Village and Area Council Act 1978, clause 22 ,clearly states that the Village Council is 'subject to the general superintendence of the State Government under the Deputy Commissioner/Additional Deputy Commissioner or/ Sub-Divisional Officer (Civil) in-charge of the Sub-Division, Extra Assistant Commissioner or circle Officer shall have control over all the Village Councils within his jurisdiction'[8]. So, even with the recognition of traditional bodies in Art 371 (A) when it comes to the legal provisions for village governance it had made traditional institutions only a subsidiary body in relation to modern institutions for governance.

Clause 54(1) also states that on receipt of a report from the Deputy Commissioner of the District or if he is satisfied that a situation has arisen in which Village Councils cannot function in accordance with the provisions of the Nagaland Village Council Act, the State Government may order the Council to dissolve immediately.

In 1980 the state constituted a Management Committee for the VDBs which are entrusted with the management of the VDB and the funds of the VDB. The provision states that 'no Village Council Chairman or Head G.B or Village Administration Head, etc shall be permitted to hold the post of the VDB Management Committee. Besides, the State Government also constitutes a State Level Advisory Board every three years to review the working of the Village Council, and advice the government about allotment of funds and other duties as may be required by the State Government.

Thus, basically the role of the Village Council is heavily dependent upon the D.C's office. From the approval of the newly elected members of the Village Council to implementation of various schemes, the D.C is consulted and informed of all the activities of the Village Council, so the power of the D.C prevails over the traditional bodies. The legal provisions also highlight the dominant feature of the D.C over the Village Council. Careful attempt have been made to keep a check on the traditional

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[8] See Manuel of Rural Development Department, Nagaland: Kohima, Directorate of Rural Development Nagaland, Kohima, 2009, p.10.

institutions, though it is not guaranteed that the Council will be accountable to the people. Moreover, there are no provisions on the part of the Council to keep a check on the modern institutions.

So, this analysis of the legal provisions suggests the implication that on the one hand modern institutions, through bureaucrats like the D.C control the Village Councils which do not enjoy the same power in local governance, and on the other hand there is a lack of checks and balances between the two institutions. Modern institutions clearly check the traditional institutions armed with all the legal provisions available; however there is no provision for the Village Council to check the modern institutions. This might be one of the reasons why slowly over the years the bureaucracy is becoming more powerful and unreachable for the common citizen.

For this fieldwork research a set of questionnaires were made respectively for the Village Council, state officials and the general public. All the questions were open ended question aimed at getting maximum inputs from the respondents. The questionnaires for the fieldwork are given below,

Respondents from the Village Councils and other Board members

The questionnaires were administered on the Village Council and other member bodies; interviews were conducted with the Presidents of six administrative structures except the Student's Union President. The interviewers also included an Ex. Chairman, who was re-elected twice as a Chairman of the Village Council, a rare case within a rotation based system.

There are no definite reasons why traditional institutions were formally recognised, most of the respondents said that the state recognised the importance of culture and tradition because it was embedded in the Naga village life. Moreover laws have to be framed within the context of the people so traditional institutions were formally recognised to carry on the customary law for local governance.

The election of leaders in the traditional institutions is done through consensus, according to them the system of election are democratic as every Khel has a proper representation in the Village Council, besides the post of the Chairmen are held on rotation basis among the Khel every after five years. The Village Council and its

administrative bodies have a specific role and function for every member of the village and women and elders all have a role to play in village governance. Here it is important to note that the members of the Council identity themselves as a member of the village through the V.C as it is the carrier of their tradition and culture.

The Village Council still controls the internal affairs of the village; it still functions as a legislative, judicial and executive body of governance. However, according to most of the leaders, though the functions of the Village Council remains the same its power has declined rapidly unlike in the past where they functioned independently were not dependent on any higher institutions, but directly accountable to the villagers only. Here the introduction of modern state machinery has diverted the accountability of the Village Council from the people to state bureaucracy. This is a critical line of diversion as institutions should be accountable to the people which is the essence of effective local governance.

