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Traditional Tribal Self-Governing Institutions of Meghalaya: The Khasi Syiem

C. REUBEN LYNGDOH, L.S. GASSAH

Meghalaya¹, 'the abode of the clouds', is a member of the family of seven states of the north-east that stretches out from mainland India. Meghalaya may be coy and silent but it has incredible secrets waiting to be spilled². The state of Meghalaya was carved out of erstwhile Assam and it became a full-fledged state on January 21, 1972. The state has a total area of 22,429 square kilometers and a population of 2306069³. It is now divided into seven administrative districts comprising :

- (a) Jaintia Hills District created on February 22, 1972;
- (b) East Garo Hills District;
- (c) West Garo Hills District created on October 22, 1976;
- (d) East Khasi Hills District;
- (e) West Khasi Hills District created on October 28, 1976;
- (f) Ri-Bhoi District created on June 4, 1992 and;
- (g) South Garo Hills District created on June 18, 1992⁴.

Meghalaya is predominantly inhabited by the three tribal communities namely, the Khasis, the Jaintias and the Garos. These three tribes practice matriliney with minor variations from each other. These tribes belong to the "Indo-Chinese Linguistic Family", of which two

important sub-families are the Mon-Khmer and the Tibeto-Burman⁵. The Mon-Khmer includes among other communities, the Khasis and the Jaintias, while the Tibeto-Burman includes the Garos. The Khasis have been classified into four main sub-divisions corresponding to certain geographical areas of Meghalaya:

- (a) Khyntiam, that is, the Khasis who inhabit the central plateau;
- (b) Pnar or Synteng, that is, the Jaintias who inhabit the eastern area;
- (c) Bhoi, who are concentrated in the northern area; and
- (d) War, who inhabit the southern area.

While trying to ascertain the origin of the Khasi people, scholars have presented a number of views. These views range from the cultural and linguistic affinities that the Khasis share with other communities in South East Asia (as noted by Gurdon, Griesson amongst others) to the views that rest purely on mythical and oral tradition (as noted by Rymbai, Bareh amongst others). Speaking on the origin of the Khasis, Suniti Kumar Chatterji makes an important observation, "they are said to be descended from the earliest Mongoloid immigrants into India who changed their language through contact with Austric speakers, either in Burma or on the soil of India, in prehistoric times"⁶.

EVOLUTION OF THE OFFICE OF THE SYIEM

It is generally believed that the first waves of migration of the Khasis into the hills occurred in batches. Each batch comprised of a clan (*kur*), which settled in a particular area and paved way for the establishment of a village (*shnong*). The clan was headed by the eldest male member called a *Lyngdoh* (priest), who was chosen by a council of adult males of the clan. The *Lyngdoh* enjoyed both spiritual as well as temporal powers⁷. A second view draws attention to the existence of two types of *Lyngdohs*, while the first was vested with spiritual and religious powers, the second performed political and administrative functions⁸. As clans grew in numbers and size often accommodating new clans into their fold, the villages slowly came into existence. The head of the village was chosen from among the members of the original or founding clans of the village. In certain instances two centers of authority emerged during this early phase of socio-political development. The temporal powers were vested into a new authority, the *Basan* (an elder) who was the leader and representative of the founding clan which had first claimed possession and ownership of the land; the spiritual

powers were vested with the *Lyngdoh*, who was chosen from the priestly clan⁹. This phase of socio-political development may be linked to what Evans-Pritchard terms as a 'stateless society' where there is the absence of a central institutional authority¹⁰.

As the villages grew in size and the art of governance became complex, many villages merged to form a *Raid* or commune. The *Raid* would administer subjects of common concern of the constituent villages. The administration of the *Raid* was carried on by the *Basan* and the *Lyngdoh* with the assistance of a *Durbar* or council comprising of such councillors as *Matabors*, *Majis*, *Pators* and *Malehangots*. These councillors were appointed by the *Basan* or the *Lyngdoh* subject to the approval of the *Raid* comprising all adult male citizens¹¹.

