



Chieftainship And Democratic Governance: Pattern and Relationship

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ABSTRACT

Democratic governance and chieftainship governance are two distinctive types of governance with few similarities and follows different set of rules and traditions. The traditional political institution of chieftainship functions under the purview of democracy. Understanding the roots of chieftainship and its characteristics largely help in shaping ways and means to bring about harmonious relationship between democratic governance and chieftainship governance. The study clearly shows the impact of democratic governance on Kuki chieftainship and the role perceived and played by the Chiefs. The traditional political institution of Kuki chieftainship is more inclined towards democratisation as it had been influenced by democracy and the need of the society. The continuity and change of the Kuki chieftainship bring about two main types of chieftainships, the former is the traditional chieftainship in which the Chief is the sole authority and owner of the entire land whereas the latter is of recent origin in which the authority and ownership of land is not entirely in the purview of the Chief. They can be termed as traditional chieftainship and modern chieftainship respectively. In addition to these, the study unearthed the major institutional constraints to chieftainship in achieving efficient governance. The traditional chieftainship lack democracy as compared to modern chieftainship, but every governance had its negative as well as positive aspect but governance in which people can participate freely and their view are considered, could harness the potentiality of the society and bring about effective and efficient governance as well as it is beneficial for all stakeholders.

Keywords: Traditional political institution, Kuki chieftainship, Democratic governance, institutional constraints

INTRODUCTION

Traditional political institutions can broadly be defined as institutions whose legitimacy is based in part on their association with customary modes of governing a community. These institutions are political in the sense that they make decisions regulating and providing for the collective, and they are traditional in the sense that they are popularly believed to be connected to custom. We emphasize that these institutions are associated with custom in the popular imagination, not that they are accurate reflections of historic governance practices (Ranger 1983).

Democratic governance is a system of government where institutions function according to democratic processes and norms, both internally and in their interaction with other institutions. Whereas traditional political institutions are often assumed to be unaccountable because they are led by undemocratic leaders who are not subject to electoral sanctioning. Democratic governance and traditional political institutions represent a system of governance having their own differences and relations.

Chieftainship, which is one of its kind of traditional political institution led by the Chief has been the backbone of Kuki society since time immemorial, it is hereditary in nature and authority resides with the Chief. Chieftainship is the oldest form of tribal administration that still exists among the Kukis of Manipur. Though in many tribal areas of Northeast Chieftainship was abolished and replaced by Village Council system, Chieftainship still remains the only means of village administration among the Kukis of Manipur.

CHIEFTAINSHIP GOVERNANCE

The Kuki traditional form of governance is based on chieftainship. Every village was like Greek city-states. Each village has got a chief Haosa which is hereditary. He is the owner of ancestral lands and is traditionally the repositories of all powers of administration dealing with the village. His rule is autocratic but not despotic. The Kuki chief enjoyed enormous powers. He possessed executive, legislative, judicial and military power. His word was law within his Chieftdom and his decision were final. He appoints important posts in the village.

Kukis followed Chieftainship as their political form in which the village Chief is not only the administrative head, but also absolute owner of the village land. The rule of the Kuki Chief is defined as autocratic in nature. All land in the village belongs to the Chief. He controls all landed properties and controls the forests, mines, rivers and springs. He received taxes from the villagers for using the land which belonged to him.

In the traditional Kuki Society the village administration is headed by a Chief called 'Haosapu' or 'Mi-Upa'. The authority of the traditional village Chiefs – Hausa draws on tradition like that of the Clan Chiefs, but with a difference. While the Clan Chiefs strictly adhere to the law of primogeniture, the traditional village chiefs are in most cases, the younger branches of the Clan Chiefs.

The categorization of the nature of the Kuki Chief's rule as autocratic or despotic was contested by scholars and others. T.T. Haokip writes "though the Chief was the supreme administrative head, he would not assume absolute power in the management of the village". The Chief was a kind and helpful ruler in the village. He looked after the villagers as his own children. N. Chatterjee also wrote "all those who live in the village were looked upon as his children. He was bound to keep them in their adversaries, counsel them in their difficulties, reward them in their achievement and punish when they are found guilty of misdeeds or infringements of established customs. The villagers on their turn were to obey his order implicitly, carry out errands assigned to them individually and collectively and help the chief in all possible ways."

