

**LOCAL SELF- GOVERNMENT IN  
ARUNACHAL PRADESH:  
INTERFACE OF TRADITIONAL AND MODERN  
POLITICAL INSTITUTIONS**

**Dissertation submitted to Jawaharlal Nehru University in partial  
fulfillment of requirements for the award of the degree of**

**MASTER OF PHILOSOPHY**

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*DEDICATED TO  
MY  
PARENTS  
AND  
LATE SHRI T.HISSANG*

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## **ACKNOWLEDMENT**

*The 73<sup>rd</sup> Constitutional Amendment Act, 1992 have led to the resilience, strength and richness to the institution of Local Self-Government in the village level in India. Arunachal Pradesh too, after introduction of statutory Panchayati Raj in 1967 at the time of NEFA (North East Frontier Agency), is regenerating in the context of rapid democratization process by reorienting themselves with old traditional institutions.*

*The present work is on of two participatory rural institutions i.e. Panchayati Raj and Traditional Village Councils in same environment and situation in the grass root village in Arunachal Pradesh. But, in power structures and in operational level, juxtapose arises.*

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**Robin Hissang**

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## ABBREVIATIONS

A.D.C.	:	Additional Deputy Commissioner/ Autonomous District Councils.
A.G.	:	Agency Council.
A.H.D.	:	Abor Hills District.
A.N.S.U.	:	All Nyishis Students Union.
A.S.M.	:	Anchal Samity Member.
A.P.	:	Anchalic Panchayat.
B.D.O.	:	Blocks Development Officers.
B.B.K.	:	Bogum Bokang Kebang.
B.F.T	:	Balipara Frontier Divisions.
B.T.C.	:	Bodo Tribal Council.
C.E.S.	:	Central and Eastern Sections.
C.P.N.E.S.	:	Community Project and National Extension Service.
C.D.B.	:	Community Development Block.
C.O.	:	Circle Officer.
C.D.P.	:	Community Development Project.
D.C.	:	Deputy Commissioner/District Collector.
D.G.B.	:	District Governing Body.
D.E.C.	:	Daying Ering Committee.
D.R.D.A.	:	District Rural Development Agency.
E.A.C.	:	Extra Assistant Commissioner.
E.O.	:	Extension Officer.



E.O.	:	Extension Officer.
G.B.	:	Gaon Burahs.
G.P.C.	:	Gram Panchayat Constituencies.
G.P.M.	:	Gram Panchayat Member.
K.A.A.D.C.	:	Karbi Anglong Autonomous District Councils.
I.L.P.	:	Inner Line Permit.
L.F.T.	:	Lakhimpur Frontier Tract.
M.E.A.	:	Ministry of External Affairs.
M.H.D.	:	Mishmi Hills District.
N.C.H.A.D.C.	:	North Cochar Hills Autonomous District Council.
N.E.F.A.	:	North-East Frontier Agency.
N.E.F.T.	:	North-East Frontier Tract.
N.E.S.	:	National Extension Service.
N.D.C.	:	National Development Council.
P.R.I.	:	Panchayati Raj Institution.
S.S.A.	:	Sila Sub Agency.
S.D.O.	:	Sub Divisional Officer.
S.F.T.	:	Sadiya Frontier Tract.
T.T.A.A.D.C.	:	Tripura Tribal Areas Autonomous District Council.
T.F.D.	:	Tuensang Frontier Division.
T.F.T.	:	Tirap Frontier Tract.
W.C.F.	:	Wet Cultivation Field.
W.R.C.	:	Wet Rice Cultivation.

## GLOSSARY

- Abbala* : Village Council of the Idu Mishmis community.
- Abor* : The present Adi tribe, early notified tribe of Arunachal Pradesh.
- AboTani* : Common ancestor of the Nyishi (Dafla), Adi (Abor), Galo, Apatani, Tagin, Hill Miri, and Sulung tribes of Arunachal Pradesh.
- Ajang Buliang* : Clan based village council of Apatani tribe (junior).
- Akha Buliang* : Apatani tribe's village council (eldest group).
- Ane-Donyi* : Mother Sun, the descendants of AboTani considers the sun as their Goddess.
- Anchalic Panchayat* : Assam's intermediate/block level Panchayat in three tier structure.
- Apong* : Local rice beer contains approximately 10% of calories, 5.5% of protein, 5.3% of calcium, 11% of phosphates, 29% of iron, and 8% of niacin.
- Athobo* : Owner.
- Bango-Kebang* : Inter village council of Adis tribe.
- Bhang- Nyelle* : General village council/ generally assembly of Nyishis community.
- Bogum-Bokang Kebang* : The council of whole Adis or Adis' parliament.
- Bungte-Chaney/Gingdungs* : Negotiators or go between two or more parties in the Nyishis community.
- Bulliang* : Village council of the Apatani community.
- Chhaos* : Subject class in Sherdukpen tribe.
- Dacho- Nyelle* : Nyishis' village council for settlement of the theft, trespassing and burglaries cases.
- Donyi-Poloism* : New emerging religion of the Tani's group (descendant of AboTani).
- Gams* : New village authority elected/ selected by

<i>Gams</i>	: <i>New village authority elected/ selected by common villagers and appointed by the government.</i>
<i>Gaon Burahs</i>	: <i>New village authority appointed by the government.</i>
<i>Gomin</i>	: <i>A messenger to assist the Monpa's community Tsorgen (head of the council).</i>
<i>Gompas</i>	: <i>Religion institutions of Monpas and Sherdukpens.</i>
<i>Jhum</i>	: <i>To select one area slash and burn methods of shifting cultivation.</i>
<i>Jung</i>	: <i>Village council of Sherdukpens tribe.</i>
<i>Jung Me</i>	: <i>Members of the Sherdukpens village council.</i>
<i>Kachung</i>	: <i>Courier of Sherdukpens village council.</i>
<i>Keba</i>	: <i>Village Council of the Galos, Tagins, Hills Miri tribes.</i>
<i>Keba Abo</i>	: <i>Village Council elders.</i>
<i>Kebang</i>	: <i>Village council of the Adis (Abors).</i>
<i>Kebang Abus</i>	: <i>Elders of the Kebang.</i>
<i>Kdaymongyo- Nyelle</i>	: <i>Village council for settlements of land and other natural resources disputed cases of Nyishis tribe.</i>
<i>Khapleng/Khapang</i>	: <i>Village Council of the Tangsas.</i>
<i>Kotokis</i>	: <i>Political Interpreters or translators.</i>
<i>Kotwal</i>	: <i>An officer in town of Panchayat during Mughal period in India.</i>
<i>Lowang</i>	: <i>Chief of Noctes village council.</i>
<i>Mangma</i>	: <i>A panel to assist the Monpas Tsorgen.</i>
<i>Mangjombana</i>	: <i>Village council of Monpas community.</i>
<i>Mingrana- Nyelle</i>	: <i>Village council for settlements of criminal like murder.</i>
<i>Mithun</i>	: <i>(Bos Frontails) an animal symbol of status and state animal.</i>
<i>Mockchup</i>	: <i>Village council of the Khamptis community.</i>
<i>Mrana- Nyelle</i>	: <i>Village council for settlements of two or more individual disputes cases.</i>

<i>Naya Panchayat</i>	: Earlier single tier Panchayat of Tripura.
<i>Nelle or Razz</i>	: Village council of both groups of the Akas.
<i>Nete</i>	: Wealthy peoples
<i>Namping-Pamnyi Nyelle</i>	: Inter-village council of members Bhang Nyelle.
<i>Ngothun</i>	: Village council of the Noctes community.
<i>Nyibho-Lungnyi Nyelle</i>	: Village council of two tribes/clans.
<i>Nyibuh</i>	: Priest.
<i>Nyikok</i>	: A prominent orator having with knowledge about the tradition, precedents and customary laws.
<i>Nyimey- Nyelle</i>	: Council for settlements of marriage and others women related case of Nyishis tribe.
<i>Political Jamadar</i>	: Earlier government appointed village authority.
<i>Polo</i>	: Moon.
<i>Ramba</i>	: Priest in Noctes tribe.
<i>Rutum</i>	: Influential and wealthy persons of the community.
<i>Sangat</i>	: Subject class of Noctes.
<i>Tadok</i>	: Beads or traditional necklace.
<i>Thamasat</i>	: Khamptis book which contains good numbers of secular laws.
<i>Thik Akhao</i>	: Village headman of the Sherdukpens.
<i>Thongs</i>	: Royal class of the Sherdukpens tribe.
<i>Tsoblas</i>	: Representative of the Tsorgen in different villages.
<i>Tsorgen</i>	: Chief of the Monpa community village council.
<i>Tso-Tsangzom</i>	: Village council of the Monpas.
<i>Wancho-Wangcha</i>	: Council of elders in Wancho community's village council.
<i>Wangham</i>	: Wancho Chief.
<i>Wiyu/ Uyi</i>	: Spirits/Deities.

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# INDIA

## States & Union Territories



### India-- States & Union Territories

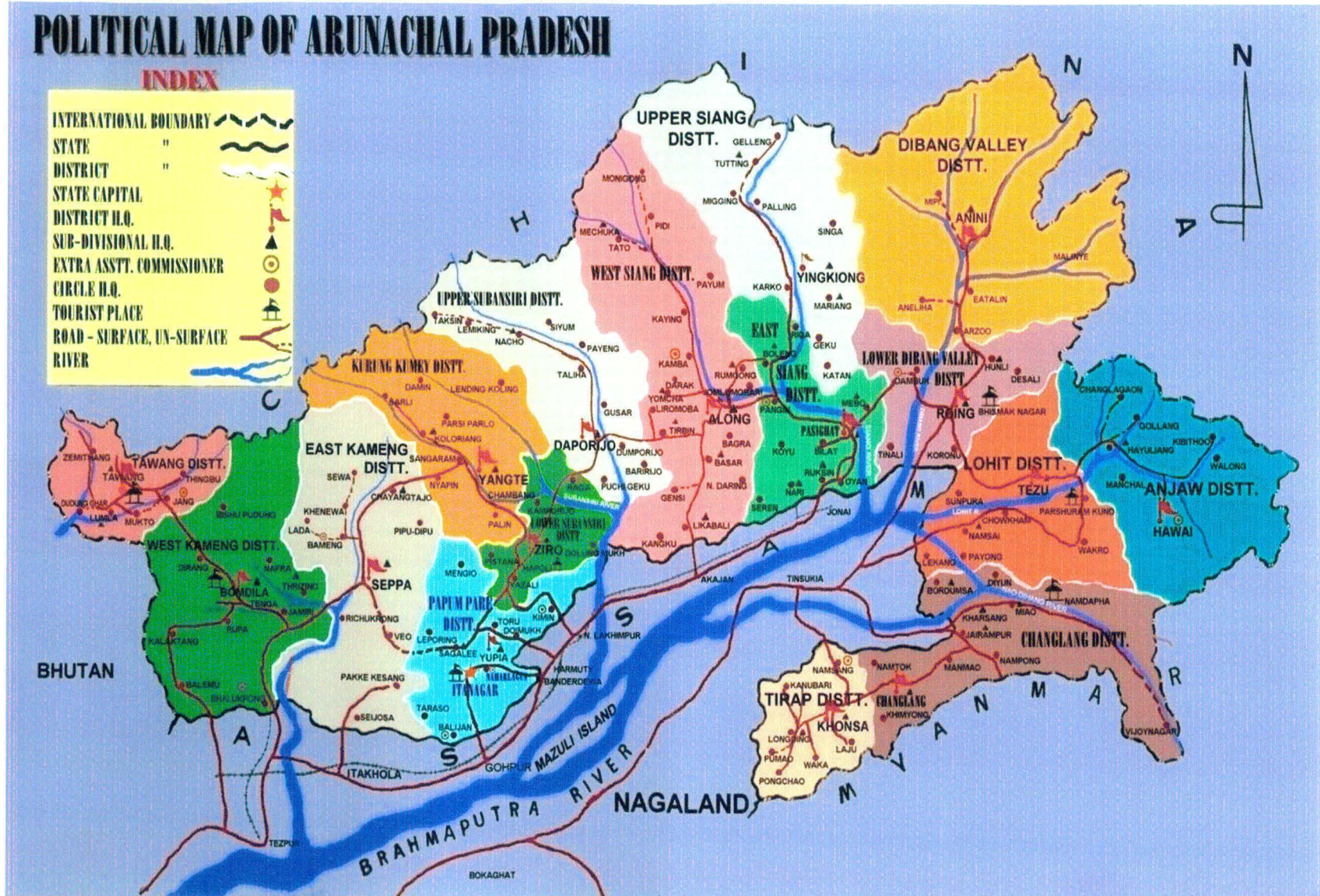
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# POLITICAL MAP OF ARUNACHAL PRADESH

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INTERNATIONAL BOUNDARY	
STATE	
DISTRICT	
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DISTRICT H.Q.	
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RIVER	



## *INTRODUCTION*

Any political institutions, whether traditional or modern, its true strength and resilience from the forces operating within it. This is especially true when a system required to be self-generating and involves a sizeable element of local participation. As *Mahatma Gandhi* once said, “True democracy cannot be twenty men sitting at the centre; it has to be worked from below by the people of every village.”<sup>1</sup> Local government is called grassroots democracy. The existence of small units of government keeps people a chance to practice democracy at the grassroots level where the issues are easily understood and it offers individuals a unique opportunity to participate in developmental process.

### **Theory of Participatory Democracy**

The participatory democratic model is begun as a slogan of the New Left in the 60's and it spreads into working class in the 1960' and 70's.<sup>2</sup> Concept of democracy implies that ultimate authority of governance should rest with the people themselves. When the size of a democratic community expands geographically and in includes a large population with a variety of composition in terms of race, religion, language and culture, the distance between the people and their representatives is likely widen.<sup>3</sup>

Participatory democracy regards people's political participation as the basic principle of democracy. In short, political participation denotes the active involment of individuals and groups in the governmental processes affecting their lives. In other words, when citizens themselves play an active role in the process of formulation and implementation of public policies and decisions, their activity is called political participation by contributing management of a community project, like public safety, cleanliness drive, or the maintenance of a public park, etc.<sup>4</sup> *C.B.Macpherson* justifies more participatory than

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<sup>1</sup>. *Verrier, Elvin, (1965), Democracy in NEFA, Research Department, Shillong, p.38.*

<sup>2</sup>. *C.B. Macpherson, (1977), The Life and Times of Liberal Democracy, Oxford University Press, P.93.*

<sup>3</sup>. *O.P. Gauba, (2005), An Introduction to Political Theory, reprinted Macmillan India Limited, New Delhi, p.444.*

<sup>4</sup>. *Ibid., p. 445.*



the present system is desirable. Democratic theory has four models which argue his essay *Life and Times of Liberal Democracy*. They are:

- (1) The protective democracy of *Bentham* and *James Mill*,
- (2) The developmental model of *J. S. Mill*,
- (3) Equilibrium democracy (the pluralist, elitist equilibrium model), and
- (4) Participatory democracy.

*Macpherson's* four model of democracy, participatory democracy, is not only interesting but relevant for the presence work also. He made sketchy suggestions and largely unsupported arguments. While hinting that electronic voting devices in every home might provide part of the solution to the problem of size (a thought that should send shivers up the spine of every reader of opinion polls!), he recognizes that some representative system on a national scale would be needed both to formulate the questions and to reconcile conflicting answers. The problem, as he sees it, is not so much how to make a participatory system work as how to bring it about. And the latter is a problem precisely because of the proposition with which he began the book: namely, that the desires and behavior of people (their nature) are determined by how their social and economic institutions have shaped them. For a participatory democracy to be brought into being with any hope of success, people must come to see themselves as exerts and enjoyers of the use and development of their capacities.

He advocates that, "at the national level, there will have to be some kind of representative system, not completely direct democracy. Advances in computer technology and telecommunications won't make possible to achieve direct democracy at the require million-fold level because there is an inescapable requirement of any decision-making process: somebody must formulate the question. Popular initiative could certainly formulate clear questions on certain single questions [abortion, legalization of marijuana, for instance]. But it could not formulate adequate questions on the great interrelated issues of overall social and economic policy. We cannot do it without elected politicians. The problem is to make them responsible"<sup>5</sup> So, the problem of participatory

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<sup>5</sup>. C.B. Macpherson, (1977), *The Life and Times of Liberal Democracy*, Oxford University Press, p.97.

democracy on a mass scale seems intractable, if simply try to draw mechanical blue-print. However, the central problem is not how a participatory democracy would operate but how we could move towards it.<sup>6</sup>

The most persuasive advocator of democratic theory is of political scientist *Robert A. Dahl*. In his *Democracy And Its Critics (1989)*, he argues, for effective participation, through out the process of making binding decisions, citizens ought to have an adequate opportunity, and an equal opportunity, for expressing their preferences as to the final outcome. They must have adequate and equal opportunities for placing questions on the agenda and for expressing reasons for endorsing one outcome rather than another.<sup>7</sup> In *Preface to Democratic Theory*, published in 1956. By discarding descriptive accuracy and logical consistency of theories based on constitutional checks and balances as well as on unrestricted popular sovereignty of populistic democracy. He argued that the Madisonian theory postulates a non-tyrannical republic as the goal to be maximized in the democracy. Also cultural conditions should be the basis of democracy which America had succeeded because it combined a unique cultural consensus with a widespread number competing minorities. Dahl developed a lucid and highly sophisticated version of the relativist theory and concluded that America government was characterized by neither majority rule nor minority rule, but rather by minorities rule. Its society was pluralistic, and that pluralism was the empirical basis of democracy and ethical good. To assume that “this country has remained democratic because of its constitution seems to me an obvious reversal of the relation, he maintained; it is much more plausible to suppose that the constitution has remained because our society is essentially democratic.”<sup>8</sup> Concerned principally with making his theory descriptively accurate as well as operationally explicit and hence empirically verifiable, Dahl assumed that American practice was the criterion for democratic theory. So, Dahl advocates strong democracy is defined by politics in the participatory mode: literally, it is self-government by citizens rather than representative government in the name of citizens. Active citizens govern themselves directly not

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<sup>6</sup>. *Ibid.*, p.97.

<sup>7</sup>. *Robert, A. Dahl (1991), First Indian reprint, Democracy and Its Critics, Orient Longman, New Delhi, p.109.*

<sup>8</sup>. *Robert A . Dahl, (1956), A Preface to Democratic Theory, The University of Chicago Press, Chicago, p.143.*

necessarily at every level and in every instance, but frequently enough and in particular when basic policies are being decided and when significant power is being deployed. Self-government is carried on through institutions designed to facilitate ongoing civic participation in agenda-setting, deliberation, legislation and policy implementation.<sup>9</sup>

In modern state nation- state, the objectives of Participatory democracy are sought to be achieved through decentralization of administration in which many decisions are left to local communities. In the world of today, local government may be said to be a part of the four-tier system of government, also known as grassroots or participatory democracy. At the apex is the supra-national agency like the *United Nations* which is purely voluntary in character and which lays down a code of conduct and behaviors in regard to relations between the sovereign members. This agency does not interfere in the internal affairs of its members and its actions cannot infringe members' sovereign rights. The second tier comprises individual *National Governments* functioning in accordance with their national borders. The constituent units which are called *States or Provinces* form the third tier. The fourth and bottom tier is the *Local Government*.<sup>10</sup>

### **Paul H. Appleby's Theory of Decentralization**

In spite of theoretically formulated four kinds of governing structure in the world. *Paul H. Appleby* rose, what structures will most certainly contribute to the strength and effectiveness of the nation-state? As organization gets larger, decentralization is an administrative necessity; only by decentralized structures through delegation its can managed. In "democratic decentralization" hypothesis. He suggests that decentralization axiomatically enhances democracy. Appleby proposed "decentralizations democracy appeals to me as correctly assuming that democracy has first been achieved through the establishments of a centralized governing institution designed to operate under popular control. It seems further to assume that a democracy so established. May, when it is strong enough, carry on some or all of its functions through structures which in various ways and in various degree are more than ordinarily decentralized when this is found to

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<sup>9</sup>. Robert, A. Dahl, *Op.cit.*, p.145.

<sup>10</sup>. S.R. Maheshwari, *reprinted*, (2002), *Local Government in India*, Lakshmi Narain Agra, p.3.

be effective, desirable and not nationally deliberating. Also, the democratic nation comes first, that democracy seeps down from above rather than being imposed from below. The prime essential to effective democracy is that it should be so formed as to be subject to some influence by any body and every body and not too much subject to influence by anybody. This is possible only through a unified structure that requires interaction of many diverse concerns through many related elements of representation and functional capacities. Responsibility upward is essentially to the continuing effectiveness of responsibility downward, unless the general interest is well served, the particular interest will diminish chance of being well served.”<sup>11</sup> Maintaining capacity for popular control makes democracy real and accountability, feasible and capacity for popular control at the top that is most crucial. At the bottom of government, citizens are most often in the position of subjects of governments. As a subject, his concern should be for due process, fair dealing and compassion, most likely to endure when maintained by the organs of governments.

*Paul H. Appleby* proposes two aspects: first efforts to use local energies and capacities, there should be care to maintain clear capacities for control at more broadly responsible levels of governments so that the communities will be firmly required to make the contribution, which are supposed to make. Secondly, what has done in the communities be not unduly exaggerated, be not misunderstood as constituting some transcendent kind of democratic achievement. Eventual movement out of the community groups’ work now may reasonably be expected for general advantage to society involved in later on.

*Appleby* defined, “The delegation of powers by central imperial power to the subordinates areas and people governed is decentralization. In past centuries, communication between the centre of empire and far spread agents was slow, difficult, and limited which intensified decentralization and world had experience with decentralization.”<sup>12</sup> He suggests decentralization is developed in the business and

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<sup>11</sup>. *Paul H. Appleby Some Thought on Decentralization Democracy, in The Indian Journal of Public Administration, October-December, 1962, Vol.II, No.4, p.443.*

<sup>12</sup>. *Paul H. Appleby Some Thought on Decentralization Democracy, in The Indian Journal of Public Administration, October-December, 1962, Vol.II, No.4, p.451.*

industrial corporations also. A parent corporation may have a considerable number of regional, district and plant offices as per the location of suitable workmen or because of marketing factors. The participation of citizen in community development and in the democratic politics is necessary to make complete decentralized democracy to manage local community's interests.

The local government originates when the local people require a local agency to solve their basic socio-economic needs in the form of common local problems. The agency which is formed to look after the common local problem is described as Local Government. The local government is universally recognized as grass-root democratic institution. It is created under the law of the state and hence it becomes an integral part of body politic. By definition, local self-government is ordinarily understood the administration of a locality-a village, a town, a city or any other area smaller than the state, by a body representing the local inhabitants, possessing a fairly large amount of autonomy, raising at least a part of its revenue through local taxation and spending its income on services which are regarded as local, and therefore, as distinct from state and central services. In the local body, local inhabitants electing and ultimately controlling that body, autonomy of that body in the sense of freedom from the control of higher authorities within at least a limited sphere, a recognition of the distinction between local, and non-local services and local taxation..<sup>13</sup> Various local self- governments' institutions are functioning in different forms and by different names. The need and importance of local self-government should be felt on a theoretical basis but in practice, there should be creation of a healthy atmosphere where participative democracy among all member of local self- government can thrive. Local government is called grass democracy. The existence of small units of government gives people a chance to practice democracy at the grassroots' level where the issues are easily understood. Essentially, government in small units is personal government, where in the individual can identify himself more easily. At the same time, it also offers a unique opportunity to participate in developmental works.

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<sup>13</sup>. *M.Venkatarangaiya and M.Pattabhiram (eds.) (1969), Local Government in India, Allied Publishers, Bombay, p.1.*

Harold J. Laski's main contention was that since, "Society is federal, authority must be federal also,"<sup>14</sup> thereby views and sentiments of the people could be incorporated in administration. However, the study of local-self government (modern Panchayati Raj) vis-à-vis traditional political institutions called village councils in *Arunachal Pradesh* is taken as the research area which co-exists. Before discussing the concept Local Self-Government, historical background of *Arunachal Pradesh* is to be discussed.

### State's Profile

After independence, a sub-committee headed by Gopinath Bordoloi was appointed by the Constituent Assembly of India to recommend the future pattern of administration of the North Eastern Frontier Areas. The Bordoloi Committee recommended that since the administration has been satisfactorily established over a sufficiently wide area, the Government of Assam should take over that area by the strength of a notification.

Arunachal Pradesh was earlier called as *North-East Frontier Agency*, Commonly known as *NEFA*, it was constitutionally part of the province of Assam till 1972. Because of its strategic importance and the peculiar nature of its problem it was administered by the Ministry of External Affairs until 1965 and subsequently by the Ministry of Home Affairs, through the Governor of Assam acting as Agent of the President of India. The beginning of administration of the Arunachal Pradesh which has come to be known as the *North-East Frontier Agency*, may be traced back to the Government of India notification in 1914 which promulgated that the Assam Frontier Tracts Regulation of 1880 extended to the hills inhabited by *Abors (Adis)*, *Daflas (Nyishi)*, *HillsMiris*, *Mishmis*, *Singphos*, *Nagas*, *Khamphtis*, *Akas*, etc.<sup>15</sup> These hills areas were separated from the then *Darrang* and *Lakhimpur* districts of the province of Assam. As a result, the *North-East Frontier Tract* came into existence with composition of three administrative units viz., the Central and Eastern Section, the Lakhimpur Frontier Tract and the Western Section.

<sup>14</sup> Bharat, Bhusan Gupta, (1968), *Local Government in India*, Central Book Depot, Allahabad, p.vii.

<sup>15</sup> Includes all the present tribes of the Arunachal Pradesh which are not mentioned like *Monpas*, *Sherdukpens*, *Membas*, *Khambas*, *Tagins*, *Mijis*, *Apatanis*, *Galo*, etc.

In 1919, the Central and Eastern section was renamed as the Sadiya Frontier Tract and the Western section, as the Balipara Frontier Tract. In 1937, the foregoing Frontier Tracts came to be known collectively as the Excluded Areas of the province of Assam under the Government of India Act, 1935 by issuing Government of India (Excluded and Partially Excluded Areas) order of 1936. But these Excluded Areas came under the direct charge of the Governor of Assam.<sup>16</sup>

In 1943, the Tirap Frontier Tract was created with certain areas from the Lakhimpur Frontier Tract and the Sadiya Frontier Tract. In 1946, the Balipara Frontier Tract was bifurcated into the Sela Sub-Agency and the Subansiri Area. In 1948, the remaining portion of the Sadiya Frontier Tract was bifurcated into the Abor Hills District and the Mishmi Hills District.<sup>17</sup> All these administrative units' plains portion was transferred to the administrative jurisdiction of the Government of Assam. And rest including Naga tribal area was later on renamed collectively as the *North-East Frontier Agency*.<sup>18</sup> But soon after, Tuensang Frontier Division merged with Naga Hills-Tuensang Area which became Nagaland. In 1965, the remaining Frontier Divisions of *NEFA* renamed as the Kameng District, Subansiri District, Siang District, Lohit District and Tirap District.

The *NEFA* under the supervision and control of the Ministry of Home Affairs remain till 1972 when, it was (*NEFA*) reconstituted as a union territory status by the name of Arunachal Pradesh under the 27th Constitutional Amendment Act of 1971. Subsequently in 1975, the Pradesh Council was constituted as a separate Legislative Assembly and Lieutenant Governor was appointed as the head of the Union Territory of Arunachal Pradesh under the 37<sup>th</sup> Constitutional Amendment Act, 1975. The Pradesh Council becomes provisional Legislative Assembly having 23 members. The first elected legislative assembly constituting of 33 members (30 elected members and 3 nominated formed on 4<sup>th</sup> March 1978, which lasted only for about 20 months. In November 1979, the Assembly was dissolved and President's rule was imposed which continue till January

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<sup>16</sup>. P.N.Luthra, reprint, (1993), *Constitutional and Administrative Growth of the Arunachal Pradesh*, Directorate of Research, Government of Arunachal Pradesh, p.32.

<sup>17</sup>. *Op.cit.*, p.11.

<sup>18</sup>. Section 3(b), (c) of the *North-East Frontier Areas (Administration) Regulation, 1954*, p.113.

1980. The second General election was held in January 1980, the third general election for Legislative Assembly was held simultaneously with the General Election for eight Lok Sabha in December 1984 and the Assembly was continued till January 1986. In February 1987, Arunachal Pradesh became the 24<sup>th</sup> state of the Indian Union under the 55<sup>th</sup> Constitutional Amendment Act of 1986 with a provisional of 60(sixty) members legislative assembly under Government of India's "The State of Arunachal Pradesh Act, 1986," and made Itanagar as the state's capital.

### **Location**

Arunachal Pradesh is horseshoe shaped Eastern Himalaya state, a thinly populated hilly tract lies between the latitude 26<sup>o</sup>-28' N and 29<sup>o</sup> -30' N and the longitudes 91<sup>o</sup>-30'E and 91<sup>o</sup>-30'E on the North East extremity of India.<sup>19</sup> It has long international borders. It has 160 kms of borders with the Royal Kingdom of Bhutan in West and 440 kms with Burma in East, the Republic of China on its North with 1030 kms and the State of Assam on its South. It stretches from snowcapped mountains in the North to the plains of the Brahmaputra valley in the south. It is spread over 83,743,743389 km having population of 10, 19, 91,117 with a density of 13 persons per's. Km, as per 2001 census. Areas wise, Arunachal Pradesh is the largest state in the North-East Region of India. The Mc- Mohan Lines define the International boundary between India and China.

### **People**

In the past, Arunachal Pradesh was purely inhabited by the tribesmen. But, the non-tribal (Indian) has come in recent times along with the expansion of administration and gradual opening up of socio-economic and political opportunities. The tribal population constituted 88.76% of the total population of the state as per 1961 census.