On the issue of what traditional institutions do that modern institutions of governance cannot, most of the responses were directed towards the efficiency of the V.C in comparison with the modern institutions. Not only were they efficient but traditional institutions are rooted in the history of the people. In case of conflicts, unlike the formal courts which take longer and lengthy formalities, the customary court solves disputes more efficiently for simple villages to understand and also get speedy justice.

On the issue of conflict areas between the two institutions this still seems blurred, yet some responses pointed towards land disputes and the system of justice. At times some individuals approach the formal court of law and the other party approaches the customary party, and such incidents have often created a clash between the two institutions. For examples there was one such incident between a divorced couples over property rights for the ex-wife, one party approached the formal court and the other the Village Council. However, eventually the case was handed over to the Village Council, which accordingly decided that the ex-wife was rightful owner of the husband property and gave some property to her wife. This is an example of how Village Council has adapted its customary laws according to the needs of the people and gives justice to the people.

Traditional institutions such as the Village Council do not directly take part in the decision making processes of the state. When it comes to developmental schemes and

projects it is the Village Development Board which formulates schemes that are eventually implemented upon the village once it gets approved from the State government.

On the issue of whether state officials are implementing the developmental policies diligently, views differ as some are quite satisfied with the state officials especially with the success of the NREGA performance (National Rural Employment Guarantee Act), however there are also some leaders who are very critical of the officials, the reason being that the state often does not address the demands of the people on time. The state officials are often beyond the other side of the wall, with its formal specialised structures seems to become more distant and rigid failing to understand the ground realities of local governance.

Since most of the governmental schemes are central schemes, it is the state that mostly identifies the beneficiaries of the schemes and so the Village Council only executes the schemes in the village. This system of planning is a top down approach, and there is a need to rethink how to inculcate a bottom up approach in our planning system. Over the years there has been an increasing realization among the policy framers that policies should be framed keeping in mind the cultural specificity of the people.

The Deputy Commissioner acts as the main mediator between the Village Council and the State government. So, his position becomes extremely crucial for determining the course of any decision concerning local governance. In the earlier part of this chapter we have seen how various legal provisions have given the D.C with more power to control the Village Council. Thus, there is a need to keep a fine check and balance within the V.C and the D.C, without which there is a potential threat of misusing power by either body, so both these institutions should keep a check on each other and work hand in hand for the welfare of the people.

It is through the Deputy Commissioner that the Village Council interacts with the State government since it is considered as a branch of the government. There are no limitations and strict conditions for the V.C to meet the D.C, the official members of the V.C said that they can interact with the state officials as and when the need arises. This indicates efforts on the part of the D.C to be open and attentive to the needs of the V.C. though some members said that despite the no restriction policy of the D.C's

office it often takes long time for the state to act on the suggestions and address the grievances of the villagers. Yet all of them commented that the relationship between the two institutions was cordial and friendly.

The members of the Village Council and other administrative bodies' views focused on the urgent needs of the village; some of them talk about the need for a primary health centre, problem of unemployment among the youth, to widen the narrow roads, while others suggested the need to identify poor people in the village and provide sanitary facilities like construction of toilet for households who cannot afford it. The village seems to be quite self sufficient despite all this needs when compared with other villages especially in the interior.

On the issues of recommendation for improving local governance, the responses were as follows. One suggestion was to minimise the creation of many bodies for local governance. According to this respondent, the creation of many bodies will only create more problems especially in fund distribution as more bodies implies more division of development funds. Another suggested that there should be more division of powers between the modern and traditional institutions, because to him the Village Council often faced many limitations dealing with administrative issues due to its heavy dependence upon the state government. So, in theory Village Councils as traditional institutions seem to enjoy power for local governance, however in practice they functions as a subordinate branch of the State government.

