

THE MANIPUR VILLAGE AUTHORITY ACT, 1956- A BRIEF OVERVIEW

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I. Introduction

Diversity is the defining feature of Indian democracy. Legal reforms which discount the plurality of interests involved are unlikely to be well received and may in turn invite strong opposition. Therefore, it is essential that uniformity is not mistaken for unitary. One needs to take a liberal approach towards understanding the concept of pluralism taking into account and including the historical legacy of the land and the various religious-socio- community practices that have developed over time ensuring at every stage that the idea of heterogeneous fabric of the society is not disrupted. If these factors are not considered, the law might appear oppressive to the communities. Customary laws are treated as rules that are binding, which all members are obliged to follow owing to their general acceptance. Over time they evolve and become an intrinsic part of one's life, views and an identity especially of many indigenous communities¹. While Black's Law Dictionary describes "laws to consist of customs which are accepted as legal necessities or obligatory rules of conduct; practices and beliefs that are so vital and intrinsic a part of a social and economic system that they are treated as if they were laws"². The Indian Constitution³ permits certain communities the right to deal disputes through their personal and customary laws whereby the customary legal forums operate with the sanction of the state itself. Hence in this context of tribes in India, customary laws being given both state and social sanctions that has played an immensely important role in determining lives and rights of the tribesmen⁴, that the study of customs and customary law becomes relevant and important.

II. Traditional methods of disputes settlement

The customary justice system, scholars opined that the system maybe called traditional justice system⁵ and at times as popular justice⁶ and yet again as on-formal justice system⁷. The crucial goal of the system, it is said is to eventually restore peace and harmony within the community which is the essential feature in securing the ethnic cohesion⁸ preferably through the reconciliation of the victims and the accused persons or the perpetrators⁹. The aim of the customary law is also to instill a sense of belongingness and participation of the victim by making the wrong doer reattribute for his actions that are unacceptable in the community.¹⁰

The distinguishing feature of uncodified customary laws are the flexibility which provides the space to settle disputes through an involved system of participation thereby providing amicable solutions¹¹. It is this flexibility of rule and procedure that enables dynamic leaders to curve out

solutions that are pragmatic and best suited to the local needs¹². Mediation is thus encouraged to arrive at a settlement that is restorative in nature¹³. A peculiar feature yet common to most tribal societies is the existence of household councils which is known by different names like “Innsungdongta”. This council consist mostly of men from one’s clan who assist the head of the family in crucial decision making, ranging from acceptance or denial of marriage proposal for the daughter of the household or even sending out one, to resolving matrimonial disputes within the family and at times on custody of children between the erring spouse. When issues arises between two families, not necessarily of the same tribe, this house hold council also called kinsmen council serves as the first place for dispute adjudication. Composed generally of 10-15 men of one’s own kin, the inclusion into the council is mostly hereditary. Every tribal household especially in the district of Churachandpur in Manipur has a kinsmen council. Decisions are taken in a democratic manner and all disputes are sought to be resolved through medication. Rarely such instances occur but once decision is agreed upon by the council, even the head of the family abstains from countering it even if he does not complete agree to it. During the existence of the village Chief, this council consisted of his advisor and the village priest both of whom occupied positions superior than the others. tus, it was this council of the chief that also served as the court of justice should there be any dispute that needed adjudication. With the dilution of the Chieftainship and individualistic family life evolution, the father now occupies the position of the chief within his household. While the priest ceased to exist as in the past with the introduction of Christianity amongst most hill tribals in the region. In this aspect, thus one will not be wrong to say that customary law upholds the spirit of justice in the truest sense. Quite interestingly Roy writes that owing to the cohesion that exists in the social set up, the settlement of disputes are done in manner of ‘to have two winners rather than one winner and a loser’¹⁴ thereby creating an environment of tolerance and forgiveness is created¹⁵.

III. Contemporary mechanisms of dispute resolution

The descend of the colonial rulers in the state of manipur lead to the transformation of the tribal lives which began to manifest itself in various ways. These changes were not expeditious but gradual. The colonial administration introduced a new phase which was the beginning of modernised way of life for the tribal populace. The tribesmen in the hills began to detach from their traditional ways which was limited by ignorance, superstitions beliefs and isolation from the others, now heading towards brighter and better ways of existence. One is indeed compelled to admit that the tribal economic activities were restructured by the Britishers clinging them to the ruler's liking leading to the introduction of new policies coupled with their mandate of exploiting the native natural resources to fulfil their own imperial interests. The changes introduced by the Colonial Rule under their economic policy, Dr. Gangmumei Kamei writes, that it may be continently divided into three heads firstly House tax, secondly Trade and lastly Agriculture and Forest¹⁶. In his study on the state of affairs in the North East India in general, F.S. Downs, refers to such change as "traumatic change consequent upon British annexation", as follows¹⁷:

The subjection of the tribes to an external political authority for the first time in their history; The introduction of an alienadministrative and judicial system and the imposition of entirely new principles of authority and jurisprudence;The introduction of money economy and consumer goods such as mill cloth and kerosene lanterns which undermined the largely self-sufficient economies of the tribes and created new concepts of wealth;The development of moderncommunications including postal system, roads and new forms of transport; The imposition of laws that seriously affected the traditional institutions.

