

# POWER TO PEOPLE IN MEGHALAYA



Editors

J. V. N. Karna • L.S. Gassah  
C.J. Thomas

# POWER TO PEOPLE IN MEGHALAYA

(Sixth Schedule and the 73<sup>rd</sup> Amendment)

*Edited By*

**M.N. Karna**

**L.S. Gassah**

**C.J. Thomas**



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## FOREWORD

It gives me immense pleasure to write the foreword to this book. The present study is based on the research papers presented and discussed at the Sub-Regional Workshop on Panchayati Raj sponsored by the Rajiv Gandhi Foundation, New Delhi and organised by the Indian Council of Social Science Research during October 12-14, 1995 at Shillong.

The Seventy-Third Amendment Act seeks to ensure democracy at the grass roots, as it intends to give power to the people. The authors of the various articles presented in this book extensively analysed the existing traditional political institutions in Meghalaya and the relevance of 73<sup>rd</sup> Amendment Act to the State of Meghalaya. I would resist the temptation of commenting on the book further. I only wish the work finds proper attention from policy makers both in Meghalaya and New Delhi, students, scholars, officials at the Autonomous District Councils and the general public.

December, 1997

**Professor B. Pakem**  
Vice-Chancellor, NEHU  
&  
Chairman, ICSSR-NERC  
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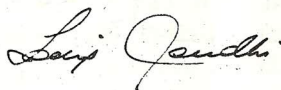
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Sonia Gandhi  
Chairperson

MESSAGE

The legislation to amend the Constitution to detail the provisions in respect of Panchayati Raj and Nagarpalikas is an important milestone in bringing to reality my late husband's vision of a new and effective system of local government. He staunchly believed that people had to be empowered to have a greater and more meaningful say in their own affairs at the grassroots level in addition to the national and state levels. Without this there would remain a sense of alienation of the common person from the system of governance. His vision was that of an effective and responsive third-tier of representative government which would be the bedrock of our democracy in practice.

The legislation, important as it is, has to be followed up with much hard work in its effective implementation. The purpose of the workshops being organized under the auspices of the Rajiv Gandhi Foundation is to identify impediments and hinderances to the proper functioning of the Panchayats and institutions of self-governance, and to suggest remedial measures. It is only through widespread discussion and mass involvement that Panchayati Raj Institutions will become true and effective means of self-governance as mandated in the Seventy Third Constitutional Amendment. I wish your endeavours every success.



## INAUGURAL ADDRESS

Shri M M Jacob

**Governor of Meghalaya**

I am thankful to the North Eastern Regional Centre of Indian Council of Social Science Research for inviting me to inaugurate the Sub-Regional Workshop on Panchayati Raj this morning. It is really very encouraging to see that the Rajiv Gandhi Foundation has selected Shillong as the venue for the Workshop despite the lack of adequate facilities available here for holding such an important function. I am told that the Rajiv Gandhi Foundation has constituted a Task Force on Panchayati Raj primarily to act as a catalyst for proper implementation of the Seventy-third Constitutional amendment so that the Panchayat units that are being set up will truly be institutions of self-government. The present workshop is a part of the series of Regional and Sub-Regional Workshops which have been sponsored by the Foundation in different parts of the Country. I am happy to see that a good number of prominent persons including important academicians are present here. It is also heartening to note that the number of senior citizens attached to the three Districts Councils of Meghalaya, Non-Governmental organizations and Government officials have evinced keen interest in the Workshop by actively participating in its deliberations.

Panchayats have been part and parcel of rural Indian social life since time immemorial. India is a land of villages. More than 80 percent of its population live in villages. Panchayati Raj system in India has been in existence in some form or other during different periods of our history. But during the long period of foreign rule, the traditional frame of this body underwent some changes. When India became independent, it was imperative on the part of the Government to bring the small communities of villages into the orbit of democratic structure. There is no Panchayati Raj system in Meghalaya but the traditional tribal community, village and social structures have deep roots. The

development programmes are implemented through the agency of Block Development Committees consisting of Gram Sevaks, progressive farmers, members representing women's organizations, Co-operative Societies and small industries etc. The District Councils which are the creatures of the Sixth Schedule to the Constitution are highly democratic bodies charged with the administration of land, forest, trade, traditional and customary laws and practices. They also have some developmental role but it sometimes overlaps with that of the State Government.

It was a long cherished dream of our Father of the Nation, Mahatma Gandhi to see 'Gram Swaraj' in post-Independent India. In furtherance of our national urge to establish Panchayati Raj several attempts were made by various States in India to achieve this laudable objective. The experiments carried out during the early years of our community development efforts, in States like Rajasthan, Andhra Pradesh and Gujarat helped us to understand the implications of this system vis-a-vis the legislative bodies at States and national level. I recollect the various steps taken by the late Prime Minister Rajiv Gandhi in eliciting public opinion through a series of conference of Parliamentarians, other elected representatives and civil servants, to work out a system congenial to the nation. Rajiv Gandhi was a young and dynamic statesman with lofty vision and firm purpose who handled the manifold problems faced by our nation with courage and determination. It was he who took the lead in preparing the nation for transferring power to the people through elected Panchayats by necessary legislative backing. Rajiv Gandhi had a great faith in the capacity and wisdom of our people. In the true spirit of statesman he said : "We trust the people. We have faith in the people. It is the people who must determine their own destinies and the destiny of the nation. To the people of India, let us ensure maximum democracy and maximum devolution. Let the people be empowered."

