

## VILLAGE COUNCIL IN MIZORAM: A CRITICAL EVALUATION

Dr. THOMAS FELDMAN

### Abstract

The paper attempts to understand the power and functions of the Village Council as the lowest administrative institution in Mizoram. The paper critically discusses the problems confronted by the Village Councils in delivering essential services for rural development. The paper also briefly discusses the flaws and challenges confronted by Village Councils in comparison to Panchayati Raj Institutions (PRIs) constituted by the 73rd Constitutional Amendment Act, 1992. It also critically focuses on the prevailing crisis of the Village Council structure in administration and the implementation of socio-economic development programs in a changing socio-economic milieu. The paper concludes with remarks on the need for reforming and strengthening the Village Council with more scope in terms of its functions and financial power to make it more robust as a grassroots institution for local self-government

**Key Words:** Village Council, Decentralization, Mizoram, Local Self Government Institution, Development.

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<sup>1</sup>Assistant Professor, Govt Hnahthial College, Hnahthial, Mizoram, Email id: [khobung@gmail.com](mailto:khobung@gmail.com)

<sup>2</sup>Research Scholar, Department of Social Work, Mizoram University, Aizawl. Email id: [khawbung.lily@gmail.com](mailto:khawbung.lily@gmail.com)

## Introduction

Local self-government is an essential institution for delivering welfare services and development at the grassroots level. It also serves as a crucial platform for local people to express and access their developmental needs and aspirations. Essential democratic values, such as good governance and inclusive participation in the planning, decision-making process, and implementation of programs, can be actualized through an effective local self-government institution. In other words, an effective local self-government institution not only strengthens the pillar of the democratic process but also channels resources efficiently. Thus, it could be instrumental in bridging the growing regional disparity, secessionist movements, and ethnic-based movements in a multicultural society.

The term 'local government' literally means the management of local affairs by the people of the locality. It is based on the principle that local problems and needs can be better addressed by the people of the locality than by others or any other agencies. The administration of local affairs is entrusted to local individuals elected by the people of the locality at regular intervals. In the words of L. Golding(1955), "Local Government refers to the management of their affairs by the people of a locality. The term self-government is generally used in relation to local self-government; the state or the union government do not have a prefix of 'self' before them. It generally denotes the special position of rural or urban democratic institutions entrusted with certain functions of a local nature, accompanied by powers to raise financial and other resources in accordance with the provisions provided in the statute or executive orders" (as cited in Sachdeva, 2011, p. 1). Local Government is a realm of governance that emphasizes the autonomy of the local population in the formulation of plans, implementation, and management of their developmental activities based on their requirements and aspirations.

In a similar vein, Venkatrangaiya and Pattabhiram(1969) argued that the distinctive features of local self-government institutions can be identified as follows: a local body with local inhabitants electing that body and ultimately controlling it, freedom from control of higher authorities within a limited sphere to denote autonomy, recognition of the distinction between local and non-local services, and local taxation. The essence of self-government lies in the freedom that a community enjoys in organizing its institutions of governance and giving shape to them. (as cited in Srivastava, 2002, p. 3191). Local self-government institutions provide a platform for local management and utilization of their own resources according to their needs and preferences.

In the tiny state of Mizoram, the only grassroots local government institution is the Village Councils (VCs), constituted by the state government and autonomous regions. The Village Councils derive their power and function from the respective state government and are administered by the Local Administration Department (LAD) and Town Planning & Housing, Government of Mizoram (Prasad, 2003, p.

189). The hierarchical power arrangement between the state and Village Councils clearly indicates that the Village Councils derive their power and functions from state government statutes. In other words, the power sources of Village Councils lie in the state government statutes. Thus, the hierarchical power relations between Village Councils and the state government have not only weakened the VCs but have also hindered their functional aspects in various respects. Therefore, in the contemporary context, referring to Village Councils as a local self-governing institution that advances the socio-economic development and needs of rural villagers is undoubtedly a misnomer.

