

**TRADITIONAL INSTITUTIONS IN KHASI HILLS: A STUDY OF
MAWPHLANG LYNGDOHSHIP**

BY

IENGSKHEM RYNGKI SYNNIANG

DEPARTMENT OF POLITICAL SCIENCE

SCHOOL OF SOCIAL SCIENCES

DISSERTATION

SUBMITTED IN PARTIAL FULFILMENT

OF THE REQUIREMENT FOR THE DEGREE OF

MASTER OF PHILOSOPHY

TO

NORTH-EASTERN HILL UNIVERSITY

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CONTENT

	Page No.
Declaration	i
Acknowledgement	ii
Chapter I: Conceptualizing Traditional Institutions of Lyngdohship	1
Chapter II: Powers and Functions of the Mawphlang Lyngdohship	29
Chapter III: Role of Durbar Shnong and Durbar Hima in Mawphlang Lyngdohship	57
Chapter IV: Relationship between the District Council and the Mawphlang Lyngdohship	84
Chapter V: Conclusion	105
Appendix	114
Bibliography	116
Brief bio-data	

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I, Iengskhem Ryingki Synniang, hereby declare that the subject matter of this dissertation is the record of work done by me, that the contents of this dissertation did not form basis of the award of any previous degree to me or to the best of my knowledge to anybody else, and that the dissertation has not been submitted by me for any research degree in any other University/Institute

This is being submitted to the North-Eastern Hill University for the degree of Master of Philosophy in Political Science.

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... whatever you do, do it all for the glory of God.

(I Corinthians 10:31)

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Last but not the least, I express my deep sense of gratitude to my parents, my relatives and well wishers for their constant prayer and encouragement. Here I dedicate this humble work to my parents, Mr. D.K. Ryingki and Mrs. V. Kharsynniang.

Iengskhem Ryingki Synniang.

CHAPTER I

CONCEPTUALIZING TRADITIONAL INSTITUTIONS OF LYNGDOHSHIP

Traditional institutions have attracted the attention of policy makers, researchers and social scientists. In India, there have been new concerns about traditional institutions in the 1990s mainly because of the advent of globalization which, among others, focus on multi-centred governance. There has been unexpected return to prominence, re-invention and resurgence of traditional institutions in North-East India in general and Meghalaya in particular. Indeed, some organizations in Meghalaya have been demanding for constitutional recognition of their traditional institutions, while others have called for a critical analysis. Additionally, the traditional institutions have also come into conflict with the Autonomous District Councils on a number of issues. In fact, the main tussle for power and control over resources has often led to the crisis of governance at the traditional level. The Meghalaya experience has shown how the existence of different authorities competing for control over resources has resulted into confusion and confrontation. It therefore becomes important to study the Mawphlang *Lyngdohship* to understand not only its traditional powers and functions but also its relations with the Autonomous District Council.

It may be difficult to define and categorize traditional institutions into social, cultural, political and economic institutions since tradition in any given society is a composite whole. As a passive process, traditions stand for time-honoured customs and respected beliefs. It is seen as an ideal type construct and a stultifying force that engendered and enforced cultural homogeneity. But before embarking on a discussion of traditional institutions of *Lyngdohship*, it is necessary to define the term tradition and institutions.

The word tradition is derived from the Latin word *tradere* which means to transfer or to deliver.¹ Tradition has also been explained as ideas, principles, knowledge and usages transmitted from generation to generation over a long period of time. In its most general usage, tradition may be defined as the element of historical continuity or social inheritance in culture, or the social process by which such continuity is achieved. More substantively, tradition refers to the collective social inheritance of a particular people, culture, society, group, or collectively and as such, stands as the referent of its collective identity. In this sense, tradition is generally conceived of as the aggregate mass of cultural forms - cast as knowledge, beliefs, practical routines, or texts that are the constituent elements of a culture, handed down from one generation to the next.² A political tradition may be understood as a set of convictions and beliefs concerning the political community including the behaviour of men as a political entity. Political tradition defines how

¹Carl J. Friedrich, *Tradition and Authority*, Macmillan Publishing, 1972, p. 14.

²R. Bauman, "Tradition, Anthropology of", *International Encyclopedia of the Social and Behavioral Sciences*, Vol. 23, Elsevier, New York, 2001, p.15819.

rules ought to be conducted and how the ruled behave towards their rulers.³ In other words, a tradition is embodied in habits, customs and norms which express the prevalent values and beliefs. Moreover, tradition is to be understood as a total heritage, beliefs, customs, styles and opinions transmitted from one generation to another generation.⁴ The entire socio-political life may therefore be said to be governed by the working of traditions.

