TRADITIONAL VILLAGE GOVERNMENT AND VILLAGE COUNCIL IN NAGALAND

Jonali Devi

Introduction

Nagaland, the sixteenth state of Indian Union is the homeland of as many as 84 Naga tribes of which in numerical strength 17 are distinguished as major. Located in the northeast corner of the country the state shares an international border with Myanmar on the east. A tiny state by area (16,579 sq. km.) and population (19,88,636 persons, 2001), the terrain is featured by hills and mountain. The villages of the state are an all important unit in their history identified as political, social, religious, and economic unit. Further, the Village Council, which every village of Naga tribes follows, is a unique distinction of the state. The land, the very means of livelihood belongs to the people and the Village Council is its custodian. The decision of the Village Council is supreme and abiding for one and all.

The term Village Council, although a new connotation entered into the Naga way of life in the early seventies of the last century, but the Naga villages in some form or the other had a strong system of village government since the remote past. Historically, Village Government or village organization is a cultural heritage of the tribes living in North East India. According to Haloi (2006:273) organization at village level have a long tradition of continuity and authority of control and management touching nearly all spheres of rural life. The written evidence about the village government dates back to the time of British rule in the region, starting from late 19th century, made by anthropologists, administrators and the scholars involved in development, administration and management. Studies on village government by Ganguli (1994) in Tripura, Singh (1994) in Manipur, Nath (1996) and Bordoloi (1994) in Assam, Talukdar (1994) and Pandey (1994) in Arunachal Pradesh reveals the system of village government that prevails among the various tribes of Northeast.

In the context of Nagaland, Mills (1973: 176) remarked that with all the real political units of the tribe, it is the village government that governs and administers the entire people of the village. According to Smith, (1926: 51) village government since time immemorial was the only government known to them and an accepted institution with a strong sense of solidarity.
However, during colonial and post colonial periods due to the gradual introduction of the hitherto unknown system of modern democracy, the traditional village system of Nagaland has passed through different phases and changed a lot. And in course of time there evolved the system of the Village Council, a statutory body recognized under the ‘Nagaland Village and Area Council Act, 1978’ that brought together the varied structures, powers and functions of the traditional village government of different Naga tribes into a common whole.

The Act is unique in allowing each recognised village to make use of its customs and usages in the process of its constitution. Empowerment is another distinct feature of the Act as it has provided the Village Council with a wide range of powers and functions encompassing the areas of administration of justice, law and order, development and natural resources management covering land, water and forest resources.

It is in this context, an empirical study has been carried out on the traditional village government and the present Village Council in Nagaland with reference to two Naga tribes namely the Angamis and the Rengmas. The objectives of the study are:

(i) to identify the nature, composition and functions of traditional village government;

(ii) to identify phases of evolution of the village council;

(iii) to assess the powers and functions discharged by the village council.

Materials and Methods – Primary data have been collected among the Angamis and the Rengmas in 2002 using standard methods of anthropology such as direct observation and interview methods. Two villages namely Medziphema in Dimapur district and Tseminyu in Kohima district inhabited by the Angamis and the Rengmas respectively were selected for detail case studies. Both the villages are more than a thousand years old. Each village has their own Village Council which acts as apex level village authority. Since early times there prevailed chieftainship in Tseminyu village, whereas in Medziphema clan organization played an important role in the matter of village administration. Besides Village Council other important units in the two Naga villages in hierarchic order are the family, the lineage, the clan and the khel. Major land use system in both of the villages is shifting cultivation locally termed as jhum.

Traditional Village Government in Nagaland

Before the advent of British rule in Nagaland, the Nagas as a whole or as various tribes had not been under one head. The villages were isolated from its closest neighbours and were in a constant state of hostility and feud. The villages were self sufficient in nature, having enough cultivable land, a large forest area to practice hunting and gathering and to get building materials (Thong: 1997: 70). There was
a fortified village boundary. The village was the largest unit and it was held together by social, political and religious bonds. Horam (1975: 75) states that Naga villages can be termed as petty republics in themselves; they were a politically organized association like the ancient Greek city-states. This village government was run without written laws. The customary usages were the basis for running the affairs of village government (Horam: 1975; Roy Burman: 1983; Ao: 1993; Talukdar: 1994, Haloi: 2004, 2006; Devi, 2007). The structure of traditional village government in Nagaland was different for different tribes and was known by different names.