IV. Features of the Manipur State Hill Peoples (Administration) Regulation Act, 1947

During the colonial period Manipur like most tribal societies in the North East had its own local set up for governance amongst the tribesmen. These traditional method of administrative evolved over generations, taking along with it the flavour of the past generations infusing into the current one. They were flexible and suited the sentiments of the inhabitants of the areas. Apart from governance the system served the dual purpose in maintaining law and order too¹⁸. The interesting feature is the absence of uniformity of the system amongst the various tribes inhabiting the region, but rather each tribe had its own distinction although with similar undertones on issues like marriage and divorce, inheritance and hereditary privileges. As already stated, the village chief along with his councilmen where the court of justice, should any issue over law and order arise. Cases were adjudicated through the usages and customary laws amongst the tribesmen¹⁹.

The colonial rulers were wise enough not to meddle into the local affairs of the tribes²⁰ and left it to the wisdom of the tribesmen to continue their administration in ways that's suited them most. Some authors argue that this was the lackadaisical attitude of the rulers rather than their concern for the tribesmen whom they looked down as persons who had no brush with civilisation what so ever. However, such arguments have failed to be supported by any coherent evidences. The British administration was confined mainly in the hands of few officials²¹ so appointed to look into the affairs of the region which was based on the land survey, house tax etc generally developmental

work manifesting into construction of road ways, primary schools, peculiar to meet the colonial interests.

The Manipur State Hill Peoples, (Administration) Regulation Act, 1947 was enacted which became effective from the 10th August 1947. This Act marked the transfer of administrative responsibility of the Hill regions of the state into the hands of the then Maharaja-in-Council.

For administrative purposes the hill villages were grouped into what was called circle and sub-divisions. Village Authority was constituted for every 20 tax paying houses which was the formal set up under the State, in continuation to the chief of the village with his councillors.

The hill areas administration was continued on such lines as to endure it was in tune with the aspirations of the tribal sentiments. However, the Regulation of 1947 had been partly repealed the Manipur (Village Authorities in Hill Areas) Act through by section 58 through an official publication on 11th April 1957 in the Gazette numbered 6-E-4.

Section 58 of the Act which reads as-

58. Repeal and savings. —The Manipur State Hill Peoples (Administration) Regulation, 1947, in so far as it relates to the constitution and functions of village Authorities and the administration of justice, both civil and criminal, by courts of village Authorities, is hereby repealed:

Provided that the said repeal shall not affect—

- (a) the previous operation of the said Regulation, or*
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulation, or*
- (c) any penalty, forfeiture or punishment in respect of any offence committed under the said Regulation, or*
- (d) any investigation, legal proceeding or remedy in respect of any right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid,*
and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that subject to the above provisions, anything done or any action taken (including any appointment or delegation made or any notification, instruction or direction issued or any rule, regulation or form made or framed) under the said

Regulation shall in so far as such thing or action is not inconsistent with the provisions of this Act, continue in force, and be deemed to have been done or taken under the corresponding provisions of this Act, unless and until it is superseded by anything done or any action taken under the provisions of this Act.

Succeeding the State witnessed the enacted of the Manipur Land Revenue & Land Reforms Act, 1960 (MLR & LR Act, 1960), with the sole objective for the administration of only the valley lands that had been surveyed, thereby leaving untouched the tribal areas.