In the general sense of the term, tradition refers to ideas, practices, customs and beliefs that have endured through time and have therefore been inherited from an earlier period. All the elements of social life should be regarded as traditional except those few actions which are absolutely novel, which people of a particular generation performs to give a new direction to social progress. In this sense, tradition may be seen as durable and stereotyped. It is inflexible, unchanging,⁵ and is typically referred to as stagnant, un-progressive, fatalistic and irrational. These classical conceptions of tradition correspond to the conservative Burkean perception of society which views tradition as the accumulated wisdom of the past. In short, traditions have been generally viewed as a force in preventing change, an attitude opposed to progress, innovation, growth and creativity. Andrew Heywood

³*Ibid.*

⁴S.C. Dube, *Tradition and Development*, Vikas Publishing House, New Delhi, 1994, p. 24.

⁵*Ibid.*, pp. 39-40.

maintains that tradition stands for absence of change;⁶ they are frozen in time and cannot be modified.

However, many scholars have challenged the view that tradition is a passive process and stated that the adherents of tradition and traditional institutions often questioned and modified it over time to make it dynamic. Those views that perceive tradition as unchanging and posed against modernity, were already challenged in the 1960s when Reinhard Benedix argued that the idea that the more there is of modernity, the less there is of tradition, was the result of a very exclusivist perception of society.⁷ Moreover, Alasdair McIntyre pointed out that a tradition that is living is always an embodiment of continuous conflicts: “indeed when a tradition becomes Burkean, it is always dying or dead”.⁸ Tradition therefore needs to be seen not in terms of modernity and change, but in the light of certain virtues grasped which have possibilities for the future drawing upon the past.⁹ Social scientists such as Eric Hobsbawm have argued that traditions can actually be invented and constructed, and that what sometimes have been passed off as very ancient tradition, are in fact of quite recent origin.¹⁰ Furthermore, traditions, like ceremonials, rituals, and even like nations are not handed down as inert ‘rock of

⁶Andrew Heywood, *Key Concepts in Politics*, Palgrave Macmillan, Basingstoke, 2005, p. 150.

⁷Quoted in Manorama Sharma, *Critically Assessing Tradition: The Case of Meghalaya*, Crisis States Programme, NEIDS, Shillong, India, 2004.

⁸*Ibid.*

⁹*Ibid.*

¹⁰See E. Hobsbawm, “Introduction: Inventing Traditions”, in Hobsbawm and Ranger (eds.), *The Invention of Tradition*, Cambridge University Press, Cambridge, 2000, pp. 1-2.

ages'; they are activated and reactivated by contemporaries, even invented on occasions for quite novel purposes.¹¹ Thus, traditions or traditional institutions need not be very old and exist from time immemorial but can be invented at any historical point of time according to the exigencies of the situation. It can undergo some modifications over time in response to changing circumstances. These changes may be recognized or unrecognized.¹²

The study of socio-political institutions has a well established tradition in social sciences. Thus with regard to institution, MacIver and Page has defined the word institution as an established form or conditions of procedure characteristic of group activity. According to them whenever associations are created in society, certain rules and procedures also must be created for the dispatch of common business and for the regulation of members to one another and such forms can be called as institutions. Thus, an organized group is termed as an association and its form of procedures is considered as institutions.¹³

According to Malinowski, for achieving any purpose or to reach any ends, human beings have to organize. Organization implies a very definite scheme or structure. The main features of such organizations are universal and are applicable to all groups in their typical form. For a unit of such an organization

¹¹E.A. Tiryakians, "Traditions in Sociology", *International Encyclopedia of the Social and Behavioral Sciences*, Vol. 23, Elsevier, New York, 2001, p. 15824.

¹²Audrey Cantlie, "The Concept of Tradition", in Moore, R.J. (ed.), *Tradition and Politics in South Asia*, Vikas Publishing House Pvt. Ltd., New Delhi, 1979, p. 12.

¹³R.M. MacIver and C.H. Page, *Society: An Introductory Analysis*, Macmillan, Delhi, 1974, pp. 15-16.

Malinowski uses the term institution. This concept implies an agreement on a set of traditional values for which human beings come together. These institutions satisfy various sets of needs, thus fulfilling a function.¹⁴

According to Talcott Parsons, institutions are generalized pattern of norms which define categories of prescribed, permitted and prohibited behaviour in social relationship for people in interaction with each other as members of the society and its various sub-systems and groups.¹⁵ In the broadest sense, institutions are simply rules. As such, they are a foundation for all political behaviour. Some are formal as in constitutional rules and some are informal as in cultural norms but without institutions there could be no organized politics. Indeed in the absence of institutions there could be no organization at all.¹⁶ Thus in the most general meaning of the term, institutions are defined as constraints or rules that induce stability in human interactions. In this sense it includes customs, usages, conventions and age-old practices of formal and informal social norms. All human societies have developed a variety of institutions which deal with recurrent basic problems in social life. An institution can thus be conceived to be the set of constraints or rules

¹⁴Bronislaw Malinowski, *A Scientific Theory of Culture and Other Essays*, Oxford University Press, London, 1944, p. 39.

¹⁵Quoted in P.V. Rao, *Institutional Framework for Tribal Development*, Inter India Publication, Delhi, 1986, p. 25.

