

Understanding Local Self Governance in Nagaland – An essence of the institutions and their activities

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1. Introduction

Nagaland is unique because it is the only state in the Indian Union created out of a political agreement. The signing of the Sixteen Point Agreement in July 1960 between the Prime Minister of India and representatives of Naga People's Convention paved the way for the creation of Nagaland as the 16th state of the Indian Union on the 1st December 1963. The state was formed by merging the Tuensang Frontier Division of the North East Frontier Agency (NEFA) and the Naga Hills district of Assam.

Nagaland is bounded by Assam in the west, Myanmar on the East, Manipur in the south and Arunachal Pradesh and part of Assam on the north. It lies between 25° 6' and 27° 4' northern latitudes and between 93° 20' and 95° 15' eastern longitudes. It has an area of 16,579 sq. km (constituting 0.5% of the country's geographical area) and a population of 19,88,636² (0.2% of the country's population). The State is predominantly rural and 82.26 percent of the population continues to live in villages. It has 11 administrative districts, 60 Assembly constituencies, one Lok Sabha seat and one Rajya Sabha seat.

Box I. Statistical figures of Nagaland

Area	:	16,579 sq kms
State Capital	:	Kohima (1,444.12 m above sea level)
Population	:	19,88,636 (2001 census)
Density	:	120 per sq km
Sex ratio	:	909:1000 (Female:Male, 2001 census)
Literacy	:	67.11% (Male: 71.77% Female: 61.92%)
No of villages	:	1286
Census towns	:	9
Districts	:	11 ³
Official language	:	English
Average rainfall	:	2500 mm
Forest cover	:	13,345 sq kms (80.49%)

Source : Directorate of Economics and Statistics, Govt. of Nagaland

The majority of the workforce in the state is agrarian and in the rural areas and even those in the urban areas are generally in the unorganised sector. Administratively, the structural framework of the administrative system in Nagaland is largely similar to that of other states in the country. However, what makes Nagaland stand apart is its local governance system through the Village Councils and subsequent authorities. The local governance system of Village Councils is based on the traditional Naga way and it enjoys Constitutional sanction vide Article 371 (A) of the Indian Constitution.

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² 2001 Census, Government of India

³ Dimapur, Kiphire, Kohima, Longleng, Mokokchung, Mon, Tuensang, Peren, Phek, Wokha, Zunheboto

Box II. The Constitution (Thirteenth Amendment) Act, 1962

Article 371A for the state of Nagaland provides that “notwithstanding anything in this Constitution, no Act of Parliament in respect of:

Religious or social practices of Nagas
Naga customary law and procedure
Administration of civil and criminal justice involving decisions according to Naga customary law, and
Ownership and transfer of land and its resources,

... shall not apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides.”

2. Naga Society and governance in general

Nagaland is known for its myriad tribes with their rich culture and traditions. There are 16 major tribes⁴ and numerous other sub-tribes that differ from one another in terms of language, customs and traditions or even the systems of governance. Commenting on the unusual nature of the tribes, Verrier Elwin said, ‘Naga society presented a varied pattern of near-dictatorship and extreme democracy.’ For example, there is the autocratic system of the Konyak tribe where there are ‘commoners’ and the powerful Chiefs (*Anghs*) or the hereditary chieftainship system of the Sema tribe where the chief’s words are considered law. Then there is the kind of ‘republican’ system of governance of the Ao tribe where the citizens of the village have an active role in the affairs of governance, and the government is not headed by a hereditary ruler such as a king or chief but by a council of elders representing the clans and family groups in the village. There also is the ‘extreme democratic’ system of governance of the Angami tribe where the search for consensus was the norm. In almost all the forms of governance the concept of decision making or appointment through adult franchise was unknown.

The traditional self governance of the Nagas in many ways reflects Gandhiji’s article⁵ on ‘Village Swaraj’ where he envisaged a village as a complete republic, independent of its neighbor for its vital wants, yet interdependent, for many others in which dependence is a necessity. Each Naga Village is like an ‘independent sovereign republic’ where each village own and govern their resources, plan development activities, maintain law and order, deliver justice and secure defense. At the same time the villages forge and maintain diplomatic relationships, as well as, make treaties to share or jointly manage resources in contiguous areas.

3. Understanding local self governance institutions in Nagaland

The Nagas as a people are homogenous, self-sustaining and very independent with distinct systems of village administration, clan distribution, socio-cultural practices and institutions. The social fabric of Naga society is based on the village and the dominance of its network. For a Naga it is the loyalty to and honor of the family, the clan and the village that comes before and above anything else. The village identity holds supremacy over even the tribal identity and this explains the importance and central role of the village authority or village council in the life of the Nagas.