The atmosphere created by the tireless efforts of Rajiv Gandhi is not only favourable but essentially congenial to introduce basic changes even in the existing institutions of self-government.

The historic 73rd Amendment which has given a Constitutional status to Panchayats in the country is a major development in the post Independent India. This 73rd Constitutional Amendment has given the Panchayat system not only identity and

legitimacy but has made it a true institution of self-government. Now it is in a position to involve itself in active process of decentralized planning. By providing reservation of not less than one-third of the total number of seats and offices for women, a landmark decision has been taken to empower women. Through the establishment of State Finance Commission adequate funds have been ensured to the Panchayats to carry out their plans. Specific responsibilities have been entrusted to the Panchayats to prepare plans for economic development and social justice in respect of matters listed in the Eleventh Schedule. Thus endowed with constitutional status possessing comprehensive power and authority, the Panchayats are going to play an epoch making role in the rural transformation in the country. It will bring about a vibrant democracy and development at the grass-root level. Only strong democratic, dynamic and responsive self-governing institutions can ensure a genuine participatory developmental process at the village level. By involving the local people in the process of decision-making a true peoples' path of development can be attained.

It is noteworthy that a workshop on Panchayat has been organized at a place which has been kept out of the purview of the Seventy-third Amendment. The amendment provides that nothing in this Part shall apply to the Scheduled Areas referred to in Clause (1) and the tribal areas referred to in Clause (2) of Article 244 and to the States of Nagaland, Meghalaya and Mizoram. It is not difficult to ascertain why these tribal areas have been excluded from the scope of the Amendment. Although the existing arrangements in these areas have necessitated the present step, it can, however, be mentioned that the philosophy and ideology of panchayat are not alien to tribal societies. The tribal people have been living in a strong and autonomous village setting. The traditional institution of village Durbar or Village Government has been a constant source of all social, cultural, economic and political activities at and across the villages. These age-old self-governing institutions have been endowed with considerable power and authority. Their mandate has been so encompassing that no one could escape their command. The tribal people have, no doubt, successfully negotiated with the problems of their daily life while preserving their identity and ethos but it is my considered view that no society and people can afford to remain isolated from the modern development and change.

A special provision in the form of Sixth Schedule was incorporated in the Constitution just after Independence to provide separate political and administrative structure for the hill tribal areas of the North East. The primary objectives of this arrangement have been to maintain the distinct customs and culture of the people so that they could preserve their identities. Accordingly, the Autonomous District Councils have been functioning in Meghalaya for more than four decades. The structure and function of these Councils have been adequately tested during this period. I, however, feel that a detailed in depth study of the present arrangements should be undertaken keeping specially their power, functions and effectiveness in view. An investigation into the existing tribal institutions in the villages, their linkages and relationships with the Autonomous District Councils and the State Government within the framework of the division of power and functions will also be in order. It may also be emphasized that a comparative assessment of the prevailing institutional structure and positive aspects of the sound of ideology and principles behind the Panchayati Raj as incorporated in the 73rd Amendment Act 1992 may also be useful in the present context. I have no doubt that such an exercise will help to see whether the basic principles of the Seventy-third Amendment can be harmonized with the local ethos, tradition and institutions so as to have democracy and autonomy with continuity.

I hope this timely workshop in its deliberations for the next three days will initiate a valuable discussion on the Panchayati Raj in the State. I am eagerly looking forward to its recommendations which I sincerely feel would be of immense importance for all of us committed to the decentralization of power. I am confident that the Panchayati Raj institutions will cover the North Eastern region in greater depth and detail as suggest a workable and meaningful resolution, so as to make Panchayati Raj a useful and result-oriented mode of self-governance, which would be in the interest of the community, the State and the country.

With these words and wishing the Sub-Regional Workshop on Panchayati Raj all the best, I have great pleasure in inaugurating the Workshop.

## INTRODUCTION

The Panchayati Raj has been acclaimed as an essential element of Indian democracy. Ever since the Balwant Rai Mehta Committee recommended the statutory panchayat system in India way back in 1957, several attempts have been made, at the national as well as state levels to strengthen it in the country. Although the panchayat had found a place in the constitution of India under the Directive Principles of State Policy - yet, the panchayats have not been able to deliver goods effectively due to the absence of constitutional status. In order to rectify this basic lacuna, the Congress government under the leadership of Rajiv Gandhi, (during his short span of political life) took the major step in providing the constitutional status to the panchayats when he introduced the constitution Sixty-Fourth Amendment Bill in the Lok Sabha in May 1989. The Lok Sabha supported and passed it, but the Rajya Sabha could not enact it. However, it was in 1991, the constitution Seventy-Third Amendment Bill was brought in the Lok Sabha, which passed it on December 22, 1992, and the Rajya Sabha approved it, the following day. After the ratification of more than half the States, the President gave his assent to the Bill on April 20, 1993, and it became an Act with effect from April 24, 1993.

