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Democratic decentralization in Arunachal Pradesh: A case study of Kebang System

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ABSTRACT

The major objective of the paper is to understand and find out the influence, working, functions, and present scenario, etc. of the Panchayati Raj Institutions in Arunachal Pradesh along with Kebang system. The transfer of power from top to bottom is effectively happening in Arunachal Pradesh because of the village councils of different tribes. The paper is to analyze the working process of decentralization and Local Government Bodies in Arunachal Pradesh. The kebang system is similar to General Panchayati Raj system. Kebang System, the village council of Adi tribe is making the Panchayati Raj system in the area more effective. It's a traditional governing body council system which settles the disputes and arguments of a particular village. Sometimes the developmental process is also discussed here. The paper is an attempt to understand the present scenario of Kebang System of Adi tribe in Eastern part of Arunachal Pradesh. The interpretations and arguments in the paper are based on the historical, analytical and descriptive methods.

Key Words : Panchayati Raj Institutions, Kebang System, Self-Local Governing Village council, Development, Corruption, Women Reservation, Urban and Rural

INTRODUCTION

Decentralization means the power shared at lower levels of a state but that power is answerable to the centre. In other words, the transfer of authority from central to local government or redistribution of powers from higher to grassroots level is known as decentralization. They function under the state and they are also called as 'Panchayati Raj Institution'. Thus, it is a type of gathering system where policies are implemented. Traditionally, panchayats are elected by the processes with seeing of wise and respected elders from the local community. These people are the head of a village which functions according to them on behalf on the basis of programmes and 8 policies. The assembly settle the disputes between individuals and villages. The Mukhiya or Sarpanch are the leaders of the Panchayats.[1]

The introduced of constitutional amendment act of 1992 is the origin of the Panchayati Raj

1. Retrieved from Panchayati Raj System: Essay on Panchayati Raj System in India by Puja Mondal http://www.yourarticlelibrary.com/essay/panchayati-raj-system-essay-on-panchayati-raj-system-in-india/31327 as on 20/03/2017.9:10amIST (Puja Mondal)

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system in the country. It was initially started by Gandhi as a vision of a form of government in which each and every village is decentralized by the central and they are responsible for their own affairs. He used the term called Gram Swaraj. But the vision led by Gandhi about the idea of local self-governing system and the constitution amendment act of 1992 are far way different from each other.

Arunachal Pradesh and its Panchayati Raj Institutions :

Arunachal Pradesh is one of the 29th State of India. It is also known as the Land of Dawn Lit Mountains or the Orchid State of India or the Paradise of Botanists. The state has the highest number of regional languages in the India Subcontinent, enriched with diverse culture and traditions. It is believed that the people are the descendent of Mongolians tribe. The state got its status as a state in 20th February 1987. Earlier the state was called NEFA (North East Frontier Agency) and it was constitutionally a part of Assam till 1962. Later in 1972, it was constituted as a Union Territory. Now there are 26th main tribes and about more than 100 sub-tribes found in the State.

Panchayati Raj in Arunachal Pradesh is strongly often viewed by the slogan of Rajiv Gandhi "power to the people". In Arunachal Pradesh the Panchayati Raj system was initially introduced on 2nd October 1968 on the recommendations of the Ering Committee. Daying Ering is the responsible for the bringing three tier systems of Panchayati Raj in the Arunachal Pradesh (Gram panchayat, Arunachal Samiti and Zila Parishads). During last 3 decades, elections were held to constitute Panchayati Raj bodies for 7 times till 1992. The last panchayat election was held in 1992, and its full term or validity was allowed up to 14th September 1997 as per the previous NEFA panchayats raj Regulation Act, 1967.

The Governor of Arunachal Pradesh dissolved the old method of Panchayat Raj Institutions manner because of the coming of 73rd Amendment Act of 1992. With the introduction of 73rd amendment act, 1992 marks a new era in the democratic set up of the country and provides constitutional status to the panchayat raj institutions. The purpose of this main act was for the development as well as socio-economic transformation of the Indian village. However, the hilly areas like A.P. find it difficult to adopt the constitutional provisions of the new Panchayati Raj system because of the predominance of rigid customary law as well as indigenous institutions over the existing panchayat bodies. Further, the panchayat leaders, administrators and technocrats function within the framework of Panchayati Raj system with tribal/local dynamics. A typical pattern of relationship develops among them, which ultimately shapes the direction of the Panchayati Raj system and guides the process of village development as well as the democratic decentralisation. [2]