By name, Village Government was known as ‘Hangvanao’ among Tangkhul, ‘Ptu Mend’ among Ao, ‘Chocho’ among Semas and ‘Pangti’ among Lothas. Among Knoyaks, the system is known as “Angh”, meaning status of king, which was very powerful. The Rengmas on the other hand maintained the system of chieftainship, the chief being called as ‘Kukughu’ while the system had no particular name. Similarly, the village government of the Angamis did not have a particular nomenclature while ‘Kemovo’ the leader was appointed temporarily to overcome crisis or war situation is the known form (Hutton: 1969; Mills: 1980; Horam: 1975, Hameindorf: 2004).

The village government used to consist of important personalities of the village such as religions head or priest, chief or head of village and the clan leaders. The head of the village with its advisers or councilors constituted the village government. The village government is a representative based organization constituted by close neighbours (Horam: 1975). The clan of the village or sometimes k hel is the constituent unit of these village governments. The provision of more than one member from the same clan or k hel is the normal rule depending upon the size of that clan or the k hel (Mills: 1973; Horam: 1975; Roy Burman: 1983; Maithani et al.: 1997; Haloi: 2004).

Looking at the functional characters, two types of village government are distinguished among the Nagas (Ao: 1993: 160). One is democratic and the other is autocratic. The village government of Angamis is democratic, whereas the Semas and the Konyaks have autocratic type. The Rengmas have a village chief, but the clan head and elders had strong influence in the discharge of the chief’s duty; and thus not a system of an autocratic chief. The democratic village government consists of a council of elders, the members of which are chosen by consensus either clan-wise or k hel-wise.

The quality factor of the chief or the head or for that matter any functionaries find thorough consideration in the constitution of traditional Village Government. Importantly, women were debarred to take part in the Village Government. Secondly, a chief or any functionary must be a married person; marriage being regarded as a sign of maturity. Besides, according to Horam (1975), good physique, dominating personality, eloquence in speech, bravery in the battlefield and kindness
of heart were other prime requisites of a village chief. It is on this ground, that the
traditional village government was regarded as the council of wise men.

As regards the continuity of the posts, once selected, a chief holds the post
throughout his lifetime and for that matter, the other functionaries too. The practice
was followed not only in the democratic systems of Village Government of the
Angamis but also in the autocratic chieftainship system of the Rengmas. The chief
received obedience from the villagers and he also enjoyed some privileges. The
villagers construct his house. In village feast, an important portion of every animal
killed was his due share and he also obtained tributes in the form of rice.

The powers and functions of traditional village government according to Horam
(1975: 86-87) are of four types namely: (i) Executive, (ii) Administrative, (iii)
Judicial and (iv) Defense. The aspects covered under each type are given below:

(i) Executive
(a) To settle disputes, private and public.
(b) To see whether the decisions of Village Government are properly observed/
obeyed or not.
(c) To punish the guilty who breaks or disobey the Village Government’s
decision.
(d) To check whether the taboos are observed or not.

(ii) Administrative
(a) Maintenance of village water supply and footpaths, construction of new
paths and bridges across streams and rivers etc.
(b) Fixation of dates of all village festivals, religious ceremonies, sports like
hunting and fishing etc.
(c) Fixation of dates for clearing, burning and harvesting operations of shifting
cultivation.
(d) Fixation of dates for transplantation and harvesting of terrace cultivation.
(e) Fixation of dates for choosing of sites of houses and granaries and their
number.
(f) Fixation of dates for use of grazing land.
(g) Fixation of dates for arrangement of special village market.
(h) Fixation of dates for management of village fund in the form of rice or
any food grains.
(i) Assisting the chief in matters of defense of the village.

(iii) Judicial
(a) Laws of inheritance; (b) Laws of adoption; (c) Laws of marriage; (d) Laws
of divorce; (e) Maintenance of law and order related to – rape, theft, (f)
Breach of promise related to engagement of marriage and repayment of loan. (g) Defamation; (h) Murder—related to fellow villagers either within or between the clans. (i) Slavery—related to prisoners of war, thieves and insolvents.