The Seventy-Third Amendment Act seeks to ensure democracy at the grass roots, as it intends to give power to the people. It aims at decentralisation of political administration and institutions for development. It envisages to achieve grass root democratic polity by making panchayati raj system an instrument of local government and community development. The Act provides for a constitutional status to the Panchayats and gives reservation to women and other weaker sections to ensure their participation at all levels of the panchayat system. Such a decentralisation is of great significance as people have been given much power and responsibility in carrying out the development programmes.

The Seventy-Third Amendment Act contains Article 243M which states that the Act is not applicable to the States of Nagaland, Meghalaya and Mizoram. The Act also has not been extended to the District Council areas of Manipur and the areas covered by the Gorkha Hill Council in the Darjeeling District of West Bengal. Further it is not applicable to the Fifth Schedule areas in the country and the Sixth Schedule districts and regions. The Parliament has been authorised by the law to extend it to these two categories of areas, subject to such exceptions and modifications as may be specified. It has also been clarified that such a law is not to be deemed as Amendment of the constitution.

While enacting the constitution Seventy-Third Amendment Act, it appears that the Parliament decided deliberately that the provisions of the Act should not be imposed to the Fifth Schedule areas and the Sixth Schedule districts and regions. The reason is that they have their traditional system similar to the panchayati raj that must not be disturbed.

The entire State of Meghalaya is covered under Sixth Schedule of the constitution. The main aim of such an arrangement has been to maintain the distinct customs and culture of the people and to ensure autonomy of the tribal people. Accordingly, the Autonomous District Councils have been functioning here for more than four decades. However, with the enactment of the Seventy-Third Amendment Act to the constitution of India on the panchayats a substantive change has taken place in the country. Endowed with the constitutional status coupled with tremendous power and authority, the panchayats are expected to bring a vibrant democracy and true autonomy at the village level. Naturally, the new panchayati system has substantial benefits to offer.

It is in this background that the Rajiv Gandhi Foundation had undertaken the task of organising a series of National, Regional and Sub-Regional Workshops on Panchayats in different parts of the country during the last three years to create awareness with regard to the various provisions of the Seventy-Third Constitution Amendment Act 1992 and to identify impediments in the effective functioning of the panchayati raj institutions. One such Sub-Regional Workshop was organised at Shillong by the North Eastern Regional Centre of the Indian Council of Social Science Research during 12-14 October 1995. The basic objective of this workshop was to initiate the debate and ascertain people's opinion about the rel-

evance of the Seventy-Third Amendment Act to the areas covered under the Sixth Schedule in general and Meghalaya in particular. The most crucial issue under the discussion was how it is possible to harmonise the basic principles of the Amendment Act with the local ethos, tradition and institutions so as to have true democracy and autonomy with continuity. The Workshop thus attempted to generate public debate and by doing so intended to pave the way for implementing the Seventy-Third Amendment Act in the State with such exceptions and modifications as may be required.

The workshop was inaugurated by the Governor of Meghalaya Shri M.M. Jacob and chaired by Professor B. Pakem, Vice-Chancellor, North Eastern Hill University, Shillong. Shri D. Bandyopadhyay, Convenor, Task Force on Panchayati Raj, Rajiv Gandhi Foundation delivered a special lecture. While twelve papers were presented in three Plenary Sessions, the two Working Groups had detailed and frank discussions on the applicability of the Seventy-Third Amendment Act to Meghalaya and on finance and resource mobilization. The Valedictory Session was to be addressed by the Chief Minister of Meghalaya Shri Salseng C. Marak but he could not attend due to his sickness. His address was read by Professor M.N. Karna, the Director of the Workshop.

Some of the major viewpoints which emerged and recommendations provided at the Workshop are the following:

- 1) Further in-depth study of the relative functions/powers of the Autonomous District Councils under the Sixth Schedule of the constitution vis-a-vis the functions/powers of the panchayats enshrined by the Seventy-Third Amendment of the constitution be made by organising district level seminars at Tura, Jowai and Shillong.
- 2) The Autonomous District Councils under the Sixth Schedule of the constitution (Article 275(i)) should continue with greater financial support from the Union government. Simultaneously, there should be attempts to remove the defects in the present working of the ADCs.
- 3) One minority view was that the traditional institutions such as the Chiefs and their *Syiems* should be restored to their pre-British positions by statutory provisions. However, this will not be viable in the context of the Garo Hills.
- 4) The constitution (73<sup>rd</sup> Amendment) Act, 1992 be introduced in Meghalaya with suitable adoption of the traditional names.

Assuming that Meghalaya accepts the Seventy-Third Amendment Act, the Workshop further recommended:

- i) State Finance Commission be set up to look into and consider the matters of financial and resource mobilization aspects.
- ii) The financial and political empowerment as per the Seventy-Third Amendment should be seriously taken note of, political power *sans* financial power meaningless.
- iii) Finances should match functions at different levels or tiers of administrative hierarchy.
- iv) Empowerment at the grass-root level, that is, right from the village level, including financial power, should be extended in order to strengthen the democratic processes as well as decentralization of financial power. It was also felt that women and women NGOs should also be involved while deciding financial matters.
- v) A comparative study be conducted on the structure of income/sources or flow of income and the over-all financial position between the panchayati raj institutions and the Autonomous District Councils. Such structure of income should include both the tax and non-tax revenues.
- vi) An integrated approach to planning, programming and budgeting should be adopted with a view to effectively utilise the potential of decentralised planning.
- vii) A proper implementation of Article 243J of the Seventy-Third Amendment should be carried out in letter and spirit, especially with regard to periodical auditing of the accounts.