The Kebang system :

The Adi tribes of Arunachal Pradesh largely found in the erstwhile Siang district had developed a well-organized republican system of administration. The KEBANG or the village council formed the basis of their political organization.[3] The Adi folk songs and folklores often bear the reference to Kalu Kebo (the council of people), Kabo-Yabo (the public) and Gumin-Soyin (the village spirits) etc., which proves that the village council or Kebang existed in the Adi society from the very early

2. Retrieved from Panchayati Raj by PC swain, A.P.H Publishing Corporation as on 21/03/2017. 9:30

3. Retrieved fromtraditional institutions of adis: their relevance and effectiveness http://shodhganga.inflibnet.ac.in/bitstream/10603/19562/13/13_chapter%206.pdf as on 25/03/2017.10: 10pm.IST

times.

Every Adi village is run by a council called kebang and all adult villagers are its members. All of them can participate in its deliberations which are guided by the elders of the council and are known as Kebang-Abus. The leadership of the Kebang is not hereditary but is acquired by an elder by virtue of his merits in different fields. The kebang was and is a democratic body and all the villagers are to take part in its meetings. Though there is no restriction on women taking part in Kebang, generally they did not participate in its deliberations due to one reason or another. The kebang, therefore, was generally an all-male affair.

The meetings of the village council (Dolung kebang) are generally held at dere or moshup, the Adi name for public administration. During the British period, due to various reasons such as the possible fear of British intervention in their territory and curtailment of their right in the plains, two other categories of Kebangs came into being namely the Bango-Kebang or a council of many villages and the Bogum-Bokang kebang or a council of the whole Adi tribes. Due to the presence of the Britishers and their influence three more officials began to be associated with the kebang. They were the Gam, the political Jamadar and kotoki. The Gam or the Gaonburah were appointed by the Government under regulation 1 of 1945 by virtue of their influence, experience and acceptability to the villagers. Normally each clan had a Gam who could be easily spotted by the red coat that was their official dress[4].

In the Keabang the proceedings are generally initiated and controlled by the experienced members called the Abus. The proceedings of the Kebang sometimes continue for days together till all participants are exhausted and arrive at an agreeable decision, failing which the kebang is adjourned for the next session. Every speaker in the Kebang begins his speech with an introduction called Abe, which narrates the ancient history and glory of the Adi tribe, and exhorts the village elders for important judgment. Cases of both civil and criminal nature are put up before the Kebang by the contending parties backed by their fellow clansmen and supporters. The Abus guide the speakers and interpret the laws, sometimes giving examples as to how a case of similar nature was decided earlier. It is noteworthy that the aim of Kebang is to make all parties agree to a compromise and not to enforce any judgment. Once a decision is taken in a Kebang its implementation is automatic. In the criminal cases, the common punishment is usually the imposition of fines and compensation to the aggrieved party.

The village councils are empowered to decide the cases falling within the jurisdiction of their respective villages. The cases which involve two or more villages, the Bongo Kebang is called and those cases or an event which can affects the entire community, the Bogum Bokang Kebang is convened. The Kebang operates on the principle of unquestionable locality to the village community and customary laws. Many a times the supernatural guidance is sought through oaths and ordeals, which comprise of physical and psychological tests. The findings of the supernatural courts were considered to be final and binding though this practice is not generally encouraged now days[5].

In Arunachal Pradesh, with different tribes and culture, there are lots of local political institutions to a particular tribe to one. Like, the Adi's of Kebang, Apatani's of Buliang, Sherdukpen of Jung, Aka's of Mele or Raiz, Nocte of Ngothun, Khampti of Mokchup, the Nishing of Gindungs, Singhpo

4. Retrieved from The Kebang: Aboriginal Self-Government of the, Adis of Arunachal Pradesh.by Jogendra. Nathhttp://dspace.nehu.ac.in/bitstream/1/9417/1/Kebang a pdf as on 27/03/2017.9:20amIST

5. http://www.panchayatiraj.arunachal.gov.in/index.php?option=com_content&view=article&id=46&Itemid=53

of Tra Thungdai, etc. Each tribe have got its own norms and rules as per the village council are functions.