(iv) Defense

To ensure sovereignty of the village through warfare or through negotiations.

Emergence of the Institution of Gaon Burah

The annexation of Naga Hills by the British during mid nineteenth century gave rise to the emergence of two institutions – Gaon Burah (GB) and Do-bhasi (DB). The British recognized the existence of the traditional village authority and also identified the importance of clan or khel institution within the village. The traditional khel heads, representing khels were appointed as khel GB and the eldest among all the GBs was selected as Head GB. Besides, collecting taxes from each household GBs were made responsible for settlement of all the disputes in the village, according to Naga customary laws. The forum for the purpose was called the village court. But during those days the powers of chief gradually began to disappear. In the words of J.P. Mills (1980: 139), “British rule put an end to the power of chief with a great loss to the tribe and it is probably impossible to revive it”.

Emergence of Village, Range and Area Council

After fourteen years of India’s independence, the Government of India passed an Act called “Nagaland (Traditional Provisions) Regulation Act, 1961” according to which there shall be one village council for each village, range council for each range and a tribal council for each tribe. The validity of this Act was however discontinued from 1st Dec. 1963 when Nagaland attained statehood.

Emergence of Village and Area Council

The birth of present form of the Village Council in Nagaland is the result of several years of experience on the part of the Nagaland Government Since 1963, which recognized the traditional village government as an important institution for the benefit of each village. The outcome of this recognition was reflected in the Act of “Nagaland Village and Area Council Act, 1973” which was further amended in 1978. Under the Act of 1978, the traditional village authority was given statutory recognition under the name of Village Council. The Village Council is provided with uniform powers and duties to all recognized villages of Nagaland.

At present, being a statutory body empowered with a common set of powers and functions, in the area of judicial, administration and development, the Village Council is organically linked with the entire rural system and also with the management of shifting cultivation – the basic livelihood security of any Naga village.
Traditional Village Government in two Villages

In Medziphema village, the traditional village government was called ‘chapi’. It consisted of a head called ‘Kemovo’ and a number of clan elders. The post of ‘Kemovo’ however, was temporary in nature and its importance was realized only in time of head hunting expedition or in any warfare involving the whole villagers. The real unit of administration in Medziphema was the ‘clan’. Under a ‘clan head’ each clan, in the village had its own jurisdiction and manages all of its affairs – economic, social and religious.

In Tseminyü on the other hand, the authority of the village was vested on a ‘chief’ called ‘Kukugü’. Village defence, warfare, administration, justice and development were some of the responsibilities of the ‘Kukugü’. An advisory body called ‘Nzen’ may assist him. However, chief is the ultimate authority in the village. The post of ‘Kemovo’ and ‘Kukugü’ were hereditary in clan but not in family. Only leading clan in Medziphema can select a Kemovo. Here chief was selected from ‘chakranuo’ and ‘Kutsü’ clan.

In Tseminyü, although the post of chief was hereditary in a particular clan, in case of gross misrule public opinion could deprive the whole clan of the right (Mills:1980:138). The history of chieftainship in Tseminyü reveals the change of power of chieftainship from one clan to another for several times as follows.

1st Seb clan ——> 2nd Tep Clan ——> 3rd Khing Clan ——> 4th Kent Clan

The chieftainship ended in the Tseminyu village along with the introduction of British rule.

British rule has introduced the institution of GB in two villages. During this time, with the increase of population clan organization became a larger unit. Within former jurisdiction of one clan some more clan groups were accommodated. For this new clan organization in which there was one leading clan and a number of others, the British official used a new term called Khel. In Medziphema, Chakranou and Kutsu were the two khels of which ‘Chakronou’ was the biggest one. The first GB was selected from Chakronuo khel in 1841 and he was responsible for collecting taxes as well as to look after village administration. Up to 1961, seven GBs succeeded the post, one after another, and except one, other six belonged to the Chakronuo khel. From 1962, two GBs representing two khels of the village were selected – one from Chakronuo and other from Kutsu khel. Then from 1996 the number of GBs began representing four khels.