Most respondent suggested the need to do an in-depth research on the importance of cultural, traditions in relation to religion and governance. There was a concern also with the problem of the state's educational system, suggesting the need to reform the educational system which is very rigid, outdated and not aligned with the changing needs of the people. Besides most of the elders felt that the younger generations needs to revive the rich history of the people by inculcating the cultural values of living that have sustained a democratic institutions in which individuals enjoy enough space, while at the same mean time the common good hold sway over the people allowing body like the Village Council to democratically function for all these years.

Responses of the state officials

The questionnaire for the state officials was administered to among the staff working in the D.C Office, Kohima. Since the D.C's office is the mediator between the Village Council and the State government the research was conducted randomly among the staff members. The following are the general responses,

The functions and structure of the modern institutions in local governance is that the State Government under the Deputy Commissioner, Additional Deputy Commissioner, Extra Assistant Commissioner or circle Officer shall have control over all the Village Councils within his jurisdiction. So, modern institutions are structured in a manner that controls and supervised the activities of the Village Council through its bureaucratic machinery.

Some major area of changes in governance that they generally noticed was the impressive role of V.C in village governance and its becoming prominent among the people, adapted with to general needs of the people over the years. However, at the same time there were also instances of misuse of power by the Village Council members. Some further changes in local governance were the introduction of Village Development Board, and the Communitization project which according to most of them have transformed the village through effective local governance.

The citizens play an important role, the respondents consider citizens as an integral part of society and therefore active participation on the part of citizens as mandatory for the success of any democracy.

The Village Council and the VDB were seen as legitimate institutions of local governance by the officials who said that the role of these institutions is crucial for local governance since they reside in the midst of the village, and are elected by the people to represent and govern the village. Besides, they are simple, flexible, effective, trustworthy and efficient. So, even today with the modern state machinery they all recognised the continuing relevance of traditional institutions.

The areas of conflict between the two institutions seem very blurred as both the institutions constantly interact to discuss issues of governance. There are a few instances of land disputes which brought these institutions together but there were no major clashes or disagreements I have already given some examples before so we will not elaborate the details here.

On the issue of whether the Village Council used developmental funds properly, there were two answers some officials felt that they invested it properly and the other group was critical of the V.C which had gained so much power for the years and could often misuse the fund for personal gain.

The state machinery keeps a check on the functions of the Village Council, through the supervision of the Deputy Commissioner, Additional Deputy Commissioner, Extra Assistant Commissioner or Circle Officer. Besides this the State government also watches over the Village Development Board by constituting a Management Committee.

It is the task of the Village Development Board to explain the various governmental schemes to the village people. Here even the Kohima Village Gazette Officers Association assist the government and they work hand in hand to dispel information to the villagers. This is true for the Kohima Village, but in many other villages the VDB's role is minimal as they do not stay in the harsh village conditions and mostly stay in the comfort of town and cities. Thus, it is the role of VDB to give this information and if they fail the villagers continue to live in ignorance and lose out their rights to receive governmental schemes for them.

It is only through the office of the Deputy Commissioner that the Village Council gives their feedback, grievances, raise doubts and questions concerning the welfare of the village. Sometimes it is a big problem for the V.C as the D.C's office is located far away from the village, so it becomes an expensive affair. Besides, most of the time the State government is least bother about their demands and so many villages are bearing the blunt of this neglect by modern institutions and this is worst if traditional institutions are corrupt.

As for recommendations on improving local governance, most of them suggested the need to reform the Village Councils as many of the members are misusing the money for developmental funds. Over the years there has been a huge flow of money to these villages for development and yet in many villages there still is a struggle for basic needs. Therefore one of the suggestions was to keep a constant check on the V.C so that the funds are been implemental properly used.

An additional suggestion for improving the modern institutions to enhance local governance was the setting up of Committees that would look into the functioning of the V.C from time to time so that efficiency and accountability of the V.C can be attained. However, this is a critical point since ground reality seems to reveal that accountability from the modern institutions is more at stake so there should be checks and balances from both these institutions to maintain a fine balance.