We take this opportunity to express our thanks and gratitude to the Rajiv Gandhi Foundation for sponsoring the Sub-Regional Workshop on Panchayati Raj in Shillong during October 12-14, 1995, under the Indian Council of Social Science Research, North Eastern Regional Centre at Shillong. We express our thanks to the ICSSR-NERC Screening Committee for asking us to edit the volume and particularly to its Chairman Professor B. Pakem whose constant help and support made the task easier. We also express the neat typing assistance rendered by Mrs. Jean Blah and Mrs. Carmela Shati. Lastly we owe our thanks and appreciation to Mr. Arun Kumar Verma, Regency Publications for having agreed to undertake the work of its publications.

## PANCHAYATI RAJ AND TRADITIONAL KHASI INSTITUTIONS: A COMPARISON

*Juanita War*

---

### **Introduction**

This paper seeks to compare traditional Khasi institutions of local self-government with the newly introduced Panchayati Raj institutions (PRI's) which came about in 1993 through the Seventy-third Amendment. Concepts of 'Panchayat' 'Panch Parmeshwar' 'Pansheel' however date many centuries back.

The purpose of comparison is to have a better understanding of both types of local self-government and to offer some suggestions.

The concept of self-government right upto the grassroot level is present in most tribal societies of the past. In the Khasi polity too the practice of self-government was well-defined and universal in all the Khasi-Jaintia Hills.

Bareh (1985) distinguishes between the earlier state systems such as Basanship, Doloiship and Lyngdohship, and the later ones such as Syiemship, Wahdadarship and Sirdarship. Historically, the evolution of Syiemship came about when Basans, Lyngdohs and the petty rulers combine to form a confederation of States, i.e., a Syiemship. The Syiemship was nominated and elected by an electoral council comprising the State Officials-Basans, Lyngdohs, Sirdars, Lyngskors, Metabors etc. as well as elected representatives. Such senior members of ruling clans are collectively known as *Ki Bakbraw* (the great ones).

Though it may not be possible to go into the details of traditional Khasi political organizations, a brief summary is given to indicate the four-tier structures.

- 1) *Ka Dorbar ka Hima Pyllun* (full-state Dorbar) was the supreme authority of the state, and the highest legislative, judicial and executive body. It was convened when the State faces calamities, epidemics or to discuss issues like extra-territorial rights, defence and foreign policies. A Cabinet or Executive Council handled other State subjects like trade, communications, principal markets rivers, forests and day-to-day administration. The Dorbar Hima acted as a supreme court and had judicial functions such as disposal of cases of petitioners and land disputes. *Ki Myntri*, *Basan*, *Lyngdoh*, *Lyngskor*, *Metabar*, were attached to the Syiem to carry out their various duties and submit judicial reports to the Syiem. *U Syiem Khyinnab* (Deputy Syiem) also assisted the Syiem in administration, while *Ka Syiem-Sad* helped in the preparation and organization of State rituals. In addition to the Chief and *Ki Bakbraw Ka Dorbar Hima* included representatives of the *Dorbar Raid*, *Dorbar Shnong* and *Dorbar Kur*.
- 2) *Ka Dorbar Raid* or *Ka Dorbar Ki Laiphew Shnong*<sup>(1)</sup> (Dorbar of the Thirty Villages) co-ordinated the affairs of constituent villages, (not necessarily 30 in numbers, but it included the whole commune or circle). All village headmen were members of a *Dorbar Raid*, with additional representatives whenever necessary. The Dorbar elected the *Rangbah Raid* (Head of the Raid) as Chairman and executive head, while members acted as advisors. The Dorbar supervised administration, improvement of markets, roads, collection of common market levies, maintenance of Raid lands and allocation of the same to landless people. It also arranged rituals and ceremonies, and sent offerings (such as a goat for sacrifice) at festivals. Village representatives from different localities were at times summoned to the Syiem's headquarters to resolve common issues. Once a verdict is given, it cannot be resolved by any other authority.
- 3) *Ka Dorbar ki Kyntoit* or *Ka Dorbar Pyllun* is a small council a group of villages or localities, with more or less the same,

functions as the above, with smaller jurisdiction within *ki kyntoit* (literally, 'units').

- 4) *Ka Dorbar Shnong* (Village or Local Dorbar). Being the smallest council of people at the village level, it met more frequently than the above Dorbar. As the *Hima, Raid and Kyntoit dorbars*, it had administrative, financial and judicial functions. In Bareh's words, it gave "directives for day-to-day administration" and functioned as a "court to dispose of cases and inflict penalties upon all wrongdoers". The *Dorbar Shnong* meet at any time of the day, morning (*Ka Dorbar Step*), day (*Ka Dorbar Sngi*) or night (*Ka Dorbar miet*). The *Dorbar Shnong* were formed and established by all resident villagers. It had the highest authority in all matters related to the village. The power and authority of the *Dorbar Shnong* was derived from the customs of autonomy and traditional practice, which had the force of law. As self-governing bodies, the *Dorbar Shnong* can be compared to ancient Greek city-republics "(P.R. Mawthoh, personal communication).
- 5) *Dorbar Kur* (Clan Council) At the lowest range; the *Kur* (Clan) council nonetheless functioned as an organised political unit. Male members of each *Kur* (Clan), *jait* (sub-clan) and sometimes of each *kpoh* (lineage) were sent as representatives. The *Rangbah Kur* (Clan headman) was also the *Kni Rangbah* (head uncle) as he was the eldest member of the clan. He served as the president, executive and judicial head, as well as the clan priest. The council looked after the clan lands (*Ri Kur*) and the welfare of all clan members, especially those who were destitute or unfortunate. It also settled disputes between clan members, disciplined the wayward ones, and generally exercised control over all *Kur* members.