During the time of British rule in Tseminyu there were five khels in the village and accordingly five GBs were selected who represented five khels of the village. Out of these five GBs the eldest one was selected as head GB. GBs were assisted by one assistant GB, one treasurer and one member from each khel. The institution of chieftainship was put to an end gradually. Village court was formed and power of administration shifted to the hands of GBs.
Present Village Council - Structure and Composition

The two villages (study area) have introduced the institution of village council of their own since 1973. The term of office of Village Council was initially five years and later on with the general consensus of the villager the term became three years.

Two categories of members are there in the council – (i) the ex-officio member includes the traditional leaders like GBs and Head GB holding the office for their life time and the chairman, secretary, treasurer and auditor for the other category who are selected for a particular term.

In 2002, the total number of members of village council in Medziphema and Tseminyu were 17 and 21 respectively representing different khels and clans. The table-2 shows the clan and khel wise representation of members in the Village Council in the two villages.

Eligibility Criteria of Village Council Member

(a) Only males posses the right to represent village council.
(b) He must hold a post in khel organization earlier. This is regarded as his previous experience in administration.
(c) A married person is selected; marriage being the sign of maturity and generally a married person is above 25 years of age.
(d) Person of good reputation is selected so that he is able to give justice.
(e) The person who can speak well and boldly is selected for the reason that he could convince the people.
(f) Person who is well versed with local traditions and customs as well as dialect is preferred.
(g) Earlier wealth was also a criterion for GBs – R. Semp. – the GB of Tseminyu village was the richest person of the village having 12 granaries of his own.

Profile of Village Council Members

On analysis of data collected regarding members of village council (1999 to 2002) such as age, sex, occupation etc. it is observed that, there is none below the age of 25 years as member of the Village Council. It is maintained as per Act. Majority of the members are in the age group of 26 - 45 years. Members above 60 years accounts for little over one fifth of the total. The tendency of holding the charge of village council by the people of youthful age is more prominent in Medziphema village as compared to Tseminyu village. Secondly, the old tradition that the married person only can be member of village council is nearly retained too with 94 and 91 per cent being married person in Medziphema and Tseminyu respectively.

In literacy status, the illiterate is more than half in Tseminyu, while in Medziphema all are literate. Majority in Medziphema have read up to metric
standard. In both the villages, there is one matriculate and one graduate. The occupation of the members of the village council is agriculture. A small percentage of the members are teachers and government servants. In Medziphema, one fourth of the members by profession are contractors.

**Discharge of Power and Function**

The Act of 1978 conferred the Village Council with large number of functions to be discharged for the benefit of the people. These powers and functions cover broadly three areas namely:

(i) village administration, (ii) village development through Village Development Board and

(iii) administration of justice through village court. How and to what extent the Village Council responds to the various concerns of the villagers is reflected in various case studies collected from two villages and are discussed under the following heads.

(i) **Village Administration**

**Response to food security** - Assuring security to life including food to the villager was one of the important functions of the village government in the past. The customary laws that evolved in every village provided a special provisions and means to meet hunger for the weak or those who failed to produce enough for various other reasons. The helping hand of co-villagers was made mandatory for the poor or those who have less food in case they seek assistance for gathering food items from forest. Besides, collection of agricultural crops from others’ field was made free for the access of the have-nots by declaring formally a “year ending date”. Even borrowing was found to be a part of customary laws to meet food need in distress period.

**Case Study:-1 - Dated 11.11.2002**

R. Semp, aged 38 years, a farmer from Tseminyu village could not produce sufficient food items to meet his family’s need in the year 2001. Soon after the declaration of the year ending day by the Village Council, Mr. Semp along with his three minor children started collecting food materials from the jhum fields of others without the permission of the owner. They collected as much food item as they required. By this he could meet the food deficit of the family in the year. After declaration of year ending, any villager is entitled to collect food items from others field and meet the food deficiency if any. If somebody prevents/disturbs in the collection, Village Council generally interferes.

**Case Study:-2. Dated 11.11.2002**

As reported by Mr. R. Seb, 40 years of Tseminyu village had a poor harvest of staple food in the year 2001, collected ‘Rucha’ from the jungle by taking help of
four co-villagers. ‘Rucha’ – a very big wild potato is a substitute of staple food used in distress time. For anybody invited, it is mandatory to join in the collection of ‘Rucha’. It was revealed to the researcher that the rule prevails in the village for hunger mitigation.