### **Major Problem Confronted by Village Council**

The 73rd Constitutional Amendment Act of 1992 establishes a three-tier Panchayati Raj system, comprising village, block, and district levels. In contrast, the Lushai Hills District (Village Councils) Act of 1953 provides for a single-tier structure, with the Village Council as the lowest administrative unit in the state. The Village Councils in Mizoram, constituted by the State government, lack constitutional sanction compared to the Panchayat Raj Institutions established under the 73rd Constitutional Amendment Act of 1992. Before the enactment of the Mizoram State Election to Village Councils Rules in 2014, the Village Council operated under the supervision, direction, and control of the State Government and the District Councils. Both the Local Administrative Department (LAD) and District councils had the power to dissolve the Village Councils and announce bye-elections at their discretion. The Village Councils, under the administration of the Local Administrative Department (LAD), predominantly staffed by bureaucrats and government officials with significant powers in supervising and directing the Council's functions, reduced the Village Councils to mere bodies carrying out notifications and orders frequently issued by the government or higher authorities. Failure to comply could lead to inefficiency, and in severe cases, the dissolution of the Village Council without its consent (Lalsangliani 2008, p. 320). Since 2014, the establishment of the State Election Commission, duly constituted by the State Government, has given it the superintendence, direction, and control of electoral roll preparation and the conduct of all Village Council elections. These rules mandate the reconstitution of expired or dissolved Village Councils through mandatory elections within six months (The Mizoram Gazette, Extra Ordinary, Vol. XLIII, Issue No. 567, Aizawl, 16 December 2014). The Mizoram (Election to Village Councils) Rules of 2014, modeled on provisions under the 73rd Constitutional Amendment Act of 1992, is a significant amendment ensuring regular elections and uninterrupted functioning of Village Councils.

### **Lack of Devolution of Power & Functions**

Village Councils in Mizoram, being the sole rural governing institutions, play a crucial role in facilitating and delivering basic services to the rural population. The Lushai Hills District (Village Councils) Act of 2014 introduced section 8A,

providing Village Councils with certain powers and duties, such as formulating village development schemes, supervising development works received from the State Government through various agencies, and assisting government agencies in carrying out development projects within the village. Despite these provisions, the scope of Village Councils remains limited in terms of substantive powers and functions to carry out socio-economic development projects and programs that cater to the rural poor effectively. An analysis of section 8A indicates that Village Councils have been reduced to supervisory bodies overseeing the State government's development programs.

To promote inclusive participation in planning and development, the Lushai Hills District (Village Councils) Act of 2014 introduced provisions for the formation of Village Assemblies (Gram Sabha). These Village Assemblies have the power to approve annual plans, programs, and projects for social and economic development before implementation. They are also responsible for identifying or selecting beneficiaries under poverty alleviation and other programs. Village Councils are required to convene Village Assembly meetings at least three times a year, with a quorum of 10% of registered voters according to the latest electoral roll of the Village Council (The Mizoram Gazette, Extra Ordinary, Vol. XLIII, Issue No. 567, Aizawl, 16 December 2014). In the current context, except for the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), Village Councils have limited involvement in developmental activities. The Village Employment Councils/Village Councils at the village level are considered the principal authorities for planning and implementing the MGNREGS. The Executive Body of the Village Employment Council, assisted by the Village Level Administrative Assistant, is responsible for identifying works in the village area and supervising their execution (The Mizoram Gazette, Extra Ordinary, Vol. XLIII, Issue No. 140, 10 March 2014). Additionally, various powers and functions of Village Councils, such as land allocation for jhum cultivation, village sanitation, enforcement of Hnathlang (social work), animal control, taxation, and judicial functions, remain traditional and largely irrelevant in the present context.

### **Party Politics**

Although the President, Vice-President, Member, and Secretary of a Village Council are considered public servants within the meaning of section 21 of the Indian Penal Code (The Lushai Hills District (Village Councils) Act, 1953, as adopted and amended up to date), party politics significantly influences village council politics at the village level. Village Councils often serve as tools for the political parties in power at the state or district levels, particularly in matters of administrative execution. The Lushai Hills District Village Councils (Amendment) Act of 1991 empowers the Government to either abolish or reorganize the Village Councils. Consequently, the State Government controls the Village Councils in all practical respects. Since the Village Councils lack statutory support, they must

depend on their changing political relations with the District Councils and the State Leadership (Prasad, 2003, p. 200).

The significant concentration of power within the State Government and the prevalence of nepotism based on party affiliations have hindered the functioning of Village Councils, particularly among non-ruling village councils. Consequently, the increasing influence of party politics in the Village Councils has led to exclusionary politics rather than promoting an inclusive realm of development. The interference and control of Village Councils through party politics have, to a large extent, undermined the capacity and functional autonomy of Village Councils as local self-government institutions.

