

Editorial

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The preconceived motives on criticism

In democratic India, all people irrespective of their social status are equal before the law of the land. Any person is free to exercise his or her rights when he or she feels that he or she is deprived of what he or she was supposed to enjoy. It may be in the form of democratic protest, criticisms through various channels of mass media or by organising mass campaign that the people in the society can be made understand that, rights of a common person is deprived. Once people are convinced, it is natural that the people join hands to the fellow citizen whose rights has been deprived, not because for individual cause but because justice to the single fellow will also mean justice for all people in the society.

Mass media in today's world is playing tremendous role in bringing up issues which they think is for the cause of the common people. India is not lagging behind; there have been many cases that common people who were victims of atrocities have been delivered justice. Many God men had been put behind bars, business tycoon are declared wanted and many politicians are also not spare for the wrongs they had committed which affect the livelihood of the common people by those in media risking their lives.

Paid news, reporting of cooked stories and yellow journalism are some of the familiar words coined to defame the people in mass media by those who had been exposed for their wrong deeds. Saying so it does not mean that some people in the profession are pure and sincere in rendering their duty.

The mass media in this little state Manipur too has been playing its role effectively. Without bothering the kind of returns they enjoyed as payment to their service, people in this profession have been taking all risk in exposing what is not right when it comes for the common people. 8 people in the field had lost their lives some remain as disabled in unfortunate accidents and incidents when they were on duty. Inappropriate salary in returns to their service had also forced many to quit the profession. Yet there is no shortage of manpower in this field.

From hand written pamphlets to letter press and then Offset printing machine and then come multicoloured Web printing machines besides the emergence of Television channels, mass media in Manipur too is marching ahead. Now it is the digital media that is slowly dominating the world of mass media. The traditional way of spreading news has been slowly changing converting the system to two ways channel- as both receivers and senders can communicates in a nick of time. The changing media trends showed that criticism, debate, arguments will be the future of media and it is already doing at many of the national and international media, even though it still seems way to go for the state of Manipur.

Saying so, it would be wrong to advocate a free speech from any individual or freedom of press without limit as legitimate. In democratic India a breached of privilege for some individuals or groups by any mass media can be challenged, but taking the law in hand to stand up or protest against any trespassing to individuals or groups is rather a sign of lawlessness.

On one hand, when lawyers, advocates protest on the street for failure of law and order, and when media goes protest for some peoples' threat to sue them through proper channel, it showed the timidity character of the group of people in the profession which should be the most courageous people.

Steps like boycott of those voices against media which they felt not correct would be a more unjustified decision. Space for criticism to media should also be provided if someone felt that their image have been maligned by any writings or comment of a media house.

Village Authority in the Hill Areas of Manipur of Manipur: A Case Study of Hmar Villages in Pherzawl District

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INTRODUCTION:

Manipur is one of the states in northeast India. It is bounded by Nagaland in the north, Assam in the west and Mizoram in the south. It has a total area of 22327 sq.kms. Geographically, the state could be divided into two regions, the hill and the valley. The valley lies in the Central part of the state and the hills surround the valley. The villages in the hills have their own system of administration since ancient times. In every village there was a village chief assisted by his councilors. The chief and his councilor constitute the village council. The village council was responsible for the overall administration of the village. With the introduction of democratic institution in the country and the merger of Manipur state into the Union, new measures for the hills with a view to initiate peoples' representation at the grassroots levels were taken up. For the purpose of administration all the hill villages were grouped into circles and sub-divisions. For each 20 tax paying houses Village Authority was constituted comprising the chief of the village with his councilors. Even today the chief and his councilors play a crucial role in the administration of the village.

KEY WORDS:

Village Authority, Hill Areas of Manipur, Hmar Villages, Pherzawl District, Manipur (Village Authorities in Hill Areas) Act, etc.

OBJECTIVES OF THE STUDY:

1. To highlight the historical background of the Village Authority in the hill areas of Manipur.
 2. To study the Manipur (Village Authority in Hill Areas) Acts.
 3. To highlight some of the changes brought about by the Manipur (Village Authority in Hill Areas) Acts in the old traditional local bodies.
 4. To understand the working of the Village Authority of the Hmar villages in Pherzawl District.
- HISTORICAL BACKGROUND OF THE VILLAGE AUTHORITY IN THE HILL AREAS OF MANIPUR:**
During the pre-independence period, the tribal societies of North-East India in general and Manipur in particular had their own traditional administrative systems. They have evolved it over a long period of time and maintained and preserved it throughout the ages. It effectively served as the system through which law and order of the society was maintained. However, the system of administration among the different tribes differed from tribe to tribe and from region to region. According to V. Venkata Rao the authoritarian type of institutions existed among the Chin-Mizo-Kuki group, the Singphos, the Khamtis, the Riangs, etc. The republican type existed among the Morpas, the Akas, the Tangdas, the Adis, the Angamis and the Nagas of Manipur.