⁴ Ao, Angami, Chakhesang, Chang, Konyak, Lotha, Sumi, Kachari, Khiamungiam, Kuki, Phom, Pochuri, Rengma, Sangtam, Yimchungrü, and Zeliang

⁵ Harijan. ‘Village Swaraj’. M.K. Gandhi, 26 July 1942

3.1. The Village Council

The village being an independent democratic republic had its own governance systems and laws. Although women did not have any role in the official functioning of traditional institutions all members of the community were considered equal in status to one another. Given that such functional traditional systems existed in each Naga village, the government built upon it and enacted the Nagaland Village and Area Councils Act 1978 to give it legitimacy and recognition as a local self governance institute.

Every recognized village in Nagaland is required to have a Village Council (VC) with members chosen by villagers in accordance with the prevailing customary practices and usages and as approved by the State Government. Hereditary village chiefs, *Anghs* and Gaonburas (GB) as per usage and customary practices of the community are to be ex-officio members with voting rights of the Village Councils.

3.1.1 Powers and Functions of the Village Councils

As a procedure, the Village Council chooses a member as Chairman from amongst the members and appoints a Secretary who may or may not be a member of the Council. If the Secretary is not a member of the Council he does not have voting rights. In cases where the *Putu Menden*⁶ system is followed, the Chairman is either the Head of the *Putu Menden* or is nominated from amongst the members by a unanimous decision of the *Putu Menden*. Interestingly, while the *Putu Menden* continues to be the supreme authority in the village, the designated Chairman of 'Village Council' represents the community in all interactions with the government and other agencies. The Village Council is required to meet at least once every three months or as and when the situation requires. It is also supposed to form the Village Development Board for the overall development of the village.

Box III. Powers and Duties of the Village Council	
The Village Council has the following powers and duties.	
1.	To formulate village development schemes, to supervise proper maintenance of water supply, roads, forest, education and other welfare activities;
2.	To help various govt. agencies in carrying out development works in the village;
3.	To take development works on its own initiative or on request by the government;
4.	To borrow money from the government, Banks or financial institution for application in the development and welfare work of the village and to repay the same with or without interest;
5.	To apply for and receive grant-in-aid, donations, subsidies from the government or any agencies;
6.	To provide security for due repayment of loan received by any permanent resident of the village from the government, Banks or financial institutions;
7.	To lend money from its funds to deserving permanent residents of the village and to obtain repayment thereof with or without interest;
8.	To forfeit the security of the individual borrower on his default in repayment of loan advanced to him or on his commission of a breach of any of the terms of loan agreement entered into by him with the council and to dispose of such security by public auction or by private sale;
9.	To enter into any loan agreement with the government, Bank and financial institutions or a permanent resident of the village;
10.	To realize registration fee for each litigation within its jurisdiction;