The hierarchy of five different councils at different levels of jurisdiction and operation, points to the fact of grass-root democracy practised by the Khasis since ancient times. All democratic norms like election, majority, consensus, accountability, representation and so on, operated at all levels. The five councils were also linked to each other by representations and common agenda, as well as religious observances. The *Kur* (clan) as,

the nucleus of Khasi society was also the criteria for certain elected representatives.

It might be fruitful to study and research ancient democratic institutions like those of the Khasis, to throw some light on administration and social cohesion among the 'primitive' indigenous peoples of the world. This paper is an attempt, at a very small level, to do this by comparing the *Dorbar Shnong* with Panchayati Raj institutions. The *Dorbar Shnong* is taken because very little has been said about it.

Since this paper will be concerned mainly with the *Dorbar Shnong* vis-a-vis the PRIs, the details of this "resourceful Dorbar" (Bareh, 1985, p. 255) will be discussed in subsequent pages.

### **Comparison and Brief Description of the Dorbar Shong and PRIs**

#### *Structure*

Khasi Context		Indian Union Context
Past (5.. Tier)	Present (Multi Tier)	(3-Tier) or (6-Tier)
<i>Traditional Institutions</i>	(i) <i>Constitutional Institutions</i>	
a) Dorbar ka Hima Pyllun	a) Houses of Parliament	a) Houses of Parliament
b) Dorbar Raid or Dorbar ki Lai-phew Syiem	b) Legislative Assemblies	b) Legislative Assemblies
c) Dorbar ki Kyntoit or (Dorbar Pyllun)	c) District Councils	c) PRIs <sup>(2)</sup>
	(ii) <i>Traditional Institutions</i>	
d) Dorbar Shnong	d) Dorbar hima Pyllun	(i) District
e) Dorbar Kur	e) Dorbar Raid or Dorbar Ki Laiphew Syiem	(ii) Intermediate (Block)
	f) Dorbar Ki Kyntoit or Dorbar Pyllun	(iii) Village
	g) Dorbar Shnong	(iv) Gram Sabha <sup>(3)</sup>
	h) Dorbar Kur	

In all the three structures, the different tiers show an acknowledgement of decentralisation as political principle. Secondly, it acknowledges the principle of local self-government.

### Origin

The *Dorbar Shnong* may have originated and been necessitated by the geo-political contexts in the past. Generally isolated by lack of proper communications, the governance of the villages was in the hands of the villagers themselves. Villages under the Syiemship/Doloiship/Wahdadarship were more or less autonomous, the relationship with the Syiem and his representatives being rather loose and irregular. The *Dorbar Shnong* arising out of needs at the grassroot level had from times immemorial placed power with the people.

The same may be true of the indigenous Panchayats of the past. However, the origin of present-day PRIs lies in the enactments of the Highest Council (Parliament) by the Constitution (Seventy-Third Amendment) Act, 1993., and the Seventy-Fourth Amendment. The existence of PRIs by such "Legislative and administrative actions" of the Parliament and State Legislatures indicate a 'Top-Down' approach. However, PRIs enjoy constitutional status and are at par with Central and State governments. The motivations for the third tier in the Indian political structure include "the democratisation of our pluralistic society . . ." (p. 29, *Issues for Discussion*), transferring of "Power to the people" (p. 29) i.e., peoples' empowerment, devolution of power and decentralisation by establishing grassroot political institutions in every nook and corner of this vast country.

Being a "Top-Down" approach, constitutional and legislative acts also require mobilisation of support and awareness. The Task Force on PRIs recommends "NGOs, academic and professional bodies, trade unions, political parties and other groups and individuals should involve themselves in exerting pressure 'to restore power where it belongs'" (p. 29, *Issues*).

### Locale

While PRIs are instituted for rural areas, the *Dorbar Shnong* which originated in rural villages have also been made applica-

ble to various localities in urban areas like Shillong and Jowai in the present time.

### ✓ *Membership*

The *Dorbar Shnong* practises male suffrage because all males who have reached around eighteen years of age, are admitted to the *Dorbar Shnong* as voting members. Young males function as "Ki Nongpyrta Shnong" to announce meetings of the *Dorbar* and other community matters. They are also given light duties and responsibilities. However, there was no representation of women in the past. Women would come to the *Dorbar* only when cases or matters concerning them were discussed. In many *Dorbar Shnong* in the present times, women also take part (one village in West Khasi Hills, elected a woman as *Rangbah Shnong* and a number of *Dorbar Shnong* in urban Shillong include women in the Executive Committees or elect them as office bearers).