Responses from the General Public

For this research, responses from the general public are as a crucial component for analysing the traditional and modern institutions of local governance. Since institutions are framed for the people the attempt would be to see how these institutions have addressed the issues of the people. Have modern institutions fulfilled their promise as a welfare state? So traditional institutions truly represent the aspirations of the people by preserving the age old customary laws for governance?

All the respondents said that traditional institutions are very important for local governance as they identify themselves with this body and see it as representative of the village and its unique cultural identify distinct from other tribes and other state machinery. The villagers were more comfortable with the traditional institutions; according to them the system is simple, easily assessible, reliable and helpful unlike the modern institutions which have technical formalities, rigid and complex for the villagers.

On their opinion about modern institutions, some of them said it is equally important for the role it plays in local governance. However, some were very critical of the modern institutions as they feel that the Village Council can administer the village efficiently without the assistance of the state machinery like the D.C. This strong opinion assessing the V.C's ability to govern the village effectively seems to reveal

the inefficiency of the modern institutions in bringing positive changes in local governance. People consider that state machineries only hinder the V.C from functioning independently, since the people considers the V.C's playing a more active role looking after the welfare of the village and the state government failing to address the problems of the villagers.

In case of any conflict, it is always the Village Council whom the people approach and only when the issue of the case is heavy it is handed over to the police or the D.C for further action. Otherwise all the people approach the V.C because they said that unlike the formal court system which is an alien system for most of them, the V.C justice system based on customary laws is simple, faster, and cheaper and gives good logical results in solving conflict cases. Till now, all the villagers seem quite satisfied with the customary court and are happy with the judgement the court had made over the years. The customary court is flexible and adapts itself with the changing times; they meet immediately if some case arises and after detailed inquiry they give judgement through consensus. One significant thing about this justice system is their ability to not only deliver judgement but the way they maintain a balance for justice and fairness for both the parties.

All respondents said it should be the Village Council that should be vested with formal power to address conflict issues, given a choice between the police, court and V.C. The reasons were as discussed above. For the villagers, modern institutional bodies were rigid with technical formalities, expensive, time consuming, unreliable and still quite alien for most of them. Thus, modern institutions still need to fit into the society; however people staying in towns away from their villages nowadays especially the younger generation approach the court instead of the V.C. So, both the traditional and modern institutions are going through continuous changes the point however should be to see whether they meet the needs of the people and deliver justice.

The villagers approach the Village Development Board for inquiries or problems concerning governmental schemes and projects. Here there was a huge gap between respondents of the Kohima Village with other villagers who were from interior villages. Majority of the respondents from the Kohima Village approach the VDB for developmental schemes and loans, however most of the people coming from interior

villages were confused about the role of the V.C and the V.D.B and so did not know whom to approach for availing developmental schemes. This is a critical area for local governance as points to the fact that education is a powerful tool for villagers, an educated villager can read and understand the different roles and functions of the governing bodies even if they are not informed. Again, there is a need for the V.C to play a crucial role in dispensing information about governmental schemes to the villagers. However, there are some corrupt V.Cs that do not give information to the villagers and misuse their power. Thus, even V.C has the potential to be misused and abused if the villagers are ignorant.

In the case of the Village Council in Kohima Village, the role of political parties influencing the decision making seems almost nonexistent. The villager have maintained a strong stand against political parties to influence their decision, this may be the reasons why the Kohima Village Council enjoys so much power within the jurisdiction and has earned a name of being a strong village with an excellent traditional institution. On the other hand, in many small villages, political parties play a significant role in influencing the decision of the village though mostly a negative influence. They often bribed the V.C's members especially during elections. The villagers are seen as a vote bank, which gets official visits only before and during elections, this has made the condition of the villagers more vulnerable and eventually the V.C fails to perform its duties and lives at the mercy of the political parties. The political parties have the potential of bringing positive change in the village; there is a need to revive the idea of elected representative because they are elected for the people by the people and therefore should be accountable to the people.