### **Absence of Proper Activity Mapping**

The absence of clear activity mapping among state agencies, NGOs, and Village Councils has been the main hurdle in facilitating the appropriate level of devolution of various functions, especially concerning welfare schemes. The 73rd Constitutional Amendment Act, 1992, stipulated a list of 29 items to be administered by the local bodies (Bakshi, 2008). However, the prevailing Village Council structure lacks a clear allocation of powers and functions. As a result of the absence of a stipulated list of powers and functions, various developmental schemes overlap among Village Councils, non-government agencies, and state government departments. This has created a chaotic condition in the planning and implementation of various socio-economic developmental programs in rural areas. Therefore, there is a need to develop a proper model of activity mapping for local government institutions to ensure the effective functioning of Village Councils in facilitating developmental planning and implementation in rural areas.

### **Paucity of Financial Resources**

The Constitution 73rd Amendment Act, 1992, provides for the mandatory establishment of a State Finance Commission for the proper devolution of financial resources. Article 243(I) of the Constitution provides for a State Finance Commission (SFC) that reviews the financial position of Panchayats and makes recommendations to the Governor regarding (1) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls, and fees leviable by the State, (ii) the determination of the taxes, duties, tolls, and fees to be assigned to or appropriated by the Panchayats, (iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State, and (iv) the measures needed to improve the financial position of the Panchayats (Bakshi, 2008). Thus, the 73rd Amendment Act, by vesting the powers of taxation and grant-in-aid within the purview of Gram Panchayats, has enabled them to enhance their financial resources for carrying out and implementing developmental programs.

The Village Council faces a lack of regular financial funds and limited resources, which has been a major problem in the formulation and implementation of developmental programs. Apart from the annual grant-in-aid from the state, revenue sources such as animal taxation and control, fines, and property taxes are inadequate to transform the Village Councils into a vehicle for development in rural areas. Despite being vested with powers and functions, the lack of financial resources has hindered the functioning of Village Councils. The developmental functions carried out in the name of the village councils have not met the expectations of the masses due to the shortage of funds, which has limited their ability to carry out socio-economic development in rural society (Lalsangliani, 2008, p. 308).

The need for a regular and proper financial resource is crucial to transform Village Councils into vibrant local self-government institutions. Given the economic condition of Mizoram, with few elastic revenue sources for the State, financial devolution to the Village Councils will always be a challenge. Therefore, it is imperative to transform the Village Councils, while retaining their traditional uniqueness, to receive financial grants from the Central Finance Commission. This transformation is essential to qualitatively improve the social, economic, and political conditions of the villages in Mizoram (Lallianchhunga, 2018, p. 42). In contrast to PRIs, the Village Councils have no regular major financial sources apart from the petty funds received from the State government for the formulation and implementation of socio-economic development programs and projects at the lowest levels.

### **Irrelevance of Village Council**

In the contemporary context, the relevance of Village Councils (VCs) has attracted the attention of various discourses. The Hills District (Jhuming) Regulation, 1954, empowered the Village Councils to distribute Jhum land each year through a draw of lots within their jurisdiction. However, the introduction of the Jhum Control Scheme under the MNF Government and the New Land Use Policy (NLUP) under the Congress Government has had a severe impact on the practice of Shifting/Jhum cultivation. During 2008-09, the area under Jhum cultivation decreased by 9 percent, and approximately 11 percent of Jhum-farming families abandoned shifting cultivation to pursue alternative means of livelihood. This indicates that farmers are willing to give up less productive Jhum cultivation if alternative livelihood options are made available to them. The changing trend in the occupational structure reveals that the service sector constitutes 68.5 percent of the Gross State Domestic Product (GSDP), while the share of agriculture dropped from 22.52 percent to 14.3 percent within a decade from 2000 to 2010 (Mizoram Human Development Report, Government of Mizoram, 2013, pp. 58-63). Consequently, these changes in the occupational structure of rural society have influenced the Village Councils' role in allotting Jhum land for cultivation.