Representatives in PRIs are elected from within the territorial constituencies, in the Panchayat area (Article 243-C (2)). There is also a mandatory one-third representation by women, and reservations also for SCs and STs (Article 243-D (1)). By such provisions the Act ensures "universal" representation by all sections of a community.

### ✓ *Chairperson/Leaders or Headmen*

The *Dorbar Shnong* practises the democratic process of election for the office *U Rangbah Shnong* (Headman). If there are more than one *Rangbah Shnong*, one is then elected as Chairman. In many cases, especially when the village or locality is big in area, some *Rangbah Dong* (Area Elders/Leaders) help the *Rangbah Shnong* in administration.

Article 243-C (5) states that the Legislature of a state should pass a law for the election of a Chairperson at the village level, while at the intermediate and district levels the Chairperson will be "elected by, and from amongst the elected members thereof".

### Written/Unwritten

The institutions of PRIs are encoded in Parliamentary and Legislative Acts, along with detailed provisions in well discussed Constitutions. PRIs therefore enjoy constitutional status. On the other hand, the *Dorbar Shnong* in the past functioned purely on uncodified customary laws and practices, which were more or less binding on all citizens of the village. Nowadays the trends have changed, and many *Dorbar Shnong* have their own written constitutions, rules and regulations.

### ✓ Jurisdiction

*Dorbar Shnong* in the past had jurisdictions only in the villages. In the present time there are agreed areas within the jurisdiction of each local *Dorbar Shnong*. For example, Nongthymmai being a fairly large area, has eleven *Dorbar Shnong* each one operating within well-demarcated boundaries. However, in some matters of common concerns the different localities come together as *Ka Dorbar Pyllun Nongthymmai*. On such occasions Nongthymmai is taken as a single constituency. Similarly, *Ka Sanda Tynger* is the Council comprising of various neighbouring villages in the War area.

### Personnel

Besides the *Rangbah Shnong* (Headman), *Rangbah Dong* (Area Elders), and Committee members, other responsible people including women, can be given duties and responsibilities. In some cases eg., funerals, cleaning up the localities etc., the whole community takes part.

Though the ideal is for PRIs to "have personnel of their own" (p. 37, *Issues*), in actual fact the key functionaries such as Secretaries and Executives officers at all levels are government appointees who are liable to transfers and deputations, thus affecting the functioning of the PRIs. Secondly, absolute autonomy cannot be maintained.

### ✓ *Political Affiliation*

In the traditional *Dorbar Shnong* there is no question of party politics in the case of elections etc. This is still true in present day practices by and large. However, in urban localities a particular party has been setting up its candidate for the post of *Rangbah Shnong*. This may not be a healthy trend since party politics encourages power play, corruption, nepotism, and the unsavoury nexus between the politicians, functionaries and unwanted elements in the locality. Since parties are generally connected to the highest eschelons of power, the "top-down" control will defeat the very purpose of grass-root democracy.

In the case of PRIs, elections are contested on party lines. There are also provisions for interlocking membership among the various tiers of the Panchayat bodies, e.g., the Heads of Village Panchayats represent at the intermediate level, the Heads of intermediate Panchayats represent in the district level bodies while M.Ps and M.L.As<sup>(4)</sup> (party men) are voting members in the intermediate and district bodies. Such being the case, there is scope for party-politics.

### *Autonomy and Control*

The traditional *Dorbar Shnong* was entirely autonomous, since there was no funding nor personnel assistance from other sources. By and large, present-day *Dorbar Shnong* are still autonomous bodies, with independent decision-making processes and implementations. In very recent times, some control (through persuasions and incentives) may have been attempted by the State Government which met the *Synjuk Ki Rangbah Shnong* (Council of Headmen) at different times. The *Synjuk* itself is a newly constituted body in Shillong. Secondly, if a *Rangbah Shnong* or important functionaries in the *Durbar Shnong* are party men or actively affiliated to the ruling party, control is possible.

The spirit behind Panchayats as envisaged by Gandhiji, Rajiv Gandhi etc., is for autonomy and self-government, with minimum control and interference from state governments. However, the Task Force on PR has pointed out that the four parameters of PRIs for total self-government (p. 35, *Issues*) have been

tampared with by State Acts, thus undermining the autonomy of Panchayats and making them "a pawn in chess of power-politics." The Task Force suggests that any enquiry should be made by "an independent body." The fact that a sizeable amount is allocated by the state government from its consolidated funds and through taxes etc. (Article 243-H), it's possible for a loop-hole to occur in the question of autonomy or control in PRIs.

### *Finance*

Each *Dorbar Shnong* can levy contributions, duties (e.g. from markets) etc., from householders within its jurisdiction, to meet expenses such as, construction of roads, bridges, defence purposes, feasts and cultural festivals etc. The *Dorbar Shnong* can also impose fines on defaulters. Nowadays, some villages/localities levy a mandatory "*bairung shnong*" (duty paid on buying land, building a house etc). In each locality, collections are made from house to house to help a family with funeral expenses, or if a family or families meet with misfortunes (failure of crop, houses destroyed by fire and wind etc.).