**Case Study:**-3. **Dated 11.11.2002**

Due to insufficient production of rice, Mr. Yhenilo Tep, 60 years, Tseminyu village reported that in order to fulfill food requirement he borrowed 6 tins of paddy from Mr. Yasulo Tep from the same village in 2001. Although, the return is higher by one and half time, the borrowing system that prevails in the village helped him overcome the problem of food security. Earlier, the return rate was two times higher than the borrowed amount.

**Respond to security of life**

- Head hunting throughout the ages has been a very important custom that prevailed among all the Naga groups of Nagaland. Taking enemy’s head is regarded as the symbol of status and the person concerned obtained a high rank in social life. To the contrary, committing murder is regarded as a great sin and excommunication at least for seven years is the ultimate punishment in the two villages if there is proof of committing murder. Such types of cases are in fact very rare in the two villages although it happens occasionally. One such case was reported from Tseminyu village and narrated by Jwenga Kent, 44 years, Tseminyu village.

**Case Study:**-4 **dated 13.07.2002**

Mr. S. Kent, aged 14 years killed his friend Ahunuo of the same village accidentally while they were playing with a gun. Immediately, there was a hue and cry. The family members of Ahunuo lodge a case to the Village Council and within seven days from the date of killing S. Kent’s family had to leave the village. They have gone to Dimapur and never came back. But according to the rule of the society, after seven years they can come back to the village if they desire. According to Jwenga Kent, there is a belief system associated with this which states that even if killing of a man is a case of accident the killer’s family should avoid the family of the victim at least for seven years. The families of both the guilty and victim should not sit together and share meal from the same dish. The violation may lead to a great misfortune to the family of the killer.

**Respond to Conservation of Natural Resources (Land, Water, Forest and Wild Life)**

The natural endowment of the two villages includes land, water and forest resources. In both the villages, these natural resources are valued very much. People practice shifting cultivation – a forest based very ancient agricultural system with limited technology. The areas in which the village council administer in two villages for
the management of these natural resources and for the management of shifting
cultivation are identified in the following-

(i) Declaration of name of jhum site to carry on shifting cultivation every
year in Tseminyu.

(ii) Providing access to declared jhum site for every house hold in Tseminyu
village through a process of lease system

(iii) Declaration of the date and time of burning of jhum fields to avoid spread
of unwanted fire and subsequent loss of forest.

(iv) Solving the boundary disputes related to shifting cultivation.

(v) Providing access to village forest for the collection of fuel, fodder, housing
materials etc. for day to day survival.

(vi) Imposing punishment for any kind of damage to forest including
accidental firing.

(vii) Imposing punishment for those who practice fishing by poisoning which
pollutes the water resource.

(viii) Banning sale of forest product as well as fishes.

Case Study:- 5 dated 13.10. 2002
As reported by Yhunri Kent, 60 years, Tseminyu village, fishing by poisoning is
very rare in the village. In 1997, there was one case of fishing by poisoning in
Tseminyu village. Mr. R. Semp use bleaching powder as a poison to catch fishes
in community pond and he was fined Rs. 5000/- for the offence. But, on the
interference of his clan members the fine had been reduced to Rs. 1000.

Case Study:-6 dated 20.06.2002
As reported by Rokovitsu Kuotsu, 50 years, Medziphema village fishing by
poisoning in the village is a case of rare instance. He narrated one such case as
follows - A group of four persons from Medziphema village in 1999 caught
fishes in Kukidolong River applying some local medicines. The matter
was reported to the Village Council. On investigation the four men were found
guilty. An amount of Rs. 5000/- was imposed on them as fine and they paid the
amount.

Case Study:-7 dated 13.10. 2002
As narrated by S. Semp, 45 years, Tseminyu village, in 1997, Mr. Sentsin Kent of
Tseminyu village cut trees from a jhum land which belonged to Mr. Avilo Sema of
Poghobotu village. Knowing the fact, Mr. Avilo lodged a case to Tseminyu Village
Council. On verification, Mr. Sentsin was ordered to pay a sum of Rupees 1500/-
to Mr. Avilo Sema and the case was settled.
Village Development - Constitution of Village Development Board (VDB)

Under the provision of the Nagaland Village and Area Council Act, 1978 every Government recognised village is authorised to constitute, a Village Development Board (the VDB) under the Village Council. VDB formulates development priorities for the village, prepares action plans and executes them, using the village community or other funds. All residents of the village are members of the General Body of the VDB. It takes all the decisions by itself pertaining to developmental works. VDB has power to mobilize resources from internal and external sources. Government assistance to the VDBs includes grants-in-aids, matching cash grants, Jawahar Rozgar Yojana and other development and welfare programmes.