Review of Literature :

G. Dhawan (1995) in his article entitled "Panchayati Raj Institutions: 73rd Amendment-apprehensions and comprehension" says that there is a need to transfer much of the allocation decisions to the local authorities as financial arrangement is the life breath of all self-governments. He observes that, the reservation of seats for women, SCs and STs need to be addressed more seriously by the States. He recommends that, for strengthening of the Panchayati Raj Institutions, it is necessary to involve the NGOs in the planning, training, implementation and evaluation of the rural development Programs, on a priority basis. But the fact is that in present scenario the other non-governmental and other agencies which duties are to help in the development process of local government seems absent and imperfect. So, I will have focused on the participation of NGO's and its impact on Arunachal Pradesh.

Sanjay Dubey's book called Dynamics of Tribal Local Polity and Panchayati Raj in Arunachal Pradesh thoroughly discussed about the origin and historical evolution of the Panchayati raj institutions in Arunachal Pradesh through different phases. According to his views, the Panchayati Raj institution has contributed a significant change of socio-economic and political development in grass-root level as well as in state in macro level perspective in the local villages of India. Panchayati raj changes the aspects of the rural peoples and give a more proper life as ever. He also opinion that there is a significant declined of the traditional village council system in Arunachal Pradesh due to influenced of modern political institutions. But in someplace of Indian rural areas there's incomplete about the development process because of the corruption and lack of knowledgement. Their traditional customary laws which still exists creates more vulnerable to the Panchayati Raj Institution. In Arunachal Pradesh, the traditional village council is there but with upgrade manner. It's not like that it is declining, yet it is upgrading to better one.

Amita Singh (1995) in his article, entitled, "Panchayatis – the New Regime" made some comments on the reluctance of the State Governments in initiating the spirit of the 73rd Amendment Act. He lamented that the constitutional backing has become a hollow device of democratic decentralization. He pointed out that the increased influence of MPs and MLAs over Panchayati Raj Institutions would adversely affect their autonomy, making them vulnerable to the influence of urban cites. Calling for greater people's participation, he observes that what is needed is the strengthening of participative democracy rather than representative democracy. In Arunachal Pradesh this trend of influence over dominance to Panchayati Raj by MP's and MLA's are getting involved in the election purpose. Some are done by planning and for the future purpose. The people of Arunachal Pradesh are not getting the real deal of Panchayati Raj Institutions. The Panchayati Raj is not a forcing and domitable one, it has got its own powers and responsibilities and through the Indian Government law, it is genuinely functioning, no one can intervene it.

P.C. Swain's work "Tribal situation and Panchayati Raj in Arunachal Pradesh" is a magnificent book which focused not only in the administration of Panchayati Raj also to the tribal local administration system of Arunachal Pradesh. The author gives a brief description about the origin of the Panchayati Raj in the state through a distinctorientation concerning about the tribal judicial system of the state. Like the Arunachal Pradesh Panchayati Raj institutions was initially came in effect by the coming of 73rd amendment act of 1992. Rajiv Gandhi slogan "power to the people" proofs the present scenario of the system in the state. The tribal council system is basically a local

and ancient one. Still there is incomplete task regarding the Panchayati Raj in Arunachal Pradesh can be found. The laws and regulations are not well performed as well as the development scheme is yet still delayed. The customary laws are more worth than the panchayati raj. The Kebang system of Adi tribe is not absolute and rigid. The council members of the Judiciary are not well knowledgeable, they are chosen through only their dialectic quality and by judging their ages. Most of them are the old ones. They are wise but, in these days, they should know about the laws and regulations and they must have possessed knowledge with eradication of the old beliefs and ancient laws. The world is changing now so that's why they should know the consequences about the judging and giving final announcement. That's why now a day's people are going in the high court with dissatisfaction of the Kebang System.

Growth of Panchayati Raj in Arunachal Pradesh :

Daying Ering Committee: In the year 1964, the Government of India through the Governor of Assam, Shillong appointed a Committee of 4 Members under the chairmanship of Shri D. Ering, the then MP & Parliamentary Secretary (MEA) to consider the Extension of Local Self Government system at the level of village and subjects and jurisdiction to be assigned to be assigned to the Local Self Government.

Daying Ering Committee Report: The Daying Ering Committee submitted its report to the Governor of Assam on 4th January, 1965 with approximately 50 recommendations. The recommendation relating to the Local Self Government in NEFA recommends / nomenclatures of the Local Self Government structures as same as prevalent in rest of the country. Further, the Committee suggested four types of institutions of Local Self Government as below:

- at village level-Gram Panchayat
- at Circle level-Anchal Samiti
- at District level-Zilla Parishad
- at Territory level-Agency Advisory Council[6]

The recommendation of the Daying Ering Committee was accepted by the Government of India. The President of India propagated the North East Frontier Agency Panchayat Raj Regulation of 1967 w.e.f 2nd October, 1968. The first Election of Panchayats in NEFA was therefore, held in the year 1969. Since then, the Panchayat Elections are held regularly in Arunachal Pradesh.