In the past, the Hmars also had evolved, over a period of time, an administrative system of their own, well developed and having its own peculiar features. The chief and his councilors constituted the village council. The village council was also the village court. Justice was dispensed with under the roof of the chief where the council met. The judicial power of this court extended to the entire village. Cases were tried and decided according to the customary laws.

During the British rule, most of the tribal chiefs in the hill areas of Manipur continued to enjoy the same

powers as they had enjoyed earlier. This was mainly because of the fact that the British themselves were not interested in making direct interference into the day-to-day affairs of the tribal people. Their administration in the Hill was confined mainly to the survey of the land, introduction of house tax, creating a small bureaucracy to look after their interest in the Hills, development of the means of transport and communication in accordance with the requirements of their interests, opening of a few primary schools, etc.

The year 1947 witnessed the introduction of the Manipur State Hill Peoples, (Administration) Regulation Act, 1947. It became effective from 10th August 1947. From this date the responsibility for the administration of the Hills got transferred to the Maharaja-in-Council. The Regulation read: "The responsibility for the administration of the Hill people is vested in the Maharaja-in-Council and shall be exercised in accordance with the Constitution Act of the State and the provision of this regulation as amended from time to time". For the purpose of administration all the hill villages were grouped into circle and sub-divisions. For each 20 tax paying houses a Village Authority was constituted comprising the chiefs of the village with his councilors. Besides, Manipur (Village Authority in Hill Areas) Act has been passed by the Manipur State government from time to time which brought certain changes in the traditional local bodies in the Hill Areas of Manipur.

MANIPUR (VILLAGE AUTHORITY IN HILL AREAS) ACT:

Once Manipur became Part C State of the Indian Union, new measures for the Hills with a view to initiate people's representation at the grass root levels were taken up. First of all there was the Manipur (Village Authorities in Hill Areas) Act, 1956. The Act for the first time introduced election of the members of the Village Authority on the basis of adult franchise by repealing the Hill People's Regulation of 1947. With the passing and enactment of this Act, the village chief remained the ex-officio Chairman of the Village Authority. But the Village Authority members were to be elected by the villagers for a term of three years which was later extended to five years by the Village Authorities in Hill Areas (Amendment) Act, 1984. The Act of 1956 further provided that the Chief Commissioner (Administrator) may appoint two or more members of the Village Authority to be members of the village court during their term of office. The village court was to be presided over by the chief if he is a member of the court. If not the court was empowered to elect its own president. The village court could try cases upto the value of not exceeding five hundred rupees only. It could also impose a fine not exceeding two hundred rupees or could imprison a person for a term not exceeding one month to the defaulter. But in practice, the Village Authority under the chairmanship of the village chief constituted the village court itself and the administrator had never appointed any member of the Village Authority as the chairman of the village court. Except the election of the Village Authority members for a specific term, the other provisions of the Act were never made operative and the Village Authority under the chairmanship of the village chief used to decide all sorts of cases brought to them by the villagers.

In 1996 a bill known as "The Manipur Hill Areas (Acquisition of Chiefs' Rights) Bill 1996" was introduced in the Manipur Legislative Assembly. The objective of the Bill was to acquire the rights and privileges of the chiefs who had been enjoying them under some

specific customs which gave them various privileges. Another objective of the Bill was to introduce land reforms with a view to distribute land to the tiller. Though the State Legislative Assembly passed the Bill, due to oppositions from tribal leaders the State Government still has not yet enforced this act. Besides, the Government also passed the Manipur Hill Areas Bill from time to time to curtail the power of the chief but to opposition from the tribal people it cannot be implemented effectively.