V. Essential features of the Manipur Village Authority Act, 1956

The objective of the Manipur Village Authority Act, 1956 Act is to consolidate and amend the laws relating to the constitution and functions of Village Authorities in the hill areas of the Union territory of Manipur. The Act encompasses all those hill areas inhabited by the tribe population of the State. Keeping the customary laws and traditional practise of the tribes²² as the centripetal force the composition of the members in the village authority has been determined. The village chiefs were legally enforced by the then Manipur State Hill Peoples (Administration) Regulation, 1947 to nominate members to the village authority. Subsequently the Act in 1956 attempted the imposition of restricting this vast power of the village chief thereby introducing a democratic method through provisions in the Act. The Act had paved the way for election of the members, and in case of inability for such, the Deputy Commissioner of the District would exercise the power of his veto and nominate such member as he deems fits to the Village Authority, through a publication in the official gazette. The members of the Village Authority are elected through the formal system of election in compliance with the rules of the Chief Commissioner as stated in Section 57 (1) (2) of the Act, publication vide Extraordinary No. 74-E-39 in the Manipur Gazette on 16.12.1957, viz., The Manipur Village Authorities in Hill Areas (Conduct and Election of Members (First Amendment) Rules, 1971.

Table 1.1: Table shows the numeral composition of the members in the village Authority.

Number of Members in a Village Authority	Number of Tax-paying Houses
5	20 - 60 tax-bearing household
7	61 - 100 tax-bearing household

10	101 - 150 tax-bearing household
12	More than 150 tax-bearing household

A significant feature of the Act is that it declares only the Government as the competent authority to declare an area as village for the purpose of this Act. Under Sec. 3 (2), the District Commissioner (DC) is not authorised to make such declaration, form/ constitute new village or even bifurcate an existing village. This provision ensures that the villages enjoy autonomy of their territorial boundary and are free from interference except through the act of the Government. A grand total of 725 village authorities were thus constituted in the seven hill tribals areas in Manipur.

Table 1.2: Number of Village Authorities Under the Manipur Village Authority Act, 1956 (Sub-Division wise)

Sub-Division /Circle	Elected Members	Village Authority
Churachandpur	571	112
Sadar Hills	263	68
Mao	76	121
Tengnoupal Sub-Division	568	105
Ukhrul	702	221
Jiribam	89	16
Tengnoupal Circle	371	82
Total	2640	725

(A). Functions, Power and Jurisdiction of the Village Authority

Section 4²³ of the Act states that members of the village Authority are to be elected from such members of the village who is a citizen of India, completed the age of 25 years and a registered voter in the village electoral roll. Any person not a member of the said village and. or having been declared of unsound mind by a competent authority are barred from being elected as a member in the

Authority²⁴. Members of the Village Authority are elected for a term of 3 years from the date of its first meeting²⁵. Section 8 of the Act vests in the Deputy Commissioner of the district to remove any member of the Village Authority on grounds of being convicted of non-bailable offence, or on refusal to discharge his duties under the Act or is declared an insolvent, or disqualified for employment by the government in public services, or is absent for a continuous period of six consecutive meetings or his conduct is deemed to be disgraceful of his conducted and so voted against by 2/3rds of the members in the Authority.

The courts are barred from interfering in the election of members to the Authority²⁶, in case of any disputes, the matter is to be referred to the District Commissioner, against whose decision the appeal may be filed within 30 days to the Chief Commissioner. The decision of the Chief Commissioner is final and binding, which shall not be question in the courts²⁷.

With regards to the functions of the Village Authority, their primary role is towards the maintenance of law and order in their village. In furtherance of this function, they are empowered to cause the arrest as cognizable offences of such person who is alleged to be a vagrant or against whom a reliable information has been received who is alleged to have committed or in involved in the commission or attempt to commit a heinous crime within or outside the Village Authority's jurisdiction. The Act mandates that the assistance of the Authority when requisitioned by the State police for the arrests of any person against whom a reasonable information/complaint has been received. Any person obstructing the performance of duty by the Authority or escapes/attempts to escape lawful custody may be arrested. In cases where the arrest cannot be effectuated by the Authority, requests may be made to the Sub-divisional magistrate who shall render all assistance required accordingly. The Act permits members of the Authority to pursue the arrest of any person

mentioned above beyond their jurisdiction but with due permission from the local Village Authority.

The Law has been cautiously designed to ensure the participation of the State Authorities as the Sub-Divisional Magistrate and Police are to be well informed of any sudden and suspicious death, commission of heinous crimes or probability of a riot outbreak. For any information sought by the District Commissioner, such is to be made available. The more interesting feature is the requirement to observe the rights of the arrested/apprehended person in being informed of the ground(s) of his arrest and to be produced before the magistrate within 24 hours of his arrest.