Currently, indigenous tribal population constitutes 64.22 %( 705,156) out of 10, 97,968 of the total population as per 2001 census. While the 1961 census mentioned 82 tribes and sub-tribes, the 1991 census shows over 110 tribes and sub-tribes But, the current census shows around twenty-six tribes with a number of sub- tribes/groups, each

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<sup>19</sup>. *Oxford Student Atlas for India, (2005), Oxford University Press, New Delhi, p.17.*



having its own culture, customs, languages and beliefs and practices. Most of the tribes inhabiting the land are ethnically similar having derived from an original common stock but their geographical isolation from each other has brought amongst them certain distinctive characteristics in language, dress, customs. The principal inhabitants tribes from east to west of Arunachal Pradesh are the *Wanchos, Noctes, Tanga, Singpho, Khampti, Mishmi, Adi, Galo, Padam, Minyong, Pailibo, Bokar, Bori, Memba, Khamba, Apatani, Nyishi, Hill Miri, Nah, Tagin, Aka (Hrusso & Khoros), Howa or Bugun, Miji, Sulung, Sherdukpen* and *Monpa* scattered over 16 districts (presently), 44 sub-divisions, 85 blocks, 169 circles, 17 towns and 3649 villages. But, in 2001 shows, constitutionally notified tribes are only twelve (12) viz. 1.*Abor*, 2.*Aka*, 3.*Apatani*, 4.*Dafla*, 5.*Galong*, 6.*Khampti*, 7.*Howa*, 8.*Mishmi*, 9.*Momba*, 10.*Any Naga tribes*, 11. *Sherdukpen* and 12. *Singpho*. The sex ratio is 901 females per thousand males. The total Schedules Tribes population of the state is about 705,156 out of which 353,141 are males and 352,017 are females, rest is the non-tribal populations including refugees. The percentage of literacy rate is 54.74 percents are females as per the 2001 census. The Lower Dibang Valley district has lowest population and Lower Subansiri district has highest population due to its rapid modernization approach. In table 1.1, the district wise populations and respective district literacy per cent age are of Arunachal Pradesh are shown.

**Table No.1.1.**  
**District Wise Population with Literacy Rate of Arunachal Pradesh.**

District	Persons	Males	Females	Literacy rate
Tawang	38924	21846	17178	47.3
West Kameng	74599	42542	31942	60.8
East Kameng	57179	28802	28377	40.16
Papumpare	122003	64184	57819	69.3
LowerSubansiri	98244	49542	48702	44.8
Upper Subansiri	55346	28170	27186	50.3
West Siang	103918	54349	49569	59.5
East Siang	89397	45265	42132	60.7
Upper Siang	33363	18057	15306	49.8
Dibang Valley	57720	31442	26278	68.9
Lohit	143527	77314	66213	56.1
Changlang	125422	65821	59601	51.3
Tirap	100326	52537	47789	41.7
Lower Dibang Valley	50448	27156	23292	N.A.
Kurung Kumey	42518	21117	21401	N.A.
Anjaw	18441	10164	8277	N.A.

Sources: Population Census of Arunachal Pradesh, Government of India, 2001.

### The Adis

Under *Adis* tribes, there are a number of sub-tribes. The *Minyong*, *Bomdo*, *Janbo*, *Paggis*, *Pailibo*, the *Padam*, the *Pasi*, the *Karko*, the *Shimong*, the , the *Komkar*, the *Milong*, the *Bogum Ashing*, the *Tangam*, the *Bori*, the *Boker*, *Ramo* so on as one group, while the *Gallong* and seven other groups constitute another group of Adis.<sup>20</sup> The Adis by nature are democratic and organized village council called *Kebang*. Their traditional dance called *Ponung* is famous in the Arunachal Pradesh. Dances are very popular among them. Adi villages are situated generally on the spurs of hills. Polyandry is unknown but

<sup>20</sup> Bani, Dangen, (2003), *The Kebang, A Unique Indigenous Political Institution of the Adi*, Himalayan Publishers, Itanagar, p.4.

### **The Nyishis**

The *Nyishis* (constitutionally *Daflas*) are the largest groups (in terms of number as per 2001 census) of people inhabiting in the East Kameng, Papumpare, Lower Subansiri, Kurung Kumey and Upper Subansiri districts of Arunachal Pradesh and some parts of Sonitpur districts of Assam. Some scholars perceive them as individualistic in nature; it might be after observing their complete independent oriented behaviors. In actual, they are freedom lovers people, not submitted their independents characters and freedom before any rulers so easily, so no colonizers, even Ahoms and British, could succeeded to rule over them (*Nyishis*) under their colonialism.<sup>21</sup> Their men folk wear hair long and tie it in a knot just above the forehead. They wear cane bands around the waist. They believe that after death the spirit of a dead travels to the village of the ancestors. The basic unit of the *Nyishis* is the household which comprises of a number of related families in a clan. Each clan consists of a few lineages or groups of men and women tracing or claiming descent in the patrilineal line from a common ancestor because of its patriarchy society. The member of the same clan considers themselves as brothers and sisters by following rule of clan exogamy. They are divided into innumerable clans, who maintains among themselves an oligarchic form of government and each accepts the authority of its own clan's head which sometimes comprise as much as thirty or forty in a single clan.<sup>22</sup> His loyalties, at most, extend to his own clan. The bondage of kinship holds clan solidarity and is the basis of their cohesion and unity. The *Sulungs* or *Puroik* are considered to be one of their sub-ordinates tribes under the *Nyishis*. Their dress and costumes are simple, and the religion is a form of the primitive 'spirit culture'.

### **The Apatanis**

The *Apatanis* are settled agriculturists inhabiting the valley around Ziro-the headquarters of Lower Subansiri district. The older men-folk tie the hair in top-knots and women tattoo their faces. Wearing of circular nose plugs and tattooing of faces is the most characteristic aspect of ornamentation of older Apatanis women. However, new generation of Apatanis men and women have stopped this practice of tying hair knot,

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<sup>21</sup> . Alexander, Mackenzie, (1884), *History of the Relations of Government with the Hill Tribes of the North-East Frontiers of Bengal*, Mittal Publications, New Delhi. pp.27-29.

<sup>22</sup> . Verrier, Elwin, *Op.cit.*, p.84.

nose plugs and face tattooing since early 1970s. The Apatanis are good cultivators and practice both wet and terrace cultivation. Paddy cum fish culture is very popular among them. Unlike other tribes of Arunachal their economy is stable.

### **The Buguns and Akas**

The *Buguns* or *Khowas* are gentle, hospitable and affectionate people inhabits in West Kameng district. They are agriculturist and perform a number of rites and ceremonies for their welfare.

The *Hrusso* or *Akas (Khoros)* have a custom of painting their face with black marks. They figured frequently in old historical records. Their popular belief is that they were related with the Ahom Kings. They are keen traders and trade, mainly in cloth, blankets, swords etc. They have come to some extent under both Hindu and Buddhist influence.

### **The Singphos**

The *Singphos* represent a section of the *Kachin* tribe of Burma.<sup>23</sup> They live on the banks of Tengapani and Noa Dehang rivers. They are agriculturists and expert blacksmiths. The ladies are good weavers too. They follow Buddhism but at the same time believe in a host of spirit. *Khambas* and *Membas* inhabiting northern part of West Siang are Buddhist by religion. Polyandry is prevalent among them. But it is more in vogue among the *Membas*. Agricultural activities are popular among them. Millet and Maize are their staple food. They grow cotton and barley also.

### **The Mishmis**

*Mishmis* form the bulk of the population of Lohit, Upper Dibang Valley and Lower Dibang Valley districts. There are also the *Khamtis*, the *Singphos* and a few *Adis* settlements. The *Mishmis* are divided into three main groups namely- *Idus* or *Chulikatas*, *Digarus* or *Taroan* and *Mijus* or *Kaman*. Sections of the *Idu Mishmis* are also called

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<sup>23</sup>. *The Directorate of Information and Public Relations & Printing, Naharlagun, Government of Arunachal Pradesh, 2003.*

*Bebejia Mishmi*. Their women are expert weavers and make excellent coats and blouses. Agriculture is the main occupation of the people. By nature they are traders. Since very early days the Mishmis had relations with the plains of Assam. The chief items of trade are deer –musk, wild medicinal plants, animal skins, *Mishmis-Titas* etc.

### **The Monpas**

The *Monpas* are simple, gentle and courteous people. They are friendly and possess a rich heritage of culture. They dress well in artistically designed clothes. Their communal life is rich and happy. They follow Buddhism and profess *Mahayana Buddhism* which centers round the Tawang Monastery. Each house has a small chapel attached to it.

### **The Sherdukpens**

The *Sherdukpens* are a small tribe. They are good agriculturist but their main interest is trade. Their religion is an interesting blend of *Mahayana Buddhism* and tribal magico-religious beliefs.

### **The Tagins**

The *Tagins* are main inhabitant of Upper Subansiri district and considers *Abo Tani* as their main ancestor. Their main occupation is agriculture. Polygamy is practiced among them. The Si-Donyi is their main festival. The clan exogamy exists in the society.

### **The Khamptis**

The *Khamtis* are believed to have migrated from the Shan states of Burma. They are the only tribe in Arunachal who have a script of their own. They are *Buddhist (Hinayana cult)* by religion, and bury the dead in a coffin. They include *Khamyang* tribe.

### **The Wanchos**

The *Wanchos* inhabit the western part of Tirap district, bordering Nagaland. They are a carefree, cheerful and hard-working people. Head hunting was customary with them in the old days. It was connected with many of the social activities of the tribe. Their

society is divided into four classes the *Wanghams* (chiefs), the *Wangpana*, the *Wangaue* and *Wangaas*. They have a strict sense of discipline and the law and order of the society is maintained by a village council. The entire tribe is divided into about forty confederacies of villages. Tattooing is a social custom among them. They believe in the existence of two powerful deities, *Rang* and *Baurang*. The women are good weavers but the art is restricted to the members of the chief's families only. They are expert in wood carving also.

### **The Noctes**

The *Noctes* inhabit the central part of Tirap to the east of the Wanchos. They are organized under powerful chief-those of Namsang and Borduria. They profess *Vaishnavism*. Noctes are famous as salt producers which is their chief item of trade and barter. They are agriculturists. They also cultivate betel leaves on a commercial scale.

### **The Yobins**

The *Yobins* is also called *Lisus*, are a small group of people inhabiting the remote easternmost corner of the Tirap district. They are simple and gentle people having their own culture, religion, faith and beliefs and dialect.

### **Flora and Fauna**

In Arunachal rich and colorful flora and fauna orchids find a place of pride. Out of about a thousand species of orchids in India, over 500 are to be found in Arunachal Pradesh alone. These are colorful, spectacular and some bear exotic names such as *Sita-Pushpa* and *Draupadi-Pushpa*.<sup>24</sup> Some of the orchids are rare and classified as endangered. Arunachal Pradesh Forest Development Corporation has established an Orchid Research and Development Station at Tippi in West Kameng district for propagation and conservation of these species. This centre has established a laboratory for orchid's seed and tissue culture for this purpose.

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<sup>24</sup> . *The Directorate of Information and Public Relations & Printing, Naharlagun, Government of Arunachal Pradesh, 2003.*

The wildlife of Arunachal is equally rich and varied. Elephants and tigers abound, especially in the grassy foothills and the leopard and jungle cat are quite common. The white browed gibbon is found in Tirap and Lohit districts and red pandas and musk deer in the higher ranges. The '*Mithun*' (Bos Frontails), exists both in wild and semi-domesticated form. This animal has a religious significance and has intimate relation with socio-cultural life of the people. Traditionally, mithun is a unit of wealth and is allowed to move freely in the jungle till it is either used for food on festive occasions and marriage feasts, or for barter. Arunachal Pradesh is also the happy home of the great Indian Hornbill - the extraordinary bird with an inordinately large beak. Four wildlife sanctuaries at Pakhui, Lali, Itanagar and Namdapha had been set up in 1979, covering an area of 3000 sq kms. The Mehao wildlife sanctuary was established in the Sixth Plan and Namdapha sanctuary was upgraded to the status of a national park in 1983. 'Project Tiger' was also launched in Namdapha in 1983. The Mouling Reserve Forest in East Siang district, covering an area of 483 sq kms, has been declared a national park in 1986.

### **Cultural Groups**

Broadly, the people inhabiting in the land are divided into three cultural groups on the basis of their socio-religious affinities. The Monpas and Sherdukpens of Tawang and West Kameng districts follow the lamaistic tradition of Mahayana Buddhism. Noted for their religious behaviour, the villages of these communities have richly decorated Buddhist temples, locally called 'Gompas'. Though largely agriculturists practicing terrace cultivation, many of these people are also pastoral and breed herds of Yak and mountain sheep. Culturally similar to them are Membas and Khambas of West Siang District who live in the high mountains along the northern borders. Khamptis and Singphos inhabiting the eastern part of the state are Buddhists of Hinayana sect. They are said to have migrated from Thailand and Myanmar long ago and are still using ancient scripts derived from their original homeland. The second group of people are the Adis, Akas, Apatanis, Nyishis, Mishmis, Mijis, Tagins, Tangsas etc, who worship the Sun and the Moon God, namely, Donyi-Polo and Abo-Tani, the original ancestor for most of these tribes. Their religious rituals largely coincide with the phases of agricultural cycles. They worship nature and make animal sacrifices and traditionally practice Jhuming or shifting

cultivation. Adis and Apatanis extensively practice wet-rice cultivation and have a considerable agricultural economy. Apatanis are also famous for their paddy-cum-pisciculture. They are specialized over centuries in harvesting two crops offish along with paddy. The third group comprises Noctes and Wanchos, adjoining Nagaland in the Tirap district. These are hardy people known for their strictly structured village society in which the hereditary village chief still plays a vital role. The Noctes also practice elementary form of Vaishnavism.

### **Art and Crafts**

The people of Arunachal Pradesh have a tradition of artistic craftsmanship and sense of aesthetics manifested through a variety of crafts such as weaving, painting, pottery, smithy work, basket making, woodcarving etc. Monpas are known for their artistry in weaving carpet and making painted wooden vessels. Beautiful rugs are also woven in the Adi area. Vivid colour and exquisite patterns are the hall mark of their weaving. Adis, Apatanis, Mishmis; Nyishis-make attractive articles in cane and bamboo. The Wanchos are famous for their wood and bamboo carved figurines. They also make intricate necklaces of colourful beads, the width of which indicate the status of the person they adorn.

### **Dances**

Dances form a vital element in the zest and joy of living of the tribals. They vary from highly stylized religious dance dramas of the Buddhists to the martial steps and colourful performances of the Noctes and Wanchos. Among the Adis, dance had evolved almost into an art form mainly for entertainment and recreation. The '*Ponung*' dance of Adis is performed by teams of young girls imperfect rhythmic unison. Similar group dances in colourful costumes are performed by the Nyishis and Tagins of Lower Subansiri, East Kameng, Kurung Kumey and Upper Subansiri districts. All the tribes of Arunachal Pradesh have their unique and distinctive dance forms.



### **Myths and Fictions**

The tribal society is dominated by myths and fictions. These bear the stamp of tribal creativity and imagination. In one of the stories, earth and sky are spoken of as lovers. In a Singpho story, God uses rainbow as the ladder to meet his wife on the moon. Stories of the *Abotani* group of people like Adi, Nyishis, and Apatani etc. are dominated by *wiyu /uyi* (spirits) who exercise great influence on human life. The stories of Monpas usually have a moral.

### **Social Structure**

The tribes of Arunachal Pradesh have highly ordered and organized system of functioning in their villages. Most of the tribes' have egalitarian characteristics society. All matters relating to the community as a whole are decided at the village level. The socio-administrative structure of the society, as evolved over a period of centuries, recognizes democratic participation right down to the level of villages. The traditional Village Panchayat body of an Adi village is locally known as '*Kebang*' which is a judicio-administrative body, consisting of mature and influential elders. *Kebang* looks after the administration of justice in the society by settling all matters of dispute. Similar such self-governing institutions exist among other tribes. They are variously called as *Jung* among the Sherdukpens, *Nelle* among the Akas, *Nyelle* of Nyishis, *Keba* among Tagins, and *Buliang* among the Apatanis and so on.

### **Festivals**

Festivals are an essential part of the socio-cultural life of the people. The festivals having connection with agriculture and celebrated with ritualistic gaiety either to thank God for the providence or to pray for a bumper harvest. Animal sacrifice is a common ritual in most festivals except Buddhism. In the festival, people customs, traditions and lifestyle are reflect and it is celebrated with great joy, enthusiasm with a feeling of togetherness. In table no.1.2, the district wise major festivals of every tribes of Arunachal Pradesh are shown.

**Table No.1.2.**  
**Major Festival of Arunachal Pradesh.**

<b>District</b>	<b>Festival</b>	<b>Tribe/Committee</b>	<b>Dates and Months(approx.)</b>
Changlang	Moh/Mol	Tangsas	25 <sup>th</sup> April
Dibang valley	Reh	Idu Mishmis	1 <sup>st</sup> February
	Solung	Adis	1 <sup>st</sup> September
East Kameng	Nyokum	Nyishis	26 <sup>th</sup> February
	Sarok	Aka(Khoro)	10 <sup>th</sup> January
	Gomkum Gompa	Sulungs	15 <sup>th</sup> April
East Siang	Aran	Adis	7 <sup>th</sup> March
	Mopin	Adis	5 <sup>th</sup> April
	Solung	Adis	1 <sup>st</sup> September
Kurung Kumey	Nyokum	Nyishis	26 <sup>th</sup> February
Lohit	Tamladu	Taroon Mishmis	15 <sup>th</sup> February
	Sangken	Khampiti	15 <sup>th</sup> April
	Manau Pooi	Singpho	14 <sup>th</sup> April
Lower Subansiri	Dree	Apatani	5 <sup>th</sup> July
	Nyokum	Nyishis	26 <sup>th</sup> February
Lower Dibang Valley	Reh	Idu Mishmis	1 <sup>st</sup> February
	Solung	Adis	1 <sup>st</sup> September
Papumpare	Nyokum	Nyishis	25 <sup>th</sup> February
Tawang	Lossar	Monpas	11 <sup>th</sup> February
Tirap	Oriah	Wanchos	16 <sup>th</sup> February
	Chalo-Loku	Noctes	25 <sup>th</sup> November
Upper Siang	Mopin	Gallo	5 <sup>th</sup> April
	Solung	Adis	1 <sup>st</sup> September
Upper Subansiri	Si-Donyi	Tagins	6 <sup>th</sup> January
	Boori-Boot	Hills Miri	6 <sup>th</sup> February
	Mopin	Gallo	5 <sup>th</sup> April
	Boori-Yullo	Nyishis	19 <sup>th</sup> January
Upper Dibang Valley	Reh	Idu Mishmis	1 <sup>st</sup> February
	Solung	Adis	5 <sup>th</sup> April
West Kameng	Lossar	Monpas	11 <sup>th</sup> February
	Khan	Mijis	Feb./March
West Siang	Mopin	Gallo	5 <sup>th</sup> April
	Solung	Adis	1 <sup>st</sup> September

## Agriculture

Maximum tribes practices *Jhum* cultivation, an agriculture system to select one area with slash and burn shifting cultivation on the gentle slopes of the forests hills and valleys. Rice is the principle crop then maize, wheat, pulses, etc. are also staple crops. In foothills and plains areas, there is Wet Cultivation Field (WCF) or Wet Rice Cultivation (WRC) is also practices in large scales.

## Religion

Every tribe has its own concept of religion. The religion aspects of tribal communities are being observed in various festivals, and ancestral worships. The most important is in beliefs in malevolent and benevolent spirits and deities and rituals performed by the concept of supreme beings or gods constitute the animistic tribal religions. *Donyi-Poloism* is the major tribal religion of Arunachal Pradesh. It is combination of two terms Donyi means *Sun* and *Polo* means *Moon*. *Donyi* is the source of power and energy for living beings, which can not be disputed scientifically and philosophical as per tribal mythology. Thus, Donyi-Polo, the spiritual source and symbol is believed to be the supreme power governing the universe. The presents percentage of religion in Arunachal Pradesh is shown in table no.1.3.

**Table No.1.3.**  
**Percentage of Religion Wise in Arunachal Pradesh.**

Name of Religion	Total Percentage
Hindus	34.6
Muslims	1.9
Christians	18.7
Sikhs	0.2
Buddhists	13.0
Jains	0.0
Others or Animism	30.7

*Sources: Census of India, Religion Data, 2001.*

## Statement of Research Problems

Prior to the dawn of independence, Arunachal Pradesh remained mostly cut off from the mainstream and thus there was an absolute paucity of the means of communications. Because of so tough terrain the region with various tribes living mostly remained confined to themselves. There was little communication, so to say, between the tribes. The tribal people were suspicious of outsiders. The British also never paid any attention to this area and did not extend to civil administration to this land. The political life of the tribal, therefore, was not much influenced by the modern ethos and naturally, was village or tribe oriented. The old respective traditional political institutions of the tribals peoples were their political platforms. But, Arunachal Pradesh is the only hill state in North-East Region which introduced a Panchayat Raj system as early as in 1969, under the NEFA Panchayati Raj Regulation 1967. Under the NEFA Panchayat Raj Regulation 1967, a three-tier structure was constituted on 22<sup>nd</sup> October 1968 based on all India pattern as per recommendation of Balvantrai Mehta Committee reports. The Regulation also accorded the status of Gram Panchayat to the Village Councils. It was intended to provide the opportunity to the tribes to take effective part in the developmental administration of the NEFA (Arunachal Pradesh). The regulation aimed at establishing Panchayat system of local government linking the people from the village to the territorial (agency) level. Ultimately, the regulation envisaged a four tier democratic political system in NEFA as per Daying Ering Committee reports. Before concretized research problems, background of modern and traditional political institutions has to be analyzed.

TH-14927

## Balvant Ray Mehta Committee Reports

On 16 January, 1957 the committee on Plan Projects, a body established by the National Development Council of Government of India, to secure the maximum possible economy and to avoid wastage arising from delays and in efficiency; set up a team for the study of community projects, which was led by the late Shri *Balvantray G. Mehta*, a member of the Lok Sabha, later Chief Minister of Gujarat state. Its terms of reference were, first, to study and report on the Community Projects and the National Extension Service, with view to economy and efficiency with special reference to problems connected with the organic linking if village Panchayats with popular organization at a



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higher level; and secondly, by stage determined in advance, the reorganization of district administration<sup>25</sup> so that democratic bodies should take over the entire general administration and development of the district or the sub divisions perhaps other than such functions as law and order, administration of justice and certain functions pertaining to the revenue administration. The report was published in 1957; the committee submitted its reports with following three findings:

- I. The committee development and national extension service programmed had failed to evoked popular initiative;
- II. Local bodies at a level higher than the Panchayat had evinced but little enthusiasm in the community development programmes; and
- III. Even the Panchayats had not come into the field of community development in any significant way.

The committee recommended the decentralization of responsibility and power to levels below the state in order to remedy the above said crisis. The devolution of power to a body which, when created will have the entire charge of all development work within its jurisdiction, the government reserving to itself the functions of guidance, supervision and higher planning and where necessary, providing extra finance.<sup>26</sup> In order to contain said problems, the committee envisaged a three-tier system of local government, namely Village Panchayat at the village level, the Panchayat Samiti at the block level and the Zilla Parishad at the district level.

### **1. Village Panchayat**

The village Panchayat should be constituted on an elective basis, it will elect its own member from the village and two women members and member from the scheduled castes and scheduled tribes may be nominated. It may consist of only a part of a village, or of a whole village or group of villages. The village Panchayat has various compulsory functions like provision of water supply for domestic use, sanitation, maintenance of

<sup>25</sup>. Mehta Report, Vol.I .PP.i-ii, quoted by Henry, Maddick, in *Panchayati Raj, A Study of Rural Local Government in India, 1970, Longman Group Limited, London, p.52.*

<sup>26</sup>. *Report of the Team for the Study of Community Projects and National Extension Service, Vol.I, New Delhi, Committee on Plan Projects, 1957, P.1, S.R. Maheshwari quoted in Local Government in India; reprint 2002, Lakshmi Narain Agarwal, Agra, p.63.*

streets, drains, tanks, and basics amenities of the village. The village Panchayat may act as sub-ordinate of the Panchayat Samiti in executing any scheme of development or other activities particularly for the collection of land revenue and other taxes under its disposal.

## **2. Panchayat Samiti**

The Panchayat Samiti should be a statutory and elective body, comprehensive in its functions equipped with necessary executive authority and in possession of adequate resources. The committee recommended it must not be cramped by too much control by the government agencies. Except guidance and supervision, it must function independently without government interferences.

The area of jurisdiction of the Panchayat Samiti is neither too large as to defeat the very purpose for which it is neither created nor too small as to militate against efficiency and economy. It is the intermediate tier in the block level of the rural local government. As per the committee proposal, the Panchayat Samiti would act as main authority for disposal of all developmental programmes like agriculture, village industry, primary education, medical relief, etc. The state government's roles would then be confined to guidance, supervision and higher planning and provision of financial assistance. The financial income sources of the Panchayat Samiti are through taxes on professions and trades, a fixed percentage of land revenue collected within the block area, taxes on land revenue, water rate, surcharge on duty on the transfer of immovable property; rents and profits accruing from property, etc.

The direct assistance to what are known as non-official bodies which are all non-statutory also some central organizations which spend public funds on specified aspects of rural development, function either through their own branch organization or through non-official bodies. We recommend that all central and state funds spent in a block area should invariably be assigned to the Panchayat samiti to be spent by it directly or indirectly, except to an institution, assistance to which is either beyond the Panchayat

samiti's functions or its financial resources.<sup>27</sup> There will be an elective chairman. Members of all the Panchayat in the block should elect from amongst themselves members of the Panchayat Samity. The Samiti should not have more than twenty members.

### 3. Zilla Parishad

The Zila Parishad consists of the president of the Panchayat Samiti in the district level, all members of the state legislature and of parliament representing the district, and district level officers with a standing committee to ensure and monitoring rapid disposal of work. The committee recommended a Zilla Parishad basically for coordination and supervision of the Panchayat Samiti in the district level.

The function of Zilla Parishad, apart from supervision and coordination, are following:

- examine and approve the budget of Panchayat samitis in the district level;
- to distribute funds made available by the government for the district as a whole, among the Panchayat Samiti;
- forward requests for grants by the Panchayat Samiti to the state government;
- coordinate and consolidate the block plans in the district.

When the Ministry of Community Development was include under the Ministry of Food and Agriculture in 1966-76. Again in 1971 the nomenclature "Community Development" was replaced by a Rural Development. Due to government of India's changing policies, Panchayat Raj institution was declining its effective functioning despite after introduction in 2<sup>nd</sup> October, 1959. Thus, the late 1960s and 1970s marked the decline of both the Community and Panchayats. The idea of the units of decentralization lost its ground and lost their root.

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<sup>27</sup>. *Report of the Team for the Study of Community Projects and National Extension Service, Vol.I, New Delhi, Committee on Plan Projects, 1957, P.1, S.R. Maheshwari quoted in Local Government in India; reprint 2002, Lakshmi Narain Agarwal, Agra, p.63.*

In late 1970s, the institutions of local government started underlying a process of reconstruction. In 1977, new government with new approach towards Panchayat Raj was initiated. Thus, Janata government under the leadership of Prime Minister Moraji Desai appointed a committee with Ashok Mehta as the chairman to review the working of Panchayat institutions. The Ashok Mehta committee conducted the study and fined some necessary reformations for more effective functioning of the Panchayati Raj in India. The Ashok Mehta committee also reviewed the earlier committee particularly Balvantrai Mehta committee.

### **Ashok Mehta Committee**

The Ashok Mehta Committee found that:

- the period of 1954 to 1964 as a period when grass root institutions took root;
- the period of 1964-69 as one of corrosion of these institutions; and
- the period of 1969-77 as the period of non-performance.

On the basis of these findings, the committee analyzed the problems and submitted its reports in 1978, strongly recommending for restructuring the Panchayat Raj institution. Thus, in its report, the committee sought followings recommendations:

- There should be a two-tier model of Panchayat Raj system. The first tier was to be constituted under the name of Zila Parishad at the district level. Mandal Panchayat was to be as second-tier which is to be constituted by grouping a number of villages.
- The dynamics of development requires a high level of technical experts which should be made available at the district level. This would help for undertaking a more complex and sophisticated planning and administration for rural development.
- Developing the ideas of functional necessity for decentralized administration.
- Compulsory power of taxation by Panchayat bodies.
- Open participation of political parties in Panchayat affairs.
- Prohibition of arbitrary suppression of Panchayat Raj institutions by the state government, etc.



However, the presents rural local governments in India are followed as per the recommendations of the Balvantrai Mehta and Ashok Mehta committees. The all India's three-tier pattern which introduced in NEFA (Arunachal Pradesh) is Zilla Parishad in district level, Anchal Samity in block level and Gram Panchayat in Village level. The fourth tier was the territory level body named NEFA Council, which was renamed as Pradesh Council in 1972, with the change of the name of the territory as Arunachal Pradesh. This apex territorial Panchayat body was later removed and replaced by Legislative Assembly to the then Union Territory of Arunachal Pradesh in 1975. Conformity with 73<sup>rd</sup> Constitutional Amendment Act, 1992, Arunachal Pradesh Government issued the Arunachal Pradesh Panchayati Raj Ordinances 1994 replacing the NEFA Panchayat Raj Regulation 1967. The present status of Panchayat Raj in Arunachal Pradesh is three tier bodies viz. Gram Panchayat in village level, Anchal Samity in block or intermediary level and Zilla Parishad in district level as per the recommendation of Balvantray Mehta Committee.

Besides modern political institutions particularly Panchayat Raj, every community had a traditional socio-political organization which governed the life within the community or tribe evolved its own political institutions and functions as small independent states. Thus, every tribal had its own type of village council or organization.

There were no representative institutions except the village councils in Arunachal Pradesh till 1969. The tribal people knew no state and government other than their villages and village councils. Their state was their village which had its own natural boundary. The government was their village council, which was all conducive to their happiness and welfare. It is village council, have been functioning as effective village government even after introduction of modern participatory political institutions including Panchayat systems. These village councils existed from times immemorial. The centuries old popular forms of village councils were evolved as an administrative mechanism of a local variety and for fulfilling purely local needs. As institutions of social evolution, the tribal councils have great potentialities. Established in history and traditions, supported by social and religious sanctions, they are an expression of a genuine democracy representing the

cooperation and communal temperament of the people. The significant of these village councils lies in the fact that in Arunachal society life and responsibility is so often corporate rather than individual.<sup>28</sup> The functions of the village councils are threefold- judicial, administrative and developmental.

Throughout the Arunachal Pradesh, the tribal Councils worked within the general framework of the Assam Frontier (Administration of Justice) Regulation of 1945 which recognizes their importance and authority and gives them many powers.