VILLAGE AUTHORITY OF HMAR VILLAGES IN PHERZAWL DISTRICT:

Pherzawl District is a newly created District of Manipur. It is situated in the southern part of the Manipur State bordering Mizoram. The majority of the community in the District belongs to the Hmar community. There are about 54 Hmar villages in the District. Every village has their Village Authority. As per the provision of Manipur (Village Authorities in Hill Areas) Act, 1956, the village chief would be an Ex-officio Chairman of the Village Authority and other members are elected by the people on the basis of Universal Suffrage as mentioned earlier. But in some of the Hmar villages of Pherzawl District it is found that in place of Village Chief there are Village Chairmen who are elected by the people like that of the members of the Village Authority. The Village Authority performs numerous functions. Some of them are given as below:

1. Proportionate distribution of land for every year's cultivation: The Hmar people of Pherzawl District practice shifting cultivation since ancient times and it continue till today. They had to change their jhumland every year. The land once cultivated was allowed to remain fallow for a number of years to enable it to recover its natural fertility. Hence, distribution of lands for every year's cultivation continues to be an important task of the Village Authority. However, no individual could claim permanent ownership of their respective site as the site ceased to be his own as soon as the harvest is over.
2. Maintenance of law and order in the village: After 70 years of India's Independence, there are still many villages in the Hill Areas of Manipur which have to fend for themselves in times of any eventualities. In most of the Hmar villages in Pherzawl District there are neither police forces nor government officials posted there in the village to take up immediate action. The MLAs, MPs and members of the District Council hardly visited these villages. As such, whenever there is a crisis in the village, they are in the forefront trying to solve the problems. They also continue to play a leading role while organizing rituals connected with death or when a community work is organized. Thus, the role of the Village Authority is of utmost importance in the maintenance of law and order in the village.
3. Administration of justice: The Manipur (Village Authority in Hill Areas) Act, 1950 provides for the establishment of the Village Court. However, there is no separate Village Court to be found in the Hmar villages of Pherzawl District. The Village Authority is the Village Court. No doubt, there are some people who approach the court (Judiciary) to settle disputes but there are still many people who are in the interior parts of the state who goes to the Village Authority to settle their disputes. Since time immemorial, in the Hmar society cases were tried and decided according to the customary laws. The customary laws governed all criminal and civil cases including murdered. It must be noted that generally the laws concerning civil and criminal aspects of disputes were enforced by the Village Authority while personal laws such as relating

to marriage, divorce, inheritance, adoption, etc. were normally administered by the elders of the concerned clan. However, the administration of the personal laws was also referred to the village court when things became complicated and could not be settled by the elders of the concerned clan. The party who lost the case had to pay a fine to the Village Authority known as salam which was normally in the form of a pig. The usual way of sharing the salam was to arrange a feast for themselves. Regarding inter-village disputes, the Chiefs of the concerned villages used to sit together and decide the dispute together as mentioned earlier.

4. Implementing the Development Programs of the Government in the village:

After independence, many Development Programs were started in India like Community Development Program, Integrated Rural Development Program, etc. Normally these programs were implemented in the village through the Village Authority. Usually the government entrusted the Village Authority to identify and select beneficiaries under poverty alleviation schemes. They are also entrusted to review all the developmental works within the village and report to the Block Development Officer. Along with their role in the identification of beneficiaries for development programs, they are to formulate and supervise village developmental schemes; help governmental agencies in carrying out developmental works in the village, receives grants-in-aid, donation, subsidies from the government or any other agencies; to provide security for due payment of loan by any permanent resident of the village from the government; to enter into any loan agreement with the government, bank or any financial institutions. Another important function of Village Authority is to constitute Village Development Committee, a statutory body to assist the Village Authority in executing development policy program. Through their membership in the Village Development Committee, they are suppose to oversee the identification and selection of beneficiaries under the various scheme meant for rural development and ensured proper implementation of various programs of the Central and State Governments.

The village Authority in the Hmar villages of Pherzawl District plays a very important role in the administration of the village. But when we compare with the Village Council in pre-independence period we can say that it has less authority over the people. During the pre-independence period, the village council headed by the chief and his councilors were very powerful. Chieftainship in those days was hereditary. The chief would appoint anyone of his choice from his villagers to be his councilors. In fact, the chief was the fountain head of all powers. All executive, legislative and judicial powers were vested in the chief along and his councilors. Besides, the chief enjoyed a number of privileges. Some of these privileges were: Busung (paddy tribute), Sadar (one foreleg of any four-legged animal killed), Khuaizu (honey collected), LalThaphut (compulsory labour to be rendered by the villagers to the chief in time of constructing his house as well as for carrying out other community tasks), Chisung (salt tax), Ran man sung (a certain amount of the price of an animal sold to be paid to the chief), etc. The Hmar chief thus enjoyed various privileges. In this regard Prof. Lal Denanotes: "the rights of the chief to these services was in fact the foundation of his political power and his accumulated wealth enabled him to command the respect and loyalty of his own clan or tribe and other clans or tribes conquered".

(To be contd.....)

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