(B). Administration of Justice in Criminal Matters by the Village Authorities

The village court is to be presided over by two or more members of the Village Authorities who are to be appointed by the Chief Commissioner vide an official notification in the gazette. The jurisdiction of the village court to adjudicate over criminal matters is concurrent to that of the criminal courts under the Code of Criminal Procedure. To institute a case, both oral and written complaints may be admitted by any member of the village court, whose duty it shall be to make proper records of details of the complaints. Where the village court is of the opinion that it would be in the interest of justice that the matter should be referred to the formal law court for proper adjudication of the dispute or for lack of jurisdiction, it shall do so or where the complaint appears to be vexatious, it may dismiss the matter by an order in writing²⁸. An expert order of acquittal may be delivered when the complainant fails to appear before the court or display a lackadaisical attitude. The court has the powers of summon vested in it.²⁹ Section 25 of the Act bars to appeal against the order of the court although if there had been failure of justice prima facie in the opinion of the Deputy Commissioner or the sub-divisional magistrate, may on his own motion or upon the application submitted by the aggrieved party, order to modify the decision of the court or direct for a retrial.³⁰ With respect to the power of imposing punishments, it usually is through payment of

monetary fines of upto 200 rupees, imprisonment will be awarded only upon the payment of this fine within the stipulated time. However, if the accused person is a woman, the Act bars her imprisonment even upon her default of payment.³¹ Section 27 of the act permits the village court to release the accused after due admonition or on probation if it is of the view that such is in the interest of justice, through the payment of surety money not exceeding 200 rupees and adhere to good behaviour. The village court has the authority to permit the compounding of offences by the parties before it.

(C). Jurisdiction of the Village Court in Civil Matters

With regards to the territorial jurisdiction of the court in civil matters, suits will be entertained when, in the case multiple defendants, one of them resides within the local limits of the village court's jurisdiction where the cause of action arises.³² The subject matter jurisdiction of the court includes within its ambit, subjects pertaining to suits for nonpayment of money in contractual obligation, physical recovery of movable property or the monetary value of such property, payment of compensation caused due to dishonest appropriation of movable property, or damage caused by trespass of men and cattle.³³ While some of the matters beyond and outside the jurisdiction of the court are enumerated in section 31 of the Act. The village court is barred from proceeding with suits in which the issues involved is pending for decision before any court or any other authority possessing adjudicatory authority.

The Act in section 48 states that the procedures of Law in the Court Fees Act, CrPc, CPC and Evidence Act shall not apply but the court shall be governed by rule prescribed by the Act itself. One notices that the Principles of Natural Justice has been adhered to as much as possible. The Village authority Chairman is required to preside over the court if he is a member of the court and if he is not so then the court members are to elect its own president amongst themselves. Decisions are to be taken through the majority vote and incase of draw of votes, the presiding officer in the

court shall have the second and casting vote on the final decision of the matter³⁴. The Act clearly bars the compulsion of women for appearance in the court during or at any time of the court proceedings.

The role of the Village authority and its active participation has been called upon by the Government of Manipur through the issuance of the Notification thereby entrusting to the Village Authorities the task for identifying and selecting beneficiaries under numerous soil welfare programs and poverty alleviation schemes. The Authority is also entrusted with the reviews of all developmental works within their village jurisdiction and thereafter send reports to the concerned Block Development Officer. It is also entrusted with the formulation and supervision of the village developmental schemes; provide assistance to government departments and such agencies as directed in the performance of their sovereign obligations towards developmental works in and within the village, accept grants-in-aid, donations, subsidies, waivers or any form of financial assistance as may be approved from the government or any other agencies after due approval; make provision for security towards the due repayment of loans incurred by a permanent resident in the village from the any governmental department under a sanctioned scheme, the banks or any other formal non-banking financial institutions, to advance money from the Village Authority fund to the villagers on such terms and conditions that is deemed fit or to non-banking venture into such agreement with them.

A Village authority/council has the responsibility to constitute a statutory body called the Village Development Committee (VDC) to assist in every way the functioning of the village authority/council in the executions of the developmental policies and programs. The Village authority has the obligation to oversee and identify coupled with the selection of beneficiaries under the various schemes designed for rural developmental projects and ensure the timely and proper implementation of various policies and programs of the C as well as the State governments.

VI. Conclusion

The Manipur Act 1956 may thus be ascribed as a pioneer in ascertaining steps towards the democratisation of hill administration and local governance in the state. The reduction and restriction on the otherwise vast powers of the village chief, the Act has succeeded in instilling faith and appreciation in democracy amongst the tribesmen encompassing a sense of participation while also creating a sense of obligation for the upkeep of the peace and tranquility of community living which are the core values which bind the tribal societies in the Hills of Manipur. A closer scrutiny of the Act reveals upholding the principles of justice by necessitating the election of the members of the Village Authority from, by and amongst the members of the concerned village. Besides the Act achieves the objective of decentralisation of power at the grassroots level, which is a key feature of our Indian democracy.