The Assam Frontier (Administration of Justice) Regulation, 1945 (Regulation 1 of 1945), was introduced in order to ensure that a vast majority of disputes and cases, both civil and criminal were adjudicated in an accordance with the prevailing traditional codes of the tribal communities, throughout Arunachal. The Regulation recognized "the authority of the system of Chieftainship which applied in varying patterns among the various communities. Thus, at the basic level of village, the political, social, cultural and legal affairs continued to be handled with complete freedom by traditional village authorities."<sup>29</sup>

The Regulation was made to administer civil and criminal justice in Arunachal Pradesh. Village authorities were institutionalized to help the administration in consolidating peace and tranquility. Thus, Elwin describes, "This Regulation does, in fact, give the tribal councils very wide powers, for it is recognized that they will function and inflict punishment or order compensation according to their customary law."<sup>30</sup>

### **Traditional Self-Governing Institutions**

The Sixth Schedule of the Indian constitution basically for preservation of the autonomy of the hills tribes in the matter of their traditional socio-political customs is not made applicable on Arunachal Pradesh unlike other North-East states of India. Introduced as protective measures, the Sixth Scheduled has been superimposed on their tradition. It recognizes community ownership and does not allow non-tribals to acquire lands in these

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<sup>28</sup>. Verrier, Elvin, (1965), *Democracy in NEFA, Shillong*, p.20.

<sup>29</sup>. P.N.Luthra, *Constitutional and Administrative Growth of the Arunachal Pradesh*, (1993), Directorate of Research, Government of Arunachal Pradesh, p.178.

<sup>30</sup>. Verrier, Elwin, (1960), *A Philosophy for NEFA, Shillong*, p.172.

areas. In Arunachal Pradesh, the Assam frontier (Administration of Justice) Regulation 1945 and the NEFA (Arunachal Pradesh) Panchayat Raj regulation 1967, substituted the 6<sup>th</sup> Schedule in Arunachal Pradesh, By this regulation, the traditional village councils were retained as village judiciary as every tribe has its own indigenous mechanisms and procedure of adjudication and Panchayat institutions were multi-tribal and intra-tribal institutions by unifying diverse ethnic groups. At present election to the modern Panchayat Raj are contested on party basis.

Under the Assam Frontier (administration of Justice) regulation, 1945, the tribal village councils are recognized as competent administrators of the law and given wide powers in both civil suits and administration of criminal justice. No professional pleader is allowed to appear before them and the execution of restitution according to custom and tradition has the sanction and backing of the government.<sup>31</sup>

*Assam Frontier (Administration of Justice) Regulation, 1945* empowered to the traditional political institutions called village councils to administer the village affairs. The traditional political organizations in Arunachal Pradesh which still exist and continue to function side by side with the Panchayati Raj are of broadly under following three types:

### **Democratic Type**

There are major traditional political institutions having democratic structures and nature. The *Kebang* of Adis tribe, *Nyelle* of Nyishis tribe, *Bulliang* of Apatanis tribe, *Keba* of Hillmiris tribe, *Keba* of Tagins tribe, *Abalas* of Mishmis tribe, *Tsongpo* of Zakhrings tribe, *Mimang* of Mizis tribe, *Gachan* of Khowas (Buguns) tribe, *Jung* of Sherdukpens tribe, *Nelle* of Akas (Khoros) tribe are major village councils having democratic characteristics in the Arunachal Pradesh.

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<sup>31</sup> . Act No. 1 of 1945, *The Assam Frontier (Administration of Justice) Regulation, 1945, The Arunachal Volume I, Code 1982, Government of Arunachal Pradesh.*

### **Autocratic Type**

There are some traditional political institutions so called village councils which having hereditary chieftainship nature of the council in which the head of council are being elected/selected on the hereditary basis. This system is found and practiced in eastern part of Arunachal Pradesh viz. the *Mokshup* of Khamptis tribe, *Ngothun* or *Lowang* of Noctes tribe, *Wansa* of Wangchos and *Khaphna* of Tangsas tribe are major traditional political institutions having hereditary system.

### **Theocratic Type**

There are some traditional political institutions which having theocratic nature in which the head of the village council is also the head of religious' institutions of that village. This kind of village councils are found and practiced by that ethnic group who follows Buddhists religion viz. the Monpa tribe's *Manjombana*, the *Tsopin* of Khambas' tribe and *ThikAka* of Sherdukpens tribe.

In traditional political institutions, there is a system of recognizing one of the senior villagers as the local headman. His election or selection is approved by the political officer (now Deputy Commissioner) and there after he gets the title of *Gaon Burahs*, also known as *Gams*, the *Gaon Burahs* or *Gams* is also the head of the village as recognized by tribal custom. They are virtually the elder of the tribe or village. The age with experiences, wisdom, oratory, intelligence, character, knowledge of tribal history and customs becomes the main criteria for election of the village head, except in Chieftainship type. The regulation provides general framework for the appointment of Gaonburas as the sole village authority under section (v) of the *Assam Frontier (Administration of Justice) Regulation, 1945* and its powers is also framed.

The Gaon Burahs discharge his/her duty in three capacities:

1. As representative of Administration.
2. As headman of the village.
3. As Chairman of the Village Council.

In the chieftainship type, the head of the village councils is hereditary based on old customs and traditions, the authority to represents the village lies with the chief only. Thus somehow, Max Weber's pattern of authority are close similar to the traditional political institutions existing in the Arunachal Pradesh, there are some contestable too particularly in terms of participatory orientation. It is necessary to throw some lights on Weberian theory of authority, thereby, the comparison of Arunachal Pradesh traditional political institutions with his may draw.

### **Max Weber's Theory of Authority**

The influential German sociologist Max Weber proposed a theory of authority that included three types. He pioneered a path towards understanding how authority is legitimated as a belief system. In his essay "*The Three Types of Legitimate Rule*", translated in English and published posthumously in 1958, clearly explained his theory. His three types of authority are based on traditional, charismatic, and legal-rational authority.

Traditional authority is legitimated by the sanctity of tradition such as hereditary or dynastic rule.<sup>32</sup> The ability and right to rule is passed down, often through heredity. It does not change overtime, does not facilitate social change, tends to be irrational and inconsistent, and perpetuates the status quo. In fact, Weber states: "The creation of new law opposite traditional norms is deemed impossible in principle." Traditional authority is typically embodied in feudalism or patrimonial. In a purely patriarchal structure, "the servants are completely and personally dependent upon the lord"<sup>33</sup>, while in an estate system (i.e. feudalism), "the servants are not personal servants of the lord but independent men" (Weber 1958, 4). But, in both cases the system of authority does not change or evolve.

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<sup>32</sup> . Gauba, *Op.cit.*, p.250.

<sup>33</sup> . Gauba, *loc. cit.*, p.250.

Charismatic authority is found in a leader whose mission and vision inspire others. It is based upon the perceived extraordinary characteristics of an individual.<sup>34</sup> Weber saw a charismatic leader as the head of a new social movement, and one instilled with divine or supernatural powers, such as a religious prophet. Weber seemed to favor charismatic authority, and spent a good deal of time discussing it. In a study of charisma and religion he argues that charisma played a strong - if not integral - role in traditional authority systems. Thus, Weber's favor for charismatic authority was particularly strong, especially in focusing on what happened to it with the death or decline of a charismatic leader. Charismatic authority is routinized in a number of ways according to Weber: orders are traditionalized, the staff or followers change into legal or estate-like (traditional) staff, or the meaning of charisma itself may undergo change.

Legal-rational authority is empowered by a formalistic belief in the content of the law (legal) or natural law (rationality). Obedience is not given to a specific individual leader - whether traditional or charismatic - but a set of uniform principles. Weber thought the best example of legal-rational authority was a bureaucracy (political or economic).<sup>35</sup> This form of authority is frequently found in the modern state, city governments, private and public corporations, and various voluntary associations. In fact, Weber stated that the "development of the modern state is identical indeed with that of modern officialdom and bureaucratic organizations just as the development of modern capitalism is identical with the increasing bureaucratization of economic enterprise (Weber 1958, 3).

However, no authority structure, Weber wrote, could actually be exclusively bureaucratic, because some positions would be held by a variety of charismatic leaders. He also stated that non-bureaucratic legal authority could be found in organizations that have rotating office holders, such as "Parliamentary and committee administration and all sorts of collegiate and administrative bodies" (Weber 1958, 3). Weber's feelings

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<sup>34</sup> . George H. Sabine Revised by Thomas L. Thorson, (1973), *A History of Political Theory*, Oxford & IBH Publishing House, New Delhi, p. 824.

<sup>35</sup> . Andrew, Heywood, (1997), *Politics*, Macmillan Press, London, p.195.

about bureaucracies sometimes came through in his writing and he tended to view the move towards legal-rational authority as a move into an iron cage.

The Weberian three types of authorities are relevant in many ways in present context, in case of Arunachal too, the traditional political institutions are also play an important roles in the democratic process and function but Weberien theory of authority is specially based on tradition is by and large similar in actual sense in the context of Arunachal Pradesh in terms of representation and participation in the governing process base on old tradition. Every members of the village are participates in the deliberation in the council irrespective status on every matters and leaders selection or election process also every household has a vote. In Chieftainship system based on hereditary is prone to Weberian theory but every villagers has right to participate in the deliberation process in the council which needs to address minutely. Thus, every traditional institutions plays as sub-national institutions and functioning in tandem with the modern political institutions particularly Panchayat Raj in the village level. Both the institutions viz. Panchayat Raj and Traditional Village Councils are rural oriented and for village development working in tandem with each other, which are interlocking in nature in the modern Arunachal Pradesh. Despite national government control over the Arunachal Pradesh politically. It has had exceptional autonomy in some ways under the Assam Frontier (Administration of Justice) Regulation, 1945.<sup>36</sup> Under this Act, participatory governance system by recognizing old traditional customary laws with more participatory what Max Weber endorsed are provided and it exists in the Arunachal Pradesh. The strong tribal traditions of local self-governance are probably still contributing to vital and dynamic grassroots political involvement in many areas. However, the political legacies seem to be producing complex relationships between grassroots traditional political institutions and of the modern political institution called Panchayat Raj. Moreover, there were no mediating political bodies between externally appointed administrative officers and the customary tribal village council's leadership

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<sup>36</sup> . *The Arunachal Pradesh Code Volume-I, government of Arunachal Pradesh, Law and Judicial Department, 1982, p.53.*

for so many years which is an important area to be look into. Thus, Max Weber, theory of authority can be basis and still relevant in tribal traditional governance system.

### **Objectives of Study**

In the light of above mentioned theoretical and analytical proposition the main objectives of the proposed research work is to study the functions, roles and relations of the Panchayati Raj (three-tier system) and existing traditional political institutions in Arunachal Pradesh. This can be stated in the following forms:

- To analyze major operational and interlocking areas of modern (Panchayat Raj) and traditional (traditional village councils) political institutions.
- To understand the various influences of modern political institutions on the traditional political set up.
- To examine whether modernizing the traditional village councils is possible at all.

### **Hypothesis**

The study formulates following hypothesis:

1. The two set of Local Self- Governments institutions co-exist with the same objective and purpose, but interlocking may face in the functioning process.
2. Traditional Village Councils also plays important roles in the democratic process in the state, Arunachal Pradesh of India.
3. Gram Panchayat of the village level and traditional village council in the bottom level has same works for vibrant and effective democratic process with some overlapping in the deliberations.

### **Overview of Existing Literature**

Scanty works has been done on the Local Self- Government. A number of research articles published in the various journal, magazine and newspaper from time to time. Many research works has carried out and some books have been written on the subject. Although there might be less research works on the Arunachal Pradesh particularly on



the Local Self-Government and traditional village councils. Nevertheless, some Indian and western scholars have attempted to address the subjects and tried to document socio-cultural and political structures of the peoples as well.

*Karlo, Rejir, (2005)*, in his depth analytical literature work entitled *Emerging Pattern of Tribal Leadership in Arunachal Pradesh* attempts to comprehend the changing pattern of rural leadership in the context of the advent of modernization forces which leads rapid transformations in rural leadership. He tries to argue, especially after the introduction of statutory Panchayati Raj system and emergence of multi-party politics, the status and authority of traditional village councils of the indigenous people are loosing. In village level within the traditional village council, multiple centers of powers and conflicting party systems influences in the decisions making process. The traditional leaders are also joins the state political party affairs. In spite of all these developments traditional village councils are functioning effectively in administrations and others village related affairs. The emerging new leadership pattern and their roles in village level are also highlighted. However, the works is emphasizes on Galo community's presence socio-cultural and traditional political institution with leadership transitions. The work is single community oriented.

*Elwin, Verrier, (1958)*, in his literature work entitled *A Philosophy for NEFA*, discusses the policies and substantial administrations for the tribal people of the NEFA. In the work, he tries to describe every socio-economic and political aspect of the tribal people from anthological perspectives. The approaches to understand the people's way of living for introduction proper administrative mechanisms are also discuss. But, the work is not meant to stressed on the political development and also not discuss detailed about suitable political institutions for the frontier (Arunachal Pradesh).

*Mackenzie, Alexander, (1979)*, entitled *The North-East of India*, attempts to focuses the ethno-history of the North-East region of India. The work advocates the commercial relation of the frontier tribes living on the borders with the rest of the country. The policy of the Government to the tribes in its North-East Frontier has been thoroughly

discuss in its main feature, like a policy of conciliation, and not a policy of repression or devastation, he is careful to observe that the actions of the local authorities may not always have been in full accordance with the local situation. The work covers entire region without specified particular state's political development and important.

*Pandey, Dwarkannath (1995), in Local Government in Arunachal Pradesh,* examines the historical background of the Local Self-Government in India special reference to Arunachal Pradesh. The structural functional and its relations with traditional political institutions of the state are discuss. The different stages of the tribal village councils are also discuss without much emphasizing on the emerging interlocking of various political institutions.

*Dubey, Sanjay, (1996), entitled Dynamics of Tribal Local Polity and Panchayat Raj in Arunachal Pradesh;* though the work is based on secondary and empirical in nature. Attempt has been made to study the overall impact of Panchayat Raj institution in the state. He tried to deals the relations between traditional and modern political institutions. The tribal indigenous political structure and it's important and roles in the tribal society are also discussed. The traditional grassroots leadership's influence on modern political institutions functionaries is also highlighted. The impact of Panchayat Raj institution on the rural development and structures is also highlighted.

*Pandey, (1997), His work on Local Government in Arunachal Pradesh* again deals the Traditional governance system and its origin. The basis of decisions making of the traditional village councils, powers and functions are also analyses. He tried to discuss the origin, basis and opera rational of the Panchayat Raj in Arunachal Pradesh. The roles and important of two institutions are being discuss through his work. But, the emerging interface and presents situations are to be thoroughly discusses.

*Talukdar, A.C., (1987), try to discuss thoroughly in his literature work entitled Political Transition in the Grassroots in the Tribal India,* particularly of North-East region of India. The work try to survey extensively on the village councils called

*Kebang* system of *Adi* community of Arunachal Pradesh. The work also tries to discuss formal structure of the various council and its roles in the socio-economic and political life of the people without looking into influence and impact of the Panchayat Raj institutions on the traditional political set up.

*Choubey, S.K. (1973)*, in his literature work, *Hills Politics in Northeast India*, is being discussed by incorporating all the states' historical background of the socio-economic and political development of the state and its existing and its prospects. The state wise political development and its every aspects are also discuss without touching particular state's village council and its important.

*Elwin, Verrier, (1965)* in his informative and pioneer literature work entitled, *Democracy in NEFA* acknowledges the tribal traditional governance systems of each ethnic groups of India in general and Arunachal Pradesh in particular. He compiled copious information on the indigenous form of authority at the village level. The information has great value as it provides the base on which the future development and expansion of local self- government can be built. He discusses the relevancy of the various traditional governance systems in existing system of governance. But he sidelines the concept of modern democratic institutions and its relevance in the tribal indigenous governance system.

*Pura, Tado, (2001)*, in his Ph.D. thesis entitled *Political Transition Among the Tribes of Arunachal Pradesh* emphasizes on traditional political organization of *Apatani* community. The work also examines the other community's traditional village councils of Arunachal Pradesh with describing the evolutions of each. The ethno-historical and political backgrounds of the *Apatani* tribe in the modern transition period are also discussed. The influences and contesting of modern political institutions viz. Indian judiciary system, new legislation systems of western model and particularly Panchayat Raj institution with that of traditional tribal village councils of Arunachal Pradesh are analyses.

Rao, V. Venkata, (1975) in his literature work *A Century of Tribal Politics in North-East India 1874-1974*. It has analyses attractively with in- dept on tribal politics. He discusses important developments in North-eastern region, relations between tribal and the British, the constitutional position and the political institutions in the tribal communities. The work studies the formation of district councils, their constitutional structure and functional aspects. It also devoted to state politics in these regions from way back in 1874. The work is informative but traditional and modern political institutions confluences are not much emphasised including the prospects of emerging various political institutions of the region.

Pandey, Duarah and Sarkar (eds.) (1999), on *Tribal Village Council of Arunachal Pradesh* informatively describe the various traditional political institutions of the different ethnic groups. The emerging realities of the traditional political structure are also discusses. The trends of changes and development after introduction Panchayat Raj are also discussed. But the existing of two systems and tensions areas is not elaborative.

Mamang, Dai, (2005), in her literature work entitled *The Legends of Pensam* (the in-between) fascinatingly nuanced account of the life of the *Adi* community of Arunachal Pradesh. The upland valley, an immensely varied and difficult terrain, and wedged in by the deep gorges and dense forests are focuses.

The theme of time and destiny, which the old songs celebrate also, gets connected with the cataclysmic changes that affect the individual and the community. Colonization and the electoral politics of the post-colonial nation-state have their impact. The ancient *Kebang*, the traditional political institution as modern legal system are also highlighted with details uncovering of others ethnic groups traditional political institutions of the Arunachal Pradesh.

Pratap, Chandra Swain (2006), in *Local Self-Government in India (with Special References to Arunachal Pradesh)* tries to highlight the local government as the traditional concept with modern philosophy. The historical background of the local government viz. ancient, modern and presents positions are also elaborated. The

development of local self-government in Arunachal Pradesh and its respond to the dynamics of political process as well as the changing socio-economic environment are discusses in the context of the indigenous tribal society and its traditional village councils, its regenerating of the institutions of local government are also analyses particularly Panchayati Raj and traditional political institutions.

*Milorai, Modi,(2003)*,in his monograph entitled *Indigenous System of Governance in the Tribal Society of Arunachal Pradesh*, systematically discusses the functioning of traditional and local system governance with tracing out the origin of the system of governance in the tribal society. He argues, the traditional political institutions as more democratic, participatory, transparent and inclusive the so called the modern systems of governance and need to revive such system. His works stresses only one community's village council called Kebang of Adi and examines Kebang effective roles in conflict resolution and in building human development.

*Pandey, D and Tripathy, B (1997)*, entitled *History of Arunachal Pradesh*; this work describes the society of the various ethnic communities, the economic conditions, religions life and tribe's relation with outside world. Most importantly, the political life viz., traditional administration and political institutions are discussed. The constitutional and administrative growth of the Arunachal Pradesh since British period is also analyze in the work rather than discuss the relationship between two emerging political institutions viz. Village Council and Panchayat Raj.

*Goswami, Atul (2002)*, entitled *Traditional Self- Government Institutions among the Hill Tribes of North-East India*. This work is not only describes but also critically examines the relevance of these institutions to the needs of tribal society in transition. The work, besides providing an authentic account of the institutions of the traditional self-governing institutions, is valuable addition to the literature on tribal studies. The works is emphasasised on the traditional village councils rather than the coming and important of modern political institutions which need to be look into it.

*Sanjib, Baruah, (2005), literary work entitled Durable Disorder, Understanding the Politics of North-East India.* In this analytical work, attempts have been made to critically view the North-East India appropriateness to fit into a standard narrative of democracy of India owing to its armed conflicts shoulders the region. Despite popular protests against brutality by security forces and private militias but non-attention of national civil society is also highlighted. Every state's typical political developments and its impact on the region are also discusses without specific particular political institution of the region and the any state or neither modern or traditional.

*Lalit, Kumar Baruah, (2006), entitled Education and Culture in North-East India (1826-2000)* examines interlinkages between education and culture in Northeast India using socio-historical and cultural lens. While underlining the uniformity of the emerging education system and also stressing that the Assamese intellentsia was less educated than any other part of the country, the author makes a leap of faith to argue that their social consciousness was derived from the egalitarian structure of Assamese society; the important values like a sense of rationality, secularism or love of Western democracy which was reinforced by their preference for the reformed agrarian structure, and representative political institutions. But, literature works seems to be using the terms Northeast and Assam as synonyms. As a result, the analysis throws up a large number of issues which the author perceives as 'multiculturalism' but may be seen as Assamese cultural colonization by the smaller socio-cultural identities of the region. More substantially, while the volume aspires to address the issues of Northeast, bulk of the discussion ends being that of Bengal and the rest of India.

*Dhar, Bipash and Chandra, Palash Coomar, edited, 2004), entitled Tribes of Arunachal Pradesh,* by name the books is anthropological oriented, in actual, it covers every aspects of various tribal indigenous way of socio-economic and political lifestyle which covers the traditional democratic setup of the people. The book also covers the indigenous influences of indigenous customary systems on the presents political set up. The evolutionary process of democratic institutions in the state is also analysis. The ethnography of the various ethnic groups is also highlighted minutely including present

situations vis-à-vis modern mainland political set up from the established governmental approaches.

### **Methodology**

The study is based on both primary and secondary sources. The primary sources (government's documents, personal interview, groups' discussion, field survey/study). The secondary sources are published and unpublished theses /books, published articles, research journals, newspaper clipping, related documents published by the various governments and non-governments agencies.

The data has been also collected from various sources by adopting empirical approaches (systematic testing and informal past experience) and non-empirical approaches like vicarious experiences, electronics medias, postal services, peoples' analysis of events, logic, and inspirations are used.

### **Aspects of Study**

In the background of the introductory remarks and stated objectives, the present study attempts to analyses some of the important aspects of Panchayati Raj and traditional village councils of Arunachal Pradesh. The study has been divided into four chapters excluding introductory part. The study is organized in following chapters.

The introductory part is explains the historical background of Arunachal Pradesh, the research problems with theoretical framework of the research area, scope of the proposed study and formulation of objectives of the study. Review of the literature available in this area and the applied methodology is highlighted.

Chapter-I: The chapter one discusses theoretical with definition of the Local Self-Government .The historical background of the Panchayat Raj institution in India and its road to constitutional status are analyses in the chapter. The geo-political background and rural local self- government of Arunachal Pradesh are also highlighted including the chapter.

situations vis-à-vis modern mainland political set up from the established governmental approaches.

### **Methodology**

The study is based on both primary and secondary sources. The primary sources (governments documents, personal interview, groups' discussion, field survey/study). The secondary sources are published and unpublished theses /books, published articles, research journals, newspaper clipping, related documents published by the various governments and non-governments agencies.

The data has been also collected from various sources by adopting empirical approaches (systematic testing and informal past experience) and non-empirical approaches like vicarious experiences, electronics medias, postal services, etc. analysis of events, logic, inspirations, etc. are used.

### **Aspects of Study**

In the background of the introductory remarks and stated objectives, the study attempts to analyse some of the important aspects of the traditional village councils of Arunachal Pradesh. The study has five chapters excluding introductory part. The study is organized as follows:

The introductory part explains the historical background of Arunachal Pradesh, research problems with theoretical framework of the research area, scope of the study and formulation of objectives of the study. Review of the literature in the research area and the applied methodology is highlighted.

Chapter-I: The chapter I discusses theoretical definitions of Panchayat Government. The historical background of the Panchayat Raj system and its road to constitutional status are examined in the chapter. The evolution of urban and rural local self-government of North-East region of India particularly Arunachal Pradesh are highlighted in this chapter.



Chapter-II: In this chapter, the various types of village councils, their evolution, an important functions with roles of the traditional political institutions in every walk of people's life in the democratic process in Arunachal Pradesh are analysed.

Chapter-III: The chapter three focuses on operational level and tries to analysis interlocking areas between the traditional village councils and modern political (Panchayat Raj) institutions in the various functional processes in Arunachal Pradesh.

Chapter-IV: In the last chapter, an attempt has been made to analysis the main propositions and findings of the study with some suggestions.

Chapter-II: In this chapter, the various types of village councils, their evolution, important functions with roles of the traditional political institutions in every walk of people's life including various political activities of the democratic process of the state are analysed.

Chapter-III: The chapter three focuses mainly operational analysis and interlocking areas between the traditional village councils and modern political (Panchayat Raj) institutions in the various functional processes in Arunachal Pradesh political development.

Chapter-IV: In the last chapter, an attempt has been made to summarize the main propositions and findings of the study with some analysis of solutions.

## CHAPTER-I

### PANCHAYTI RAJ IN ARUNACHAL PRADESH

#### Definition of Local Government

All modern states are divided on a territorial basis between central (national) and peripheral (regional, provincial or local) institutions. Local government is more effective than central government in providing opportunities for citizens to participate in the political life of their community. The concept of local government has been defined by scholars in various ways.

According to *Oxford Dictionary of Politics*, “Local government is a governing institution which has authority over a sub-national territorially defined areas; in federal systems, a sub-state territorially defined area.”

According to *Andrew Heywood*, “Local government is government that is specific to a particular locality, for example a village, district, town, and city or county. More particularly it is a form of government that has no share in sovereignty, and is thus entirely subordinate to central authority or, in a federal system, to state or regional authority.”<sup>37</sup>

*Roger Scruton* defined, “Local government is a public organization authorized to decide and administer a limited range of public policies pertaining to a circumscribed territory within a large and sovereign jurisdiction.”<sup>38</sup>

According to *David L. Sills*, “Local government may be loosely defined as a public organization authorized to decide and administer a limited range of public policies within a relatively small territory which is a sub-division of a regional or national government. Local government is at the bottom of a pyramid of governmental institutions, with the

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<sup>37</sup>. *Andrew Heywood*, (2000), *Key Concepts in Politics*, Macmillan, London, p.249.

<sup>38</sup>. *Roger Scuton*, (1986), *A Dictionary of Political Thought*, Macmillan Press, London, p.274.

national at the top and intermediate government (states, regions, provinces) occupying the middle range.”<sup>39</sup>

*F.W. Eric Jackson*, “The term Local Government indicates the management of local affairs and services by popularly elected councils, chosen within the area administered by a council.”<sup>40</sup>

According to *William A. Robson*, “Local Government may be said to involve the conception of territorial, non-sovereign community possessing the legal and the necessary organization to regulate its own affairs.”<sup>41</sup>

Much earlier *John Stuart Mill* had made it clear. “It is obvious, to begin with, that all business purely local, all which concerns a single locality, should devolve upon the local authority.”<sup>42</sup>

Professor *Herman Finer* has mentioned in his treatise on *English Local Government* that Local Government also falls into the same category as such devise as federalism and proportional representation.

*J.J. Clarke* offers a functional definition, “Local Government is that part of the government of a nation or state which deals with mainly such matters as concern the inhabitants of the particular district, or place together with those matters which parliament has seemed it desirable should be administered by local authorities subordinate to the central government.”<sup>43</sup>

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<sup>39</sup>. *David, L.Sills*, (1977), *International Encyclopedia of the Social Sciences*, Vol.10, Macmillan, New York, p.451.

<sup>40</sup>. *W. Eric Jackson*, (1966), *Local Government in England and Wales*, Penguin Books, England, P.13.

<sup>41</sup>. *William A. Robson*, (1977), *Encyclopedia of Social Sciences*, Vol.9-10, p.574.

<sup>42</sup>. *K.A.A. Menon*, *Panchayati Raj Institutions, The Emerging Scenario*, in *Pradeep Chaturvedi*, (1997) (Eds). *Food Security and Panchayati Raj Concept Publishing Company*, New Delhi, p.30.

<sup>43</sup>. *J.J. Clarke*, 1948, *The Local Government of the united Kingdom*, London, p.1.

According to *Encyclopedia of Britannica*, “Local Government means authority to determine and execute measures within a restricted area inside and smaller than the whole state.”<sup>44</sup>

*D. Lockard* views, “Local Government as a public organization, authorized to decide and administer a limited range of public policies with relatively small territory which is a sub-division of a regional or national government.”<sup>45</sup>

In a simpler way, *L. Golding* defines, “Local government is the measurement of their own affairs by the people of a locality.”<sup>46</sup>

Generally, local government is also recognized as one representative institution of the concerned locality. *B.K. Gokhale* defined, “Local Self-Government is the government of a specified locality by the local people through the representatives elected by them.”<sup>47</sup> In the light of the above definitions, it can be summarized that the local government is an organized politico-legal entity, which functions as a representative institution for the civic development of the concerned locality. Thus, local government is considered to be the bedrock of representative democracy. It is actually the working and efficiency of the local government which lends significance to the common man so far as the governance of the country is concerned. Local government’s structure in Europe is general multi-tier. In Federal Germany below the state level, Lander is commonly found two tiers of local government; the Upper-tier Kreise and the lower-tier Municipalities.

In the United Kingdom, local government had existed for many centuries in the form of institutions like County, Borough and Parish. The national government had to come into the picture with varieties of legislations from time to time a need system developed with different forms of local government at different levels and with varying status like the County, the County Borough, the Urban District, the Rural District and the Parish at

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<sup>44</sup>. *Encyclopedia Britannica, Vol.14, London, pp.261-262.*

<sup>45</sup>. *D. Lockard, (1977). Encyclopedia of Social Sciences, Vol.9, Macmillan, New York, p.45.*

<sup>46</sup>. *L. Golding, (1955), Local Government, Macmillan, London, p.9.*

<sup>47</sup>. *B.K. Gokhale, (1972), The Constitution of India, Seth Publications, Bombay, pp.1307-08.*

grass-root level. An important feature of the local government institutions of the United Kingdom is the system of functioning through committees.<sup>48</sup>

In France, the Commune is an important unit of local administration with varying sizes in the country. They could be the Hors Class or of the First, Second and Third class according to the area, population and importance. The Arrondissements and Cantons are not units of local government but geographical units of administration only. The Commune is the unit of local government at grass-root level. It functions through the Mayor and a Municipal council. In the department itself, the Prefect as the representative of the French government, appointed by the Minister for Interior Affairs had a lot of authority over the working of the democratic body. They could discuss only such matters that were placed before it by the Prefect. If the council goes into political matters, the Prefect could very well intervene and declare such proceedings as illegal.<sup>49</sup>

The local government of the United States is not of a uniform pattern. On the one hand they have the system of the Mayor and the Council with the variation of Strong Mayor and the Weak Council or vice-versa. There is another system known as the commission government with a number of commissioners having collective responsibilities over the city council. In this system, the commissioners function like the Board of Directors of a Corporate body. This was not found suitable for areas with large population. Finally, there is the council and Manager system in which the city manager is entrusted with large responsibilities. In all the systems that prevail in the USA, the Committees play a prominent role but they have gone by an assumption, that there cannot be a uniform pattern of local administration for a mammoth city and smaller units of local government.<sup>50</sup>

The local governments operate in a locality which is described as the territorial jurisdiction of the concerned local government. Moreover, the localities are divided into

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<sup>48</sup>. K.A.A. Menon, *Panchayati Raj Institutions, The Emerging Scenario*, in Pradeep Chaturvedi, (1997) (Eds). *Food Security and Panchayati Raj Concept Publishing Company, New Delhi, p.30.*

<sup>49</sup>. *Ibid.* p.30.