The administrative system of the Kukis is an age-old institution based on their inherited customs and traditions. Each village or 'Kho' maintained a separate independent administrative unit. 'Kho' means village and 'Ki Vaipoh' means administration. So 'kho ki vaipoh' means village administration. The village Chief 'Kho Haosa' is the administrative head of the village and governs it in accordance with the customary laws. The Chief's house, being the village court also serves as a meeting place and the house of refuge. The Village Court (or the Chief's Court) has all the power to decide any cases, and the Chief's verdict is final and binding. The punishment inflicted ranged from a jar of rice-beer or 'Zu', a pig to a mithun, expulsion from the village and death sentence in rare cases. In reality death sentence was never practised.

According to T. Lunkim the Kukis have a well established system of administration from village to national levels. At the grassroots level stands Khosung (Village), Lhang Inpi (District Govt. or House), Gamkai Inpi (State House) and Kuki Inpi (National House) at the top. The major duties of the Chiefs were to link up the village administration with the Lhang, Gamkai and Kuki Inpi. The portfolios attached are: Lamkai (Leader), Semang (Prime Minister), Pachong (Secretary), Lhangsam (Information and Whip) and other executive portfolios are created according to the need of the time and circumstances. In the Lhang (district) administration, the officials are Lhang Haosa (District Chief), Lhang Semang, Lhang Pachong, Lhang Lhangsam. In the Gamkai (State) administration the leaders are Gamkai Haosa, Gamkai Semang, Gamkai Pachong, Gamkai Lhangsam. The same system is followed up to the National (Kuki Inpi) level.

The traditional Kuki Polity consists of Haosa (Chief) and his Council. The number of Council members varies from village to village depending on the size and the workload of the village concerned. The Council composed of persons of wisdom, integrity, knowledge of customary law etc. and are nominated by the 'Haosa'. They remain in office as long as the Haosa is pleased. All social, political, economic and judicial matters etc. are dealt with by the Council. Special representation is always given to the minorities and the poor villagers in the Council. Also in recognition of the services rendered for the welfare of the village the Council members are exempted from all taxes.

The institution of Kuki Chieftainship is the highest socio-cultural, political and economic institution whereby the Chief wielded a great deal of authority over the village. He controls all the three organs of the government in consultation with the Council (Semang Pachong). His power and functions can be categorized under the following heads:

(I) Judicial powers: All civil and criminal disputes are finally decided by the Haosa in consultation with his Council (Semang Pachong). In dealing with the cases both civil and criminal the Haosa and the Semang Pachong (Council) were guided entirely by the Kuki custom.

(II) Military and Political Powers: A Kuki Chief enjoyed a great deal of political as well as military power. He was supreme in all political spheres and without his consent the decision of his Council could not be final. All inter village affairs or diplomatic issues concerning war and peace needed the Haosa's sanction. His duties and responsibilities in this regard is best described by Hunter who says, "He shall direct in war, he is the last in the advance and rear-most in the retreat. The messages and errands of a Chief are done by his favourite slaves; they are his ambassadors in war. To collect his people or in fact, to authenticate any order, the Chief's

spear is sent by a messenger from village to village. Should the message be a hostile one, the messenger carries a fighting 'Dao' (hill knife) to which a piece of red cloth is attached".

(III) Legislative Powers: All matters relating to the issue of orders, rules, instructions, clearing of inter-village path, selection and distribution of Jhum land to the villagers, construction and maintenance of village water tank, fixing the date for celebrating ceremonies and festivals such as Changkut, mimkut etc. the Chief's house can be called as Parliament in modern sense for all legislation regarding the village are decided and passed in the meeting or assembly which was held in the house of the Chief. It may not be in sync with the times because of the change in the life and conditions of the people, for the Chief to be the sole owner of all land in the village and to distribute it at will to the villagers.