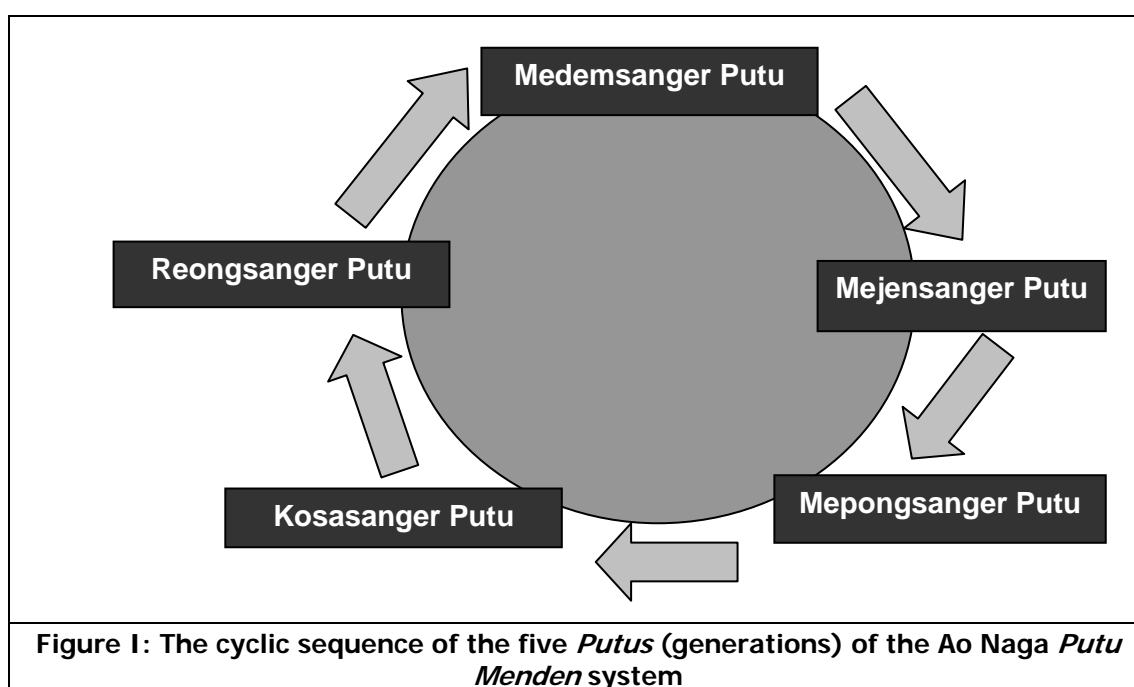
⁶ See 3.2 of this document

11. To raise fund for utility service within the village by passing a resolution subject to the approval of the state government; provided that all monetary transactions shall be conducted through a scheduled Bank or the Nagaland state Co-operative Bank;
12. To constitute Village Development Board;
13. Power to do certain acts on the event of epidemic. On the outbreak of an epidemic or infectious disease Village Council shall initiate all preventive measure.

3.2 Putu Menden

The Nagaland Village Council Act gives due recognition to other traditional village institutions such as the "*Putu Menden*" in Ao Areas - to function according to their custom and usage - as a village council. The *Putu Menden* - roughly translates as 'seat/government' (*menden*) of a generation (*putu*) - is the federal assembly of elders representing different founding clans of the village. Elders are also selected according to the *mepus* (sectors) of a village and hence the size of *Putu Mendens* vary from village to village.

There are broadly five established *putus* (generations) amongst the Aos and each *putu* rules the village for 30 years in a cyclic pattern. Within each *putu* are a seven to nine of age/peer groups units called *Zünga*. Each *Zünga* consists of people born within a three year period and this forms the order of precedence within each *Putu*. The elders hold forth over their juniors and accordingly, the work distribution and roles and responsibilities in each *Putu* is established. Within the timeframe of 30 years governance of a *Putu*, different *züngas* succeeds one another as and when the time arises. At the end of the allocated 30 years, all councilors of that outgoing *Putu* vacate their position and a new *Putu Menden* takes over.



3.2.1 Structure and Functions of the *Putu Menden*

The size of a *Putu Menden* depending on the size, population and number of clans in the village ranges from as less as 12 members to as many as 200 members. Eligibility to be in the *Putu Menden* is automatic and according to the *zünga* that one belongs to.

The structure and ways of functioning *Putu Mendens* vary from village to village but with similar conventions and norms, and structural frameworks. Generally each clan nominates elders from the given *Putu* as representatives and this assembly of elders form the *Putu*

Menden. As mentioned earlier, there can be no one single description of how a *Putu Menden* functions but following is a rough illustration⁷ of the three tiers of the *Putu Menden*:

1. *Onger Menden* (Seat of the Priest) – The *Onger* is the head of the *Putu Menden*. His role is akin to that of the Governor and while he advises, he cannot object to any decision of the house;
2. *Tazüng Menden* (Seat of the Elders). They consist of the senior members (*Tazüngpur*) of each clan and are akin to being the cabinet in modern parliamentary systems. The senior most member is called '*Tazüngtiba*' and he presides all meetings like the Speaker. This is the body which formulates policies, exercise executive and judicial powers and prepares the annual plans, as well as, fix taxes (*Yimkong Saru*) and collect revenues;
3. *Tekong Menden* consists of a number of subsidiary groups⁸ with well defined roles and distinct functions. They perform tasks assigned by the *Tazüngpurs* and are responsible for collection of taxes (saru), fines and other revenues. They enforce the executive and administrative orders passed by the *Tazüngpurs* and also assist in the negotiation and settlement of inter-village disputes and other public issues.

Being the supreme authority, the members of the *Putu Menden* are the rulers, administrators and the judges and they exercise their power through consensus amongst all the clans. It is their duty to forge diplomatic relationships with other villages; decree penalties and punishments for wrong doers; preside over the war council; select the area for annual cultivation and all related activities; finalize dates for marriages; organize and manage ceremonies; settle disputes; organize community hunting or fishing; proclaim community work; and facilitate public debates. The *Putu Menden* also nominates Village Council Chairman, as well as, proposes the names of village *Gaonburas* to be appointed by the government. .