On whether or not the V.C and other related bodies are using their power for public welfare, the respondents from the Kohima Village said the Village Council is using its power for the welfare of the people. They are happy with the present state of the V.C and their leaders. However, respondents coming from the distant villages were very critical of the V.C's some of them were caught misusing their power by the villagers. Some also observed that after the communitization project the V.C have got more power and this has resulted in some misuse of powers. So V.C as a body has to be accountable to the people and the people should also check the V.C, the demand for more power can either be very good and bad it which depends on the leadership within the V.C to either be efficient and work for the public welfare or can be for

individual gain. So, here public awareness is very necessary to keep the V.C members in check.

On the issue of whether the state government is using its power for the welfare of the people, most of the respondents said that despite efforts from the state it has failed to meet the welfare of the people. Most of the villagers feel that in comparison with the Village Council, the modern state machinery had failed to meet the needs of the people. Besides, the V.C with its limitations provides a better platform for the villagers to participate in the decision making process. It also allows them to exercise their rights as a citizen to raise questions and doubts in the meetings. So, the V.C with the system of consensus decision making process allows citizens a better platform to exercise their rights.

The villager respondent that the V.C is more accountable in public welfare than the modern state institutions, they gave examples of the Village Council who took upon the task of widening the road, a project where even on repeated appeal by the villagers the state failed to address the issue. Another example is the role of the Village Council that controls and checks the illegal immigrant into the villages. These are some problems which the Councils have effectively tackled in local governance. Thus, villagers look upon the V.C as more accountable body in comparison with the state government.

For the urgent needs of the village, respondents of Kohima Village and other village respondents were quite similar. Some of the most urgent needs of the village according to the respondents from Kohima Village were mainly water and electricity supply, few of them also pointed out the need for road widening and a primary health centre. Respondents from other villages on their urgent needs were similar, water, electricity, road connections. However, unlike Kohima Village which is well connected with the town, for other villages who do not have proper roads have to walk on foot for days to buy necessary things, besides supply of ration food for the villagers since officers in charge often misused it for his personal gain, operational health centre and schools because most of the villages do not have staffs to run it. So, these were some urgent needs of the villagers and government have to play an important role in providing these needs, since it is beyond the power of the V.C but

once they are implemented it is the duty of the V.C to supervise and see that they run in good conditions.

To improve local governance, the respondents wanted more decentralization of power in local governance. Besides, some suggested that the Village Council should continue to support the cause of the common man and work for the public welfare since they said that the government hardly cares. Thus, success of local governance was seen only in the light of the Village Council as a representative of the people. This is a critical area to consider since there are modern institutions which plays an equally important role in local governance, however the villagers seems to recognised the V.C. as an important component of local governance. This leads to the conclusion that Village Councils as traditional institutions are actively playing an important role in local governance at the same time as tradition and culture are also evolving and adapting to new changes.

As for areas which need research, many respondents suggested the need to study the inter-relationship of culture and tradition with local governance. This was brought up by many of the respondents in the discussion and one of the reasons was the fear that older generations have of younger generations who are confused and failing to recognised the importance of culture and traditions. The older generations said that they are proud of their culture and express their concern to preserve this tradition of self governance which has continued to provide stable livelihoods for the community so most of them felt that there should be in-depth research on how the people managed to carry on their traditional system to govern themselves. There were some who expressed their desire to understand the concept of culture and traditions; also some suggested the need to study the dilemmas of modern civilizations and traditional system of conserving environments etc. these suggested research areas can be studied by researchers who are interested to further explore the dynamic of the Naga society.

Thus, in this chapter a report on the fieldtrip conducted in Kohima and the adjoining Kohima Village, I have tried to analyse the dynamics of local governance in Nagaland by comparing the legal provisions and see the course of actual implementations on the ground. By which the aim of the research was to further explore the tensions and various factors that either led to enhancement or decrease of efficient governance and see how traditional and modern institutions together or alone could effectively bring

welfare for the people. Fieldwork report seems to point out the fact that traditional institutions like the V.C are playing an important role in local governance, though modern institutions like the D.C also do hold a significant role to play. Yet it is clear from the report that both these institutions have a potential of misusing its power, so there needs to be a proper checks and balances.