Administration of Justice

Village council has the special power to administer justice within the village as per customary laws of two tribes. Accordingly, the village councils of the two villages administer justice regarding various issues like divorce, extra marital affairs. Adoption, theft, property and land disputes etc. the following, there are few case studies revealing the issue of justice maintained in the two villages.

Divorce Case - Case Study:-8 dated 14.07.2002

As reported by Gwasinle Kent, 52 years of Tseminyu village, in 1977, Mr. Swanlo Kent of Tseminyu village lodge a case to Village Council against his wife Mrs. Zatsii Kent (Seb) complaining that she has an affair (physical relation) with another man of the same village. He prayed to the council to give him permission for divorce. After verification made by Village Council, the complaint made by Yhunri came true and he was allowed to divorce his wife. No punishment was imposed on him since having illicit relation is treated in the society very strongly.

Extra Marital Affairs - Rules

(a) If a married man has illicit relation with a married woman and if a case is filed, the married man has to give seven jhum fields to the husband of the women with whom he is maintaining a relation. The woman is never punished.

(b) Sex relation between two unmarried boys and girls if it comes to the notice of Village Council, the boy is fined Rupees 16/- which he has to pay to the Village Council. Moreover, the boy is publicly laughed at on a genna day and nobody helps him in cultivation work for the year. Laughing publicly is a very serious matter which nobody wants to face.

(c) If a married man maintains extra marital affairs with an unmarried girl, the man has to pay Rupees 31/- to the Village Council as fine.
Theft Case and Land Property Related Issues

Stealing something is treated very seriously. The punishment imposed is double the value of the item stolen. Stealing of paddy is considered as a very serious offence. Seven jhum fields have to be paid to the owner. In the village, there are no cases of stealing. All disputes related to land ownership, encroachment, sale etc. are looked after by the village councils through village court.

Conclusion

The traditional Village Government and the present Village Council in the two study villages are the organization of the village people. The basis of constitution of both are same as it is observed that in both, the representatives are drawn from among the clans or the khel. In its constitution the present Village Council includes hereditary leaders like GBs and also recruits leaders based on selection process. As per the Act the Village Council honour the prevailing customary laws and thus retains the past tradition. In the past village govt acted as the supreme body so is the case with the Village Council which is concerned with nearly all affairs of the village life. The study thus reveals the unique position of Nagaland state in the emergence of Village Council - a statutory body, retaining the tradition of the past in its evolution. In the words of Haloi (2006: 286) ‘Village Council in Nagaland is unique in the country. The Act allowing customary laws of the villages for the constitution as well as setting the compositional structure has earned a special distinction in the process of promotion of democratic organization in the country at the village level.’

References

Thong, J. S. The Head Hunters Culture (Historic, Culture of Nagas) 1997, Perashen, Tseminyu, Nagaland.
TABLE 1: LIST OF GB IN MEDZIPHEMA (FROM 1841 TO 2001)

<table>
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<tr>
<th>Phase</th>
<th>Name of the Khel and GB</th>
<th>1841 to 1961</th>
<th>1962 to 1996</th>
<th>1996 to till date</th>
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<td>Lt. Zakiepra Kuotsu, 1899</td>
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<td>Chakronuo</td>
<td>Lt. Lhoulasier Chakrunuo, 1973 – 1987</td>
<td>Mr. Lolasier Chakrunuo, 1987 to till date</td>
<td>Mr. Neikho Chakrunuo, 1996 to till date</td>
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TABLE-2: KHEL WISE REPRESENTATION OF MEMBERS TO VILLAGE COUNCIL IN THE TWO STUDY VILLAGES

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<th>Sl.No.</th>
<th>Name of Village</th>
<th>Name of khel</th>
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<th>Total</th>
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