In course of time, as the *Raids* grew in size and population, new developments emerged which necessitated the creation of a central and common authority to manage state affairs of a larger magnitude, which the existing socio-political authorities could not execute. It is under these circumstances that the clans, villages and communes federated to create the *Hima*, that is, a state. Thus the *Hima* is a "territorial conglomeration of communes and independent villages falling under the jurisdiction of administrative heads known as *Syiem* or *Lyngdoh* or *Sordar* or *Wahadadar*"¹². A new political entity called the *Syiemship* emerged, which was administered by a ruler called a *Syiem*. Thus, the institution of *Syiemship* had emerged as the apex political organization of the *Khasis*. The *Syiem* was appointed only from the *Syiem* clan and heirship to the office of the *Syiem* is in all cases traced through the female side. *Syimlieh* observes that "this rudimentary stage of state formation evolved into the institution of *Syiemship* which probably arose out of the voluntary association of clans, villages, communes when new developments took place"¹³. To these new developments are attributed the opening of markets, execution of marriage laws, appointment of judicial authority, maintenance of police power and so on¹⁴. Thus the office of the *Syiem* "arose out of an impulse for amalgamating identical pursuits, interests and necessities of the clan residents and villagers. It was instituted on the spirit of reciprocity along with a consolidation of their intimate relations which had grown amongst the different sections of people who made up their units"¹⁵.

Today there exist 25 *Khasi States*, *Ki Hima Khasi*, each of which is under a ruler called a *Syiem*, *Lyngdoh*, *Sirdar* or *Wahadadar*. The mode of election of a *Syiem* may be direct or indirect. In states like

Langrin all adult males of the state have the right to vote in the election of a *Syiem*. However, in States like Khyrim, Myllem, Cherra, the *Syiem* is elected by an electoral college comprising of the representatives of founding clans of the respective state, who have been in turn elected by all the adult males of their respective clans.

The *Syiem* in exercising his functions of the state is assisted by a council, *Durbar*: There are two types of *Durbars*, (a) *Durbar Hima* or state council which is a popular assembly comprising of all adult male citizens of the *Hima*, (b) *Durbar Synshar* or executive council comprising of a smaller group of councillors, *Ki Bakhrav* designated as *Basans*, *Lyngdoh*, *Myntris* who are vested with executive powers.

Thus the *Hima* represents the rudiments of what Claessen describes as an early state. It manifests a sizeable population that makes social categorization; society is stratified and specialization emerges; the emerging classes of people can be distinguished; governmental authority is centralized and has the power to maintain law and order. Finally, a common ideology exist which gives legitimacy to the ruling stratum¹⁶.

POWERS AND FUNCTIONS OF THE SYIEM

Though a Khasi *Syiem* is the head of his state, he exercises his powers in accordance with "ethical instructions, prescribed by customary rules, laws and regulations, as well as customs, traditions and usages"¹⁷. He has to lay down his policy in conformity with the resolution of the *Durbar* of the people. In reality, it is the *Durbars* that transact both political and judicial functions and their decision is final. The acts or decisions of a *Syiem* can be vetoed by the *Durbar* if they are contrary to the usages and traditions of the community¹⁸. Similarly, the *Durbars* have also come to the rescue of their *Syiems*, when they felt that his position as a traditional authority was threatened. Thus has often been seen in the impasse between the *Syiems* and the District Council¹⁹.

In all acts of legislation, the *Syiem* and his *Durbar Synshar* are guided by customary practices and laws of the land. In executive matters, his authority principally extends to the management of markets, arrest of wrongdoers and criminals and the collection of fines and imposts of various quarters in the state. He also approves the appointment of subordinate officials of the state²⁰. If necessity arises, the *Syiem* may also appoint a *Syiem Khynnath* or junior *Syiem* to assist him in managing the affairs of state if he is temporarily indisposed or to even succeed him if he is deposed or removed from office. In judicial matters, the

Syiem has the power to try cases and pass sentences in consultation with the *Durbar Synshan*²¹. In the past, the *Syiem*'s court was the highest court of appeal within the *Hima*. It was often contended that in the trial and execution of cases, while the *Syiem* acted as a judge, his *Durbar* acted as the jury.

The *Syiem* is also vested with the authority to collect, "the material wealth of a citizen of the state whose lineage has become extinct and perform the cremation rights of those who had died without relatives"²². As a ruler, the *Syiem* does not enjoy any entitlement to land holdings as land belongs to the clan and to the people. Hence he cannot claim land revenue. Nevertheless, a certain amount of *Raid* or commune land may be apportioned to him for his personal use. His revenue is derived from fines collected on settling cases, tolls or *khrong*, collected from the markets within his jurisdiction and from the issue and renewal of *patta* for land holdings.

RELATIONSHIP WITH THE CONSTITUTIONAL AUTHORITY

On account of various events the Khasi States came to be under the political control of the British between 1829—1947. When India became independent in 1947, the Khasi States were brought within the ambit of the new Dominion through the Instrument of Accession. The Khasi States signed the instrument of Accession in 1948 expecting to achieve some kind of autonomy within the Indian political framework. However, the expectations were short-lived as the Indian Constitution (1950) did not accommodate any special provisions for them. Instead, the Khasi States were merged with the State of Assam without any agreement of merger and disregarding the provisions of the Standstill Agreement²³. The provisions of the Sixth Schedule were implemented in the hill areas of Assam. The Khasi States came to be a part of the United Khasi and Jaintia Hills District Council (inaugurated on 20th January, 1950) and continue as functionaries of the Khasi Hills Autonomous District Council till today.