Governance for the *Putu Menden* was not maintaining law and order or enhancing development, but rather extended to ensuring access to and the collective management of resources, maintaining social security and developing knowledge and learning systems. An example of a traditional institution for learning is the *Ariju* (bachelors dormitory or literally meaning 'fortress' in Ao Naga) also popularly referred to as *Morung* (in Assamese language).

The Ariju
The <i>Arijus</i> are a self governing autonomous imparted life-centered learning, value systems and exposed one to customary practices, traditional knowledge and governance. There also existed institutions for girls known as ' <i>Tsüki</i> '. The <i>Morungs</i> served as a strong means of social control and an institute for learning and protection under the village authorities. All in all, it was like a university that combined lessons on warfare, governance, social sciences and moral and ethical studies.

⁷ This is not necessarily followed in all Ao villages

⁸ For example: Tzidongmen; Chidangongdang; Sosanglak; Sungtep; Jameja

3.3. Gaon Buras and Dobashis

Gaon Buras (GBs) - meaning 'village elders' in the Assamese language of Assam - are village elders nominated by the Village Councils and authorized by the Government to act as assistants to the Deputy Commissioners in village administration. *Gaon buras* are generally charged with responsibility of good behaviour (read as ensuring law and order) in their villages/clan/locality, as well as, being the spokesmen of their community. The number of *gaon buras* in a village depends on the total population and number of localities or khels. *Gaon Buras* are now an integral part of the governance and administrative system of the villages. They are usually selected by the clan or khel and the Village Councils forwards the names to the government for approval and therefore are considered as agents of the government. This is because *gaon buras* are appointed by law of the state government and not by the traditional institutions themselves.

"*Dobasha*" or "Dobashi" means 'two languages'. The post of *dobashi* was created by the British to act as translators between them and the local populace. They were individuals knowledgeable about customary laws and appointed by the government to advise the officers in the settlement of cases.

Box V: The Dobashi Institution

Dobashi' as a unique institution of Nagaland were originally founded by the British to help them in their administration of Naga territories. Because of its practical usefulness, the institution of *Dobashis* is being continued till today

Originally the appointment of a *dobashi* was for the plain purpose of translation or interpretation of language, but slowly the *dobashis* were given the significant role of not only as interpreters of languages, but as interpreters of rules and regulations. They became deliverer of justice, or judgments in many disputes. The "*dobashi* method" of settling disputes is better in many ways, as compared to the system adopted in formal law courts. In formal law courts, decisions are taken on the basis of better evidences and arguments, whereas, such system, in the '*dobashi system*' matters are settled by objectively looking at the issue and decisions or judgments arrived at through consensus like in Village Courts or based on traditional precedence.

The strength of the *dobashis* in Nagaland is now over 2000 and is rightly acknowledged as the 'backbone of district administration'. Every district has *Dobashis* Court, which deal mainly with customary laws and its implementation. As Assistant to Deputy Commissioners, the *dobashis*, are playing very important role in delivering of justice in the Naga society.

Adapted from letter of Mr Nephriu Rio, Chief Minister of Nagaland to the General Conference of Nagaland Dobashi Association. 21st January 2009

4. Administration of law and justice

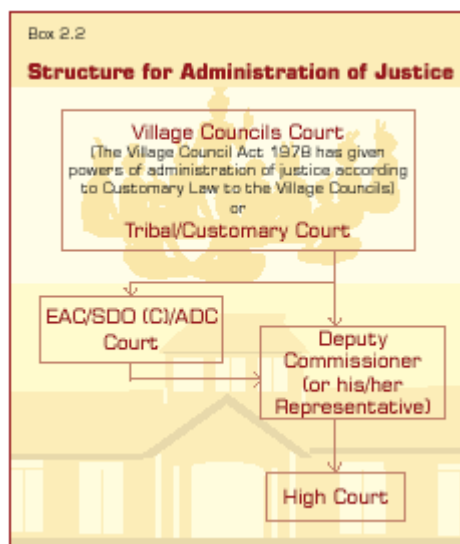
All Naga tribes or for that matter even villages have their respective laws and norms to deal with civil as well as criminal cases. 'Naga customary law and procedure' is protected by the special Constitutional provisions of Article 371A⁹ and these are further upheld in the Nagaland Village Councils Act and related laws passed by the state government. The proclivity to settle most of the cases through the traditional justice system and its acceptability to the people ensure speedy redressal of grievances and significantly lesser extent of litigation.¹⁰ Within each village, it is the Village Councils which enforce the customary laws and procedure as part of their governance and administrative functions. With the standardization of the system

⁹ See Box II

¹⁰ Nagaland State Human Development Rep ort. October 2004. Department of Planning and Coordination. Government of Nagaland. Kohima, Nagaland.

through enactment of the Nagaland Village Councils Act, Village Councils amongst others also include government appointed Gaonburas (GBs) who are accorded prior approval by the Village Council or the *Putu Menden*.