Regular Panchayat Election: The State has been conducting regular Election of Panchayat Bodies. The Elections were held in the year 1969, 1973, 1976, 1980, 1983, 1987, 1992, 1997, 2003, 2008 and 2013. The last election in the year 2008 and 2013 were held under the provisions of "The Arunachal Pradesh Panchayati Raj Act, 1997", which was based on Constitution 73rd Amendment Act, 1992.

Traditional Panchayat System (Self Governing Indigenous Tribal Village Council) Of Arunachal Pradesh Tribes :

The Administration system of the state is highly recognized by the tribal with a vision of democracy, that is the ultimate source of power to them. With having a different tribe groups, every tribes got its own customary laws and they are different from each other.

The Administration system of Arunachal Pradesh tribes have their own unique names and have different specific functions. With having 26 tribes, they have their own different local traditional governing system in which they maintain law and order to keep peaceful and welfare village. Also, the social and economic life of the people are anxious with them.

The Tsorgen of Monpa :

The Monpa tribes are the dominant tribe of the Kameng region of the state. They have very organized self-governing village institutions at least for the last thousand years. The village council are elected by the adults and the council elects the chief village council called Tsorgen. The Tsorgens are responsible for maintaining law and order of the people. Also, the welfare of the village is in his hands. They settle their disputes and arguments through customary laws.

Jung of the Sherdukpen Tribe :

The Sherdukpen are a very small tribe concentrated in the lower hills of the Kameng region. Their village council is called as Jung, which consists of the village headman called Thik Akhao. The traditional self-governing system of Sherdukpen tribe have a very systematic system. They have different specific seats for each function like the village headman as head of the village, a chairman who is working behind the head of the village along with his working members and also, they have a one courier and a watchman who watches the village from external threat. The disputes are decided by the public opinion and after the hearing of opinions, the village head come up with a conclusion.

Aka Tribe (Mele) :

The village council of Aka tribe is called as Mele or Raiz. The Mele or Raiz is supreme administrative body of the village. Its jurisdiction extends from ordinary house disputes to inter village conflicts. The women, particularly the widows or daughters of chiefs can borrow the title and will be known as Aka Rani. This is a kind of chieftainship.

Buliang of Apatani Tribe :

The Apatani village council is known as Buliang, which is more or less democratic. There are three types of buliang, viz, Akha Buliang, Yapa Buliang and Ajang Buliang. The Yapa Buliang comprises the middle-aged persons who carry out the day today affairs of the village, settle disputes and keep the Akha Buliang informed of all developments. The Ajang Buliang consists of the young person who acts as messengers and assistants of the Yapa Buliang. They enforce the customary laws and acts as the representatives for public opinion. However, it does not have the unified authority over the residents. And for their services to the community, the Buliangs are rewarded with gifts.

Gingdung of Nyishi Tribe :

The village council among the Nishi tribe, which concentrates in Lower Subansiri, Papumpare and East Kameng districts, is known as Gindungs. The self-governing village council of Nyishiis different from the other tribes. They don't have specific elected council, whether a member from a middle class settled the disputes and matters through nonaggressive discussions which is based on their own traditional custom, manner, or society norms.

The Adi Tribe (Kebang) :

The Kebang is a very ancient political institution of Adi tribe. It is highly democratic in nature. The system of Kebang has got a three-tier structure, viz., the Dolung Kebang or the Village Kebang and two more higher level Kebangs- the Bango Kebang (inter village council) and the Bogum Bokang Kebang (council of the whole tribe). All the adult males are the members of the Kebang.

The Dolung Kebang is the oldest institutions and highly organized. The higher two are the recent origins. Besides, these three Kebangs, there is a special purpose council called Atek Kebang. This Kebang is arranged without any prior notice for discussing the problems or issues of urgent nature. The Bango Kebang deals with the inter village disputes or topics of mutual interests. The date and place of this Kebang is fixed few months ahead. Its jurisdictions extend over two or more villages, which agree to work together. The Bogum Bokang is the highest agency of all the Kebangs. The issue relating to war, peace, religion, culture and development are taken up by the Bogum Bokang. It enacts laws for the Adi society and frames different policies for the Adis. Hence this Kebang is otherwise known as 'Adi Parliament.[7]

Abbala of Idu - Mishmi Tribe :

The Idu Mishmi lives in widely scattered villages of Dibang Valley district. They call their village council as the Abbala. The village council decides only judicial stuffs as per as by their own customary laws. According to the Idu code of justice, a person who caused suffering to other unjustly should himself be made to suffer in return.