The Sixth Schedule empowers the Autonomous District Councils to make laws and regulations in all matters relating to the customs, traditions and practices of the tribal people while also providing a compact mechanism for self-government²⁴. However, the relations between the traditional authorities and the constitutional authority (that is the District Council) have often been strained and far from what the Sixth Schedule had envisaged. The stepping of the District Council into

the shoes of either the traditional institutions or the British authorities did not bring any improvement in the power position of the traditional chiefs (that is, the *Syiems*). On many occasions, there have been tussles between the traditional elite represented by the Chiefs and Headmen and the modern political elite of popular elected representatives.²⁵

In 1959, the United Khasi Jaintia Hills Autonomous District Council passed the Appointment and Succession of Chiefs and Headman Act, 1959²⁶. This Act was followed by six subsequent amendments between 1969—1995. The Act constitutionally empowers the District Council of a firm control over the mode of appointment, conduct, suspension and even removal of the traditional Chiefs and Headmen. On a number of occasions the Khasi Hills Autonomous District Council has been criticized for deviating from customary laws and practices in this regard. On the part of the District Council, it may be said that there appears to be genuine feeling that the Chief and their councils want to act on their own and do not like to toe the line with the District Councils to grow along with the time shedding all that which is out-dated²⁷. The case of the Khasi Hills Autonomous District Council (hereinafter KHADC) versus the *Syiem* of Myllem (Mr. Laborious Manik Syiem) may be cited here²⁸. The KHADC had received complaints against the *Syiem* of Myllem and had issued summons to him to appear before it to answer to the charges levelled against him. The *Syiem* failing to appear before the District Council was suspended by an order dated 20.03.01 and an Acting *Syiem* was appointed in his place. The suspended *Syiem* filed a petition in the Gauhati Court against the suspension order citing many reasons for his failure to appear before the KHADC. The suspension order was struck down by the Gauhati High Court on the ground that 'no opportunity of hearing was given before the suspension order'²⁹. The matter was taken up to the Supreme Court by the KHADC. The Supreme Court allowed the appeal of the KHADC and upheld the suspension of the *Syiem* of Myllem. A division bench of the Supreme Court on interpreting section 6 of the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs And Headmen) Act 1959, held that no opportunity of hearing was required to be given in case where suspension was pending inquiry.³⁰

Thus, the District Councils and these traditional institutions continue to be at loggerheads over power sharing and existence under the Sixth Schedule of the Constitution. The Khasi States under their umbrella organization, the Federation of Khasi States, have been making various representations to the Union Government to highlight their cause. In

their appeal for constitutional recognition, the demand of the Khasi States is that special provisions should be included in the Constitution to recognize, restore and empower these traditional political organizations as guardians of local customs, usages and practices. This demand for constitutional recognition received a fillip with the setting up of a national commission to review the working of the Constitution (January 2000). The Khasi States have rejected the proposal of accommodating them in the District Council and instead placed their demands in the 13th Schedule, Article 244(3). Some of the demands include the creation of a Federal Council, right of the Federal Council to exercise legislative, executive and judicial functions; power of this Council to frame its own rules of procedure and conduct of business; creation of a centrally assisted Federal Fund⁵¹.

CONCLUSION

Of late, analysis of the relations between District Council and traditional institutions has generated considerable interest among scholars, local institutions and non-governmental organizations. The Khasi States have their roots in the past when they could exercise independent control over their respective areas. These traditional political institutions are themselves undergoing a metamorphosis, the socio-political conditions under which they first merged and evolved and the position in which they are placed today are entirely different. An important question that arises today is if these Khasi States are given constitutional recognition, how well will they adjust and adapt themselves to the changing political environment? Before any concrete steps are taken to empower them and accord them constitutional status, a further debate on the issue will truly reflect and elicit the desired response of *Ki Khun Ki Hajar*, that is, the citizens of the Khasi States.

NOTES

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18. *Ibid.*
19. *The Telegraph* , 23rd August, 2002, U Mawphor, 30th October, 2002.
20. Gassah, L.S: *op. cit.*
21. Syiemlich, D.R.: *op. cit.*
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27. Gassah, L.S. : *Ibid*
28. *The Shillong Times*, April 3rd , 2001.
29. *The Shillong Times*, August 11 , 2002
30. *Ibid*
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