<sup>50</sup>. *Ibid.*

two types viz., Rural (village area) and Urban (town area). Accordingly, the local governments are classified into *Rural Local Government and Urban Local Government*. In other words, on the basis of the type of the locality, the local governments are categorized into two types (rural and urban local government). In India both types of the local government are functioning. While in rural India, the name of Local-Self government is Panchayati Raj institution which has been introduced as village local government; in urban India, the Municipal/Nagarpalika system as urban local government. Both institutions are now constitutionally recognized under the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments and materialized.

However, the present study is basically on the rural local-self government that is Panchayat Raj in the Arunachal Pradesh. The functioning and its influences of the Panchayat Raj are given emphasis. Before discussing the functions of the institution in the Arunachal Pradesh context, the historical background and definition of Panchayat Raj in India is to be analyzed.

### **Historical Background of Panchayati Raj in India**

The local government is an aged old system of local government in India. It was found during the ancient days on the form of small republics. Its origin in the different traditional pattern of governance, in the phases of history in many parts of India. So, Sir *Charles Metcalf*, in his famous Minute, the then acting Governor-General of India described, "They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds revolution; *Hindu, Pathan, Mugal, Maratha, Sikh, English*, are masters in turn; but the village communities, each one forming a separate little state in itself, has I conceive contributed more than any other cause to the preservation of the peoples of India through all the revolutions and changes which they have suffered, and is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence. I wish, therefore, that the village constitutions may never be disturbed and I dread everything that has a tendency to break them up."<sup>51</sup>

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<sup>51</sup>. *Report of the Congress Village Panchayat Committee, First Edition, (1954), B.B. Gupta, quoted in Local Government in India, 1968, Central Book Depot, Allahabad, p.4.*

The *Vedic* literature, references are available on the popular village assemblies controlling the kings of the numerous states. These popular assemblies for the village were known as Sabhas whereas the popular assemblies for the whole people or the state were known as *Samiti*. The *Sabha* was the simplest example of the village government, which was to settle the village disputes and also to look after the political as well as socio-cultural matters.<sup>52</sup>

*Shriman Narayan* traces the growth of rural local government in India as follows, "It is believed that the system was first introduced by *Prithu* while colonizing the doab between the Ganges and the Jamuna. In the *Manusmriti* and *Shanti Parwa* of the Mahabharata, there are many references to the existence of Gramasangas (or rural communities). A description of these rural communities is also found in the *Arthashastra* of *Kautilya* who lived in 400 B.C. In *Ramayana* of *Valmiki* we read about the Gangapada which was, perhaps, a kind of federation of village republics...Megasthenes has left vivid impressions of the pentads, as he called these Panchayats. An account of the village commonwealths, during the seventeenth century is found in *Shukracharya's Nitisara*. In fact, the village in India has been looked upon as the basic unit of administration since the village, is mentioned on the *Rig-Veda*(X, 62.ii.1075). Reference to the Grama Sabhas or the local village assemblies are found in the *Jatakas* as well. *Shreni* was the well known term for merchant guilds. The villages continue to be regarded as a corporate political unit throughout the post-Vedic period. Thus in the Vishnu and Manusmritis the village is reckoned as the smallest political unit in the state fabric. The *Dharma Sutras* and *Dharma Shastras* contain frequent reference to *Gana* and *Praja* both of which terms seem to have denoted the village or town corporations. Archeological evidence in the form of numerous inscriptions also confirms the testimony of literature regarding the prevalence of these local self-governing institutions. The Indian rural republics continued

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<sup>52</sup> . *Shriman, Narayan, (1994), The Panchayat Systems of India, B.N. Verma (, ed.), Bharat, Gupta, quoted in Local Government in India, 1968, Central Book depot, Allahabad, p.3.*



to flourish during rule of the *Hindus, Muslims and Peshwas* till the advent of the East India Company.”<sup>53</sup>

*Megasthenes*, the ambassador sent by the Greek Emperor Seleucus to the court of the Mauryan emperor, Chandra Gupta, in 3<sup>rd</sup> century B.C., in book called *Indica* described the existence of local government. He says, “Those who have charge of the city are divided into six bodies of five each. The members of the first look after everything relating to the industrial arts. Those of the second attend to the entertainment of foreigners. The third body consists of those who inquire when and how births and deaths occur and levying a tax. The fourth class supervises manufacture articles, which they sell by public notice. The sixth and last class consists of those collect the tenths of the prices of the articles sold.”<sup>54</sup>

The institutions of local government continued to exist during medieval period also. The Muslim rulers of medieval India did not make major changes in the system of local government. They allowed the local government to work with minor modifications. Under the Mughals rule their judicial powers were minimized but the local affairs remained un-administered from the top. The village officers and village level servants remained answerable to the Panchayats. The administration of a town vested in an officer, called *Kotwal*, who performed many municipal functions besides exercising supreme authority in all magisterial, police and fiscal matters. In *Abul Fazl's Ain-i-Akbari* described the town life and administration of those days.

The functions of local government during ancient period no doubt some of them are urban in nature but this is undeniable that in those days the local-self governments were existed till the advent of foreign colonial in the 20<sup>th</sup> century. During Mughal's period the local government functions was to supervisory in nature like night patrolling, registration of birth houses and frequent roads, and engage the citizens in a pledge of reciprocal

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<sup>53</sup>. Shriman, Narayan, (1964), *The Panchayat Systems of India*, B.N. Verma, (eds.), Bharat Bhushan Gupta, quoted in *Local Government in India, 1968*, Central Book Depot, Allahabad, p.3.

<sup>54</sup>. Venkatarangaiya, M and Pattabhiram, M. (1969) (eds.), *Local Government in India*; Allied Publishers, Bombay. p.63.

assistance, and bind them to a common participation. Receiving collecting reports on daily occurring of events.

### **Local Self-Government During British Period in India**

Although local government existed in India in ancient times, in its presents structure and style of functioning, it owes existence to the British rule in India.

A beginning of local government may be said to have been made in 1687 when, for the first time, a local governing body- a municipal corporation was set up for the city of Madras.

During the British period, the strong centralized bureaucratic system of administration comprising district, provincial and central administrations was established in the country. The main purpose of creating a centralized administration system was to facilitate the collection of land revenue from the people. To make proper administration structure for effective rule. Later on the idea of local government grew for effective functioning of the government at the local level and appeases the educated class of Indians who wanted to take part in the administration of the country. The Governor-General Lord Rippon (in council) passed a resolution that the primary aim of local affairs was to import political education to the people. Efficiency in management of local affairs was of secondary consideration to him. He suggested that, for rural areas there should be District and Sub-District Boards with two-third elected members and non-official chairpersons be set up to perform basic civic function.

In 1907 the British Government set up the Royal Commission on Decentralization to examine administration and financial relations between the central government and provincial government and recommended the required changes. The commission also inquired into the structure and working of Local Self-Government in India. The commission made reinvigoration of the local self-government. As regards the rural local self-government, it recommends revamping of sub-district and district boards and also setting up a village Panchayats with informally elected members and with village

headman as its chairperson. The commission thus recommended a three tier sub-district and district boards already in existence in most of the rural areas in provinces.<sup>55</sup>

During the period of significant constitutional reforms in the last phase of British rule (1919-47) both rural and urban local bodies were put under the charge of provincial ministers who were appointed as the result of constitutional reforms of 1919 in the country and were given enhanced administrative powers in respect of local government during the subsequent period of further constitutional reforms of Government of India Act, 1935 by the Parliament. In this period most of the provincial governments passed fresh laws for providing democratization of structure and substantial enhancement of powers of the local bodies. Administrative action also began to be taken to expand substantially the number of local bodies so as to cover increasing parts of the country. Several princely states then in existence in India also began to setup gradually local bodies, though with partial democratic structure and limited powers but the local self-government institutions were instituted.

### **73<sup>rd</sup> Constitutional Amendment Act, 1992**

The main protagonists, Mahatma Gandhi, his doctrine of the national development through autonomous rural organizations which he derived to model on the lines of Panchayat System as it prevailed in ancient India. He envisaged five-tier system of village Panchayats, taluka Panchayats, district Panchayats, provincial Panchayats, and all- India Panchayats.<sup>56</sup> The administrative system envisaged by him was that of a pyramid whose broad base was composed of numerous village communities of the country. The higher Panchayats shall tender sound advice; give expert guidance and information supervise and coordinates the activities of the village Panchayats with a view to increasing the efficiency of the administration and public service. But it would be the basic units that would dictate to the centre and not vice- versa. In fact the whole system would turn upside down; the village shall become the real and moving unit of administration.

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<sup>55</sup>. B.S. Khanna, (1999), *Rural Local Government in India and South Asia Deep and Deep Publications, New Delhi, pp.6-11.*

<sup>56</sup>. S.N. Mishra, e al, (1996), *New Panchayati Raj in Action, Mittal Publication, New Delhi, p.9.*

However, Dr. B.R. Ambedkar, who was chairman of drafting committee of the constituent assembly and called Father of Indian Constitution, gave no place in it to the Panchayats. He spoke clearly and unequivocally condemning the village Panchayats as, “a sink of localism and a den of ignorance and narrow mindedness and communalism”. He opined that the village republics spelled ruination for the country and played no part in the affairs and destiny of the country.<sup>57</sup>

What followed was a mid-way between the Gandhian concept of village Panchayats and its condemnation by Dr.Ambedkar. There was only the formal acceptance of the idea of the local autonomy, in juxtaposition there existed a well entrenched resistance to any radical change of balance of power in favour of local self-government institutions. The resultant of this was in the form of only in corporation of village Panchayats in the Directives Principles of the Indian Constitution.

In the present scenario, the concept of Panchayati Raj has come to be accepted as an extension of democracy up to the village, and has found favour amongst politicians. The Panchayati Raj institutions in India have traveled long road to acquired a constitutional status from a mere mentioning of it in the constitution in the form of Directive Principal of State Policy in Part –IV in the constitution, (Article 40). Article 40 of the Indian constitution states, “The state shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to functions as units of self-government.”

Further, the local government was included in the constitution in the State List (List II) under Scheduled Seven, entry five(5) which says: “Local Government, that is to say, the constitution and powers of the municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self government or village administration.” In this way constitutionally, massive efforts drives for socio-economic reconstruction in general and rural reconstruction in particular under framed constitution but marginalized the village Panchayats. Pandit Jawaharlal

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<sup>57</sup> . *S.N. Mishra, et al Op.cit., p.9.*

Nehru, the then, prime minister inaugurated India's first independent Panchayat Raj system as a process of governance and for towards the democratic decentralization, on 2<sup>nd</sup> October 1959 at Nagpur in Rajasthan on basis of Balwntrai Mehta committee's recommendation. Subsequently almost all the states went for their own Panchayat Raj acts.

In order to grant Panchayati Raj constitutional status, the government of India appointed a number of committees particularly during 1980s, and adopted number of measures, in wake of committees reports, for first time a concrete measure was undertaken by the government in the Parliament by introducing 64<sup>th</sup> Constitution Amendment Bill on 15 May 1989. It was passed by the Lok Sabha; but could not approve by Rajya Sabha owing to the dissolution of the former. Finally, by amending the provisions of Article 243 of the constitution and inserted a new part (Part-IX) and new scheduled (Scheduled XI) in the Constitution popularly known as 73<sup>rd</sup> Constitutional Amendment Act, 1992 passed by Parliament<sup>58</sup> and legalized Panchayati Raj by incorporating in the constitution of India through 73<sup>rd</sup> Constitutional Amendment Act, 1992. The main important features of the 73<sup>rd</sup> Amendment Act are:

1. There shall be a Gram Sabha consisted of the persons registered in the electoral rolls relating to a village within the area of Panchayat at the village level. It may exercise such power and functions at the village as may prescribed by laws of state legislature.
2. In every state, there shall be gram Panchayat at the village level, Panchayat Samiti in the intermediate level and Zilla Parishad in the district level. The Panchayat at the intermediate level may not be constituted in a state having a population not exceeding twenty lakh.
3. The state legislature may, by law, make provisions with respect to the composition of Panchayats. All seats in a Panchayat shall be filled by persons chosen by direct election from the different territorial constituencies in the Panchayat area. The legislature of a state may, by law, provide for the representation of the chairpersons of the lower level

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<sup>58</sup> . D.D. Basu, (1994), *Introduction to the Constitution of India, sixteenth edition, Prentice- Hall of India, New Delhi, p.263.*

Panchayats at the higher level Panchayat and also the representation of the concerned MPs and MLAs in such Panchayat other than the village level.

4. The Chairperson of a village level Panchayat shall be elected in such manner as the Legislature of the State may, by law, provide. The chairpersons of the Panchayats at intermediate and district levels shall be elected from amongst the elected members thereof.

5. The seats in the Panchayats shall be reserved for the scheduled caste, scheduled tribes and the women. Not less than one third of the total number of reserved seats for scheduled castes and scheduled tribes shall be further reserved for the women belonging to these communities. Further; not less than one third of the number of seats to be filled by direct election in every Panchayat shall be reserved for women. The reserved seats for women may be allotted by rotation to different constituencies in a Panchayat. Again not less than one-third of the total number of offices of Chairpersons in the Panchayat at each level shall be reserved for women.

6. Every Panchayat shall continue for five years from the date appointed for its first meeting. However, the Panchayats can be dissolved before the completion of their term. The election to constitute a Panchayat shall be completed before the expiry of six months from the date of its dissolution. A Panchayat constituted upon the dissolution of a Panchayat shall continue for the remainder of the period.

7. A person shall be disqualified for being a member of a Panchayat if he/she does not have required qualifications for the purpose, as prescribed by the state legislature from time to time. No person shall be disqualified on the ground that he is less than 25 years of age, if he/she has attained the age of twenty-one years.

8. The state legislatures may, by law, endow Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government. This may help for the devolution of powers and responsibilities upon the Panchayats at the appropriate levels.

9. The legislature of a state may, by law;

- I. authorizes a Panchayats to levy, collect and appropriate certain taxes, duties, tolls and fees;

II. assigned to a Panchayat such taxes, duties, tolls and fees levied and collected by the state government for specified purposes and subject to certain conditions and limits;

III. provide such grants-in-aids from the consolidated fund of the state.

10. The Governor may constitute a Finance Commission at the expiry of every five years to review the financial position of the Panchayats and to recommend to the Governor with regard to-

I. the principles regarding the distribution of the net proceeds of the taxes, duties, fees etc. which may be assigned to or appropriated by the Panchayats; the grants-in-aid to the Panchayats from the consolidated fund of the state;

II. the measures required to improve the financial position of the Panchayats;

III. any other matter referred to the Finance Commission by the Governor in the interest of the sound finance of the Panchayats.

11. The Governor shall appoint a State Election Commission under whose superintendence, direction and control, the Panchayat elections shall be conducted.<sup>59</sup>

### **Local Self-Government in North-East India: An Overview**

The North-East India, home to numerous diverse ethnic groups and located strategically borders with Bhutan, China, Myanmar and Bangladesh. The North East India consists of eight states-Assam, Arunachal Pradesh, Manipur, Nagaland, Tripura and Sikkim comprises 4 percent of the total population of the country. In table no.1.4, the populations of the North-East region are shows. The per cent age of decadal population growth are also included and mentions in the table.

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<sup>59</sup>. Prakash, Chander, (2001), *Indian Government and Politics, eleventh Edition, Cosmos Bookhive Pvt, Ltd. New Delhi, pp.288-289.*

**Table No.1.4.**  
**Distribution of State Wise Population in North-Eastern Region of India.**

STATE	POPULATION 2001			Percentage decades growth	
	PERSONS	MALE	FEMALE	1981 1991	1991 2001
Arunachal Pradesh	1,097,968	579,941	518,027	36.33	26.21
Assam	26,655,528	13,777,037	12,878,491	24.24	18.85
Manipur	2,388,638	1,207,388	1,181,296	29.29	30.02
Mizoram	888,573	459,109	429,464	39.70	29.94
Meghalaya	2,318,822	1,176,087	1,142,735	32.86	29.94
Nagaland	1,990,036	1,047,141	942,895	56.08	64.41
Tripura	3,199,203	1,642,225	1,556,978	28.47	32.98
Sikkim	540,851	288,484	252,367	28.47	32.98

*Sources: Population Census of India, 2001.*

In order to tackle the problems of this unique area and safeguard the democratic traditions and culture diversity of its people, the framers of the constitution conceived of the instrument of tribal self-rule. There was minimum interference with the powers and functions of the chiefs, Village Organization and other local authorities. The British thought that the complicated procedure adopted for the administration of the plains was unsuitable for the Hills. So the Rural policing and maintenance of law and order were left to the local village councils and the chiefs.<sup>60</sup> This stands embodied in the Sixth Schedule of the Indian Constitution.

The Sixth Schedule envisages establishment of Autonomous District Councils (ADCs). These councils have been given Legislative, Administrative and Judicial powers under sixth schedule. No law of the Centre or the State in respect of the legislative powers conferred on the Autonomous District Councils could be extended to those areas

<sup>60</sup> . V. Venkata, Rao, (1975), *A Century of Tribal Politics in North East India 1874-1974*, S.Chand and Company, New Delhi, p.45.



without their approval. The district councils are also empowered to constitute Village Councils and also Village Courts.<sup>61</sup>

The non-Sixth Schedule states in the North-East where 73<sup>rd</sup> and 74<sup>th</sup> Amendment (Panchayati Raj Institutions) have been implemented are Assam (barring Karbi Anglong Autonomous District Council, North Cachar Hills Autonomous District Council and Bodo Tribal Councils), Manipur, Tripura (barring Tripura Tribal Areas Autonomous District Council), Arunachal Pradesh and Sikkim.

Following the 73<sup>rd</sup> Amendment, the Assam Government enacted the Panchayat Act, 1994 which covers almost all the features, including reservation, of the 73<sup>rd</sup> Amendment. The PR system continues to be the three-tier with a modification consisting of the Gram Panchayat at the village level, Anchalic Panchayat at the intermediate level and in place of Mahkuma Parishad there is Zilla Parishad at the District level.

In Manipur, the Panchayati Raj institutions were functioning in the valley districts and Jiribam sub-division. In the hill districts, there were village authorities, almost similar to village Panchayats, functioning under the provisions of the 1956 Manipur (Village Authorities in Hill Areas) Act.<sup>62</sup> In conformity with the 73<sup>rd</sup> constitutional Amendment Act of 1992, the Manipur Panchayati Raj Act 1994 was passed on 23<sup>rd</sup> April 1994 by repealing the former Act of 1975. The new act has provided for the constitution of a two-tier Panchayati Raj in the valley areas, the Gram Sabha at the village and Zilla Parishad at the district level.

In Tripura, earlier there was single tier system called Naya Panchayat, but after the passing of the Tripura Panchayat Act, 1993 with conformity of 73<sup>rd</sup> Amendment, the three-tier structure established with Gram Panchayat as the lowest level, the Panchayat Samiti at the block level and Zilla Parishad at the district level.

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<sup>61</sup> . Dipanjan, Roy Chaudhury, *Autonomous District Councils and Panchayati Raj Institutions in North-East India*; in *Dialogue Quarterly*, Volume-7 No.1, July-September, 2005, New Delhi, p.157.

<sup>62</sup> . *Ibid.*, p.166.

Articles 244(2) and 275(1) of Indian Constitution in which sixth Schedule; the provisions for administration of Tribal Areas in the states of Assam( Karbi Anglong Autonomous District Council, North Cachar Hills Autonomous District Council and Bodo Tribal Councils),Meghalaya (Khasi Hills District Council, Jaintia Hills District Councils and Garo Hills District Council) Tripura (Tripura Tribal Areas Autonomous District Council), Mizoram (The Chakma District Council, The Mara District Council and Lai District Council) and Nagaland ( Purely Traditional Village Councils are functioning in place of Panchayati Raj institutions under the Sixth Schedule and so 73<sup>rd</sup> Amendment Act does not apply to the state of Nagaland).

The Sixth Schedule was specifically created to ensure the protection of the minor tribes from the threat of marginalization, domination and homogenization by the major tribal group under the jurisdiction area of the Autonomous District Councils (ADCs). This schedule succeeded to a great to preserve the distinct identity and autonomy of tribal population. But, the Sixth Schedule has an inherent tendency to promote ethnic polarization and sub-nationalism. At one level, the Schedule has brought out the clash of interests between the inhabitants of the same state.<sup>63</sup> In the Traditional Village Councils, there may not be complete participatory by the people in the processes unlike modern one particularly Panchayati Raj for example reservation for women in the process. In this context, relevance of the Sixth schedule needs a serious review with keeping in mind relevance of 73<sup>rd</sup> Amendment Act, 1992 in North-East India.

Arunachal Pradesh has undergone a unique process of political development. The scattered Frontier tracts of this region got the politico-administrative identity by creating themselves into NEFA under the North East Frontier Agency Regulation, 1954. The emerging political process continued to remain in pristine primitive conditions and heterogeneous tribes confined themselves to their traditional political process.

However, the then Prime Minister Pundit Jawaharlal Nehru followed *Verrier Elwin's* philosophy of non-interferences in tribal life style, culture, tradition and retaining the

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<sup>63</sup> . *Dipanjan, Roy Chaudhury, Op.cit., p.75.*

tribal identity and British policy of isolation until 1962.<sup>64</sup> The Chinese aggression in 1962 became a turning point in the history of political development of the NEFA. When China invaded this part (NEFA). Aftermath of Chinese attack, the government of India suddenly changed its policy of non-interferences and adopted a new policy for rapid socio-economic as well as political development of NEFA to bringing it into national mainstream. In wake of this policy, the NEFA Panchayat Raj Regulation was promulgated in 1967 for the introduction of modern political process in the erstwhile NEFA as per recommendation of Daying Ering Committee in 1965. Accordingly the all India pattern of three tiers Panchayat Raj System was introduced in NEFA in 1969 on the backdrop of the existing traditional tribal councils.

### **The Daying Ering Committee Reports**

A four member committee popularly known as Ering Committee was constituted on 11<sup>th</sup> April, 1964 by the Governor of Assam to study the appropriateness of development of local self-government in NEFA.

The Committee was headed by Shri Daying Ering the then Parliament Secretary , B.D. Pandey the then Additional Secretary, Minister of Finance as member, Brigadier D.M. Sen as member and L. Thanga the then Development Commissioner of NEFA as member.

The Daying Ering committee was asked to look into the following matters:

- The type of democratic bodies suitable at the village level and above.
- The nature of jurisdiction of these bodies.
- The phases in which the recommendation of the committee could be implemented taking into consideration the varying stages of development of different tribal groups.

The committee started its work in May 1964 and submitted its recommendations on 4<sup>th</sup> January 1965.<sup>65</sup> The member of the committee extensively made visit to different areas and parts of NEFA. They interacted with cross-section of the people, collected the different view points of different tribal leaders, experiences government officials and other representatives of tribal groups. On the basis of the first hand observation, the

<sup>64</sup> . Verrier, Elwin, fourth edition, (1999), *A Philosophy For NEFA (Arunachal Pradesh)*, , Directorate of Research, Government of Arunachal Pradesh, Itanagar, pp.29-30.

<sup>65</sup> . Daying Ering Committee Constituted in May 14, 1964 and Submitted its Report in 1965, p.34.

committee prepared a report. The report of Daying Ering Committee consisted of around 100 pages divided into 3 chapters and carrying more than 50 important recommendations.<sup>66</sup> The reports made different chapters which are as follows:

CHAPTER-I: Deals with Historical background, constitutional position, present administration and people's organization.

CHAPTER-II: Details of tour, visits, views of people contacted, tribes met, etc.

CHAPTER-III: Recommendations.

### **Important Recommendation of the Committee Related to Panchayati Raj**

1. The Ering Committee recommended for the introduction of democratic decentralization with the creation of four tiers representative bodies at different levels namely-

- i. Gram Panchayat at village level.
- ii. Anchal Samiti at circle level.
- iii. Zila Parishad at the district level.
- iv. Agency Council at the agency or territory level.<sup>67</sup>

2. The existing tribal village councils should be recognized as Gram Panchayat. Precisely the Gram Panchayats were to be constituted at the village level. Each village should have a population of 100 corresponding to 20 families.

3. At the circle or the block level there would be one intermediary body called Anchal Samiti. One Anchal should have approximately twenty members. But under certain exceptional situations, the membership of the Anchal Samiti may extend up to thirty or thirty-five. The Anchal Samiti should provide adequate representation to different tribal groups or tribal communities residing within the circle. Ordinarily, each and every Gram Panchayat within Anchal Samiti shall elect their representatives to the Anchal Samiti itself. The jurisdiction of the Anchal Samiti extends over the area of the concerned Block or circle. The Sub-Divisional Officer of the Sub-Division within which the Anchal Samiti is located shall be ex-officio Chairman of the Anchal Samiti. Anchal Samiti should meet at least four times a year. But, the Anchal Samiti does not enjoy any specific judicial

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<sup>66</sup>. *Daying Ering Committee Constituted in May 14, 1964 and Submitted its Report in 1965*, p. 35.

<sup>67</sup>. *Daying Ering Committee Constituted in May 14, 1964 and Submitted its Report in 1965*, p. 36.

function except settling the inter village disputes or inter-tribal disputes. Mostly the Anchal Samiti implements developmental scheme either directly or with the help of Gram Panchayat for the benefit of the village level.<sup>68</sup>

4. At the district level there should be a committee called Zila Parishad. The Zila Parishad will be a supervisory body for the entire district. The Zila Parishad should consist of approximately 24-30 members depending on the number of circles or Anchal Samiti. It will consist of the representatives of Anchal Samiti as well as the heads of the developmental departments in the district. Over and above the Zila Parishad provides representation to the unrepresented tribal group and community of the district. The Deputy Commissioner of the district should be the ex-offio Chairman of the Zila Parishad.

5. At the agency or the territory level there should be a body called Agency Council. The Agency Council has to function as an advisory body. It should provide representation to the representatives of Zila Parishad, the MPs representing NEFA. Ordinarily, the Agency Council should consist of twenty members. The Governor in charge of NEFA shall preside over the Agency Council. The Agency Council should meet at least twice a year. The Agency Council shall discuss the five year plan proposals relating to NEFA, tax proposals etc. In this regard the Agency Council seems to function as a legislative body.

6. The members may also raise questions regarding any statutory regulations or laws concerning NEFA.

### Operations of Panchayati Raj in Arunachal Pradesh

By recommending for the introduction of all India patterns of administration as well as democratic decentralization, the Daying Ering committee made a breakthrough in the socio-political and economic life of the indigenous tribes of NEFA.

The Government of India accepted the recommendation of Daying Ering Committee and incorporated the same in North- East Frontier agency Panchayat Raj Regulation, 1967 with few modifications. The President of India powers conferred under Article 240

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<sup>68</sup>. *Daying Ering Committee Reports, (1965), Pratap, Chandra Swain, quoted in Local Self-Government in India With Reference to Arunachal Pradesh, 2006, Pustak Manzil, Tezu, Arunachal Pradesh, p.105.*

promulgated the North-East Frontier Agency Panchayati Raj Regulation 1967<sup>69</sup> with effect from 2<sup>nd</sup> October 1968; under this regulation, the Panchayat bodies were constituted in 1969 and formally inaugurated in NEFA on 3<sup>rd</sup> December 1969 by the Governor of Assam. The first four tiers democratic political structure introduced in NEFA were *Gram Panchayat* in the village level, *Anchal Samiti* in intermediary or block level, *Zila Parishad* in district level and *Agency Council* in territorial level in NEFA. In Table No.1.5, the first Panchayat bodies of the then NEFA (Arunachal Pradesh) are shown.

**Table No.1.5.**

**Number of First Panchayat Bodies in the then NEFA (Arunachal Pradesh) in 1969.<sup>70</sup>**

Districts	Zila-Parishad	Anchal Samiti	Gram Panchayat*
Kameng	1	5	NA
Subansiri	1	12	NA
Siang	1	11	NA
Lohit	1	8	NA
Tirap	1	3	NA
Total	5	39	838

\*Anchal Samiti Constituencies.

The regulation accorded the status of Gram Panchayat to the village councils. As such no separate Gram Panchayat was provided. The existing traditional village councils were accepted as the gram Panchayat which serve only the electoral for the purpose of Anchal Samiti. The regulation did not assign any specific function to the Gram Panchayat except helping the executive in developmental activities and mobilizing the people for such purposes. <sup>71</sup>As per Panchayat Raj Regulation 1 of 1967 the, “Gram Panchayat” means a village authority constituted under the Assam Frontier(Administration of Justice)

<sup>69</sup>. *Daying Ering Committee Reports, 1965, Pratap, Chandra Swain, quoted in Local Self- Government in India With Reference to Arunachal Pradesh, 2006, Pustak Manzil, Tezu, Arunachal Pradesh, p.107.*

<sup>70</sup>. *NEFA Information, August, (1969), pp 32-33: Kurukshetra, New Delhi, Vol.20, and No.3 November, 1971, p.12.*

<sup>71</sup>. *Sanjay, Dubey, Dynamics of Tribal Local Polity and Panchayat Raj In Arunachal Pradesh, (sixth eds.), 2005, Premier Publishing House, New Delhi, p.4.16.*

Regulation 1971 (4 of 1971).<sup>72</sup> It substituted the earlier meaning that a Gram Panchayat means a body of persons elected according to the tribal customary methods by the residents of any village as the Deputy Commissioner may specify, further the provision added “election may be conducted by the eligible adult (voters) and a secret ballot system” vide Panchayat Raj amendment 1967. Thus Gram Panchayat institution was separated from village authorities and indigenous governing institutions. Gram Panchayat is constituted for village or group of villages having a population of not less than 300. In exceptional cases the Administrators approval is obtained to constitute “Gram Panchayat” having a population of less than 300. Previously a Gram Panchayat consisted of not less than 500 persons.<sup>73</sup> However in first operational of Panchayat, it was extended to Seppa sub-division of Kameng district and Miao-Vijaynagar sub-division of Tirap district because of strong influential of traditional village councils.