Mokchup of Khamti Tribe :

The Khampti tribes of Lohit district are Buddhists. The Khampti village council is called as Mokchup, which is governed by the chief. The Khamti tribe has got its own sacred text called-Thamasat. Through this they act which could be settling disputes or even war against other tribes. We can also see the religion of these tribes are written here in which they performed rituals and festivals.

Ngothun of the Nocte Tribe :

The political life of Nocte tribe was regulated by a village council consisting of the chief and elders. Their village council is variously called as Ngothun. The chief is called as Lowang who heads the village council. He gives final decision on any affair after consulting the other members. The Nocte village council; maintains law and order, solves disputes within the village activities. Now days this village council are functioning like regular panchayats and looking after the development and welfare of the village people, besides deciding disputes.

Wancho Tribe (Wangsu-Wangsa) :

Wangsu-Wangsa of the Wancho tribe is also a well-organized traditional self-governing village council system. It has a system of Democratic in nature. The chiefs do not rule haphazardly and they are bound to take advices from the elders. The chiefs, who are the heads of the village council, enjoy power and respect in Wancho society.

Conclusion :

The three-tier system has been working in the different parts of the country for the last 40 years or so but certain glaring shortcomings were evident viz., lack of clear and scientific distribution of functions at the various levels, domination of higher structure over the subordinate structures, undue interference of the state governments and curtailment of autonomy of these institutions, lack of adequate finances, scant attention to the views and aspirations of people by the officials, parochial thinking on account of politicization of the Panchayati Raj Institutions, Zilla Parishads and the presence of the ex-officio members not in consonance with democratic principles, tight control of

the government over the Panchayati Raj Institutions. The study examined the usefulness and efficiency of Panchayati raj in India and how it's confronting day by day towards the rural people as a term of self-governing village. The importance of the act is now presenting a rigid and flexible topic on which the government of India is focusing more emphasize.

The study clearly indicates that how the working process of decentralization in Arunachal Pradesh is getting more important. Yet there are some changes to be made like the influence of corruption in the local bodies, the schemes for the development process is unknown to the publication, the dominance of people over the minority tribes, using local government as tool for election profit, the election of panchayat is not just fair and lack of knowledge on the topic of decentralization by some remote areas of the state.

The Kebang system of Adi tribe in Arunachal Pradesh is playing a major lead role. It has got its own jurisdiction system with a bright future of securing people thrust. Especially in Arunachal Pradesh there are lots of tribes and each tribe got its own self-governing village council system and this system helps local panchayat bodies to formulating their work and policies. The village council always comes up with some good topics regarding the welfare of the village and thus the panchayats of that particular village initiate the work which is quite fit for the village.

The study has shown and appreciates the role of women representatives in panchayat bodies of Arunachal Pradesh as to be high as most of the respondent seems to be in favored of women. The panchayati raj in Arunachal Pradesh is considered as one of the best policy in which the women are gaining more equal status compared to men. The reservation of seats for women shows that the women can participate in the election and they can achieve their seats without any discrimination by the men. It indicates that women are now accepting as valuable beings in the society as we don't have to mention the past scenario of women status in the state.

Thus, the impact of decentralization in India and especially in the Arunachal Pradesh is a concept of evolving a new modern state as compared to the old complex one. It's not about the state but it is for the welfare of the people as majority of people are living in tribal or village level areas. The solution too many political, economic and social problems of the present-day India lies in democratic decentralization in a true spirit, which prepare the country to face the challenges of the 21st century. Education must be in the top priority towards the working of panchayat bodies in rural areas. Like most of the villages in India are still not known to the proper concept of decentralization and by their lack they are influenced by the upper section of the dominating people. By giving proper education the people will know the usage of panchayat and how it can change their way of living into a welfare one. The selection of village council members should more upgrade and it must be in a dialectic method by choosing the members. This village council is the responsible for the upliftment of their respective tribes so they are supposed to be chosen wisely and carefully. Sometimes the final hearing judicial decisions in the kebang by the village council are not justifiable and after not having the kind of satisfaction, the individual can go for the higher court. So, the decision made in the kebang by the village council should focus on the welfare of the people rather than giving conservative means of pessimistic assumption.

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