DEMOCRATIC GOVERNANCE

When India became independent on 15th August 1947, it adopted a democratic form of Government. From the last part of the year 1947 up to the merger with the Indian union, Manipur was under a constitutional monarchy. Just on the eve of British departure, a committee was formed consisting of officials and non-officials to explicitly draft a constitution for the state. The representatives of the valley were returned by direct election held in five tahsils while two representatives from the hills were nominated by the President of the Manipur State Darbar under whose responsibility was laid the then administration of the hills. The draft constitution of Manipur had two parts- the Manipur State Constitution Act, 1947 and the Manipur Hill Peoples' (Administration) Regulation, 1947. It may be noted that drafting the constitution into two parts, one for the valley and the other for the hills was a British legacy.

(I). The Manipur State Hill Peoples (Administration) Regulation Act, 1947

The Act provided for the establishment and regulation of village authorities in the hill areas. The primary function of the village authority was to maintain law and order. It was authorised to arrest certain criminal offenders without any order from a magistrate and without a warrant. In case there was any dispute in the village, the village authority informed the sub-divisional magistrate. It also had to furnish any information required by any officer of the state government. The village authority was responsible for the administration of justice. It was guided by customary laws of the village in the discharged of its judicial function. The administrative system in the hills continued till Manipur was merged into the Indian Union in 1949. Even after the merger, the administrative system under the Hill Peoples regulation Act, 1947, continued to remain in force though the hill bench and hill courts were abolished in 1950. The Circle bench was abolished in 1955.

(II). The Manipur Village Authorities (in hill areas) Act, 1956

The Parliament passed the Manipur Villages Authority (in Hill Areas) Act, 1956, for the administration of the hill areas of Manipur. It was implemented in 1957. This Act determined the numbers of members of village authority on the basis of the number of tax-paying houses. This Act may be regarded as one of the first important steps towards the Democratisation of hill administration in Manipur. By placing certain restrictions on the powers of the Chief and by introducing the franchise at the lowest level of administration, i.e., the village authority, the common villagers' became aware of democratic values and practices.

(III). The Manipur Hill Areas Acquisition of Chief's Rights Act, 1967

Through this Act, an attempt was made to abolish chieftainship in the hill areas of Manipur by paying compensation. There was a difference of opinion between the Hill Area Committee and the Legislative Assembly regarding passing of the bill. While the former did not agree with several provisions of the bill, the latter passed the bill and with the assent of the governor, the bill became an act. But the act has not been implemented properly and the chieftainship continues to exist with all its rights and privileges in the hill areas of Manipur.

(IV). The Manipur (Hill Areas) District Council Act, 1971

On the eve of Manipur's attainment of statehood, in 1971 the Parliament passed the Manipur (Hill Areas) District Council Act of 1971, to establish autonomous district councils in the hill areas of Manipur. According to the act, all the hill areas of Manipur were to be divided into six autonomous districts each with a district council of its own. Each district council was to consist of 18 elected members and two nominated members. These autonomous districts are Churachandpur, Senapati, Ukhrul, Tamenglong, Kangpokpi and Chandel. The act was finally implemented in August 1973. The members of the district councils are elected on the basis of adult franchise. Members of the district council elect the chairman and the deputy chairman. The council has the power to remove a chairman by a two-thirds majority of the total strength of the council. But if a resolution is passed by less than a two third majority but by an absolute majority, it is left to the discretion of the government to remove the chairman. Such a resolution shall not be brought before the district council within one year from the date of chairman's election. The chairman may nominate from amongst members of the council a panel consisting of not more than two deputy chairman.