Empirical data also indicates citizen's role as a decision making body are becoming weakened, the reason being that policies which affects their lives like major development project are purely a top down approach it hardly leaves any option for the people to partake in planning and increasingly there is a tendency of policy framers to look at citizens as an executers and seen as an object to fit in to the various criteria of structural planning.

There are also overlapping membership within the Village Council and the VDB's, this however do not seem to pose a threat to the local governance and infact further enhance smooth governance. Perhaps the VDB is one such body which has both the state official's representative like the D.C and the Village Council members like the KMK and KVGOA and due to this balance blending the villager are well informed and can avail governmental schemes. This supports my argument that there is a need for a fine balance between the two institutions for moving in a direction that aims at governance for the better.

Conclusion

This study has discussed the various dynamics and overlapping issues of local governance in Nagaland and this concluding chapter is based on the findings of all the previous chapters. In the chapters discussed earlier, an attempt was first made to broadly explore the theoretical literatures available on democratic decentralization and writings on traditional and modern institutions of local governance eventually narrowing it down to an understanding of local governance in Nagaland. Fieldwork research was conducted in Kohima town and Kohima Village known as Bora Basti to further do a comparative analysis on the theory and practice of local governance.

Over the years there has been a gap in understanding the dynamics and overlapping issues between the traditional and modern institutions and their implications for local governance. So, in this study, I have tried to make an attempt to understand this relationship so as to further understand the dynamics of governance. Democratic decentralization is increasingly seen as an important tool for empowering the people to govern themselves which is why the dissertation was framed to better understand the implications of decentralization for effective local governance.

To have a clearer understanding of traditional institutions, an attempt was made to get a glimpse of the traditional Naga village life in the past. In olden days, Naga lives revolved around the village only; family ties, clan and village were the main source of the Naga identity and therefore traditional institutions as a guardian of culture and tradition played a very significant role in village governance.

Major social events like the 'feast of merits' given by rich men directly earned them higher status in the village governing body. The Village Council along with the Angs or Chiefs was the main apex body of traditional institutions which acted as the administrators, judicial and legislative body in the village. The institution of 'Morung and Dormitory' was the centre of local governance for the Nagas. It was a centre for art and learning, it also acted as the court and parliament, for all major decisions of the village was taken in the Morung every villager had specific roles and functions in the morung. Compared with men, women did not enjoy equal rights in decision making, though the Nagas had smooth local governance as decisions was based on consensus, discussions among the villagers and the Village Council presided over

these meetings. Moreover, besides being an efficient form of governance, one of the important features of the traditional institutions was that the elected members of the Village Council along with the Chiefs as an apex body were highly accountable to the villagers.

Efficient and effective institutions do not always guarantee the welfare of the people. Public institutions being accountable to the people are an essential part of good governance to ensure democracy. In this light the traditional institutions of the Nagas in the past were highly accountable to the villagers as it was simple and easily accessible for ordinary citizens to partake in every important decision of village governance.

Later on, with the advent of British rule and American Baptist Missionaries, traditional institutions were faced with some major challenges. The British were more interested in revenue benefits and did not interfere much in Naga social life. Yet, they did made an impact on local governance of the people by introducing three administrative systems i.e. Dobashis, Goan Boras and District Officer. These three systems to a certain extent laid the foundation for modern institutions in Nagaland.

The Missionaries banned the age old practices of the morung and dormitory system as they wanted to convert the 'savage' Nagas and turn their life from 'darkness to light'. Though they also brought about positive changes in the society by introducing modern education and better health care they failed to recognise the importance of Morung and Dormitory system in the Nagas culture and eventually the morung system gradually came to an end. However, the Village Council continue to survive and serve the villagers though over time the power has become limited.