Panchayats according to Article 243-H are authorised by State Legislatures to "levy, collect and appropriate" taxes, duties, tolls and fees. State Legislatures also assign taxes etc. to Panchayats and make grants-in-aid from the Consolidated Fund of the state. Since state funding is provided for, the financial matters of a Panchayat are to be reviewed by a Finance Commission as per the Provision of 243-I.

### *Assets*

Many villages own some community land e.g. *Ki Kblaw Shnong* (Village forests), usually those forests having water sources, streams etc., and *Ki Khyndew Shnong* (Village land) used for religious purposes, cremation grounds, sports and archery fields, schools etc.

### *Functions*

The Eleventh Schedule of Article 243-G lists around twenty-nine functions and areas to be taken up by PRIs. However, it is left

to State Government acts to allocate the various functions to the various tiers of PRIs. Police and judicial functions have also been recommended by the Task Force (p. 30. *Issues*).

The functions of the *Dorbar Shnong* necessarily arise out of the socio-cultural, politico-economic milieu of rural villages. In the past village defence<sup>3</sup> was an important agenda in the *Dorbar Shnong*. Other functions include the establishment of markets (*Hat*), usually organised by several neighbouring *Dorbar Shnong* (e.g. *Hat Shella*; *Iew-Dor*, a recently established market place near Mawrong), which then receive the green signal from the *Syiem/Wahdadar*. In the past such *Hat* or market function one day in a week, care being taken that different *Hat*, in the area do not fall on the same day. The villages were responsible for collecting duties from the market, its maintenance, and settling disputes. Developmental works such as the construction and maintenance of roads, bridges, water sources, sanitation etc. were taken up by the *Dorbar Shnong*. For example, poisoning of river fish was strictly prohibited. If fish was required, some fishing and netting was allowed (which was shared by the community). To keep the village clean, stone-walls were usually erected to keep the pigs confined to a particular corner. The practice of periodic *Pynkhuid Shnong* (cleaning the village) is still continued, even in urban localities (usually accompanied by a community feast). Welfare works, such as help rendered to the distressed or unfortunate and community service in construction of roads, houses, *Dorbar Hall*, schools, etc., are still an important part of village life. The *Dorbar Shnong* also functions as village/local courts to try petty cases such as land squabbles, fights, divorces, ex-communications of incestuous couples (*Shong sang*), boundary disputes, petty thefts etc. In the days of *U Thlen*, a man/woman suspected of being a *Nongsobnob* (ritual killer) can be beaten to death by the village, with the tacit consent of *Ka Dorbar Shnong*. At the religio-cultural level, the *Dorbar Shnong* may initiate and organise functions such as dances, festivals, hunts, archery etc.

Rules and regulations, "*Ki Adong Shnong*" passed by the *Dorbar Shnong* were strictly adhered to. For example, in times of plagues or infectious diseases, no one was allowed to enter the village. Similarly, to prevent the spread of diseases among animals, villages were not allowed to sell or buy pigs/cōws/

chicken, whatever the case may be. In cases of death having occurred in the village, it was (still is in most villages) mandatory for each house to send its adult representatives, and some young men are given the duty of digging the grave etc; a member of *shnong* as a community could not refuse such obligations. To cut wood, even to take a fallen branch and to disturb the flora, fauna and all living things within *Ki Law Kyntang* (sacred groves) was strictly prohibited. Christians as well as non-Christians alike consider such acts as sacrilege. Such practices clearly show the innate capability of tribals to manage natural resources from where they get their sustenance. Similarly, rules that forbade drinking or drunks, as well as disorderly conduct in the *Ing Dorbar* (Dorbar House) indicate a sense of propriety and seriousness of traditional institutions.<sup>6</sup> It may be well to restore such practices again in this more 'advanced' age!

Bareh observes that "because of the total village participation, it became itself a training ground in citizenship, welfare, oratory and in the resumption of economic activities. It channelised different means of village education acquainting young men in welfare, dance, music, social service and specialisation in their subjects including the use and veterance in martial arts." (p. 255)

Nowadays, especially in the urban setting some of the functions of the *Dorbar Shnong* have been modified to suit the needs and context. In several areas the *Dorbar Shnong* work together with Government agencies/functionaries and NGOs e.g., for obtaining and maintaining drinking water supply, electricity, roads, schools etc., to deal with anti-social elements such as bootleggers and drug peddlars, maintenance of law and order etc. *Dorbar Shnong* also collaborate with Church organizations to construct Lower Primary and Primary Schools (which usually serve as the *Ing Dorbar* when needed), Churches, cremation grounds etc. Recently, the KJP Synod sponsored by the NEC was instrumental in bringing non-conventional solar energy to a few villages in West Khasi Hills. The *Dorbar Shnong* is usually approached to implement other government programmes like Adult Literacy and non-formal education, IRDP, Public Distribution System, Nova Vidyalayas etc.

### *Accountability*

The *Rangbab Shnong/Dong* and executive members of the *Dorbar Shnong* are accountable to the villagers/householders. *Dorbar Shnong* is held whenever the need arises, which may be two-three times a year, or more. At such general meetings, questions or clarifications may be put forward by any member relating to any matter-financial, administrative or executive. Collective decisions are given after long and detailed deliberations.