The fourth tier was the territory level body named NEFA Council, which was renamed as Pradesh Council in 1972, with the change of the name of the territory as Arunachal Pradesh. This apex territorial Panchayat body was later removed and replaced by Legislative Assembly to the then Union Territory of Arunachal Pradesh in 1975.<sup>74</sup> It was intended to provide the opportunity to the tribes to take effective part in the developmental administration of NEFA. The regulation aimed at establishing Panchayat system of local government linking the people from the village to the territorial (agency) level. Ultimately, the regulation envisaged a four tier democratic political system in NEFA which was the main foundation of the Panchayati Raj in Arunachal Pradesh. In view of the dominant position that officials continued to occupy in the Panchayati Raj bodies at all the three levels and the influence they exercised in the councils, it would be unrealistic to call them self-governing institutions in the real sense of the term. Arunachal Pradesh has a population below twenty lakh. Therefore, it had the option of constituting only two tiers under the Constitution 73<sup>rd</sup> Amendment Act, 1992, but an ordinance

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<sup>72</sup>. Sanjay, Dubey, *Dynamics of Tribal Local Polity and Panchayat Raj in Arunachal Pradesh*, (sixth eds.), 2005, Premier Publishing House, New Delhi, p.4.16.

<sup>73</sup>. *Ibid.*, p.4.16.

<sup>74</sup>. *Ibid*

framed on 18<sup>th</sup> April 1994, that is the Arunachal Pradesh Panchayat Raj ordinance, included the constitution of three tiers in the state.

In order to meet the requirement of the 73<sup>rd</sup> Amendment Act 1992, Arunachal Pradesh needs a comprehensive law, so the governor of Arunachal Pradesh on advised of the Government promulgated on 18th April, 1994 the Arunachal Pradesh Panchayati Raj Ordinances 1994 replacing the NEFA Panchayat Raj Regulation 1967 to compliance the 73<sup>rd</sup> Amendment Act, 1992. The ordinance was passed in September 1994. It contained the same provisions as in the Panchayati Raj Ordinance 1967 particularly three tiers provision. However, the Bill could not become an Act as the Governor of Arunachal Pradesh reserved it for the assent of the President of India. The President of India did not give assent to the Bill remitted it to the legislative Assembly with the observation that; it does not provide for Gram sabha and reservation for Schedule Castes. The state legislative assembly reconsidered the Bill in March 1997 and modified it to provide for a Gram Sabha at the lowest level of Panchayats but it did not agree to make a provision for reservation for Scheduled Castes on the plea that Arunachal Pradesh does not have any Scheduled caste population in the state is only floating scheduled castes population and mainly concentrated in Urban areas. The bill was sent again to the president of India in April 1997.

Regarding inclusion of Gram Sabha and reservation for scheduled castes controversial deadlock period. The Governor thrice extended the life of the Panchayat bodies elected in 1992 under NEFA Panchayat Raj Regulation 1967, first time in August 1995 for one year and then in September 1996 and in March 1997 extending it for six months each time. The original terms of Panchayats were three years. It was extended up to five years with the plea that the 73<sup>rd</sup> Amendment Act, 1992 makes a uniform five years term for the Panchayats throughout the country, overlooking the fact that it does not allow any extension of terms of the Panchayats elected under the existing Act. It only allows them to complete the term if it extends beyond 1994.<sup>75</sup>

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<sup>75</sup>. Dipanjan, Roy Chaudhury, *Autonomous Councils and Panchayati Raj Institutions in North East India*, in *Dialogue*, Vol.-7, No.1, July-Sept., 2005, p.164.



Hence, on 14<sup>th</sup> September 1997 on completion of the two year term of the Panchayats, the state government ordered their dissolution. The Arunachal Panchayati Raj Bill 1997 received the assent of the President of India on 3<sup>rd</sup> April, 2001 only (Act No.5 of 2001), after passing 83<sup>rd</sup> constitutional amendments Act, 2000 by affecting Article 243D in which declares that no reservation in Panchayats need be made in favour of the Scheduled Castes (SC) in Arunachal Pradesh which are wholly inhabited by indigenous tribal population (w.e.f. 08.09.2000).<sup>76</sup> The Act is known as the Arunachal Pradesh Panchayat Act, 1997.

The Act of 1997 replaced the NEFA Panchayat Raj Regulation 1967 in line with 73<sup>rd</sup> constitutional Amendment Act, 1992 and extends to the whole of Arunachal Pradesh with providing for three tiers Panchayat system with wider representation as well as expands developmental functions and the act came into effect from November 14, 2001. Since then onwards the Panchayat Raj institution born in complete legal form purely based on the Balvantray Mehta Committee recommendations. The existing system of Panchayat Raj in Arunachal Pradesh is three tier bodies viz.

1. Gram Sabha for each village;
- 2 Gram Panchayat for one village or group of village;
3. Anchal Samity at the block level and
4. Zilla Parishad at the District level.

The Gram Sabha is consisting of persons registered in the electoral rolls relating to a village which is located within the area of Gram Panchayat. The chairman of the concerned Gram Panchayat presides over every meeting of Gram sabha.

The Gram Panchayat is consisting of only a part of a village, or of a whole village or group of villages. Each Gram Panchayat constituency consists of maximum 300 people and elects one Gram Panchayat member against every 100 people. There is an exception that the ratio of one member per hundred populations shall be two in cases where the

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<sup>76</sup> . P.M.Bakhsi, reprint, (2004), *The Constitution of India*, Universal Law Publishing Co.Pvt.Ltd; Delhi, p.210.

population is more than 150 in a particular village. Among the elected member, one has to elect as the chair main of the Gram Panchayat constituency. The main function of the Gram Panchayat body was to finalize the developmental schemes and help the village administrations from tinge to time in respect of their constituencies and mobilizing the people for such purpose.

Whereas the Anchal Samiti posses certain executive and financial powers for implementation of the schemes towards the improvement of health and hygiene, roads and communication, education and culture of the people by obtaining the required funds from the government.

The Zilla Parishad is the highest policy making body in the district level having supervisory and advisory capacity for sponsoring all the development needs which comes in the shape of schemes and estimates for execution by different agencies, for development in the district. The important provisions of Arunachal Pradesh Panchayat Raj Act, 1997, which are basis of the existing Local Self-Government in the Arunachal Pradesh<sup>77</sup>, are:

- a. All three tiers viz. gram Panchayat, Anchal Samiti and Zilla Parishad are directly elected bodies.
- b. The elections of Panchayat Raj bodies are conducted by the State election commission under the act.<sup>78</sup>
- c. Under the act due recognition to women has been provided by reserving one third seats of the members and also one third seats of chairpersons at all three levels of Gram Panchayat, Anchal Samiti and Zila Parishad, on rotation basis.
- d. The state finance commission created under this Act, which determines financial health of the Panchayat bodies. Its recommendations, regarding annual transfers or contribution of finance to PRIs are mandatory upon the state government.<sup>79</sup>

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<sup>77</sup> . Arunachal Pradesh Panchayats Raj Act, 1997(Act No. 5 of 200).

<sup>78</sup> . Arunachal Pradesh Panchayat Raj Act, 1997(Act No. 5 of 2001), Clause 104,105 and 106.

<sup>79</sup> . Ibid, see Clause, 138.

- e. The Circle officers, Extra assistant Commissioners and additional Deputy Commissioners hold office of the Member Secretary ,but can not become chairman, of the Gram Panchayat, Anchal Samiti and Zilla Parishad respectively in capacity of their being ex-officio member of these bodies which makes PRIs free from bureaucratic and governmental control.
- f. The Member of Parliament and the state legislature are the ex-officio members of the Anchal Samiti and Zilla Parishad of their Constituencies
- g. Political Parties are allowed to participate in the elections of the Panchayat Raj Institutions.
- h. The term of the Panchayat bodies is of five years.
- i. All the three Panchayat bodies viz. Gram Panchayat, Anchal Samiti and Zila Parishad are empowered to hold property and authorized to maintain a fund at their respective level.
- j. Gram Panchayat is empowered to discharge executive developmental and financial functions besides implementing schemes. It may impose tax, fee, toll and fine.
- k. Anchal Samiti has a vital role in the development administration and enjoys supervising powers over the gram Panchayats.
- l. The authority of Zilla Parishad extends to the mater to which the executive authority of state extends.
- m. All three bodies viz. Gram Panchayat, Anchal Samiti, Zilla Parishad are the body corporate having power to acquire, hold and dispose property and to enter into contracts and shall be said by its corporate name.

The ultimate purpose of bringing a new Panchayat law is to ensure greater participation of the people and more effective implementation of rural developmental programmes.

Rural Development imbibes bringing about simultaneous development in physical, social, economic, technological, political and institutional aspects by involving the people directly in the process. Thus, the strategy for rural development requires conscious planning and this planning should not be entirely centralized, it must be decentralized and

multifarious.<sup>80</sup> Panchayati Raj institutions have been the first modern political institution and first step for the democratization of power and in a sense provides a landmark in the constitutional evolution of Arunachal Pradesh. The democratic political process was started in NEFA (Arunachal Pradesh) lately only in 1969 when Panchayat Raj was inaugurated on the basis of Daying Ering Committee recommendations. The democratic political process influenced the tribal society in Arunachal Pradesh to a large extent by modernizing the tribal society as a whole.<sup>81</sup> The long non performers of franchise tribal people got the opportunities to exercise their franchise the first time in the Panchayat election for electing their representative to the Panchayat body. By this process, the Panchayat election became an eye opener for the long isolated people so far as the grassroots democratic political process is concerned.

Before introduction of Panchayati Raj institution, the people of Arunachal Pradesh had been almost completely isolated, not only from modern civilization but also from each other. Their world was limited to their village and own valleys. By participating for the first time in the different Panchayat related activities and learn the democratic venture and values which led them first hand experience in the grass root democratic process. The decentralization of the local self-government institutions makes people realized the key instruments for the development of village life by themselves. The rural villagers took active role in implementing the state sponsored developmental projects and schemes in their own area through Panchayat Raj institution. As a result the people get chances to involve with the developmental process of the respective rural area. Thus Panchayati Raj institutions in Arunachal Pradesh started as the prime instruments of decentralization at the grass-roots level.

In the heterogeneous tribal society of Arunachal Pradesh, the Panchayat Raj institutions became instrumental in providing a homogenous political practice to the people in entire state by downsizing narrow and antagonistic community feeling amongst the isolated tribal people since there are various ethnic groups in the state having distinct cultures, religion, beliefs, practices with having own traditional confined territorial political set up.

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<sup>80</sup> . Sanjay, Dubey, *Op.cit.*, p.13.1.

<sup>81</sup> . P.N. Luthra, (1993), *Constitutional and Administrative Growth of the Arunachal Pradesh*, Directorate of Research, Government of Arunachal Pradesh, Itanagar, pp.28-29.

By introducing homogenous characteristics Panchayat institutions, the different confined territorial political set up withered away. Panchayat Raj institution laid down the foundation of state, the Arunachal Pradesh as a state itself has grown out of Panchayat Raj institutions. As already mentioned, Daying Erring Committee recommended four-tiers of Local Self-government viz. Gram Panchayat at village level, Anchal Samiti at circle level, Zila Parishad at the District level and Agency Council at the Agency or Territorial level. The agency Council became the Pradesh Council when the NEFA up graded to the Union Territory status in 1972 named Arunachal Pradesh, the four-tier Panchayati Raj system was limited to three tiers in 1975 when the Pradesh Council became the Provisional Legislative Assembly of Arunachal Pradesh. Later on Arunachal Pradesh became a full fledged state of the Indian Union in 1987.

In India majority societies is male dominant. Traditionally Arunachal Pradesh society is also patriarchal in nature where women's position is not so high. Women are generally debarred from inheriting property and holding head of the traditional village council.<sup>82</sup> But after enactment of Arunachal Pradesh Panchayat Act 1997, one-third seats are reserved for women in all the three level of Panchayat bodies. They act as vehicle in carrying back to the people the power that really belongs to them. In recent election, after getting President assent, the election was held in 2003 in which large numbers of women were also took parts actively. In table no.1.6 the existing Panchayat Members of Arunachal Pradesh are shown as per the recent election results.

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<sup>82</sup> . J.N. Chowdhurry, (1996), *Arunachal Panorama*, Directorate of Research, Itanagar, Arunachal Pradesh, pp.85-86.

**Table No. 1.6.**  
**District Wise Elected Panchayat Raj Members (up to 29<sup>th</sup> August, 2003).<sup>83</sup>**

Sl.No.	Name of Districts	Zilla Parishad members			Anchal Samiti members			Gram Panchayat members		
		fem	Mal	total	Femal	male	total	female	male	Total
1	Tawang	2	4	6	29	51	80	123	170	293
2	East Kameng	3	7*	10	43	75	118	175	225	400
3	West Kameng	3	6	9	37	59	96	227	269	496
4	Papumpare	3	7	10	27	50	77+	129	208	337
5	Lower Subansiri	4	10	14	67	123	190	293	328	621
6	Kurung Kumey	5	8	13	55	106	161	224	347	571
7	Upper Subansiri	4	9	13	50	95	145	207	290	497
8	East Siang	4	7	11	49	95	144	207	290	497
9	West Siang	6	12	18#	70	141	211#	291	536	827
10	Upper Siang	2	2	4	19	43	62	80	140	220
11	Lohit	4	8	12	66	107	173	295	545	840#
12	Changlang	2	5	7	36	65	101	175	329	504
13	Dibang Valley	1	2	3+	8	13	21+	31	39	70+
14	L/ Dibang Valley	2	4	6	21	39	60	104	144	248
15	Tirap (Proposed)			14			105			778
	Total			150			1744			7263

\* Actual total is 8 but one seat lying vacant, all candidates were disqualified in the scrutiny in that seat, so election could not held in 2003.

+ Figures indicate lowest number of members in respective category.

# Figures indicates highest number of members in respective category.

<sup>83</sup> . Department of Panchayat, Government of Arunachal Pradesh, Naharlagun, India, 2003.

In 2003 Panchayat election, a good number women representatives have been elected which are landmark development in an indigenous tribal society like Arunachal Pradesh where the women has come out from the shackle and acquiring little space in socio-political scenario unlike traditional system. In table No.1.7 the women participation in the Panchayat election are shown.

**Table No.1.7.**

**Male-Female Representation in Panchayat Raj Institutions of Arunachal Pradesh, 2003.**

	<b>Zilla Parishad Members</b>	<b>Anchal Samiti Members</b>	<b>Gram Panchayat members</b>	<b>Total Panchayat Members</b>
Female	45(33%)	577(35%)	2561(39%)	3183(38.54%)
Male	91(77%)	1062(61%)	2924(61%)	5077(61.46%)
Grand Total	136	1639	6485	8260

*Sources: Department of Panchayati Raj, Government of Arunachal Pradesh, Naharlagun, 2003.*

Every Panchayat members across the gender line are looking after the welfare of the village community. The Community Development Blocks and the Panchayat Bodies works on hand in hand for ensuring the welfare of the rural people. The rural development's schemes begin from the grass root level with the consultation of and help of gram Panchayat members, Anchal Samiti members.

The history development rural community in Arunachal Pradesh dates back to the days of NEFA in which the government of India introduced the Community development Program on 2<sup>nd</sup> October 1952 in the Pashighat area of Siang district.<sup>84</sup> Again On 2<sup>nd</sup> October 1953 the National Extension Service (NES) block was introduced in Namsang area of Tirap District. The number of blocks opened during the first plan was 5. By the end of the second plan, 19 NES blocks were functioning in the then NEFA (Arunachal

<sup>84</sup> S.K. Chaube, reprint, (1999), *Hill Politics in Northeast India*, Orient Longman Limited, New Delhi, p.192.

Pradesh).<sup>85</sup> While implementing Community Development Programme, indigenous delicate culture and life style of the tribal people were taken into consideration by non-interfering in their traditional governance system.<sup>86</sup>

In Arunachal Pradesh, the Community Development Blocks were divided into two categories that as A and B blocks. Block with the population of above 5000 and having the services of 18 Gramssevaks was treated as A grade blocks. "B" type of blocks consisted of population less than 5000 and only 5 Gramssevaks were attached to each of them. The Gramssevaks were necessarily tribesman or tribeswoman themselves.<sup>87</sup>

Following all India pattern, the Community Development Blocks are stationed with the administrative centers and the Circle Officers served in the capacity of Block Development Officers. Their basic targets were on cottage industries and establishment of consumer co-operatives institutions. Community Development programmes are piloted through the Rural Development Department administered through the BDOs runs directly by the Deputy Commissioner till 1983. In 1983, Government of Arunachal Pradesh created District Rural Development Agency (DRDA) in all the districts. Since then onwards DRDA acts as an autonomous body and all the projects and programmes of rural development are now executed through it. In each district there is one DRDA in the Arunachal Pradesh and Deputy Commissioner used to be the chairman. However, in each DRDA, strength may vary slightly because of the variations of the number of Member of Legislative Assembly (MLAs) and the Chairpersons of Anchal Samity of the district. Thus, functions of Community Development Block is almost overtaken by the DRDA and now functioning as nominally only few programmes viz. porter tracks roads, suspension bridge and rural housing are spared under Community Development again directly dealt by Deputy Commissioners for whereas the rural developments projects and programmed are through DRDA, District Governing Body, and Advisory Body and ultimately executed by BDO. Every BDO has developmental machineries consisting of

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<sup>85</sup> . S.K. Chaube, *Op.cit.*, p.192.

<sup>86</sup> . Verrier, *Elwin, Op.cit.*, p.30.

<sup>87</sup> . J.N.Chowdhury, (1983), *Arunachal Pradesh Frontier Tract to Union Territory*, Cosmo Publications, New Delhi, p.259.



Extension Officers (EO) of Agriculture, Fishery, Veterinary, Industry, Engineering, one Extension Officer (Credit), one Progress Assistant and village level workers. BDO is key person in regard to rural construction; he operates all programmes of rural development. BDO functions as controlling officer of all such personnel of different departments placed at block level staff of the integrated rural development but again headed by Deputy Commissioner.<sup>88</sup> The formulation of schemes starts from the grassroots level with consultation and help of Gram Panchayat Members, Anchal Samiti Members and Vice-President/Chairperson of the Anchal Samiti. Indigenous Traditional Village Council have also consulted in the village level and submitted by Panchayat bodies through respective BDOs are thoroughly scrutinized in the DRDA by the Advisory Body with consultation of technical heads of departments. All proposed schemes are placed before the meeting of the District Governing Body. The deputy Commissioner is the chairman of and District Rural Development Officer is Member Secretary of the district Governing Body. The Governing Body comprises of following members:

- I. Both Lok Sabha and Rajya Sabha Member of Parliament of the area.
- II. All MLAs of the area.
- III. Chairperson/Vice-President of the Zilla Parishad.
- IV. Chairperson/Vice-President of the Anchal Samity.
- V. All district Heads of Department.
- VI. Block Development Officers.
- VII. Bank Officials.

District Governing Body meets at least twice a year to approve and for finalizations of the schemes submitted before it by the District Rural Development Agency (DRDA).<sup>89</sup> By this way Panchayati Raj started plays as catalysts between tribal politics with the national mainstream and creates a kind of awareness in the remote villages by participating in the deliberation process.

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<sup>88</sup> . Sanjay, Dubey, *Op.cit.*, p.13.14.

<sup>89</sup> . Sanjay, Dubey, *loc cit.*, P.13.14.

Arunachal Pradesh was long alienated vis-à-vis mainstream society. The Panchayat bodies plays as a catalysts of the barrier and creates a kind o regeneration of village social life. People continue to think more in terms of the village community rather than narrow selfish interests. The Panchayat bodies take active interests in organizing community festivals in the village with the active participation of the village folk (group). This ultimately strengthens the sense of fellow feeling and mutual help among the people of the village. Thus, A.C. Talukdar said, a main objective of the introduction of Panchayat Raj in Arunachal Pradesh “is to modernize the political traditions of the area and to pattern it after the one prevalent in the rest of the country. The developmental objective of the regulation is to effect rapid development of the area and to involve the tribal people in the development process. The cumulative effect of the two is to be a process of modernization of socio-political ethos in the territory.”<sup>90</sup> But, in process of functioning, the generation of funds is needs to be considered seriously. The Panchayats functionaries were not satisfied with financial arrangements and demanded direct funds and more discussion making powers. A leader of a prominent Zilla Parishad are of views that it will futile to expect Panchayats to impose taxes and raise funds in a tax free state where even the state government is not able to impose any tax and raise revenue. But, even almost three years after election and lots of pressure from the Panchayati leaders till date, full power has not been devolved to Panchayat in the Arunachal Pradesh. In July 2003, acting on the Article 243G of 73<sup>rd</sup> Amendment Act, 1992, the state government proposed to devolve some items out of 29 items under Eleventh Scheduled (11<sup>th</sup> Scheduled) of Indian constitution. The proposed five items are Agriculture, Horticulture, Education, Power and Social Welfare, but the devolution of these items is yet to become effective. Thus, the basic purpose of Panchayati Raj is defeated in Arunachal Pradesh. The Panchayati Raj are democratically elected as representatives of the people, they are helpless and they do not enjoy any power, elected representatives without power; rather, they are disillusion with the democratic process of the country.<sup>91</sup>

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<sup>90</sup> . A.C. Talukdar, (1997), *Politics Transition in the Grassroots in Tribal India*, Omsons Publications, Guwahati, p.197.

<sup>91</sup> . Milorai, Modi, (March 2007), *Decentralized Governance, A Crisis of Empowerment in South Asia Politics*, Vol.5, No.11 New Delhi, p.47.

## CHAPTER-II

### TRADITIONAL SELF-GOVERNING INSTITUTIONS IN ARUNACHAL PRADESH

In the absence of central authority, the Arunachal societies had evolved certain laws within the society itself to regulate the society without attributing it to any particular person or a group of persons. These laws covered the entire range of their life. However, informal self-governing traditional institutions regulate these laws. Nature, character and functioning of informal self-governing institutions are varying from the tribe to tribes. *Max Weber* advocates tradition as one of the sources of authority and of legitimacy as well by contrasting it with charismatic and rational legal sources.<sup>92</sup>

#### **Definitions of Tradition**

The term *tradition* has derives from the Latin word '*traditio*' meaning handing down, handing over, delivery, surrender etc. which is handed down from person to person or from generation to generation. It includes both the process and the product. According to transfer or deliver from generation to generation.

According to *Robert Redfield*, "the word tradition connotes the act of handing down and what is handed down from one generation to another."<sup>93</sup>

*Yogendra, Sing* defines tradition as the cumulative heritage of a society which permeates through all levels of social organizations, for example, the value system, the social structure and the structure of personality.<sup>94</sup>

*V.K.R.V, Rao*, looks upon tradition as habits, customs, attitudes, ways of life which get embodied in institutions and then tend to get frozen because of the stability and

<sup>92</sup> . *O.P.Gauba, (4<sup>th</sup> edition, 2005) An Introduction Political Theory, Macmillan, New Delhi, p.250.*

<sup>93</sup> . *Robert, Redfield, (1962), Civilization as Cultural Structures, in Human Nature and the study of Society, edited by Margart Park Redfield, Chicago: Lal Srivastava, Sahab, 1974, quoted in Folk Culture and Oral Tradition, Abhinav Publications, New Delhi, p.9.*

<sup>94</sup> . *Yogendra, Sing, (1961), Tradition Culture Pattern of India and Industrial Change in Tradition and Modernity, edited by A.B. Shah and C.R.M. Rao, Monaktala, Bombay, quoted by Lal, Srivastava Sahab, Op. cit., p.9.*

autonomous existence of these institutions. Thus according to him tradition implies age and with it a fairly long period of continuity.<sup>95</sup>

*R.V. Sampson* explains tradition as a mode of behaviour or standard produced by a group as distinct from an individual and serves to intensify group consciousness and cohesion.<sup>96</sup>

According to *Oxford dictionary*, "Tradition refers to a handing over or handing down of lore or legend" or "a belief, custom or way of doing something that has existed for a long time among a particular group of people; a set of these beliefs or customs."

*Encyclopedia Britannica* defines, "The aggregate of customs, beliefs, and practices that give continuity to a culture, civilization, or social group and thus shape its views taken in this senses, laws and institutions are also part of tradition. In certain religions, tradition signifies essential doctrines or tenets that are not explicitly set down in sacred scriptures but are accepted as so orthodox and authorities that they have equal authority with sacred writings and are sometime used to interpret them."<sup>97</sup> Tradition which is cumulative social heritage in the form of habits, customs, attitudes and ways of life is transmitted from generation to generation either through written scriptures or through word of mouth. The tradition transmitted through word of mouth is called oral tradition which is generally find and practices in the tribal people of the Arunachal Pradesh except *Khampti* community.

Tradition as adaptive and cumulative political heritage which regulates the society and people and accepted by the concern group which is time honoured and is transmitted from generation to generation through socialization process and respected by the group

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<sup>95</sup> . *V.K.R.V.Rao*, (1961), *Some Problems Confronting Traditional Societies in the Process of Development in Tradition and Modernity in India*, quoted by *Lal, Srivastava Sahab*, *Op.cit.*, p.9.

<sup>96</sup> .*R.V. Sampson*, (1964), *Tradition in a Dictionary of the Social Sciences*, edited by *Julius Gould and William L.Kolb*, *Tavista Publications*, London; *Op.cit.*, p.9.

<sup>97</sup> . *The New Encyclopedia Britannica*, (1977) *Micropaedia Volume X*, 15<sup>th</sup> Edition; *William Benton*, *Publisher*, London, p.84.

concerns are called traditional self-governing political institutions.<sup>98</sup> The traditional self-governing institutions in heterogeneous society of tribes of Arunachal Pradesh are basically regulates through village council which are constituted in every village and own community by respective village all over the Arunachal Pradesh. Thus, tradition speaks about a passing of beliefs, institutions and customs from one generation to the other in forms of either political or social means and respected by the concerns groups, in the Arunachal Pradesh is one example.

The term traditional self-governing institutions is used in this work to denote the age-old political institutions called village councils exists in the tribes of Arunachal Pradesh which are dully recognized even after introduction of modern statutory Panchayat in 1969 and it has long traditions of governance effectively till today in the grassroots level. The traditional village council was only the representatives' institutions in the state till the introduction of Panchayati Raj. The council derives their authority from ancient times or traditions, supported not only by social, but also by religions and they considered village as their state which had its own natural boundary, council as government and nature and environments as their policy maker.<sup>99</sup> This village council often acted as sovereign bodies by deciding all internal and external matters of the village. These village councils are in built system of self-governance which helped the tribes to manage the respective village affairs smoothly.

The important landmark of Sixth Scheduled (Provisions for Autonomous District Councils) has been enshrined in the Indian constitution for preservation of traditional customs, institutions and its customary laws of the ethnic groups of North-East states except Arunachal Pradesh. But, tribes of Arunachal Pradesh follow their customary laws. The Sixth Schedule of the Indian constitution basically for preservation of the autonomy of the hills tribes in the matter of their traditional socio-political customs is not made applicable on Arunachal Pradesh unlike other North-East states of India. Introduced as

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<sup>98</sup>. B.K. Roy, Burman, (2002), *Traditional Self-Governing Institutions Among the Hill Tribal Population Groups of North East India*, in *Traditional Self-Governing Institutions Among The Hill tribes of North-East India*, edited by Atul, Goswami, Akansha, Publishing House, New Delhi, p.21.

<sup>99</sup>. Verrier, Elwin, (1965), *Democracy in NEFA*, Shillong, p.18.

protective measures, the Sixth Schedule has been superimposed on their tradition. It recognizes community ownership and does not allow non-tribals to acquire lands in these areas. In Arunachal Pradesh, the Assam frontier (Administration of Justice) Regulation 1945 and the NEFA (Arunachal Pradesh) Panchayat Raj regulation 1967, substituted the 6<sup>th</sup> Schedule in Arunachal Pradesh, By this regulation, the traditional village councils were retained as village judiciary as every tribe has its own indigenous mechanisms and procedure of adjudication and Panchayat institutions were multi-tribal and intra-tribal institutions by unifying diverse ethnic groups. At present election to the modern Panchayat Raj are contested on party basis.

Under the Assam Frontier (administration of Justice) regulation, 1945, the tribal village councils are recognized as competent administrators of the law and given wide powers in both civil suits and administration of criminal justice. No professional pleader is allowed to appear before them and the execution of restitution according to custom and tradition has the sanction and backing of the government.<sup>100</sup> Thus, the traditional political institutions were the representative institutions in the Arunachal Pradesh till 1969. Elwin is of the opinion that the tribal councils were a democratic court of the people. This tribal councils afforded opportunities to the villagers to develop a sense of democratic spirit and also a sense of initiative and leadership. This movement of democracy at grassroots is remains a symbol of political rationality for generations to come along with the modern government's local self-government so called Panchayati Raj.

However, The *Assam Frontier (Administer of Justice) Regulation 1945* aimed at consolidating as well as governing laws of the tribal people of the then *North East Frontier Agency (NEFA)* based on traditional and customary system for regulation, consolidation and amalgamate the system of justice of the tribal people in the grassroots level particularly to administer the village socio-politico and economic based on traditional and customary laws of the respective village or tribe. Thus, the existing

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<sup>100</sup> . Act No. 1 of 1945, *The Assam Frontier (Administration of Justice) Regulation, 1945, The Arunachal Volume I, Code 1982, Government of Arunachal Pradesh.*

traditional self-governance systems called village council are works within stimulated framework of the *Assam Frontier (Administration of Justice) Regulation, 1945*. This act empowers the traditional village council to exercise exceptional autonomy in grass root level based on customary laws of the respective community.<sup>101</sup> The village council are confirmation or recognized in the modern Arunachal Pradesh because of this landmark Act promulgated by the then Governor of Assam in 1945.

Broadly, the functions of the village councils are basically three folds viz. judicial, administrative and developmental. Judicially, the council settles the disputes within the village boundaries and considerable powers have been given them under the *Assam Frontiers (Administration of Justice) Regulation, 1945*.<sup>102</sup> The administrative functions of the council are the maintenance of paths and bridges, water-supply and sanitation of the village. Council fix the dates of community hunting and fishing also decide when the main agricultural operations should take place and when festivals should be held. Most important one, when the council is approached by government officials, the response of council is enthusiastic to help them for development of the village and district. The council differed from each other considerably but they have certain common characters too

The common characteristics are as follows:<sup>103</sup>

- All the village councils derive their authority from the ancient past and times.
- The councils are the expression of the will and power of the whole people of the village supported by social as well as supernatural sanctions.
- Decisions in the village council are not by formal vote but on the basis of a general unanimity.
- Most of the village councils are governed by the customary law of the concerned tribes.
- The jurisdiction of the village council is confined to the particular tribal village

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<sup>101</sup>. Sachin, Roy, (1966), *Aspects of Padam-Minyong Culture, Shillong*, p.223.