The decline in traditional institutions like Morung and Dormitory system has in my view based on my fieldwork created a social, political and cultural gap in Naga life. The space for governance discourse prevalent in the past has suddenly weakened and restricted. The rich oral tradition of the Nagas, usually passed on through this institution now lacks a medium of exchange and transmission. As such, the Naga oral tradition is fast fading. There is a need to revive this healthy social system through which we can preserve and pass on the rich socio cultural history of the people.

There is also a need to critically rethink the concepts of culture, tradition, tribe and custom which carry connotations of the primitive, savage, unruly, unorganised, wild, backward and so on. On closer observation we can see that tribal societies have an immense diversity of languages, culture, polity and yet are unique in themselves this challenges the assumption that tribal society is homogeneous and static. Tribal institutions of the Naga have continued to offer quality life to their member unlike the modern institutions which somehow create alienation and division among the citizens.

We need to recognise the fact that, a deeper and clearer understanding of culture and tradition will enable us to address many political, social, economic and cultural crises. Issues of governance whether local, national or international relations have to be grounded and rooted in the cultural context of the people. An institution as a system becomes significant in this context. Thus, substantive local governance has to be rooted in the specific cultural context of the people.

Thus in this chapter we analysed state bureaucracy as a modern institution and for further clarity focussed on the role of Deputy Commissioner in relation to local governance in Nagaland. For this study I have considered the advent of statehood in 1963 as the benchmark for modern institutions in Nagaland. With statehood, the people were brought within the ambit of modern state machinery which has its own significant role to play in local governance.

The office of the Deputy Commissioner in particular has a direct link with the Village Council as he has the power to supervise the working of the V.C. Traditional institutions like the Goan Boras, Dobashis and Village Council continued to co-exist with the modern state institutions. Contrary to the belief that traditional institutions are a primitive, static and backward, closer observation reveals that traditional institutions continue to adapt, change and survive according to the needs of the people along with the so-called modern institutions. The position of the D.C, as the core of the modern institutional framework of governance also plays an important role in local governance as the D.C takes over critical cases which the V.C cannot decide in addition to supervising it.

It is interesting to note that in legal provisions like Art 371(a) and the Nagaland Village Council Act for local governance there are no provisions for the Village Council to keep a check on the modern institutions while the D.C, enjoys supremacy

over the Village Council. This can be problematic for, as the fieldwork report indicated both these institutions have an important role to play in local governance and have the potential of misusing their power. Therefore, there is a need for a proper mechanism of checks and balances for each other since a fine balance between these two institutions would enhance the efficiency of local governance.

The Fieldwork report suggests that these institutions have cordial relations particularly in the case of Kohima Village, though it is not so in the case of other villages. Yet traditional institutions have becomes increasingly dependent on the formal state for approving their decisions from economic needs and consent for all their activities. I would like to argue that in this process of political and economic interaction both the traditional and modern institutions continue to constitute each other in local governance.

Observation from the fieldwork also indicates that development planning often follows a top- down approach which is highly structured and complicated, sometimes creating problems for ordinary citizens. Suggestions given by the Village Council are sidelined most of the time and leaving very little room for a bottom-up approach. Eventually citizens remain passive members who follow alien laws imposed upon them. Therefore, it is very important to understand and recognise the culture and traditions of the people before framing policies for them. There should be a system that allows ordinary people to give their opinion and suggestions in all matters that will eventually affect their lives. Policies are framed for the people and so the people should be an integral part of the system.

Efficient local governance enhances democracy which is essential for the welfare of the people. My argument from the study is that both traditional and modern institutions constitute each other continuously to enhance local governance yet given a chance they both have a potential change of misusing their power so since there should be a fine balance between the two institutions. Therefore, working towards an efficient system of checks and balances through legal provisions can be a practical step towards attaining the goal of accountable governance.