(V). The Manipur (HILL AREAS) District Council Rules, 1972

The extent and nature of superintendence and control of the Council over the Village Authorities shall be as follows:

- (1). The Council may ask for any information from a village authority, other than on a judicial matter, which it may consider necessary.
- (2). The Council may obtain a copy of the statement showing the receipt and expenditure of a Village Authority in order to ascertain its financial position.
- (3). The Council shall not be competent to give any direction to a Village Authority discharging any judicial or quasi-judicial function.
- (4). The Council may ask a Village Authority to undertake any function which is a discretionary function of the Village Authority, and to carry out any work or to maintain any institution failing within the preview of the Village Authority if the Council makes the necessary grant to meet the expenditure involved.
- (5). If the State Government has established any Village Panchayat within the jurisdiction of the Council the above sub-rule shall also apply to the Panchayat.

Earlier each of the Kuki villages had their own Council of Elders along with their respective chief, which was responsible for the management of all affairs of the Villages. In brief, a governing body of an independent sovereign village democracy. However, the tribal villages could not thrive well as they did earlier with the democratic practices imposed on them by the Indian Government. These practices are well received in many quarters but also objected by many on the ground that it diminishes their tribal culture, customs and traditions. Most of the tribal people live in the villages. The concept of village as the administrative, social, cultural and development unit is built into the traditional polity. The village Authority Act was simply inadequate and it suffered from many defects. Empowerment of the people at the village level is a basic feature of the Indian Democracy. Thus, the Hill areas of Manipur require an appropriate legislation for village administration and such a law should have the following objectives:

- (a). To provide local level administration in the villages.
- (b). To make the village as an administrative, development and judicial unit.
- (c). To empower the people in the development activities in the village.

(VI). The Manipur (Hill Areas) District Councils (Third Amendment) Bill, 2008

In its statement of objects and reasons, it stated that:

1. As the elections to the District Councils in the state could not be held, the last elections to the District Councils being held in 1984 and 1987, the holding of elections to the District Councils is necessary for proper implementation of the provisions of Manipur (Hill areas) District Councils Act, 1971. The elections to the District Councils shall be conducted under an independent authority of the State Election Commission.

2. The proposed bill namely, Manipur (Hill Areas) District Councils Third Amendment Ordinance, 2008 seeks to strengthen the hill administration by increasing the existing number of seats of the elected members of the District Council to 24 (Amendment to Section 4: In sub-section 4 of the Principal Act, for the word 'eighteen', the word, 'twentyfour', shall be substituted).

To ensure that the administration in the hill areas involves larger number of people at the grass root levels. The bill will provide more meaningful participation of the people of the Hill areas in the implementation of developmental schemes brought out by the Central Government and the State Government through the District Councils in which the Chairman, Vice-Chairman and five other members will play a pivotal role.

CHIEFTAINSHIP AND DEMOCRATIC GOVERNANCE: AN ANALYSIS

India became independent in 1947 and adopted a democratic form of government. From the last part of the year 1947 till the merger of Manipur with the Indian Union in 1949, Manipur was a Constitutional Monarchy. The draft constitution of Manipur had 2 parts: The Manipur State Constitution Act, 1947 and The Manipur Hill Peoples (Administration) Regulation 1947, which was a British legacy. It was a continuation of the policy of Divide and Rule. The Hill Peoples Regulation eroded the institution of tribal Chieftainship. The Chiefs' earlier authority regarding law and justice was also reduced, and they were kept merely as reporting authorities. However, the custom of inheritance was recognised. It diluted the traditional polity but the people themselves continued to profess their customs and traditions. Circle Council was abolished in 1950. The Manipur Village Authorities in Hill Areas 1956 had many erosive effects. Under this Act, only the Chief got exempted from the election to the Council by virtue of the traditions of Descent. But the ultimate control lay with the Chief Commissioner. This Regulation hit the the Kuki Chiefs power and privileges. The resistance to the reorganisation was so great that, in 1958 and 1961, elections to the Council, were nominal in some cases and were not held in some others.

But with the passage of the Manipur Hill Areas (Acquisition of Chief's Rights) Act of 1967, 14th June 1967, the Government was authorized to acquire the rights, titles and interest of Chiefs in and over land in the hill areas of Manipur. Violence broke out as a result. The Bill introduced in 1967 divided the tribals and non-tribal members of the Manipur Assembly. The tribals strongly objected to it.