<sup>102</sup>. Verrier, Elwin, *Op.cit.*, p.19.

<sup>103</sup>. Verrier, Elwin, *Op.cit.*, p.70.

- Woman participation is not encouraged in all the tribes and generally they are restricted to become the head of the council.

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### **Typology of Traditional Village Councils**

Different scholars have adopted various theoretical frameworks for the classification of the village council systems of Arunachal Pradesh. These classifications are made on the basis of the exercise of the political organization's authority of the respective tribal communities. In some of village councils, the central authority is vested in a single person who acts as the village headman, but in some other council, the authority is vested with a few selected representatives of the village.

*Raghuvir, Sinha* who was a Research Officer in the then NEFA, classified the village council based on authority. The authority may be vested in a single individual acting as the headman of the village, or it may be entrusted to a few chosen representatives of the village forming a council of elders and acting on behalf of the whole village community whose confidence they may command, or in the third alternative, the village community may keep the authority to itself. He identifies the former as autocratic type and latter as Democratic system<sup>104</sup>. A similar opinion was placed by *P.D. Gogoi*. He identifies the former as Chieftaincy system and later as Democratic system. In addition to these, *Gogoi* mentioned about a third type of village council in Arunachal Pradesh named gerontocracy (ruled by the elders).<sup>105</sup> In similar vein, *K.A.A. Raja*, former Lt. Governor of Arunachal Pradesh advocates comprehensive classification of the traditional village councils by replacing republican type in place of democratic system.<sup>106</sup> Most significantly, he mentions about a new type of village councils system called theocratic system to categorize the villager councils of the Buddhism followers' community.

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<sup>104</sup> . *Raghuvir, Sinha, (1962), The Akas, Shillong, p.100, quoted by Verrier, Elwin, (1965) Democracy in NEFA, Shillong, , p. 70.*

<sup>105</sup> . *P.D. Gogoi, (1971), NEFA Local Polity, Delhi University, (Unpublished Ph.D. Thesis), Chapter III, IV and V, quoted by Sanjay Dubey, (1991) Dynamics of Tribal Local Polity and Panchayati Raj in Arunachal Pradesh, Premier Publishing House, New Delhi, p.2.20.*

<sup>106</sup> . *K. A. A. Raja, (March 5, 1975), Arunachal –Evolution of a Personality, Paper read at Dibrugarh University on a seminar on Political Development with Special reference to North- East India, published in Arunachal in News, June 1975 quoted by Sanjay Dubey, Op.cit., p.2.24.*



*Sanjay, Dubey* in his book, '*Dynamic of Tribal Local Polity and Panchayat Raj in Arunachal Pradesh*,' classified all the traditional village councils in three types viz. *Democratic type, Theocratic type* and *Chieftaincy type* based on working nature of the every village councils. The *Kebang* (name of village Council) of *Adis* tribe, *Buliang* (name of village council) of *Apatanis* tribe, the *Nyelle* (name of village council) of the *Nyishis* tribe, the *Keba* (name of village council) of *Hillmiris* tribe, the *Keba* (name of village council) of *Tagins* tribe, etc. are the village councils classified under democratic system.<sup>107</sup>

Gerontocracy characteristics, where the elders is generally rules or rule of elders, is also prevails in some tribal communities like Nyishis' *Nyelle*, *Adi's Kebang Abus*. It resembles a republic form. It is more democratic than the Chieftainship as head and the members of the village council are always elected or selected by the people. It is generally very often described as republican democracy, because the final authority remains with the people. Council of elders is a representative's body of them. Normally indigenous political systems of a sub-tribe do not different fundamentally with its major tribe. For example, the village councils of the different sub-tribes of the major *Adi* group work on similar lines. And all tribal councils operate on the principle of unquestioned loyalty to the community. Facts are interpreted in the light f the tribal history and decisions are derived upon tribal jurisprudence, custom, conventions and uses.<sup>108</sup>

Broadly classification, when analyses the functions, power and composition of the different tribal village councils, we finds three major types of councils in the Arunachal Pradesh. But, some of the council has gerontocracy (rules by elders) nature and character along with democracy type which is shown in the table no.1.8.

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<sup>107</sup>. *Sanjay, Dubey, Op.cit., p.85.*

<sup>108</sup>. *Sanjay, Dubey, Op.cit., p .2.25.*

Table No.1.8.

**Tribe Wise Classification of the Major Traditional Village Council Systems of Arunachal Pradesh.**

Tribes/Community	Type of Village Council System	Local Name of the Village Council	Local Name of the village Chief/ Head
Adi	Democracy	Kebang	Kebang Abus
Nyishi	Democracy as well as Gerontocracy	Nyelle	Gaonburas
Apatani	Democracy	Bulliang	Akha
Monpa	Democracy as well as Theocracy	Mangmajon	Tsorgen
Sherdukpens	Theocracy as well as Gerontocracy	Jung or Jumba	Thik Akhao
Khampti	Chieftaincy	Mokchup	
Nocte	Chieftaincy	Ngothun	Lowang
Wancho	Chieftaincy	Wanco-Wancha	Wangham
Tangas	Limited Chieftaincy	Khapua/ Khapa	Lowang or Ngowa
Galo	Democracy	Keba	
Tagin	Democracy	Keba	
Idu Mismi	Arbiter	Abbalas	
Hill Miri	Democracy	Keba/Kebang	
Aka	Democracy as well as Gerontocracy	Nele/Melley/Raiz	Gaon Burahs

**Democratic Type**

In the democratic types of village council and consent of the common people in the village is highly respected. The councils are based on the consent of the village people. The commoners play an important role in election or selection of the head and the leaders of the council. These councils reflect the democratic nature of the indigenous tribes.<sup>109</sup>

**Kebang System of Adis**

The *Adis* (constitutionally *Abors*) is a major tribe. They concentrate largely in the districts of East Siang, West Siang, Upper Siang and Lower Dibang Valley of Arunachal

<sup>109</sup> . Pratap, Chandra Swain, (2006) *Local Self-Government in India with Reference to Arunachal Pradesh, Pustal Manzil, Tezu, Arunachal Pradesh, p.85.*

Pradesh with having various sub-groups viz. the *Minyong*, the *Padam*, the *Pasi*, the *Karko*, the *Shimong*, the *Pangi*, the *Komkar*, the *Milong*, the *Bogum Ashing*, the *Tangam*, the *Bori*, the *Boker*, the *Pailibo*, and the *Ramo*.<sup>110</sup>

The Adis traditional self-governing institution called *Kebang* is essentially highly democratic in nature. The *Kebang* is the name of village council of Adis. The *Kebang* or *Keling Kebang*; the term has two meaning, first the council and secondly ‘a person who is a good orator and a wise man who has got knowledge of tradition or intelligent, wise man, well versed in history.’<sup>111</sup> The entire machinery of the village life revolves around the *Kebang* (council). The *Kebang* consist of the *Kebang Abus (Gams)* and are chosen from within the village on the merit of their personal influence and ability to present the case in the traditional customary manner. They are usually senior men with long experience, wide and deep knowledge of the tribal lore. Each clan represents one Gams of its own. All matters concerning the common interest as well as of the individual, and all cases and disputes are brought for adjudication. It directs the village activities as per traditional laws and custom. The organization of *Kebang* is pyramidal or hierarchical and of three kinds viz. *Dolung Kebang* (village level council), *Bango-Kebang* (inter-village council, and *Bogum-Bokang Kebang* (the council of whole Adis).<sup>112</sup> The last one is also described as *Adis Parliament*. The *Kebang* is the unchallengeable supreme authority of all the sub-groups of the Adis tribe.<sup>113</sup>

### **Dolung Kebang**

The *Dolung Kebang* is the village level council. All the adult members of the village are the members of this council. The jurisdiction of the *Dolung Kebang* is limited to the

<sup>110</sup>. Bani, Dangen, (2003), *The Kebang, A Unique Indigenous Political Institution of the Adi*, Himalayan Publishers, Itanagar, p.V.

<sup>111</sup>. Interviewed by Milorai Modi with Kanglong Borang, Headman of Ayeng village, on 22/03/1999, quoted in his book *Indigenous System of Governance in the Tribal Society of Arunachal Pradesh*, (2003), Himalayan Publishers, Itanagar, p.45.

<sup>112</sup>. Tubing, Mibang, (2003), *Impact of Panchayati Raj on Kebang of the Minyongs, A Case Study of Bilate Circle, East Siang District, Arunachal Pradesh*, (Unpublished M.Phil. Dissertation), Rajiv Gandhi University, formerly Arunachal University, Itanagar, p.20.

<sup>113</sup>. A Chakraborty, (1999), *Tribal Village Councils of Padam-Minyong of Arunachal Pradesh in Tribal Village Councils of Arunachal Pradesh* edited. By B.B. Pandey, et.al, Directorate of Research, Government of Arunachal Pradesh, p.190.

specific village only. Being smallest administrative unit; primarily it looks after all the administrative, developmental, and judicious-welfare activities of the village also looks after other community works of the village. Based on nature of issues, taken up for deliberations, the Dolung Kebang can be group into two viz. *Atek* and *Bane Kebang*. The *Bane Kebang* is for all the villagers to discuss and resolve the socio-political, administrative, socio-economic and religious matters concerning the village as whole. Presence of at least one member from each family is compulsory whereas the *Atek Kebang* is basically to resolve the disputes or conflicts between two or more individuals unlike *Bane Kebang*.<sup>114</sup> However, in proceedings of both the councils, the presence of *Dolung secretary* is necessary to witness and keeps the record of councils.

### **Bango Kebang**

*Bango Kebang* is the inter-village council and next higher level of the *Kebang*; it consists of all the *Gams* of the villages within jurisdiction of the same group and a few other influential villagers constitute this *Kebang*. The jurisdiction of *Bango Kebang* extends over two or more villages who have agreed to work together. All the active member of the *Dolung Kebang* become automatically the members of *Bango Kebang* and can take active part in its proceeding.<sup>115</sup> Primarily, the *Bango Kebang* settles the disputes arising among the two and more villages who constitute this *Kebang* or who are the members of this *Kebang*. Also, all the cases which the *Dolung Kebang* could not decide and resolved are referred to this *Bango Kebang*. The date and time of the meeting of this *Kebang* is fixed months ahead.

### **Bogum Bokang Kebang**

This *Kebang* is meant for the whole and is top council of whole Adis tribe of Arunachal Pradesh. It is generally regarded as the *Adi Parliament* as well. The representatives of *Dolung Kebang* and *Bango Kebang* are included in this highest body of *Kebang*. The *Bogum Bokang* takes decision for the Adis tribe as a whole.<sup>116</sup> It makes policy in respect of the culture, social traditions and customs of the Adis tribe. It declares

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<sup>114</sup> . Mibang, *Op.cit.*, p.20.

<sup>115</sup> . Tai, Nyori, (1993), *History and Culture of the Adis*, Omsons Publications, New Delhi, p.140.

<sup>116</sup> . T. Mibang, *Op.cit.*, p.23.

peace and wars or sub-tribes, its unity and integrity; “customary laws are interpreted and amended according to the needs of changing trends. Developmental plans and policies are discussed and chalk out by them. The *Bogum- Bokang* even passes the resolution and forwards the same to the government which are viewed seriously.”<sup>117</sup> It also negotiates with other tribes regarding the relationship of *Adis* with them. It is apex councils but temporary in nature which was introduced by the British administration. The basic functions of this council is to settles *inter-Bango* disputes<sup>118</sup>

### **Buliang System of Apatani**

The *Apatani* tribe concentrates in the Ziro Valley of Lower Subansiri district of the Arunachal Pradesh. The traditional village council of the *Apatani* is called *Buliang*. The *Buliang* means council or class representatives, who mediate the proceeding of the village council. In other words, *Buliang* is the representatives of village administration, who is upholder of unwritten code of customary and who acts as spokesman of public opinion and the highest authority of tribal laws.<sup>119</sup> The *Buliang* is a clan oligarchic system having gerontocratic characters. Village affairs are managed in a somewhat informal manner by a council of clan representatives (*Buliang*).<sup>120</sup> Each individual member is called *Buliang* and the council does not have a separate name. In practice the *Buliang* is agent of the clan, men of temperament and aptitude, who are chosen either from among the member of a family which owing to its wealth and status always furnished one or two *Buliang* or in account of their individual weight in the community.<sup>121</sup> Every clan of *Apatani* has at least one *individual Buliang*. There are three-tier bodies in *Buliang* based on age group in a clan.

The *Akha Buliang* is the eldest council. It includes the important leaders of the village belongs to old and experienced generations chosen by the council. This is for consultation

<sup>117</sup>. Sanjay, Dubey, *Op.cit.*, p.2.222.

<sup>118</sup>. Verrier Elwin, *Op.cit.*, p.101.

<sup>119</sup>. H. Yapa, (1999), *Village Councils of Apatanis, in Tribal Village Council of Arunachal Pradesh, B.B. Pandey. et al, Government of Arunachal Pradesh, p.111.*

<sup>120</sup>. Verrier, Elwin, *Op.cit.*, p.81.

<sup>121</sup>. A.C. Talukdar, (2002) *Traditional Self- Governing Institutions Among the Tribes of Arunachal Pradesh in Edited Volume by Atul, Goswami, Traditional Self-Governing Institutions Among the Hill Tribes of North-East India, Akansha Publishing House, New Delhi, p.170.*

of all important matters of the village. Basically it is advisory councils of every important issues of the village.

After *Akha Buliang*, there is the middle aged council called the *Yapa Buliang*. It consists of middle aged persons who carryout the day to day affairs of the village, settles disputes and keeps the *Akha Buliang* informed of all developments. A *Yapa Buliang* becomes an *Akha Buliang* only at the death of the existing incumbent.

There is a junior council called *Ajang Buliang* who is young and future *Yapa* or *Akha Buliang*. The *Ajang Buliang* consists of young persons who act as the messengers and assistance of the *Yapa Buliang*. Gnerally these young leaders performs as the spokesman of the younger generation. The main function of this *Buliang* is to collectively uphold the tribal laws of Apatanis society. They are the enforcers of the customary laws and act as representatives of their won clan or group rather than the village.<sup>122</sup>

Collectively, the *Buliang* are the arbiters of tribal law and the upholders of tribal justice, the primary functions of the *Buliang* by principle are to deal with the civil cases like fixing of community hunting's date, fishing, land, marriage and inheritance, etc. The judicial functions like cases of murder, theft, burglary. It also addresses the developmental affairs of the village. But the *individual Buliang* are principally spokespersons of their own clan or group of clans, and not village headman. The *Buliang* take up the public issues and concerns of the community as a whole<sup>123</sup>. There is no fixed time and date of sitting but used to sit whenever required. The women's participation are rarely found though not considers as social taboo.

### **Nyelle System of Nyishis**

The *Nyishis* (constitutionally *Daflas*) tribe concentrates in East Kameng, Papumpare, Lower Subansiri, Kurung Kumey and Upper Subansiri districts of Arunachal Pradesh and some parts of Sonitpur districts of Assam considers as largest tribes in term of population

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<sup>122</sup> .Swain, *Op.cit.*, p.87.

<sup>123</sup> .Christopher, Von Furer Haimendorf, (1962), *The Apatanis and Their Neighbors*; London, p.77.

in Arunachal Pradesh. The entire village affairs are centered on the institution of *Bhang-Nyelle* (council of general or general assembly). The institution of *Bhang-Nyelle* is the highest decision making body of the village which is more patriarchal in nature. The council is constituted with the *Gaon Burahs* and he is appointed by the government. The *Gaon Burahs* and the village elders must belong to the inhabitants of the respective. There is no specific number of the member of the village council. A specific place where the council members are sitting for deliberations is known as *Nyellelangpha*. The proceedings of *Bhang-Nyelle* often goes even for week or beyond. It is constituted with a group of elderly males, from every household, *Gaon Burahs*, and priests. There is no fixed procedure to elect or select members of this *Bhang-Nyelle* and no qualifications are compulsory to become a member of this body even woman can also participate in the deliberations.<sup>124</sup> Age (elderly), sex, experience and oratorical capacity, well verse in traditional customary are some considerations for become a member. There is no fixed term for the council or other members and can continue to hold membership for a very long period of time. The members of the council do not receive any salary or remuneration (except *Gaon Burahs* but they enjoy a special status and privileges in the society. who receive some honorary from state government annually).

The council may be held at different times for different cases as per the nature of problems viz. *Nyimay-Nyelle* (council for settlements of marriage and other woman related disputes like sexual offences, assault and rapes etc), *Dacho-Nyelle* (Council for settlements of theft, trespassing and burglaries cases), *Mrana-Nyelle* (council for settlements of two or more individuals disputes cases), *Mingrana-Nyelle* (council for settlements of criminal like murder), and the *Kdaymongkho-Nyelle* (council for settlements of land and natural resources disputes cases), etc. The members of these different councils are selective and chosen from the men of experts who specialize who have good knowledge of all the systems able to explain the matters professionally at the council session based on traditional customary laws.

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<sup>124</sup>. D. Pandey and B. Tripathy, *Op.cit.*, p.228.

The *Namping-Pamnyi Nyelle* (inter-village council) consists of members of *Bhang-Nyelle* (council of general) of respective village who organize this council. The inter-tribe council is called *Nyobho-Lungnyi Nyelle* (council of two tribes/clans). The meeting site of inter-village or inter-tribe are arranged in either party's territory by the help of an assigned messenger and mediator. The person whom authorized to negotiate between two parties and act as go between is called *Bungte-Chaney or Gingdungs*. The council has inter-alia power to settle any inter-village and inter-tribal or communal disputes.<sup>125</sup> The punishment of accused is decided depending upon the wealth of the defendant based on customary laws.

The different council has different specific functions but the *Bhang-Nyelle* has administrative and developmental functions which are developmental oriented institution unlike others council.

### **Autocratic Type**

The Chieftaincy system of village council represents a kind autocratic in nature in which village chief remains the head of the village council. He exercises maximum power in and enjoys great amount of status and respect among the people in the village. The election or selection of Chieftaincy is based on hereditary system mostly people belongs to the royal clan occupy the post of village chief. Originally, the right to rule was with those who had the power and ability to command sufficient number of subjects to be able to repel any attack by other chiefs. Thus, the chieftainship originated in the physical and intellectual power of any person or any person who had the ability to organize a force could become a chief.<sup>126</sup> The women are debarred from holding the post of chiefship. The *Mokshup* (village council) of *Khamptis* tribe, *Ngothun* (council) of *Noctes* tribe, the *Wansa* (council) of *Wangchos* tribe and *Tangsas* are having chieftainship type of village council.

<sup>125</sup> . P.K.Srutikar, (1999), *Council of Nishing*, D.D. Pandey, et al, *Op.cit.*, p.79.

<sup>126</sup> . V. Venkata Rao, (1975) *A Century of Tribal Politics in Northeast India, 1874-1974*, S. Chand & Company, New Delhi, p.108.



### **Ngothun System of Noctes**

The Noctes community concentrates in the Tirap district of Arunachal Pradesh. The village council of the Noctes is called *Ngothun* (council of elders) headed and presided over by the *Chief* of each clan/separate section of tribe. The entire political lives of the people are maintained by the chief and elders.<sup>127</sup> In order to centralize the authority for the maintenance of law and order, the institution of the village chief is hereditary. This has also led to the division of society, into two classes, the chief and his descendants called the *Lowang Jat* and the others called *Sangat*. The *Sangat* class is debarred from holding the post of chieftainship by virtue of their low position in the society.<sup>128</sup> The *Chief* of the *Ngothun* is called *Lowang* who gives final say in the council. His decisions on any matters are final and binding. He consults the elder members of the councils before delivering any decisions. The following are the name and hierarchical composition of Nocte village council.

- *Lowang* - Chief
- *Ngongpa* - To assist the Chief (assistant of chief)
- *Ramba* - Priest (for rituals performances of the council and chief)
- *Tanba* - Messenger to the chief.
- Other elderly members of the village or consultation or advisory body of the council.

All these officials are working under command of the chief and accountable to him. The society is patriarchal in nature and woman has no influential roles in the council.

The chief is the supreme authority of the village community. The chief is chairman of the council by virtue of the power and privileges in the village. The territorial jurisdiction of a council is confined to the village itself. But under one main chief (*Lowang*), there can be so many subordinate chief in villages which falls under his jurisdiction. The chief can intervene in the councils of his subordinate villages' chief and decisions of the council can review by him but he may not seek suggestions from his subordinate chief.<sup>129</sup>

<sup>127</sup> Verrier, Elwin, *Op.cit.*, pp.170-171.

<sup>128</sup> Sanjay, Dubey, *Op.cit.*, p.2.15.

<sup>129</sup> P.K.Bhuyan, (1999), *Nocte Village Councils in Tribal Village Councils of Arunachal Pradesh*, B.B. Pandey, et al., *Government of Arunachal Pradesh*, p.383.

### Functions

The village councils maintain law and orders, settles the village disputes and also performs developmental functions. In case of any inter-village or inter-tribes dispute under the territorial jurisdiction of chief. He first sends his representatives inviting the warring village or tribe's chief for negotiations and settlement. Usually, *Rambas* (Priest) are the representative. Both parties fix the date and time for settlements of disputes amicably. Besides one member from each household, Gaon Burahs of the village becomes automatically the members of the council.

The *Chief* can marry more than one woman. The first wife should be from a *Lowang* (*Chief*) family of the other village. The woman has no roles in the council. Principally, the first wife's first son is immediate successor of father's chieftainship.

### Village Council of Wanchos

The Wanchos tribe is concentrated in Tirap district of Arunachal Pradesh, scattered on the Patkai range of Indo-Burma border and in the foot hills lying close to the plains of Assam. The Wanchos chief is called *Wangham*, and the chieftainship is hereditary. The Wanchos have also the kind of great chief as of the Noctes, each controlling a number of villages. The Wancho village council is headed by a Chief and consists of the elderly persons of the village; the council's name is called *Wancha*. But some scholars claimed, the *Ngajowa* is the name of the traditional village council of the Wangcho. The Chief is called *Wangham*, who is assisted by a number of members with different functions. The chief presides over the meeting of council of elders. Like Nocte society, Priests, ministers, councilors, courtier, chowkidar, etc., officials are generally found.<sup>130</sup> The chief can marry more than one woman. The first wife must be from a *Wangham's* (chief) family of the other village. Being clan exogamy's tribe, Wancho does not marry within the clan. Like Noctes, the first son of the first wife is become he immediate successor of father's post. If no son from first wife then the son of the immediate next wife inherits the *Chieftainship* post.<sup>131</sup>

<sup>130</sup> . Sanjay, Dubey, *Op.cit.*, p.2.16.

<sup>131</sup> . P.K. Bhuyan, *Op.cit.*, 394.

In the olden days, the main function of the council was to decide and plan about warfare, and to settle cases and disputes within the village.<sup>132</sup> But nowadays, besides settling the disputes arising within the village as well as inter-village disputes. The council maintains the political life through the help of the village council of elders under the leadership of chief who enjoys vast power and authority.<sup>133</sup>

### **Mockchup System of Khamptis**

*Khampti* tribe is Buddhist by religion, concentrates in the lower part of Lohit District of Arunachal Pradesh. The Khamptis have a holy book called *Thamasat*. It is a holy document which contains a good number of secular laws like criminal law, civil procedure, law of contract, rules of morality and religion.<sup>134</sup> Through the passage of time the system of law and administration as laid down in this book have been used for the purpose of administration.

The Khampti society is divided into classes having distinct social status. The highest position is occupied by the chief. The priests who are second to the chief in rank and position are very influential. Below them there is the class of free-men who form the back social population. The Khamptis are divided into innumerable clans, each clan having its own village and chief or *Gohain*. The chief normally belongs to one of the ruling clans- *Lukhkun Lunking (Namchoom)*, *Manu*, *Mungyuk*, *Chautang* and *Munglang*.<sup>135</sup> The office of the chief is hereditary in the clan, but not in the family. The chief is the political head among the Khampti communities. Gaon Burahs or *Keman* assist the chief in the process of discharging his duties. He exercises his authority through six councils of members chosen by the villagers as per procedures laid down in the *Thamasat*. The chosen six councilors should have noble qualities, fluency of speech, knowledge of law and above all indifference to bribes.

<sup>132</sup> . Verrier, Elwin, *Op.cit.*, p.178.

<sup>133</sup> . D.N.Pandey, (1997), *Local Government in Arunachal Pradesh*, Himalayan Publishers, Delhi, p.39.

<sup>134</sup> . Deepak, Pandey and Byomakesh, Tripathy, (1997), *A Comprehensive History of Arunachal Pradesh*, Bani Mandir Publications, Pashighat, Arunachal Pradesh, p.222.

<sup>135</sup> . S. Chowdhury, (1999) *Tribal Village Council of Khampti*, B.B. Pandey, *OP.cit.*, p.316.

### **Functions**

The functions of the *Mockchup* are of three types viz. Judicial, Administration and Development. The judicial role in effect is the most important function. The council settles disputes arising in the village and give verdicts on even serious crimes committed against the tribal society. The civil cases like dispute over property, dispute over land, payment of bride price, divorce, encroachment of fishing spots, etc. The criminal cases like murder, rape, adultery, elopement of married woman, kidnap, theft, etc,

When a case is brought before a village chief, also called *Gohains*, he forms a *Mockchup* and fixes a date for the settlements. In the proceedings the chief listen the both parties grievances and arguments (both plaintiff and defendant) separately. The statements are being recorded by the councilors including witnesses statement. After hearing the cases the session of thorough discussion starts, the plaintiff and defendant are not allowed to take part in this session. The chief announce the final decisions of the case after consultations of the councilors. The punishments pronounce as per nature of the crimes. The *Mockchup* decisions are final and binding based on provisions of the *Thamasat* [sacred text]. It also prescribes various punishments for various offences.<sup>136</sup>

The village council has been functioning almost in the same way as it was earlier. The council deals with but the civil and criminal cases. In case of heinous crimes the council can produce the case before the court of modern law with the help of government appointed recognized and appointed Gaon Burahs. But generally, the council tries to settles the case in the village council itself as for as possible. No body in the village overrules the decision of the council.

### **Theocratic Type**

Theocratic system of village council is mostly based on the tribal system of religious beliefs and practices. The literary meaning of theocracy is 'government by god, but often, in common usage, 'government by priests. The voice of the village council is equated

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<sup>136</sup> .Verrier, Elwin, *Op.cit.*, pp. 167-169.

with the voice of god.<sup>137</sup> Any disobedience to the institution of theocratic village council is visited by strong punishments. In Arunachal Pradesh, the followers of the *Buddhism* religion practice the theocratic type of village councils where a number of villages, who were autonomous in internal affairs, were knit together under the theocratic rule of a monastic authority and head of the village council becomes the part by supervising religion's activities of his village.<sup>138</sup> Thus session of the council takes place in the courtyard of the *Gompas* (temple).

### **The Tsorgen System of Monpas**

The *Monpas* tribe concentrates in West Kameng and Tawang districts of Arunachal Pradesh. The village council is known as *Tso-Tsangzom* (General Assembly). All the adults members of the village elect the head of the council called *Tsorgen* means village head. The *Tsorgen* is elected is by the *Tso-Tsangzom* for period of three (03) years but he is generally re-elected every three years. Thus, he remains chief until such time as he dies or resigns except impeachment for any of his wrong actions. A panel of names of the persons suitable for election as *Tsorgen* (village chief) is drawn by *Tsoblas* (local headman) after making a thorough consultation with the villagers. Amongst the panel of names, suitable person who is considered most fit to become the *Tsorgen* (village chief) is finally elected through deliberations and approved by *Tso-Tsangzom* (generally assembly) by an election process entailing the use of ballot box and ballot papers. Later *Tsorgen* is recognized by the Deputy Commissioner. Thus, the office of the *Tsorgen* follows a republican pattern.

The *Tsorgen* system consists of the *Tso-Tsangzom* (general assembly), the *Tsoblas* (the representative of the different segments of the village), and the *Thumis* (assistants to *Tsoblas* (local headman) and the *Gumins* (the messengers) and the council of elders<sup>139</sup> The *Tsoblas* (local headman), and the *Thumis* (assistant) are elected or chosen by each hamlet or a village segment. The assistant are generally chosen for one year in their respective hamlets. The *Tsoblas* (local headman) perform the task of the *Tsorgen* (village

<sup>137</sup> . Roger, Scruton, (1982) *A Dictionary of Political Thought*, Macmillan Press, London, p.461.

<sup>138</sup> . Deepak, Pandey and Byomakesh, Tripathy, *Op.cit.*, pp.211-212.

<sup>139</sup> . P.D. Gogoi, *Op.cit.*, p.138.

chief). The *Thumis* (assistant) and the *Gumins* (messenger) help the *Tsoblas* (local headman) as well as the *Tsorgen* (council head) in discharging their functions as and when necessary.<sup>140</sup> The *Tsorgen* is the chief executive as well as administrator in the village. The *Tso-Tsongzom* (general assembly) is the only authority above him. The village chief can decide all the civil and criminal cases and to guide and advise the village in all matters concerning the village or a household. Being a part of monastic institution, he is to supervise the organization and performance of all religious ceremonies in the village. He also oversees the routine administration of the village, and plays a vital role in its developmental activities.

Every house-holder in the village is required to pay *Blankpas* (equivalent to one-man labour for one day or pay in case or kind as formal salary to the head (*Tsorgen*) village council). The right to attend the meeting of the General assembly and right to cast vote are strictly confined to those who have made regular contribution to the *Khrein* (village fund). Participation of all family heads in the election is compulsory, failing which is punished by paying as fine.

### **Sherdukpens Jung System**

The Sherdukpens are small tribe of Arunachal Pradesh concentrating the lows hills of the West Kameng district. The society is divided into the royal and the subject class, *Thongs* (royal class) and subject class is called *Chhaos*. The subject class has no representation and debarred from holding the head of the council. The *Thongs* considers *Chhaos* slightly inferior social status.<sup>141</sup> The village council is called *Jung* which consists of *Gaon Burahs* or *Thik-Akhao* (village head), the *Jung Me* (simple member of the council) and the *Kachung* (courier). The head is elected by the head every family who participate in the proceedings of the village council. After elected, the head of the council appointed as *Gaon Burahs* by the administration. The *Gams* or *Gaon Burahs* and the members or the council are selected from the royal class only. The subject class can only

<sup>140</sup> . A.C. Talukdar, *Op.cit.*, pp.168-169.