Further every major element of governance agendas should be grounded in the cultural specificity of the people. Whether, its traditional or modern institutions, these

institutions should provide a platform for ordinary citizens to participate in decisions that will eventually be imposed upon them. Since institutions are made by the people and for the people, governance can give a substantive quality of life to members only if they are accountable, efficient, transparent and easily accessible for the people, and above all work for the welfare of the people.

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Appendix I

Personal details

Name:

Age:

Sex:

Designation:

Income:

Whether a member of any political party: Place:

Date of interview: Name of the Village:

Total population of the village: Total number of households:

Any special or significant achievement in governance:

1. Why traditional institutions were formally recognised? Background.
2. What kind of traditional institutions system is there in this village?
3. How are the leaders elected? Tenure
4. What are the different structures of governing bodies' do you have?
5. What are the different roles they play and why?
6. What are the areas of functions traditional institutions perform in local governance?
7. What were the initial reactions to working hand in hand with the state/modern institutions?
8. How relevant do you think traditional institutions are today? What do these traditional institutions do that modern institutions of governance cannot?
9. Do traditional institutions represent the will of the people? How do you ensure their representativeness?
10. What are some conflicting areas between the modern and traditional institutions? Please specify with an example
11. How do traditional and modern institutions arrive at a consensus in times of disagreement?

12. Do traditional institutions take part in important decision making? Specify

13. Do you think that the state officials are not implementing the developmental policies diligently?

14. Who indentifies the beneficiaries in governmental schemes?

15. Does the government attend to the suggestions and grievances of the body?

16. Are there any governmental post created which in your view are irrelevant for local governance?

17. Which official post acts as the main mediator for the state?

18. How often do you interact with the state officials? Any specific limitations?

19. How would you describe the relationship between the two institutions? Cordial, strained or any other

20. What are some of the urgent needs of the people that need to be attended?

21. Any recommendations for improving local governance in the village.

22. Any comment on the research topic.

Appendix II

Respondent Details

Name: Sex: Place of posting: Date of interview:

Questions

1. What is the function and structure of modern institution in local governance?

2. What are the some major changes in governance that you see in Nagaland over the years? And your views on these?

3. How do you see the role citizens should play in governance?

4. How do you see traditional institutions and the role of VDB etc in local governance? Do you see the relevance of traditional institutions in Nagaland today?

5. Do you think that traditional institutions have any relevance today? And why?

6. What are some areas of conflicting in governance between the modern and traditional institutions according to you? Please specify

7. In time of disagreement between the two institutions how do they arrive at a consensus? Any specific incident

8. Do you think that the funds for developmental schemes are being properly implemented by the Village Council?

9. Do you or How do you check on the Village Council?

10. In formal terms what is the area of accountability that modern institution owes? And to whom?

11. How often do you interact with the Village Council? Please specify the purpose

12. Do you explain the various agenda of the government to the Village Council?

13. When and how does the Village Council give its feedbacks, raise doubts and questions and who attends to it?

14. Any recommendation on how to improve local governance?

15. Any suggestions that will help modern institutions to enhance local governance?

16. Any suggestions regarding present government law that needs to be rectified or discarded or enacted in order to improve local governance.

Appendix III

1. What do you think of traditional institutions (Village Council)?
2. What do you think of the modern institutions (state)?
3. In case of conflict or any law and order problems which institutions do you approach? Why?
4. Who should hold formal authority to address conflicts? a) Village Council. b) Police or c) Court or others
5. For enquiry and suggestions for availing any governmental program and schemes which institutions do you usually approach? Why
6. Do you think the political parties control decision making in local governance?
7. Do you think the Village Council and related boards are using their power effectively for public welfare?
8. Do you think state officials are effectively using their power for public welfare?
9. Which institutions provide a better platform for citizens in decision making?
10. Which institution is more accountable to public welfare? Why and how?
11. What are the most urgent needs of the village?
12. Any suggestion to improve local governance.
13. Any opinion on the topic of the research or alternative areas that needs research.