PRIs too are accountable to the people, and to Vigilance Agencies if such exist. In financial matters a Finance Commission also acts as a review committee. However, since PRIs are politically linked, the wishes of political masters may over ride the voice of the people and "accountability to the people" may be perfunctory.

### **Conclusions: Some Suggestions**

It has been suggested by the Workshop on Traditional self-governing Institutions among the Hill Tribal Population Groups of NE India, that "the 73rd Amendment could be adopted by the exempted areas in order to reinforce their existing system of autonomous self-governance in its scope, functions, resources as well as democratic context." (p. 73 *Issues*). In other words, since the Khasis and other tribal groups in North-East India already have the age-old grass root democracy and traditional institutions of self-government with which they are conversant, some provisions of PRIs can be adopted or modified to strengthen the existing institutions to suit the regional or local contexts. This will truly give power into the hands of the people.

- a) Thus with regard to functions of the *Dorbar Shnong*, a few functions listed in Schedule II (Article 243-G) e.g. rural housing, adult, non-formal and vocational education, libraries, PHC and dispensaries, family and social welfare, Public distribution system, women and child welfare and development, can be introduced or experimented as new programmes for the *Dorbar Shnong*.
- b) In some *Dorbar Shnong* which still debar women from participation, there should be reservation for women.

- c) Since *Dorbar Shnongs* are based on customary laws and practices, they are generally unstructured. Some DS nowadays have written constitutions. There is a need for more well-defined and well-demarcated specifications on the various aspects of these local self-governing bodies. This will ensure non-overlapping of jurisdiction, functions, powers etc.
- d) The resources and finances of *Dorbar Shnongs*' can be enhanced by district and state funding, along the lines suggested for PRIs, along with a Finance Commission. However, accountability will have to be to the people.
- e) Schemes, programmes and plans should be people or village-centered and sponsored. Such schemes should be sent to the next level i.e., District Council or to the State Government, for ratification, deliberation and funding.
- f) Serious efforts should be made to educate the people and re-establish the rules of conduct and orderliness<sup>(6)</sup> in *Dorbar Shnongs*. This will enhance the prestige of *Dorbar Shnong*, and also link the present with the past rich tradition of the Khasis in matters of conduct and social behaviour.
- g) The relationship and co-operation of the *Dorbar Shnong* with the State and District bodies, as well as their traditional links with the *higher Dorbars* e.g. *Dorbar Hima*, can be studied and recommendations made.

In fact, a Study Group from the Political Science, Sociology, and History Departments as well as those involved in administration can be constituted to thoroughly research all aspects of the *Dorbar Shnong* and give their findings for public awareness and implementation. The above views and suggestions are those of a layman, with a view to start the ball rolling, for better and more just administration at all levels.

#### NOTES

1. In Bhoi areas, it usually known as *Ka Dorbar Raid*. Sometimes these also fall under *Ka Dorbar Ka Hima Pyllun*, i.e., certain cases are referred to the traditional *Syiem* (Chief/King) and his *Dorbar*.
2. Barring those areas mentioned in Article 243-M (1)-(3)
3. Does not apply to states having less than 20 lakhs population.

4. The Trans-Regional Workshops sharing a common perspective have suggested that MPs and MLAs should not have voting rights (p. 71, *Issues*). The Southern Region feels they need not be members of the PRIs (p. 52), while the Northern region suggests that they should be involved in the intermediate and district tiers only in the advisory capacity, without voting rights. (p. 55)
5. Some elderly people explained that this was the reason why women were not members in the Dorbars. Another reason was the distances that had to be covered on foot if women were elected representatives to the *Raid, Kyntoit and Hima Dorbar*.
6. Bareh quoted a British official's comments regarding the proceedings of the *Nongkhlaw State Dorbar* "I was struck with astonishment at the order and decorum which characterised the debates . . . every speaker was fairly heard out. I have often witnessed the debates of St. Stephen's Chapel, but those of the Cossya Parliament appear to be conducted with more dignity of manner!". Bareh also states that "the Dorbar was a social institution and was called *Ka Dorbar Blei*" i.e., a godly council or a council of god. The fixed disciplinary rules include — prohibiting drunkards, non-adults, irrelevant vociferous exclamations, personal attacks, disparaging remarks, sarcasm etc. Treating the Dorbar with contempt even resulted in ex-communication.

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# POWER TO PEOPLE IN MEGHALAYA

*Editors: M.N. Karna, L.S. Gassah and C.J. Thomas*

The Panchayati Raj system has been acclaimed as an essential element of Indian democracy. The historic 73rd Amendment which has given a constitutional status to Panchayats in the country is a major development in the post-Independent India. This 73rd Constitutional Amendment has given the Panchayat system not only identity and legitimacy but has made it a true instrument of self-government. Now it is in a position to involve itself in active process of decentralised planning.

This book *Power to People in Meghalaya: Sixth Schedule and the 73rd Amendment*, contains a collection of research papers contributed by various scholars and activists drawn from different disciplines of Social Sciences which were presented in a Sub-Regional Workshop sponsored by the Rajiv Gandhi Foundation, New Delhi, during October 1995.

The book offers detail information about the Sixth Schedule and the 73rd Amendment, critical assessment of the working of Khasi, Jaintia and Garo Hills, Autonomous District Councils in Meghalaya and also on Women in Meghalaya.

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