<sup>141</sup> . J.N. Chowdury,(1996), *Arunachal Panorama, Directorate of Research, Arunachal Pradesh, Itanagar, p.48.*

become messengers, not members of the village council but without hereditary principles. A person of merit and experience from royal class become *Gaon Burahs*.<sup>142</sup>

### **Functions**

*Gaon Burahs* presides over the meetings of village council and gives final decision. Usually, the decisions are arrived out by consensus of the council. The Gaon Burahs accepts the majority decision of the council and courier or messenger, keeps all villagers informed about the Jung meetings and all other day to day important matters. *Chowkidar*, courier and messengers work under *Gaon Burahs*. Village's cases are settled by the village council.

Being a theocratic oriented institution, the Sherdukpens village council used to help their session in *Gompas* (religion institution). The *Gompas* is the venue of the council meetings. The general assembly is held in the courtyard of the *Gompas*. Donations, contributions, fines along with different sources are the main council's fund. Generally, money spend in celebrations of festivals of religious rites and village's common developmental purpose like relief works, constructions of roads and community house, etc. All accounts of expenditures of money have to put before general assembly by the council.

By accounting the various village councils, it is clear that Arunachal Pradesh has a long tradition of the self-government institutions and functions effectively since time immemorial and shape in accordance with the typical geographical, economic and social conditions of the state. The extremely difficult topography and rough weather made the communication very difficult amongst the tribes, therefore, developed a strong isolationist tendency in the past.<sup>143</sup> Perhaps, this may be the main reasons for the formation of almost as many types of the village councils as the number of tribes.

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<sup>142</sup> . Sanjay, Dubey, *Op.cit.*, p.2.10.

<sup>143</sup> . D.Pandey, and B. Tripathy, *Op.cit.*, p.235.

In spite of the theoretical differences in the organizations level, the basic motivation behind the village council is to preserve the tradition and culture of respective tribal society and the general welfare of the villagers based on customary laws and supernatural sanctions. Decisions of the council are mainly based on unanimity or general agreement. No doubt all the councils are informal in characters but it also provides an occasion for social gathering for the villagers. Drinks and food are almost a must during the deliberations of these councils. The people who constitute the council are the accepted leaders of the village community and presence of the village priest is also a must; it is rare that a person disobeys the decision taken by the village council. Unlike the modern administrative system, the traditional tribal system has the sanctions of the age old custom and traditional and the backing of the society.



## CHAPTER-III

### INTERFACE OF TRADITIONAL AND MODERN POLITICAL INSTITUTIONS: EMERGING REALITIES

Human societies are dynamics rather than static. Developments and change are inevitable phenomena in human societies. With the passage of time development and change take place either due to the necessity of time or due to the external influences.

The question of modernity and change arises when there is some tradition. At a certain point of time the changed situation may also become a tradition. Every human society has some tradition which is transmitted through a process from generation to generation. Some of the traditional aspects of society become so deep rooted, an important and effective that even no external force or agency can cause any change. And they continue as long as the particular society exists. New innovations may dislodge only those aspects which are found to be not congenial for healthy growth of the political sociology by the members of the society. Thus, the transition from tradition to modernity is effected by external forces and agencies only through the process of contact, persuasion and planned development.<sup>144</sup>

#### **Historical Background of Integration Policy of Indian State towards People of North-East India.**

At the time of independence, the framers of India's constitution grappled with problem incorporating a vastly diverse population into a single political entity. The issue of India's tribes comprises of around 7 percent of India's population with countless tribal divisions and religious practices- proved to be a thorny subject of challenge.<sup>145</sup> Some scholars never agreed on a definition of tribal persons or tribe like *G.S. Ghurye* who advocated complete assimilation of all individuals including tribal into a common

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<sup>144</sup> . *R.P. Athparia, (2006), Changing Power Structure of Wanchos of Arunachal Pradesh in Dynamics of Power Relations in Tribal Societies of North-East India, edited by Basudeb, Dutta and Ashok, Kumar Ray, Om Publications, New Delhi, p.157.*

<sup>145</sup> . *Including all Hills and Plains Tribes of North-East India.*

identity. He rejected the then-prevalent notions that tribal communities either existed in the area prior to non-tribal communities or remained substantially distinct from them.<sup>146</sup> However, in constitution, the definition of the tribes is not specified except criteria “those communities whose names appear on the schedule list of tribes (Fifth Schedule) and which varies by state are scheduled tribes; those whose names do not appear, are not. The lists are only occasionally contested, with the exception of a substantial amendment.”<sup>147</sup>

*Ghurye and Nirmal Kumar Bose*, argued that the Indian government ought not to provide special status for any community and would encourage assimilation of “marginal” peoples into the Indian mainstream thereby enhance the sense of Indian national identity.<sup>148</sup>

Contesting Ghurye’s and Bose’s assimilation’s approach, *Verrier Elwin*, spokesman and adviser for Nehru’s tribal policy, preferred an integrationist approach. He recognized that assimilation would more likely occur on the basis of social power relations rather on the objective value of the social institutions in competition with one another. Tribes with their centuries of institutional insight would be demolished in any such competition.<sup>149</sup> He argued, tribals do not practice *Vedic Hinduism*; they are nor Muslims, they are not economically or ritually stratified and further in particularly that women enjoy more freedoms among tribal than Hindu or Muslim societies and that justice is more efficient, effective, and honest than in much of the rest of India.

As Elwin wrote in 1943, Indian tribesmen do not cheat and exploit the poor and the weak. They are mostly ignorant of caste and race prejudice. They do not prostitute their women or degrade them by foolish laws and customs. They do not form themselves into armies and destroy one another by foul chemical means. They do not tell pompous lies

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<sup>146</sup> . *G.S. Ghurye, The Aborigines-So called-and Their Future (Poona: Gokhale Institute of Politics and Economics, 1943) quoted by David, Struligross, Autonomous Councils in North-East India: Theory and Practice, Alternatives, Volume, 24, No.4, October-December 1999, New Delhi, p.499.*

<sup>147</sup> . *David, Struligross, Op. cit., p. 499.*

<sup>148</sup> . *Ibid. p.499.*

<sup>149</sup> . *Verrier, Elwin entered India in 1927 as a missionary, but had a series of conflicts with both the Church of England and the British Raj; he left his mission in 1932, his church in 1935, and died an Indian citizens in 1964.*

over the radio. Many of their darkest sins are simply the result of ignorance. A few of them are cruel and savage, but the majority are kind and loving, admirable in their home, steadfast in their tribal loyalties, manly, independent, and honorable.<sup>150</sup>

The principles coined by Verrier, Elwin after independent, Pundit Jawaharlal Nehru followed integrationist approach towards the development of tribal people. In his foreword to the second edition of Elwin's *A Philosophy for NEFA* he explicitly wrote:

We can not allow matters to drift in the tribal areas or just not take interest in them. In the world of today that is not possible or desirable. At the same time we should avoid over-administering these areas and, in particular, sending too many outsiders into tribal territory. It is between these two extreme positions that we have to function. (Nehru 1958). He added that a venture in development in the tribal areas, we should keep in mind the following principles that have come to be known as Nehru's Panchsheel for tribal development.

- People should develop along the lines of their own genius and we should avoid imposing anything on them. We should try to encourage in every way their own traditional arts and culture.
- Tribal rights in land and forests should be respected.
- We should try to train and build up a team of their own people to do the work of administration and development. Some technical personnel from outside will, no doubt, be needed, especially in the beginning. But we should avoid introducing too many outsiders into tribal territory.
- We should not over-administer areas or overwhelm them with a multiplicity of schemes. We should rather work through, and not in rivalry to, their own social and cultural institutions.
- We should judge results, not by statistics or the amount of money spent, but by the quality of human character that is evolved.

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<sup>150</sup> . Verrier, Elwin, (1943), *Maria Murder and Suicide*, London: Oxford, P.220, quoted in Guha, Note 11, p.237 again quoted by David, Stuligross, *Op. cit.*, p.501.

Thus, the approach to the tribal by the Indian state was integrative but based on isolationist policy which was derived from the Scheduled District Act of 1874.<sup>151</sup> The Assam General clauses Act, 1915 in which the tribal customary laws and practices were protected by restricting the application of provincial laws in the Hills areas. The Montague-Chelmsford Reforms 1919 made similar provisions. The 1930 Indian statutory (Simon) Commission recommended that tribal customary rights be protected. The government of India Act 1935 accepted it and divided the hill areas into Excluded and Partially excluded and stipulated that no Act of the Central or Provincial Legislatures would apply to them unless the governor in his discretion so decided. It empowered him to make regulations for peace and good government in these areas.<sup>152</sup>

### **Position of Village Councils and Panchayati Raj in Arunachal Pradesh.**

Politics in traditional tribals communities of North-East India were based on two principles; the wise, meaning the elders should rule and most members of society should participate in ruling. Such political practice is based on the principles of egalitarianism and popular participation. Thus some form of democracy did exist in these traditional societies even before the coming of colonism but a different genre to that of modern democracy.

It is natural when a form of modern democratic governance is introduced to traditional societies, traditional political values conflict with new political values. That is considered as the imposition of foreign democratic values in traditional setting conflict with local political practices influenced by traditional values. The powerful demand, by North-East Indian ethnic groups, for constitutional recognition of their traditional institutions, institutions, which in the contemporary sense are not democratic, emphases, is this conflict between traditional tribal values and those of modern democracies. Thus, Sixth Scheduled (Provisions for Autonomous District Councils) has been enshrined in the Indian constitution for preservation of traditional customs, institutions and its customary laws of the ethnic groups of North-East states

<sup>151</sup> . For details, see Act No. XIV of 1874, *The Scheduled Districts Act, 1874*.

<sup>152</sup> . M.C. Goswami, (1981)(ed), *The Customary Laws and Practices of the Ao of Nagaland, The Law Research Institute, Eastern India, Gauhati High Court, Guwahati, p.xii*.

except Arunachal Pradesh. But, tribes of Arunachal Pradesh follow their customary laws.

The Sixth Schedule of the Indian constitution basically for preservation of the autonomy of the hills tribes in the matter of their traditional socio-political customs is not made applicable on Arunachal Pradesh unlike other North-East states of India. Introduced as protective measures, the Sixth Scheduled has been superimposed on their tradition. It recognizes community ownership and does not allow non-tribals to acquire lands in these areas. In Arunachal Pradesh, the Assam frontier (Administration of Justice) Regulation 1945 and the NEFA (Arunachal Pradesh) Panchayat Raj regulation 1967, substituted the 6<sup>th</sup> Schedule in Arunachal Pradesh, By this regulation, the traditional village councils were retained as village judiciary as every tribe has its own indigenous mechanisms and procedure of adjudication and Panchayat institutions were multi-tribal and intra-tribal institutions by unifying diverse ethnic groups. At present election to the modern Panchayat Raj are contested on party basis.

Under the Assam Frontier (Administration of Justice) regulation, 1945, the tribal village councils are recognized as competent administrators of the law and given wide powers in both civil suits and administration of criminal justice. No professional pleader is allowed to appear before them and the execution of restitution according to custom and tradition has the sanction and backing of the government.<sup>153</sup> Thus, the traditional political institutions were the representative institutions in the Arunachal Pradesh till 1969. Elwin is of the opinion that the tribal councils were a democratic court of the people. This tribal councils afforded opportunities to the villagers to develop a sense of democratic spirit and also a sense of initiative and leadership. This movement of democracy at grassroots is remains a symbol of political rationality for generations to come along with the modern government's local self-government so called Panchayati Raj.

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<sup>153</sup> . Act No. 1 of 1945, *The Assam Frontier (Administration of Justice) Regulation, 1945, The Arunachal Volume I, Code 1982, Government of Arunachal Pradesh.*

Needless to say, Panchayati Raj institutions have been the first modern political institutions in Arunachal Pradesh. The modern democratic political process was started in NEFA (Arunachal Pradesh) in 1969 when Panchayat Raj was integrated therein on the basis of Dying Ering Committee recommendations. With the introduction of Panchayati Raj institutions, the democratic political process was started from the grassroots which was subsequently extended to the territorial/ provincial level of Arunachal Pradesh. In fact, the Panchayati Raj was introduced in NEFA on the backdrop of the existing traditional tribal councils. The evolution of Arunachal Panchayati Raj can be traced to the times honored traditional tribal councils of different tribes. The traditional tribal councils were purely self governing indigenous village institutions and this can be termed as the phase of traditional Panchayat system. Subsequently during the colonial period the British government tried to develop a linkage between tribal village councils and the British administrative machinery in the frontier tracts by making Assam Frontier (Administration of Justice) regulation, 1945. Thus a kind of administrative recognition was provided to the tribal village councils. After the introduction of modern Panchayat Raj, there were many tensions and new issues emerges in the every stages of operational level in the village level both traditional village councils and Panchayati Raj in Arunachal Pradesh.<sup>154</sup>

### **Traditional-Modern Grassroots Leadership Dichotomy**

Analyzing the nature of traditional institutions of tribal people under the modern democratic system helps us to understand how values and practices inherent in these institutions affect democratic governance. It needs to study the tribal traditions and practices which are still important within contemporary political reality in order to foresee and prevent potential tensions.

Prior to the introduction of Panchayati Raj, there were two politico-administrative classes holding the level of the traditional society of Arunachal Pradesh. First was the class of a new type of *Gams*. Traditional *Gamship* (Headship of Village) served as a readymade institution for establishing the administrative authority within the village.

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<sup>154</sup> . Bani, Danggen, *Op.cit.*, p.61.

After chosen, they were given a red coat as insignia of government authority. This new institution of *Gamship* symbolized government control through consent (Dubey: 1991, P.8.1). Another was the new class of political interpreters (*Kotokis*) who were hand picked person chosen for their bilingualism and willingness to co-operate with government. They served as a link or direct liaison between the administration and the people. After independence this institution (*Gamship and Kotokis*) were made use of to create cadres of junior *Gaon Burahs*, head *Gaon Burahs*, *Political Jamadar* etc. This gave them added authority and prestige.<sup>155</sup> Later on, their role in administration become more significant besides developmental affairs and emerged as dominant leaders of respective societies and enjoy a considerable amount of influence and position even then chief.

Introduction of Panchayat Raj in 1969, in Arunachal Pradesh brought a marked in political scene. Leaders were required immediately to lead the Panchayat units. In the new political situation and political development was faster than the learning process of the traditional institutions and leaders. Thus, new leadership emerged. The politics extended beyond the village and the tribe to the district and the state as a whole. At this stage, students on demand of the people of their area or tribe gave up their studies and assumed leadership. In tribes where no educated person has come out, the *Gams/Gaon Burahs* are forced to assumed leadership of their tribe or area (Dubey: 1991, P.8.2). They neither completed their education nor had the thorough knowledge of their tribal customs and resulted development of a student cadre of politicians. These drop-outs from schools and colleges became leaders while replacing and somewhere displacing old leadership.

The traditional leaders were the *Gaon Burahs /Gams, Kebang Abus* (Adis head of the village council), *Chieftainship*, etc. These leaders are a social, flowing from clan or tribe or family, property, inheritance, old age and knowledgeable of traditions and customs which were quite influential and dominant in the past. It has a vital role to play

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<sup>155</sup> . B. B. Pandey, (1978), *Leadership Among the Adis Community of Arunachal Pradesh*, an article in B. D. Ray (Ed): *Social and Economic Profile of North East India*, B.R. Publishing Corporation, Delhi, p.12.

in the state's politics, especially at grassroots level. The knowledge of customs, heritage and tradition of respective tribe, heredity, property and so on were qualified norms. The village's affairs are under their control.

The school drop-outs, being educated elite of the society, could easily step into the ladder of Panchayat leadership and in turn Panchayat Raj institutions resulted as training ground for popular and political leadership and thus the traditional nominated leadership and modern elective leadership after a period of mutual accommodation became rivals in elected politics of Panchayat Raj.<sup>156</sup> Thus, in Arunachal Pradesh, in traditional society, the office existed because the person had authority. In modern democratic society, the person has authority because he is in office.

#### **Grassroots Traditional-Modern Decision Making Dichotomy**

Decision-making is one of the important functional aspects of leadership. It exhibits the nature of power structure and reflects the political awakening of the participants. The decision-making involves 'conscious choice or selection of behavior alternative from among a group or two more behaviors.'<sup>157</sup>

The decision-making process in the traditional village community is different from that of the other organized groups and organizations. Due to absence of social stratification and institutionalized hereditary leadership (Headship) in the village and the lack of decision-making dynamism, the tribal councils take a decision by consensus. The decisions of the council are supposed to come from the people and the *Gams* or headmen/ chief help only to enforce it.<sup>158</sup> But due to changes of situation and times, there has been considerable change in the methods of decision making in the councils. The changing perception of the people and increasing knowledge of modern system of justice, the decision by consensus is becoming difficult to arrive at. The traditional

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<sup>156</sup> Sanjay, Dubey, *Op.cit.*, p.8.2.

<sup>157</sup> B.M.R. Verma, (1994), *Rural Leadership in a Welfare Society*, Mittal Publication, New Delhi, P.90, quoted by Rijir, Karlo, (2005), *Emerging Pattern of Tribal Leadership in Arunachal Pradesh*; Common Wealth Publishers, New Delhi, p.142.

<sup>158</sup> Verrier, Elwin, (1988), *Democracy in NEFA (reprint)*, Directorate of Research, Government of Arunachal Pradesh, P.111, quoted by Rijir, Karlo, *Op.cit.*, p.144.



customs stand modified and old relationships are strained. It is interesting to note that in terms of decision-making, the so-called modern leaders who represent the democratic institutions of statutory Panchayats and the parties are less democratic than the traditional leaders. Basically, the Panchayat and party leaders that they had to take arbitrary decisions at times, to follow the dictate of the party in power and the higher level leaders like Zilla Parishad Member and Members of Legislative Assembly.<sup>159</sup> But, in principles, the traditional leaders and modern leaders have separate role in the decision-making process but not so differences. The decision on the issues of judicial nature are usually taken in the village council under the guidance of the traditional leaders like *Gams/ Gaon Burahs* or *Chiefs*, etc. and the village elders and thus, there is larger scope for discussion and deliberations in the village council, which paves the way for consensus or majority decisions. But, in developmental issues in which the rule of modern leaders like Panchayat members and party leaders are more prominent, their decisions are often guided by the party interest and the dictates of the so-called high command, and hence the decisions sometime become arbitrary and undemocratic because the diverse and conflicting interests of political parties, influential people, official formalities, etc. are to be accommodated while taking a decision on developmental issues unlike traditional councils decision-making process and hence the differences of traditional and modern political institutions often arise. The basis of decisions-making process are also varies, the customary laws, traditional-history, and religious-cultural are the main bases of the traditional political institutions unlike modern one. The rational constitutional provisions and official formalities are main foundation and basis for the modern Panchayati Raj decisions-making process.

### **Differences in Functions**

Prior to introduction of Panchayati Raj, the traditional village council was the unit of village political system. Every affairs of tribal village revolves around the village councils and thus, it was the overall in charge of the activities including religions. The *Manjombana* (Village Council) of *Monpas* community supervised the religion ceremonies of the village including festival. But with the introduction of Panchayati

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<sup>159</sup> . *Rijir, Karlo, Op.cit., p. 146.*

Raj, the function of *Nyelle* (Village Council) of *Nyishis* community, *Kebang* (Village Council) of *Adi* community, *Buliang* (Village Council) of *Apatani* community, *Wancha* (Chieftainship system of Village council) of *Wangco* community, etc. has changed. Thus, Talukdar writes, “the traditional village council gradually appeared to be withdrawn from its development functions except deciding the development requirement of the village. It is observed that many *East Siang* (district) villages where formerly the developmental activities such as school building, house, constructing a path or link road or digging a water channel used to be decided and carried out by the *Kebang* out of its own resources, now a days they are expected to be done out of governmental resources through Panchayats.”<sup>160</sup> For instance, the *Dolung Kebang* (Adi’s village level council) which earlier looks after the administrative and welfare activities of the village was made to share with the Panchayat members its one time unrivalled authority in the village. All the developmental works and welfare activities which come under the government schemes were taken up by the Panchayat members and the *Kebang* out by its own resources.<sup>161</sup> All the civic works were taken up by the Panchayat members thereby lessening the functions of *Kebang* in developmental spheres. Though there was a share of power and functions between the *Kebang* and the Gram Panchayat Members, the decision of the *Kebang* of *Adis* prevails in case of disputes between the two. This is due to fact that the *Kebang* is the real body that represents the village and also in case when there is a dispute between the Gram Panchayat members, seeks the justice from the *Kebang*. The *Kebang* inform the developmental requirements in the village.<sup>162</sup> Panchayat bodies though the custodian of finance seeks the suggestion of village council for the implementation of schemes for fear of violating the traditions of the respective village’s traditional council.

The introduction of the statutory Panchayat was simply aimed to formalize the existing system to give the people a sense of actual participation in the administration and development of the area so that the territory is integrated into the national mainstream. Now, the traditional village council and the statutory Panchayat are

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<sup>160</sup> . A.C. Talukdar, *Op.cit.*, p.5.

<sup>161</sup> . Mibang, *OP. cit.*, p.73.

<sup>162</sup> . Mibang, *OP. cit.*, p.73.

functioning side by side, sometimes, with overlapping role. But as an institution, there is conceptual difference between the two. The resolution or adjudication of justice is totally out of the purview of the Panchayat bodies, whereas, it has the responsibility of the village councils since times immemorial and it continues to take such decisions. The developmental issues, on the other hand, is taken by the Panchayat bodies at different levels though the leaders who are involved in such decision may equally play instrumental roles in the judicial decisions of the traditional village council also.<sup>163</sup>

In operational level, the Panchayat Raj influences the indigenous tribal village council functions which led to experiencing a modern living pattern amidst the primitive style. The major political as well as social works differences between the Panchayat institutions and village council emerges sharply. After introduction of Panchayati Raj institution, in the process of operating planning, the members of the Gram Panchayat particularly the Anchal Samiti Member from and pursue the matter till it is completed. Thus a number of welfare and developmental schemes are implemented at the request and initiatives of the Gram Panchayat in their respective areas.<sup>164</sup> As a result of these, all the developmental and the welfare activities supported by the government's falls under the Panchayat bodies. Village commoners starts expect government to do all the developmental activities of the village and hence the power and the functions that the traditional village council enjoyed earlier was shared by the Panchayat bodies the Panchayats take up all the civil requirements of the village and the respective village council take up the matter that are related to the administration of justice and activities where the customs and the tradition involves. In the grassroots in village level, the main two institutions called traditional political institutions and the modern Panchayati Raj are functioning in tandem since introduction of Panchayati Raj in 1969. In the process of functioning, these two institutions have some overlap while delivering its duties due to the nature of rural village oriented institutions. Actually, in the Arunachal Pradesh, the Sixth Scheduled of Indian constitution is not apply instead the Assam Frontier (Administrations of Justice) regulation, 1945 and NEFA Panchayati

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<sup>163</sup> . Rijir, Karlo, *Op.cit.*, p.177.

<sup>164</sup> . A.C. Talukdar, *Op. cit.*, p. 163.

Raj Regulations ,1969 were implemented which led to coincidences in the state. Presently both village councils and Panchayati Raj are exists in the same environments and under same political liberal democracy but having different functions in principles. But, in the process, some overlaps and tensions frequently arise. The works differences of their respective areas are shows in the table no.1.9.

**Table No.1.9.**

**Works Distribution of Panchayat Raj Institution and Traditional Village Councils in Arunachal Pradesh.**

<b>Works Taken up by Panchayat Raj</b>	<b>Works Retained by the Village Council</b>
Construction of village roads, constructions of school building, community hall, road, bridges, etc, Water supply, education, irrigation, flood control, health, veterinary, canal, etc. Electricity and agricultures.	Celebration of festivals. Administration of justice, resolving the disputes, community social services including hunting and fishing. Maintenance of customs and traditions. Judicial affairs. Convention of the council with its maintenance of its records.

These general pattern of the working of the modern Panchayat is that, every year before the Anchal Samity Member, general meetings, the respective Anchal Samity member of the Gram Panchayat or any other Panchayat members convenes a meeting of the villagers, either directly or through the *Head Gams (Gaon Burahs)* or (*Chief where Chieftainship system are practices*) of the respective village council. In the meeting generally all the developmental and village affairs are discuss. The Panchayat members present, specially the Anchal Samity members notes with accepts the proposal and demands of the council headed by *Gaon Burahs*. In the council, all the members of the Gram Panchayat from the village come together often one or two of them come and inform the ASM as per the requirements of village council. But, generally the Anchal Samity member or *Head Gaon Burahs/ Chief* initiate the meeting. The Panchayat member has to attend the meeting convened by the village council. In the meeting, every

village and developmental affairs are being address and finally many of them get included in the annual operating plan of the area and get implemented by the concerned departments as per the desires of the villagers. The developmental and welfare of villages which are included in the schemes lists of Panchayat members passed by the village council has to be forwarded by the Anchal Samity member in the overall annual operating plan of the district.

Hence, the power and functions that was enjoyed by the traditional village before the introduction of the national government's modern Panchayat are divided and shares between the village council and Panchayat bodies in the grassroots level and both the institutions are moves ahead which tend to possibilities of the interface between the two institutions though in principal the powers sharing are emerging but fully. In this regards, opinion were sought across the different sections. My question to the respondents is shows in table no.1.10. *After introduction of modern Panchayati Raj in Arunachal Pradesh with emergence of new leadership; do you observe any possibilities of tensions between modern (Panchayati Raj) and Traditional (Village council) in Arunachal Pradesh?*

**Table No.1.10.**

Response	Panchayat leaders	Others	Village council leaders	Grand total
Yes	30(50)	20(30)	60(64)	144
No	40(50)	4(10)	38(40)	100
Total	100	40	104	244

The analysis of the table no.1.9 reveals hat the leaders who accept the possibilities of tension between modern Panchayati Raj and Traditional village councils constitute 74 per cent of total respondents, out of 244 , 144 respondents agrees that the possibilities of conflicts between the two institutions. Amongst them, traditional village leaders are the higher numbers then the Panchayat leaders. The others include the academicians, public leaders like M.L.A.s (Member of Legislative Assembly) and social activists who say 80 per cent 'yes'. Considerable overall numbers 100 respondents said 'no' to the question.

The comparative study of the table reveals the patterns of response between the traditional and modern leaders are varied and contradicts to each other. 'Yes' percentage is slightly high in the Panchayat leaders but very high in the village council leaders and 80 per cent 'yes' amongst the others particularly academicians. 'No' per cent age is proportionately higher among the modern Panchayat leaders, 10% when compared to the traditional village council leaders.

### **Membership Differences between Panchayat Raj and Village Council**

The introduction of modern Panchayati Raj particularly democratic institutions brought many new concepts such as election, representation, adult franchise, majority vote, provisions for women's participation, ex-officio members, etc. which creped into the traditional self-governing institutions making it more competitive and democratic. But, at the same times, it led to the development of many or innumerable cases of complicated nature, appearance of a mixed social and cultural order, and some kinds of legal technicalities and formalities in the process of proceedings and criteria of reaching the consensus.<sup>165</sup> Besides these, the Panchayat system brought along with party at the grass root level which led to the division of the people in the village on the basis of ideology and identified themselves with the political party they belonged to.<sup>166</sup>

The Panchayati Raj brought with it concepts like 'one person-one vote', majority-minority vote, etc. and wider participation with slogan of political equality, which penetrated onto the static functioning process of the village council and thus it makes more democratic in term of numbers and participation in the process of deliberations. In the table no.1.11, the membership and some basic differences of the traditional and modern Panchayati Raj are being shown.

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<sup>165</sup>. Mibang, *Op.cit.*, p.62.

<sup>166</sup>. Rijir, *Karlo, Op. cit.*, p. 157.

**Table No.1.11.**  
**Emerging Differences between Traditional (Village Council) and Modern (Panchayati Raj) Political Institutions in Arunachal Pradesh.**

<b>Panchayati Raj</b>	<b>Traditional Village Councils</b>
All the adult members who crossed 18 years of age are eligible to cast vote to choose their leaders in secret ballot through election.	Only one vote from each household to choose their leader, no matter there may be many adult above 18 years old.
The leaders of the village can change after five years through elections or can re-elect for continue if villagers desire so.	Leaders of the some village council are hereditary which are unchangeable like <i>Lowang (Chief)</i> of <i>Ngothun</i> (village council) of the <i>Noctes</i> community, <i>Wangham (chief)</i> of <i>Wancho-Wangcha</i> (council) community, <i>Ngowa (chief)</i> of <i>Khapu</i> (council) of <i>Tangsas</i> community, etc.
Every sections of the village can take part in the elections for its membership irrespective of class, sex, gender, status, etc.	The woman are debarred from holding the post of <i>Chief</i> or <i>Head Gaon Burahs</i> of the council, some low social status like <i>Chhaos</i> (subject class) of <i>Sherdukpens</i> community who can not the headmanship post of <i>Jung</i> (council), the priest, economically affluent, elders, etc. has more influential roles amongst the village council.
The party politics play influential roles and elections of leaders arte based on party lines.	Elections of leadership is not on party basis, it is purely based on elderly with knowledgeable, well versed in traditional customary laws but in chieftainship system, the leaders is hereditary like <i>Wanchos</i> , <i>Khampti</i> , <i>Tangsas</i> tribes, etc.
There are 33 per cent of seats are reserved for the women section in order to make the institutions more participatory and democratic in all the three tiers.	Woman participation is limited, but not a social taboo. Now, the women are also allowed to participate in the deliberations, it is notices even become <i>Gaon Burahs</i> due to influences of the modernization.
The party politics influences the decisions making process thereby creates partially and favoritisms.	Less partially and favoritisms.
After 21 years old, any person can contest election for Panchayat membership. So, middle aged young people hold the posts.	Elders rule prevails. So, almost 45-65 age groups become the leaders.

Panchayati Raj	Traditional Village Councils
No religion influences in the functioning	Religions influences are there like Monpas,
Neither process nor supports particular religion.	Sherdukpens and Khambas communities' village council procedures.
It is decentralized from the national government for effective grass root democracy	It is evolves from within and regulates by themselves.

The traditional village council has the membership of one vote from each house unlike one person-one vote in modern Panchayati Raj institution. In some village council has membership hierarchy like *Kebang viz. Kebang* (village level council), *Bango-Kebang* (inter-village council), *Bogun-Bokang Kebang* (inter-Bangos) of *Adis* community and *Buliang viz. Buliang* (Council), *Yapa-Buliang* (middle aged or intermediary council) and *Ajang-Buliang* (young/ youths council) of *Apatanis* community and dominant roles of the elders who show good knowledge and command over the customary laws and the traditional conventions. But, after the introduction of modern participatory democratic institution people apply those modern concepts, technicalities and formalities to village council which in turn influenced and brings changes in every village councils which heads for declining of the role of customs and traditional and importance customary laws thereby the tensions arise between these two institutions. In some of the traditional village council the membership is on the basis of status, wealth, influential etc. which are totally opposite to the modern Panchayati Raj's criteria of membership in the village to eligible as Electoral College. The modern Panchayat encourage for active participation of people irrespective of status, wealth, sex, marital status, knowledge of customary laws and conventions in the process of deliberations and decision making.