Box IV: Structure of Administration of Justice in Nagaland¹¹



4.1 (a) Village Courts

The Village Council Courts are given full powers to deal with and administer the internal affairs of their villages and to maintain law and order. While a section on ‘administration of justice’ was deleted from the Act, the Villages Councils by tradition and by convention continue to exercise powerful functions when it comes to dealing with disputes or delivery of justice in an informal, yet socially imbedded and acceptable manner.

While there are no traditionally established courts of law, every Naga tribe or for that matter, village has its own laws and regulations that are enforced by the Village Councils according to customary laws, norms and practices. The *Gaonburas* (GBs) nominated by the Village Council and formally appointed by the government together with the other elders of the village assist the Village Councils in the delivery of justice. The Village Councils therefore act as village courts to settle cases within the villages and the issues may range from laws of inheritance, adoption, marriage, divorce, rape, theft, defamation, murder etc.

Village Councils have powers¹² to maintain law and order and to administer justice within the village limits in accordance with the customary laws and usages and as accepted by government. Such provisions have facilitated Village Councils in swiftly dealing with law breakers or amicably settling disputes in a socially relevant manner but also ensuring that both the traditional and modern forms of governance work in tandem.

(b) Putu Menden justice system

The *Putu Menden* is also a Village Court albeit a different system. The types of issues handled are also the same and delivery of justice equally quick and transparent. When passing judgement, the consequence of both the action and intend are considered and penalty for

¹¹ Nagaland State Human Development Report. October 2004. Department of Planning and Coordination. Government of Nagaland. Kohima, Nagaland.

¹² Section 15(1) of the Village Council Act

offences vary according to the intent or circumstances of the act committed. Minors or mentally imbalanced people are often not punished but the guardians can be held responsible for damages or violations.

Generally, parties are encouraged to settle their disputes amicably but if there is no settlement, the parties approach the *Putu Menden* for adjudication. As a process, the parties are heard and statements and evidences gathered/inspected and is deliberated upon by the *Tatars*¹³. Once a consensus is reached, the decision is announced in the presence of both parties. If an offender fails to pay the penalty, it is the responsibility of the clansmen or the relatives to pay the same. Although the decision of the Village Council court is considered final, any party if not satisfied may approach the Deputy Commissioner.

4.2 (a) Magistrate/Deputy Commissioner Courts

At the district level the Deputy Commissioner is the key functionary representing the government and below him are also the magistrates in the blocks and sub divisions just like it is in almost all other states in India. What is unique about the case of Nagaland is the role and function of the Village Councils, *Gaonburas* (GBs) and *Dobashis* - and in the districts of Tuensang, Kiphire, Longleng, Mon and parts of Phek by Village Guards (VG) – in the delivery and administration of justice.

The Deputy Commissioner or his magistrates come in the picture only in instances of complex cases that the traditional authorities cannot take care of or where police cases have been registered or when there are appeals or when the government takes cognizance of certain irregularities. In applying the procedures of the civil and criminal codes, the trials are held as per the exigency of the case, with the emphasis placed on the spirit of the code rather than the technicalities. With the partial separation of judiciary¹⁴, the modern concepts and procedures of adversarial justice as laid down in the civil and criminal codes are being increasingly applied in the district courts which function as the lower courts.

(b) Dobashi Courts

Dobashis have traditionally advised government officials in settlement of cases – particularly those relating to traditional and customary matters. Over time, the *Dobashis* by virtue of the establishment of *Dobashi* Courts become adjudicators in their own right. *Dobashi* Courts are attached to the office of the Deputy Commissioners at all administrative strata of and disputes between villages and also between individuals are tried as per traditional norms as well as by existing laws and practices of the land. The Dobashi courts therefore are the transition courts between the codified and the 'uncodified' legal systems in the state. As is usual, further appeals can be made to the courts of magistrates or higher courts of law.

5. Village Councils and their role in development

Village Councils had always taken charge of their development and management of resources but in a very traditional manner. The power bestowed upon the Village Councils to establish Village Development Boards in Nagaland dramatically changed the functions and outlook of Village Councils across the state. As socially embedded institutions Village Councils have always been people centered delivery mechanism which responded effectively to the needs of the community. Over the years, Village Councils through the Village Development Boards started to play an important role in facilitating livelihood and economic development of the community and the village as a whole.