Moreover, the presence of various Non-Governmental Organizations (NGOs) and State Government departments with similar development functions, such as sanitation, natural resource preservation, education, and healthcare services, has to some extent overshadowed the functioning of Village Councils in various aspects. Nunthara (2004), in his recent study on the working of Village Councils across the state, observed that 80 percent of VC members claimed they hardly participated in planning, implementing, and monitoring development programs. A majority of respondents argued that the absence of proper activity mapping among Village Councils, state agencies, and the Central Government has been a major obstacle to effective participation in planning, implementation, and monitoring of developmental programs. An overwhelming 92 percent of VC members argued that the current VC structure is not equipped to carry out socio-economic development activities. Ninety-two percent of VC members support the adoption of the 73rd Constitutional Amendment Act, 1992. Additionally, 59 percent of VC members acknowledge the existence of party politics or affiliations being used for personal gain in terms of allotting welfare schemes. The survey on the working of VCs strongly suggests the need to reevaluate and strengthen the present structure, power, and functions of Village Councils to enable them to function as local self-government institutions and effectively carry out the socio-economic development of villages. The majority of respondents argue for an effective Village Council with broader functional subjects, which could play a significant role in the socio-economic development of rural communities. In other words, excluding the local community from participative development, planning, and implementation hinders effective inclusive development and growth.

In the contemporary scenario, despite the inclusion of many areas covered by Central Sponsored Schemes (CSS) in the State list of the Seventh Schedule, the bulk of the funding for these programs comes from the Central Government and is governed by CSS guidelines. These guidelines rarely require state governments to devolve functions, finances, and functionaries to local self-government institutions. Local Self-Government Institutions are occasionally mentioned as an option, but state bureaucracies often prefer to be the delivery agency or establish parallel bodies as registered societies (whose accounts are not subject to local or CAG audit). This undermines the entire delivery system's responsibility to the intended beneficiaries. In the absence of accountability to the local community and the transparency that such accountability would impose, vast sums of money are expended, and complex mechanisms for delivery are devised. Beneficiaries themselves are, for the most part, reduced to beggars with their begging bowls or silent spectators to decisions that intimately affect their welfare and that of their families (Aiyar 2013, pp. 4-5). Therefore, there is a need to revise the existing model of development programs and welfare schemes to ensure proper devolution of power and resources, particularly concerning various CSS such as PMKSY, PMAY, SAGY, PMGSY, to ensure that they reach the lowest levels of the population and directly benefit them.

Village Councils, as the lowest administrative units, have failed to evoke local initiative and people's participation in development activities and bring about social and economic changes in rural areas. This is due to the strong centralization tendency of the State apparatus, which is incompatible with the principle of decentralization of planning and decision-making processes (Prasad, 2003, p. 198). In summary, it appears that while Village Councils and Panchayat Raj institutions differ structurally and operationally, the Village Councils do not have the financial and functional powers set up under the 73rd Constitutional Amendment Act, 1992. Village Councils, as primary grassroots-level institutions, have been denied the devolution of administrative responsibilities, political and financial decentralization, making the socio-economic development of rural poor villagers beyond the scope of the Village Councils.

### **Conclusion**

The fundamental requirements for personal advancement and development can be better provided through a judicious assessment of needs and the allocation of resources. Involving people in decision-making reduces the scope for corruption and misuse of resources and authority. Close monitoring and social audits become possible, which was not possible in the top-down approach that was previously in use. The power of taxation vested with local self-government institutions enables them to expand their resource base for accelerating development. At the Panchayat levels, there can be imaginative and pragmatic pooling of resources and convergence of schemes that benefit the community at large. Micro-level planning, which was virtually absent until now, enables translating people's aspirations into need-based programs (Kunnumkal 2011, p. 7). Apparently, an examination of Village Council statutes shows that they lack the required basic structure and features to function as local self-governing institutions due to the lack of both political will and bureaucratic reluctance to devolve the "3 Fs": functions, funds, and functionaries. Therefore, it is imperative to restructure the power and function of existing Village Councils in accordance with the 73rd Constitutional Amendment Act, 1992. Since most of the Central grant-in-aid for local bodies and CSS demands specific rules and is tied to specific developmental activities, there is a need to align local government institutions with the recommendations of the Central Finance Commission and PESA. This would not only expand the functional scope of Village Councils but also enable them to generate financial resources, receive central grants-in-aid, and empower them in formulating and implementing developmental programs at the grassroots level, benefiting the rural poor population. In a changing socio-economic environment, enabling local government institutions to function as effective local self-governing institutions through sensitization programs and raising awareness among rural masses for inclusive, transparent, and accountable local self-government institutions is essential. This would promote good governance and establish vibrant local self-government institutions that encourage inclusive participation in planning, formulation, and implementation of developmental needs for rural local populations.

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