#### Differences in Other Aspects

Talukdar writes, "the decision making process is undergoing changes, in the place of consensus process, gradually, an element of forcing a decision by the majority is creeping to it."<sup>167</sup> The meddling of the political parties in the Panchayat elections and

<sup>167</sup> . A.C. Talukdar, *Op. cit.*, p .79.



village affairs paved the way for the role of personality factor and the concepts of majority vote. The division of village population on party lines is not an uncommon phenomenon in the context all over the Arunachal Pradesh. There have been instances of organization of separate feast or picnic by the supporters of different political parties within the same village. The sense of unity and cooperation in the village is being slowly replaced by jealousy, envy, division and interval.<sup>168</sup> These elements- the role of personality and forcing a decision by majority is because of their linkage with higher level politician. For instance in 1989, *Bilat* circle of East Siang district, Arunachal Pradesh, the *Kebang* was convened at the community hall to select the village secretary. The *Kebang* was attended by all the male members of the village though the secretary was proposed from a party having fewer members, on the instigation of few members the other group demanded that election should be the party basis of majority of the people in the village. The proposed secretary realizing the situation quit the post and the group that demanded the majority holds the post. This system of majority was not there earlier, the people choose the secretary on the basis of the performance.<sup>169</sup> Thus, the penetration of party politics in every village council increased and added it more confliction vis-à-vis Panchayati Raj institution.

With the introduction of Panchayati Raj system, a new breed of leadership emerged i.e. Gram Panchayat Members, Anchal Samity Members and Zilla Parishad Members. These breed of new leaderships tends to assume the role of village elders and undermine the age-old institution. This has created a sense of mutual skepticism, distrust and defiance among the villagers. In addition, they tend to view every decision of the traditional village council *on* political lines, which has not only created a rift but also a vertical division in the otherwise. This is rather a very unwanted, disturbing drift towards degeneration of the traditional village council particularly *Kebang* (village council of Adis community).<sup>170</sup> Besides, differences in their working nature and assertions, the two

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<sup>168</sup> . Rijir, Karlo, *Op. cit.*, p.157.

<sup>169</sup> . Mibang, *Op. cit.*, p.68.

<sup>170</sup> . Panchayat Branch, D.C. office, Pashighat, East Siang District, Arunachal Pradesh, quoted by Milorai, Modi, 2003, in *Indigenous system of Governance in the tribal Society of Arunachal Pradesh*, Himalayan Publishers, Itanagar, Arunachal Pradesh, p.138.

institutions have some tensions in its governing process particularly in the grassroots level.

Before the introduction of Panchayati Raj system, the traditional self-governing institutions operated on the basis of solidarity of the village, unlinking loyalty of the individual to the community, respect for experience, knowledge and noble of village leaders. But with the coming of new leaders, especially with the introduction of new concept of election such as representation, adult franchise and instant leadership has brought about a significant change in the politics and functioning of village council of every tribe. Pandey writes, “authority in the village gradually passed from traditional leaders to official leaders in the economic and political spheres. Traditional leaders like *Nyikok* retain only purely socio-religious domination. With the introduction of the Panchayati Raj and Parliamentary democracy, other traditional leaders like *Nete* and *Rutum* are seeking leadership through elections within constituencies, which embraced much larger holds than the villages. In consequence, the political solidarity of the village is breaking down. This breaking down of solidarity is a shattering blow to the village structure as a whole.”<sup>171</sup> It has been observed that there is a tendency on the part of a new leader to exercise greater influence on the village politics than those of *Gams/ Gaon Burahs* and others traditional village council leaders like *Lowang* or *Tsorgen*. But this greater influence is in the field of politic only. Both the institutions have respective functions and jurisdictions. In the area of proceedings related to the application of customary laws and traditional conventions the traditional council plays the major role. These new leaders are more educated and emerge from the social bases which differ from those of the traditional leaders and they display a sense of modernism in political outlook and attitude.<sup>172</sup> They wanted that members of Panchayat should be elected and that the election should be through ballot, and thus, added a new dimensions which are confliction vis-à-vis old traditional village councils institutions. For instance, the Panchayati Raj does not affect the functioning of the *Nyishis Nyelle* (council). Because, the village council is a separate body in the village where *Gaon Burahs* or *Namping*

<sup>171</sup> .B.B. Pandey, 1978, *Leadership among the Adi Community of Arunachal Pradesh, in Social and Economic Profile of North-East India, edited by B.Dutta Ray, New Delhi, p.53.*

<sup>172</sup> .Mibang, *Op. cit.*, p.69.

*Athobo* plays an important role. The *Gaon Burahs* is the head of the council and decision taken by him will be treated as final (after discussing any matter with other council members). The *Gaon Burahs* is selected by the villagers and later appointed by the government, but the opinion of the people towards Panchayat Raj institution evokes a positive response. Both the institutions functions independently. The Gram Panchayat is concerned with the developmental activities of the village where as the *Nyelle* settle the disputes or other problems of the village. For example, in East Kameng district (Nyishis dominated district), the traditional concepts and procedures in their social systems are still alive and people do not tend to deviate from their traditional systems and prone to adopt any new codes, although they are agreed to amend certain laws which they consider to be very burdensome and rude yet no official steps have been initiated so far by them, thus, no major changes have so far been observed in the Nyishis community's *Nyelle* (village council)<sup>173</sup> but the Nyishis educated sections particularly *elite class* and *All Nyishis Students Union (ANSU)*, based in Itanagar, are curiously tries to modify for some changes in some of community prevailing old traditional practices on the reasons, the traditional approach would not be possible to bring a change immediately and there is no written code of conduct or rules and regulations in their customary laws except conventions based on oral tradition. But, now the above mentioned organizations are shouldering the responsibilities for codifications and modernizations of traditional customary laws and code of conduct for the community by applying various modern methodologies. Thus, in the process, the evolving of interface of traditional rural and modern leaders is natural and obvious. Verrier, Elwin who was advocators for tribal causes rightly writes, the statutory Panchayat a threat to traditional tribal council which is heading confliction situations between the two.

### **Position of Women**

The Arunachal Pradesh Panchayat Raj Act, 1997 which received the assent of the President of India on 13<sup>th</sup> April, 2001 (Act No.05 of 2001) provided one third of the total numbers of the seats to be filled direct election in all the three tiers on rotation basis which are reserved for women.

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<sup>173</sup> . P.K. Srutikar, *Op. cit.*, p.88.

In the early days, the women did not participate in policies and normally do not participate in the capacity of a member though their presence is not a taboo. Occasionally an aggrieved woman comes to the village council to voice her grievances or when a woman feels it necessary, she does not hesitate to make her voice heard and her opinion taken up in the council. Thus, Talukdar views, “the reason of the non-participation of the women in *Kebang* (Adis village council) appears to be the fact that the main economic activities of the families among the Adis are entrusted to the women folk and also the participation in the *Kebang* demands knowledge of customary laws and procedures followed. This requires years of training and observation of it, girls being generally confined to economic activities feel incapable of participating in it.”<sup>174</sup>

The introduction of Panchayat Raj encouraged the women to participate in politics, now women are armed with voting right and political right on equal footing with their male counterpart. In last 2004 Panchayati Raj elections of the Arunachal Pradesh, the women are fully participated by contesting their respective reserved seats meant for them. In table 1.6 of chapter 1 shown the number of seats occupied by the women with its participation percentage in the Panchayati Raj institutions of Arunachal Pradesh.

However, it is observed that, now a days, due to influence of modern education and political socialization, the women’s right to attend and speak in any meeting of village council and appointment of female *Gaon Burahs* to represent female community is a changing aspect of village councils in all the communities. At least, one or two female *Gaon Burahs* are appointed in every village council of Arunachal Pradesh is recent developments which is remedy against malady.<sup>175</sup>

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<sup>174</sup> . A.C. Talukdar, *Op.cit.*, p.120.

<sup>175</sup> . N. Mitkong, (1999), *Tribal Village Council of Tagin Tribe, in Tribal Village Councils of Arunachal Pradesh* edited by B.B. Pandey et.al. *Op.cit.*, p.163.

### **General Influences of Panchayati Raj on Socio-Political and Economics Life of Tribal People**

The basic objectives of Panchayat Raj are decentralization, development and social change. In Arunachal Pradesh, it is an agency of economic prosperity, social progress and political development based on integrationist approach. It provides a channel for close and direct association with the elected representatives. By introducing Panchayat system, old and rigid social system started response to modernization.<sup>176</sup> Thus, Talukdar writes, "the main objectives of the Panchayati Raj in Arunachal Pradesh were to modernize the political traditions of the area and to pattern it after the one prevalent in the rest of country. The developmental objective of the regulation is to effect rapid development of the area and to involve the tribal people in the development process. The cumulative effect of the two is to be a process of modernization of socio-political ethos in the territory."<sup>177</sup>

The traditional society of entire Arunachal Pradesh was static, diverse and isolations for the centuries. The whole socio-political set up needed galvanization and for this Panchayat Raj became instrumental for said engineering. And it acted as an agency and mechanism of socio-politico transformation to change the value system of society of the state.

Introduction of adult suffrage through Panchayat Raj has significantly affected the hitherto hierarchically organized traditional society of Arunachal Pradesh. In earlier society, the group, corporate and communal life traditionally been predominant and suffrage was mainly confined to adult males. Today democratic ethos is putting more and more emphasis on the rights and dignity of an individual. Oligarchy and theocratic in Monpas community, clan monopoly in Apatanis community and male dominance in general is broken down. In Tirap district, where at initial stage the election to Panchayats was resisted by the chiefs, today the same chiefs have started responding to the liberal

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<sup>176</sup> . Sanjay, Dubey, *Op.cit.*, p.9.1.

<sup>177</sup> . A.C. Talukdar, (1987), *Political Transitions in the Grassroots Tribal India*, Omsons Publications, Guwahati, pp.197-198.

democratic and adult franchise.<sup>178</sup> *R. Sinha* also writes, “Autocratic traditional rulers like *Lowang* (chief) of Tirap district are gradually responding to modern democratic political and administrative institution. The *Lowang* of Tirap district have even agreed to part with their forest to the government in the interest of the people of Arunachal Pradesh. The concept of ruling family is withering away as an ordinary man easily is seen to cast his vote against his chief.”<sup>179</sup> Thus, change towards freeing the individual from traditional restraints and restructuring human relations in place hereditary and traditional authority. The relations between people to person, community to community is undergoing changes. The’....of adult franchise and the practices of wooing the voters by he prospective Panchayat members have changed the attitude of the villagers and consequently every individual in the village has started to behave like an important person and any person with a little influences has started thinking himself as a leader in the village. This has created a tendency in the villagers, not to listen to old and experienced leaders of the village.’<sup>180</sup> On other hand the woman society, whose participation was generally banned in their respective tribal institution, is now armed with voting right on the equal footing of their male counterparts under Panchayat institutions. Their position is elevated in society and even elected as *Gaon Burahs* (head of the council), overall now they enjoy a better position in social and economic spheres too.

The Panchayati Raj election is on part lines and paved the way for political parties to enter into village politics including traditional village councils. Today Panchayati Raj elections have become a pointer to the every ensuing Assembly elections because at the grassroots level the position and popularity of every political party is reflected. The result of Panchayat Raj election also helps the political parties to finalize their candidates and work out a strategy for Assembly election. ‘Polarization of villages on party lines has coincided with clan line, shifting old clan to loyalties into party loyalties, in which it has cut across clan loyalties.’<sup>181</sup> The village level leadership pattern is also changes. “It is undergoing rapid transformation and the ascriptive factors are not longer treated as the

<sup>178</sup> . *Sanjay, Dubey, Op.cit., p.9.2.*

<sup>179</sup> . *Raghuvir, Sinha, (1977), Religion and Culture of North-East India, Abhinal Publications, New Delhi, quoted by Sanjay,Dubey, Op.cit., p.9.3.*

<sup>180</sup> . *Raghuvir, Sinha, Op.Cit., p.46.*

<sup>181</sup> . *A.C. Talukdar, Op.cit., p.98.*

sole resources for village leadership. The social base of the present leadership is different to that of the traditional one and it is becoming gradually broad based.<sup>182</sup>

Hence, by modern Panchayat Raj, entire socio-political and economic life underwent a change in the process of modernization with new ideology. The various important concepts like equality before law, right to vote, emphasis on social justice and social welfare programmed, etc. are quite penetrates along with the process of modernization of traditionism in Arunachal Pradesh. The NEFA Panchayat Raj Regulations 1967 laid the foundations of Panchayat Raj system in Arunachal Pradesh. Its basic aims and objectives were seeks to bring uniform political practices and representatives form of administration by integrating the every traditional village councils into the unified pattern of Panchayati Raj. Thus it has initiated the process of integration and of organic unity of all communities towards a common identity.<sup>183</sup> But, after introduction of Panchayat Raj, the consequences are degeneration of affective traditional village councils, its values, earlier traditional glamour and cohesive village community living.<sup>184</sup> The traditional set up is crumbling and clan loyalties are breaking up. Political solidarity of the village is breaking down and this breaking down of solidarity is a shattering blow to the village structure as a whole.<sup>185</sup>

The community life and ethos of corporate is gradually replaced by individualistic (self-centre) one and social control is loosening. The usual traditional method of decision by consequences is going to be gradually replaced by the majority methods and sometimes, with arbitrary and authoritarian method. Further, the traditional decision-making forum of traditional council is coming under the intense pressure from the influence of money power and politics and hence, traditional village councils are sometimes contested.<sup>186</sup> Despite some repercussions on the traditional set up, overall, gradually, Panchayati Raj is becoming more acceptable among the rural masses in the

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<sup>182</sup> . A.C. Talukdar, *Op.cit.*, pp. 194-198.

<sup>183</sup> . Sanjay, Dubey, *Op.cit.*, p.9.7.

<sup>184</sup> . Milorai, Modi, *Op.cit.*, p.139.

<sup>185</sup> . B.B. Pandey, (1983), *Cultural Pattern among the People of Siang and Trends of Development, Research Volume 3, No.4 October, 1983, p.14. Quoted by Sanjay, Dubey, Op. cit., p.9.6.*

<sup>186</sup> . Rijir, Karlo, *Op.cit.*, p.178.

grassroots village level. And, the modernization of traditions is slowly moving by breaking the barrier of long stagnate unreason traditional practices. The Panchayat Raj brought many changes in the social, political, economic and cultural life of the Arunachal people. Through this institution, indigenous inhabitants of Arunachal Pradesh could step into modern political civilization, neither suddenly nor forcibly but gradually and without being totally uprooted from their native culture and customary way of life.



## CHAPTER-IV

### CONCLUSIONS

The present study is an attempt to study to the functioning of the modern (Panchayati Raj) and traditional (traditional village council) in the same environment and democratic politico-socio-economic situations. The two institutions are political agencies to establish democratic decentralization of powers in the Arunachal Pradesh; one is a formal agency while the other is an informal agency. The Politics in tribal communities of North-East India is based on two principles: only the wise, meaning the elders should rule and most members of society should participate in ruling. Such political practice is based on the principles of egalitarian and popular participation. Some form of democracy did exist in these traditional societies even before the coming of colonialism, but a different genre to that of the Panchayati Raj participation of modern democracy in India. Both have been emphasized in the work.

As discussed in the previous chapters, it is natural when a form of modern democratic governance is introduced to traditional societies, traditional political values conflict with new political values. That is considered as the imposition of foreign democratic values in traditional setting conflict and coincides with local political practices influenced by traditional values for some. The powerful demand, by North-East Indian ethnic groups, for constitutional recognition of their traditional institutions, which in the contemporary sense are not democratic, emphasises, is this conflict between traditional tribal values and those of modern democracies. Thus, Sixth Scheduled (Provisions for Autonomous District Councils) has been enshrined in the Indian constitution for preservation of traditional customs, institutions and its customary laws of the ethnic groups of North-East states except Arunachal Pradesh. But, tribes of Arunachal Pradesh follow their customary laws.

The Sixth Schedule of the Indian constitution basically for preservation of the autonomy of the hills tribes in the matter of their traditional socio-political customs is

not made applicable on Arunachal Pradesh unlike other North-East states of India. Introduced as protective measures, the Sixth Schedule has been superimposed on their tradition. It recognizes community ownership and does not allow non-tribals to acquire lands in these areas. In Arunachal Pradesh, the Assam frontier (Administration of Justice) Regulation 1945 and the NEFA (Arunachal Pradesh) Panchayat Raj regulation 1967, substituted the 6<sup>th</sup> Schedule. By this regulation, the traditional village councils were retained as village judiciary as every tribe has its own indigenous mechanisms and procedure of adjudication but Panchayats Raj institutions were multi-tribal and intra-tribal institutions by unifying diverse ethnic groups. At present election to the modern Panchayat Raj are contests on party basis.

Under the Assam Frontier (Administration of Justice) Regulation, 1945, the tribal village councils are recognized as competent administrators of the law and given wide powers in both civil suits and administration of criminal justice. No professional pleader is allowed to appear before them and the execution of restitution according to customs and traditions has the sanctions and supports by of the government. Thus, the traditional political institutions were the representative institutions in the Arunachal Pradesh till 1969. Elwin is of the opinion that the tribal councils were a democratic court of the people. This tribal councils afforded opportunities to the villagers to develop a sense of democratic spirit and also a sense of initiative and leadership. This movement of democracy at grassroots remains a symbol of political rationality for generations to come along with the modern government's local self-government so called Panchayati Raj. Prior to introduction of statutory Panchayati Raj in 1967, the traditional political institutions of the respective tribes or village were the only forum/agency for community decision-making and mechanism to regulate the society. The functioning of these tribal councils were guided by the traditionally influential village leaders like *Gams* (now *Gaon Burahs*) and other village elders, the decisions were based on the customary laws of the land. But, with the introduction of statutory Panchayats Raj institutions and the emergence of party politics, a new trend has emerged in the grassroots leadership pattern. Now, in village, the emergence of multiple centers of power and decentralized political institutions arise; and in the

process, the status of the traditional village council, resulted the interfacing of traditional political institutions vis-à-vis Panchayati Raj. But, the villager of Arunachal Pradesh towards Panchayat Raj is positive and encouraging as they experience that Panchayat does not hamper their development and mass welfare. Thus, the introduction of Panchayat Raj leads to numerous transformations in the social, economic and political system is gaining momentum in the function of traditional village councils.

The institutions of traditional village council and Panchayat Raj system perform their functions independently, till today the village council is functioning almost in the same way as it has been doing since the time immemorial. Due to the inevitable influence of the constitutional and administrative growth some changes have occurred. But, more changes are observed empirically after 1969, when Panchayat Raj was introduced in Arunachal Pradesh. The people are stepping for a vast improvement in the field of education. Education has created a wave of mass awareness. Now, they are politically more conscious about their rights and other responsibilities. Some sections of society feels particularly traditional village leaders; with the introduction of the Panchayat Raj in Arunachal Pradesh a confusion has cropped up as to who is the authority of the village in the rural areas. The *Gaon Burahs* (head of the council), *Wangham* (chief), *Lowang* (Noctes village chief), and the village elders are apprehensions of sidelining from the village's main scenario. The Panchayati Raj institution is surpassing the traditional village council. And feels their traditional system is better than the modern system and likes to continue with the traditional system particularly in the chieftainship areas.

The institution of the village council is headed by chief on hereditary basis and village elders who are well versed in traditional customary laws are in disarray in one hand. On the other hand, the young school and college's dropout literate Panchayat leaders are not so well sound in traditional knowledge and experiences which is one important area to locate the issue in Arunachal Pradesh. The explicit separation with distribution powers has to be formulated for these existing two institutions.

In totality, Panchayat Raj has led a rapid socio-political transformation and this transformation is not building the existing patterns of the people's system and to profitably utilize the traditional quality of self reliance and community spirit. On the other hand, the operation of the elective machinery, the significance of democratic representation, the function of the representatives bodies and the rights and responsibilities of citizenship are fully perceived. Before Panchayat Raj in Arunachal Pradesh, each and every government actions or programmes were operating in doubt, both at government and public level. For the government, the land so much remote and people so diverse, it was almost impossible to have a clear cut policy. Mostly, government was reluctant not to impose from above. On the other hand, tribesmen of the area were suspicious towards every move of the government. Government was in dilemma as its inactiveness would have amounted to something else and at the same time the doses of democracy and development could not be denied to the people of a certain part of our country. In this juncture, Panchayat Raj comes as a link between people and government. Both have been chain together, mass mobilization and participation has aroused their civil consciousness. Panchayat Raj institutions have harnessed local elites in organized form of leadership, without their support state leaders would not have survived. The grassroots democracy facilitates healthier linkage with higher level of political processes. A cohesive interaction has been created among various tribes of Arunachal Pradesh. , many changes have taken place in the traditional village council in respect of its composition, functioning and criteria of reaching the consensus. It has given a new orientation of politics, which was deeply imbedded in small group psyche. It has made it a political unit in the real sense of the term instead of a group of fragmented tribes and communities. It has changed the political outlook of the local leaders and trained them to think in terms of the district and territory instead of the village, the community or the tribe. It has broadened the political horizon of the people by forcing them to look beyond their community and brought them closer to the administration by filling the void before the agency and the village. These changes in the political outlook of the people were accompanied by similar changes in their traditional political institutions. After the introduction of the Panchayati Raj specially the Anchal Samiti, the village level councils became virtually defunct their

developmental function being taken over by the Anchal Samity which enjoyed more prestige and there being less and less of inter-village disputes. Now-a-days Panchayati Raj has also influenced the working of the village council as a modernizing agent on its operation. The village councils which operated on the basis of unquestionable loyalty, unanimity of decisions, adherence to customs, traditions, superstitions and respect for age and experience is undergoing a change in its operation. Loyalties and adherence to custom have come to be questioned and decision in the village council at present taken by majority. Education and acquaintance with modern political process of their leaders rather than age and experience are given much importance in the village. Instant rise of leadership rather than hierarchical size over the years has become frequent in the village councils of every tribe. The traditional village councils which held sway over the life and death of individuals no longer enjoy the same position today. Unlike in the past, the villagers do not abide by the decision of the village council in all cases. For instance, the *Kebang Abus* (Adis village council's head) are losing ground and their place is being taken by young influential persons with numerical support in the village. Elected Panchayat members have been sometimes accepted as the leaders of the Village council but often confusion arises. The leadership pattern in the village has also emerged, transformation and the restrictive factors are no longer treated as the sole resources for village leadership. The special base of the present leadership is different from that of traditional one and it is gradually broad based. Unlike the traditional leaders, they are engaged mostly in modern occupation like contract and business, which are usually, combine with their traditional occupation.

The newly emerged leadership of the village displays a higher level of awareness of modern political process. The leaders are normally well informed. Many of them listen to radio news and talks regularly. Politically they are quite active and take active part in the election campaigns in support of their candidates. These Panchayat leaders take up all the developmental activities of the village which was earlier the functioning of the traditional village council like *Kebang* and tend to bypass the traditional leaders thereby sometimes the competitiveness with tensions between the two leaders belong to traditional and modern arises. Now, the Panchayat leaders are the custodians of the

village development. This made the Panchayat leaders transcending the traditional leaders. Instead of seeking help from their village council leaders, it made the Panchayat leaders more popular and started to recognize them as the leaders of the village. It is also led to the emergence of new brand of leadership in the village, i.e. Gram Panchayat Members, Anchal Samity Member and Zilla Parishad Members. With the emergence of new brand of leaders, the culture of dominating the village council by old age elderly people, persons with command over the customary laws and traditional convention degenerated. These new brand leaders, comparatively of young age and lack of knowledge of customary law tend to assume the role of village elders and undermine the age-old institutions and these tendencies is the factors for the erosion of efficiency, traditional charm, glamour and luster of the traditional village councils like *Nyelle*, *Kebang*, *Buliang*, etc.

The Panchayati Raj institution is not free from the party politics. The elections are on party lines, and the Panchayat elections pay the way for the political parties to enter into the village politics, parties play a big role in these elections. This political transaction in the sphere of criteria of selecting or electing the leaders at the grassroots level is the consequences of action of the major political parties of territory to serve their interest and political background of the party to the grass root level. In the recent past, the *Gaon Burahs* are appointed on the basis of their political background; this *Gaon Burahs* identifies themselves with party they belong to and try to influence the decision in their favour. This attitudinal attachment to the party while making the decision has created dissensions among the people. The meddling of political parties in all the traditional village councils enhanced the problems and added to it new dimensions which are political in characters and leads the development of complicated and complex problems with social and culture order. Now a days apolitical village council deals with political problems also thereby some common villagers find it difficult to understand, who is the authority of the village, whether Panchayat Raj institution or the traditional village council? But, Panchayati Raj has entered with the concepts of elections through secret ballots boxes, adult suffrage, equality before law rise of individualism, emphasis on social justice and social welfare which together

speed up and strength the process of social change. Women sections, whose participation in their respective tribal political institutions and political sphere was generally debarred, is now armed with political rights on equal footing of their counter parts. Thus, the traditional village councils power structure started melting in favour of democratic Panchayats Raj institutions.

From the foregoing discussions, it is inferred that the tribal societies of Arunachal Pradesh are undergoing a process of transformation in many respects to modernity and development in social, traditional, cultural, political and economic spheres. Despite many advantages and scopes gained from the decentralization of Modern Panchayat Raj system, many disputes come to surface and the situation becomes more complex as the functions and jurisdiction of the Panchayat Raj and the traditional village council are not well-defined. At present, modern law in constitutional set up is becoming unavoidable in state but, to adopt and follow codified law, precaution should be taken not to hurt the tribal sentiments. Verrier, Elwin writes, "if the traditional tribal councils are weakened the fabric of tribal life also will be weakened." He also argued, besides decentralizations of Panchayati Raj from above, socio-cultural fabric may harm or influenced by the introduction of new customs and new taboos from the India mainstream society. The first threats is the drinking of spirits, meaning the orthodox worships system of Hindus religion based on cults replacing simple rituals activities, second is gambling with cards or other money/profits making gambling and last is the infecting with ideas of caste exclusiveness, untouchability and so on by the introduction of a sweeper caste in the wake of the government subordinate staff.

In the process of functioning, the generation of funds is needs to be considered seriously. The Panchayats functionaries were not satisfied with financial arrangements and demanded direct funds and more discussion making powers. Leaders of Panchayati Raj institutions are of views that it will futile to expect Panchayats to impose taxes and raise funds in a tax free state where even the state government is not able to impose any tax and raise revenue. Almost three years after election and lots of pressure from the Panchayati leaders till date, full power has not been devolved to Panchayat in the

Arunachal Pradesh. In July 2003, acting on the Article 243G of 73<sup>rd</sup> Amendment Act, 1992, the state government proposed to devolve some items out of 29 items under Eleventh Scheduled (11<sup>th</sup> Scheduled) of Indian constitution. The proposed five items are Agriculture, Horticulture, Education, Power and Social Welfare, but the devolution of these items is yet to become effective. Thus, in practice, the basic purpose of Panchayati Raj is defeated in Arunachal Pradesh. The Panchayati Raj are democratically elected as representatives of the people, they are helpless and they do not enjoy any power, elected representatives without power; rather, they are disillusioned with the democratic process of the country.

### **Suggestions**

After going through the discussion, whether the traditional village council should be integrated with the Panchayats, or exist as parallel bodies. There are some suggestions for addition and alterations are felt necessary in all the existing traditional village council of every community for strengthens. They are:

- The village council should continue to be purely on a non-party basis and its jurisdiction can be extended by conferment of higher legal power if necessary. The programmes for development of the village are always prepared in consultation with the traditional village councils.
- The powers and functions of the Panchayat Raj and the village council should be well-defined officially and it should implements judiciously.
- *Gaon Burahs/Gams* should not contest in any power politics elections before tendering resignation from his/her rank to avoid political influences.
- State government official can be appointed as ex-officio member to coordinate the function between the village council and the Panchayati Raj so that every affair can be recorded and maintained properly thereby the tensions can be averted between two institutions.
- Traditional village council leaders can give right to attend in the important meetings and procedures to highlights their genuine grievances in proper forum without voting power.



- The *Gaon Burahs/Gams* conferences can be organized annually by inviting some experts for proper training and gets more information regarding their power and functions.
- The impartial with proper interview should conduct for recruitment of new *Political Interpreters* (Kotokis) and appointments of *Gaon Burahs* should be on non-political influences.
- The newly elected Panchayati leaders should give proper trainings about their power and functions by the experts under the supervision of state government.
- Besides one *Head Gaon Burahs*, appointment of numbers of subordinate/associates *Gaon Burahs* should be proportionate to village population.
- Traditional customary laws should be properly codified for future references with the help of traditional village council leaders. The separate office can be created in every administrative block for maintaining all procedures and to coordinate between the two institutions.
- No doubt Arunachal Pradesh is not under Sixth Scheduled, but in order to maintain old traditional village councils, Sixth Schedule and The Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996 have scope and can possible alternatives due to heterogeneity of the state.
- The Inner Line Permits under Inner Regulations Act, 1873 can play pivotal roles along with Panchayati Raj and Traditional Village Councils for preservations of indigenous traditional old institutions in the era of globalizations and privatizations.

However, the main finding from the discussion is whether traditional institutions should be integrated with the Panchayats or should exist as independent body, which are the major concerned for the policy makers in high level for the Arunachal Pradesh. In this context, the demands for Sixth Scheduled of Indian Constitution may arise in Arunachal Pradesh to preserve own political entities, traditional customary laws and traditional village councils but existing arrangements may keep status-quo with some modifications for compliance and co-existence of existing two institutions. In spite of so many dilutions in traditional

power structure due to influences of liberal political institutions. The village councils in Arunachal Pradesh still retain the glory and glamour. It is considered as the ultimate authority, which takes up all the activities of the village from the personal affairs to the village as a whole including community works which is undeniable. All the planning or developmental activities that are to be implanted require the supports of the respective village councils. The present state of the village councils is to refine them. Thus, the village councils, in spite of having changes still retain the sole authority in the grassroots village level and working effectively in tandem with the Panchayati Raj democratic functioning in modern Arunachal Pradesh, no matter in deliberations process both often interfacing each other which is quite natural.

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