¹³ Senior 'Cabinet' members of the *Putu Menden*

¹⁴ Article 14 (Administration of Justice) of the Nagaland Village and Area Councils Act is deleted in the Amended Act of 1985

5.1 The Village Development Boards

Village Development Board (VDB) reconciled the traditional male dominated Village Councils with the demands of modern inclusive development. A separate Village Development Board, without displacing the traditional Village Council was first experimented and adopted in Phek District, in 1976 and later in 1980-81 extended to other villages across the state. As is provided for in the Nagaland Village Councils Act, it is the Village Council which forms the VDBs. All books of accounts of the VDBs are audited by an independent committee appointed by the Village Council on a regular basis.

5.1.1 Membership

All residents of the village - with equal rights to all aspects of activity including the demand for social audit - make up the General Body of the Village Development Board which meets twice a year. The Village Development Boards are expected to formulate development priorities for the village, prepare action plans and to execute them using the village community funds provided by various agencies of the government.

5.1.2 Management Committee of VDB

Depending on the population and or composition of the village, a VDB Management Committee may vary from five to twenty five members of which one-fourth must be women. The members may include members of the Village Council or any other eligible member of the community. This provision particularly provides opportunities for the active participation of the youth and women who otherwise do not get much opportunity to directly participate in planning and decision making for the community. Government servants may also be chosen as members of the Management Committee but with due permission of the government. The Deputy Commissioners (DC) are ex-officio Chairman of all Village Development Boards within their districts but do not attend meetings, interfere in the planning, execution and decision making processes. The Chairman can also not expel any member nor dissolve the Village Development Board as this is the prerogative of the concerned Village Council. However if the DC suspects some wrong doing, s/he can in a public meeting put the matter before the General Body of the Village Development Board.

Box VI: Powers and Duties of the Village Development Board
<ul style="list-style-type: none">• Formulation of Village Development Schemes;• Supervising proper maintenance of water supply, roads, power, forest, education and other welfare activities;• Helping government agencies in carrying out development works in the village;• Initiating development works on its own or on request by the Government;• Facilitate borrowing from Government, banks or financial institutions for development and welfare works;• Authority to receive grant-in-aid, donations and subsidies from Government or other agencies;• The VDB can provide security for repayment of loan by any permanent resident of the village from the Government, bank or financial institution; it can also forfeit security of borrower on default;• The VDB can lend money to deserving permanent residents;• Authority to enter into loan agreements with the Government, bank or financial institutions or a permanent resident of the village.

5.1.3 Role of Village Development Boards in Development

The Village Development Boards are involved in all phases of developmental activities as a part of their responsibilities. These include receipt of allocation of funds, selection of beneficiaries or schemes, monitoring of progress of works & expenditure and completion of schemes. The book keeping of accounts of all Village Development Board is mandatory, open and subject to any audit of its account. Funds are available in the form of grants to all 1083 recognized villages through the Village Development Boards. The allocation is made on the basis of number of households of every village in proportion to the size of each village to ensure that each citizen of the State is equally involved and provided for in all rural development activities. The funds released are being collectively pooled for implementation of the schemes for the benefit of the entire community

The Village Development Boards are supposed to be the main grassroots authority through which devolution of power, decentralized planning and development are to be implemented. During General Body Meeting of the Village Development Board, expressions of interests are called and projects planned according to the guidelines provided by the government. The selection, implementation and monitoring of all rural development schemes at the community level are under the purview of the Management Committee of the Village Development Board. Funds from different state and central schemes¹⁵ pooled are directly released and deposited into individual Village Development Board accounts in the village. Such accounts are jointly operated by the Chief Executive Officer, DRDA; Project Director, DRDA and the Secretary of the Village Development Board concerned.

The department of Rural Development provides all funds to the Village Development Board on the basis of households of every village through allocation of funds of all state and centrally sponsored programmes that are being implemented for rural development and poverty alleviation of rural poor. The Village Development Boards select schemes through the General Body Village meeting and submit the same to the Block Development Officer. The BDOs compile the block level shelf of schemes, prepare the technical estimates of the selected schemes and submits the same to the Project Director. Technically, the Project Directors with approval the CEO, DRDA & Chairmans of VDBs compile the schemes of all the VDBs in the district and table the same for deliberation in the District Planning & Development Board meeting. Approved schemes are intimated to the VDBs by the BDO and work order issued and funds released accordingly. The schemes are implemented by the VDB through the Block and District Rural Development Agencies (DRDA). In order to ensure equal opportunities and to promote involvement of women and youth, 25% and 15% of the total funds available to the VDB are respectively reserved for them. All separate fund-flow and utilization is mandatorily monitored and audited by an independent committee appointed by the Village Council.