Then the Manipur (Hill Areas) District Councils Act, 1971 came to the fore which empowered the Hill Area Committee to monitor the law making and the administration of the Hill areas, with the Parliament providing a safeguard in Article 371 (C) of the Constitution. With the Manipur Legislative Assembly (Hill Areas Committee) order 1972, the Hill Area Committee was considered a powerful instrument to safeguard the tribal interest and promote good governance. This naturally curtailed the authority of the tribal Chiefs and the Council of Elders or Clans. And the Hill Area Committee order 1972 itself was inadequate and suffered from many defects, though it provided a self-governing District level Council for the administration of hill areas.

The demand for VI Schedule by the tribals also came to the fore after the passing of the 1972 order. The VI Schedule was opposed on the ground that it would lead to a division of the territory of Manipur. And the tribals also had their own separate demands. Hence, the VI Schedule became inapplicable, null and void.

The Manipur (Hill Areas) District Councils (3rd Amendment) Bill, 2008 was passed to strengthen the Hill administration by increasing the number of elected members to 24. Majority of the tribal population are still in favour of retaining Chieftainship with appropriate modification that suits and the needs of the present society, as Chieftainship is a traditional institution of the tribal, and the Chief is not only regarded as the Patriarch of his tribe but as a benevolent father, who holds the interest and welfare of the people as a bounden duty, moreover he is a custodian of traditions, customs and customary laws, the last being regarded as sacrosanct. The issue however is not about the continuation or abrogation of Chieftainship. The various Regulations passed pertain to the maintenance of law and order primarily, and the Village Authorities have to ensure that the Regulations are observed in practice.

Empowerment of the people at the village level is a basic feature of the Indian Democracy. And in this regard, various Acts and Orders had been passed for an appropriate legislation for the village administration. However, the Government in implementing the varied Acts and Orders especially regarding the District Councils has not actually devolved powers to the Council Members, thus failing to meet the aspirations of the hill people. Besides, the District Councils demand is to prepare their own budget through the Principle Act, vide Chapter V Clause 45 has not been implemented in practice. The allocation of funds made to the District Council under Demand No. 14 Tribal Affairs and Hills of the State Budget indicates only the payment of salary to Council employees.

The democratic governance passed various regulations and acts to democratize and liberalized the functioning of the chieftainship system but most of the effort are not successful due to various reasons. The chieftainship governance was an age-old system of the Kuki people and was the guardian and custodian of their customs and traditions. Chieftainship system was accustomed to the Kuki people and the new system find it difficult to penetrate and reform the systems. In one way we could say that democracy was necessary for the people but as well in the other way chieftainship system was inevitable for the Kuki people to preserve their customs and traditions.

CONCLUSION

The institution of chieftainship is the perennial source of Kuki custom and tradition. It is also their unity and integrity. For the Kukis it is their culture and identity which nothing can replace it. Some theorise it as God's blessing to the Kukis as Israelite kings were to their people. Their political system too is based on chiefship. It is the pivot around which all their administration and others evolved. The Kuki chiefs were able to protect the interest of the Kukis more than the other chiefs. He plays a unifying role in the society by providing leadership and solidarity.

Various Act such as the Manipur Village Authority Act, 1956 the Manipur Hill Area (Acquisition of Chiefs Rights) Act, 1967 the Manipur Land Revenue & Land Reform Act, 1960 which empower the State Government to extend the Act to any of the hill areas of Manipur was considered as threatening to the traditional tribal system. The Acquisition of Chiefs Rights Act 1967 aimed at abolishing the rights of the chiefs over land has received wide scale protest. Despite various attempts to modify and abolish the institution of chieftainship, it still survives. This shows the relevance and importance of chieftainship for the Kukis and as such a system must be evolved to bring about cordial relationship between chieftainship and democratic governance. The chieftainship system must be modified to make it more representative in sync with the democratic values, likewise the government must make effort to recognise and strengthened the chieftainship institution. In this

way the potentiality of the democratic and chieftainship governance could be achieved to bring about overall development and welfare of the society.

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