Box VII: Example of Village Development Board in community development

Chuchuyimpang, February 16, 2011 (MExN): Located hardly five kilometers away from Mokokchung town, the villagers of Chuchuyimpang has taken on a ground-breaking task of developing the village – wider roads. However, wider roads for the Chuchuyimpang villagers do not mean a two lane-road in the village but a whopping thirty-one feet wide road, in other words, a four lane road. The task has been started under the active initiative of the Village Development Board (VDB) under the full support of the Village Council Chuchuyimpang, and almost sixty percent of the works is completed.

One interesting fact about the widening of the village at Chuchuyimpang is worth taking into account– there is no issue of land dispute or claims of land compensation. Residents of the village willingly pushed their houses and fences back land so that the road can be widened. The roads were actually fifteen feet wide, however the Village Council Chuchuyimpang

¹⁵ IAY, GIA, MCG, SGSY, NREGS, BRGF & PMF (see abbreviations)

through a resolution at a meeting resolved to add four feet of land on each side of the road. The completed streets would measure 31 feet, said Chuchuyimpang VC Chairman, Temsumoa Imsong.

"We really appreciate the Chuchuyimpang villagers for wholeheartedly cooperating with the Village Council and the VDB in this road widening works. In a time when people are not will to even part with an inch of land, the villagers are willingly pushing back their houses and fence walls so that the roads can be widened," said the CVC Chairman, "There is no complaints from any quarters and there is no claim for land compensation since this initiative is meant for the benefit of the whole villagers, and the citizens of this village understand that."

For full story see <http://www.morungexpress.com/local/62201.html>

As one can see, the primary objective of the VDBs was to achieve decentralized planning through the active and direct involvement of the community. The funds provided to the VDBs are 'untied' funds but unfortunately the guidelines for the schemes themselves become bottlenecks. Interpretations of the model schemes provided in the guidelines are not only restricting factors but are sometimes taken advantage of by officials who can influence Village Development Boards in selection/approval of schemes.

Schemes undertaken by Village Development Boards range from school buildings (including repairs), roads (including approach roads, culverts, bridges, footpaths etc), community halls, way-side amenities, rest houses, wells, electrification of houses, rural housing, farming and orchard development, plantations and fisheries, dairy and piggery units, marketing sheds and *haats*, purchase of buses, trucks, power tillers and even establishment of grocery shops. VDBs however need to diversify their activities from mere infrastructure creation to production, income generation and even knowledge creation.

5.2 Sources of funds for Village Development Boards

The activities of the VDB are mainly supported through state sponsored schemes such as the Grant-in-Aid to Village Development Boards, the Matching Cash Grant, and the Post Office Term Deposits Scheme

5.2.1 Grant-in-aid – Grant-in-aid to the Village Development Boards is a state sponsored scheme introduced during 1980-81 for the creation of minimum infrastructure and special employment programme in every recognized village in Nagaland. The Grant-in-aid is allotted each year to the Village Development Boards on the basis of the tax paying households. This is the only assured fund provided for taking up development activities best suited to their requirements for the villagers. This programme ensures participation of women by earmarking 25% of the Grant-in-aid allotted to each VDB for their development programmes. Another 20% and 55% of the fund is also meant for the youth and general welfare in all the villages. To ensure that the benefits under the programmes are not deprived to small villages, a minimum cut off ceiling at 66 household for all small villages has been fixed.

5.2.2 Matching Cash Grant (MCG) Scheme - This is prerequisite compulsory scheme to be implemented by every Village Development Board. Village Development Boards which don't implement this scheme are not recognized. Each Village Development Board is expected to mobilize Rupees five lakh which includes states' contribution of Rupees two lakh fifty thousand. The deposit is used as collateral security for loans required for Village Development Boards to implement income generating schemes where funds are not sufficient.

5.2.3 Post Office Term Deposit (POTD) Scheme – Each Village Development Boards is required to maintain a minimum of ` 10,000 for Village Development Boards with 50 households or less and ` 200 for every additional household as term deposits in Post Offices.

The deposit under the title of "VDB Welfare Fund" is locked period of five years. After maturity, the matured amount is transferred and deposited to Matching Cash Grant/Fixed Deposit.

Given the poor state of banking and loan infrastructure in the state, support for the VDBs have also come in as financial intermediaries or non banking financial intermediaries. The state government contributes rupees one lakh to each VDB to help them access revolving fund assistance from participating banks in this scheme. The VDBs then after availing the loan use the money as revolving fund by providing loans at minimum rates of interests thus integrating the ever important credit mechanism in the rural areas for fostering economic development.

5.3 District Planning and Development Boards

Area Councils were established in the erstwhile Nagaland Village and Area Council Act, 1978, to act as link between the village and state authorities at the district levels and to oversee development and to resolve disputes. Area Councils were however abolished and the District Planning and Development Boards (DPDB) introduced to provide the much needed linkage to the grassroots and to ensure a responsive and holistic approach towards development. The DPDB consists of Members of Legislative Assembly (MLAs) and district heads of departments. A Chairman is appointed by the government from amongst the members and the Deputy Commissioner of the district is the Vice Chairman and District Planning Officer the Member Secretary of the Board.

All in all, the DPDB however remains a pure government agency to basically oversee the implementation of the Local Area Development projects. The Village Development Boards (VDBs) on the other hand, though a government initiated body organically functions under the Village Councils and therefore is much more connected to the grassroots in a social way and is also directly linked with the state government by virtue of its governance framework.

6. The Communitization of Public Institutions and Services

Building upon the strong traditional institutions and governance systems, the Nagaland government initiated "Communitization of Public Institutions and Services Act" which fosters a strategic partnership between the government and the communities. The Act to improve services and ensure peoples' buy-in to public assets as stakeholders further delegates management responsibilities for essential services such as health, primary education, power, rural tourism, rural water supply, etc to the community.

This Act institutionalized a process of going to the community beyond the Village Development Boards. The law provides for ownership of public resources and assets and control over service delivery to be transferred to the community directly. To start with this has been done in elementary education, grassroots health services and power utilities.

"Communitization is a *contract* between the government and the community. In this contract, the community becomes the owner of the government institutions and assets and is granted powers and resources to manage the employees and maintain institutions. In other words, it is privatization of government-owned public institutions in the hands of the user community. It is 'empowerment, delegation, decentralisation and privatisation at the same time'" ¹⁶

The move has in many ways become an effective instrument to ensure that the institutions and services set up for the benefit of the community operate efficiently and that the authorities are accountable to the beneficiaries and not only to the government. The decision

¹⁶ R.S. Pandey. 2010 Communitisation: The Third Way of Governance, Concept Publishing Company Pvt. Ltd, New Delhi

of the State Government to declare each Village Council and their subsequent committees as 'local authority' within the meaning of the Communitization of Act further legitimizes the institutions under the local self governments.

The 'privatization' has effectively handed over the management and maintenance of infrastructure and management of power, rural tourism, elementary education, public health engineering and health and family welfare to the Village Council under different committees in the departments.

7. Challenges and the ways forward

While it is good that the institution of Village Councils in Nagaland are build upon the good traditional values, practices and management systems of the Nagas there remain a number of challenges that will need to be overcome to ensure equitable and participatory governance. Given the present day context however, Village Councils as good as they may be do not provide space for women to participate in the process of decision making in any way. Women therefore, cannot aspire for roles or positions of leadership as they continue to be denied entry into such traditional Councils.

The concepts such as decentralization, devolution and de-concentration of power are often used freely, even interchangeably without conceptual clarity and understanding. It is therefore necessary to unbundle their meaning and identify the nuances of degrees of power and authority to which they relate to and be devolved to the community institutions.

While Village Councils have been given the responsibility to shoulder so many activities, their institutional capacity particularly in technical knowledge and power to legislate is still inherently very weak.

The transfer of power to Village Councils to initiate, fund and implement programmes meant for local development must be strengthened so as to enable the principle that public decisions should be made when possible, at the level of authority closest to the people. The fiscal domains of Village Councils remain almost negligible and are highly dependent on transferred funds and devolution is not linked to activity mapping

Village Councils must be given more clarity in terms of discretionary authority in the decision-making, management of local affairs and delivery of services to their communities particularly for administrative decentralization. Simply using them as agents for service delivery and monitoring of service delivery systems is not sufficient. For example, the DRDAs need to devolve powers and functions to the VDBs so that there is greater freedom to freely plan their activities according to their own requirements and development plans.

The critical questions therefore are what are the institutional arrangements in place for the transfer of power? and what is the relationship of the local self governance institutions to those at district and state level?

Finally, it is worth pondering whether local governance must be more than simply installing and giving development responsibilities to the local institutions. Devolution of power will have meaning only if accompanied by the empowerment of the communities – including women - to whom power is devolved. There is a need to bring about structural changes in units of governance traditional, as well as, the state levels to ensure that the spirit behind devolution of power is respected and there is actual transfer of power to local units of governance.

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