¹⁶T.R. Voss, "Institutions", *International Encyclopedia of the Social and Behavioral Sciences*, Vol. 11, Elsevier, New York, 2001, p. 7554.

which determine the opportunities and incentives of the relevant actors in a given situation.¹⁷

As reflected in the above definition, these scholars unanimously consider institutions as formal bodies articulated and enforced through numerous traditional values which have been universally accepted by the groups. Institutions according to these writers are functional bodies which regulate the socio-political communication among the group for an ideal state of affairs.¹⁸ In short, institutions are the product of needs and experiences of the people and form the basis for the systematized form of social life. Moreover, it implies that institutions are valuable human constructs that embody deeply held ideas about right and wrong and about appropriate and inappropriate public behaviour. Institutions are efficient and effective only insofar as citizens comply with their rules and their decisions. Hence, only those institutions that are deeply rooted within a particular society, which reflect and embody widely held notions of legitimate authority, can command allegiance and attract compliance.¹⁹

There are some basic aspects of institutions: Firstly, the pattern of behaviour which is regulated by institutions deals with some perennial basic problems of a society. Secondly, institutions involve the regulation of behaviour of

¹⁷*Ibid.*, p. 7561.

¹⁸John H. Sema, "Traditional and Modern Political Institutions of Sumi Naga", *Ph.D. Thesis*, NEHU, Shillong, 2001, p. 4.

¹⁹Anirudh Krishna, "Global Truth and Local Realities: Traditional Institutions in a Modern World", in Surjit Singh and Varsha Joshi (eds.), *Institutions and Social Change*, Rawat Publications, New Delhi, 2003, p. 27.

the individuals in society according to some definite, continuous and organized pattern. Finally, these patterns involve a definite, normative order and regulation, that is, regulation is upheld by norms and by sanctions which are legitimized by norms. These elements of institutions have been emphasized and defined on a varied fashion by different writers. Therefore, institutions or institutionalization can be defined here as the regulative principles which organize most of the activities of individuals in a society into a definite organizational pattern from the point of view of some of the perennial, basic problems of any society or ordered social life.²⁰

At this point, it would be necessary to discuss the functions of institutions which have close resemblance to those of traditions. For Kingsley Davies, institution is a set of interwoven folkways, mores and laws built around one or more functions. Hertzler defines institutions as great clusters established, accepted and implemented ways of behaving socially. According to W.H. Hamilton institution connotes a way of thought or action of some relevance and permanence which is embedded in the habits of a group or the custom of the people. Institutions fix the confines of and impose forms upon the activities of human beings.²¹ According to these scholars, as reflected in the above definitions, traditions give stability and an essential rationality to many institutions. This coherence comes from the value permeated character of

²⁰Shmuel N. Eisenstadt, "Social Institutions" *International Encyclopaedia of Social Sciences*, Vol. 14, Macmillan Co. & Free Press, 1968, p. 409.

²¹S.N. Ganguly, *Tradition, Modernity and Development: A Study in Contemporary Indian Society*, The Macmillan Company of India Limited, Delhi, 1977, p. 48.

traditions.²² Moreover, institutions may change without affecting the tradition of a set of people. In short, traditions reflect a definite value – orientation of a set of people whereas institutions are merely functional in character.²³

Consequently, traditional institutions may be perceived as establishments based on customs and traditions. They are upheld, revered and respected more often than not, especially in the case of indigenous people, for symbolizing the cultural identity of the community they serve. Customs, conventions and values rather than the written word of law are often the driving forces behind actions of these traditional institutions. Values, acceptable and practiced by society, in turn enforce these forces.²⁴ In other words, traditional institutions include all forms of human institutions which have moral sanctions behind them and are recognized by the society. But it is believed that many of these moral sanctions are often flexible and adaptable in the context of change. S.C. Dube indicates that several traditional institutions are flexible enough to adapt themselves for new purposes with slight structural modifications.²⁵

The term traditional institution for the purpose of the present study would mean the age-old socio-political institutions prevalent among the Khasi for maintaining law and order in the society, settling disputes and administering the villages. However, the focus of the present study is on the institution of the

²²*Ibid.*, p. 49.

²³*Ibid.*

²⁴Toki Blah, “Traditional Institutions and Urban Governance”, *The Shillong Times*, Vol. LIX, No. 258, The Shillong Times Press, Shillong, 3rd and 4th May, 2004.

²⁵Quoted in P.V. Rao, *op.cit.*, p. 27.

Mawphlang *Lyngdohship*, which is one of the three *Lyngdohships* prevalent in the whole of Khasi Hills. The other two are Lyniong *Lyngdohship* and Sohiong *Lyngdohship*.

In relation to the conceptual and theoretical framework discussed above, it is appropriate to have a short background of the traditional institutions in the Khasi Hills and the evolution of the chiefs and *himas* or states. It is believed that the evolution of the traditional, social, cultural, ethical, political and economic ideals of the Khasi is interwoven around the origin of the *Kur* or clan. The Khasi tradition suggests that the state was founded on religion and religion starts within the *Kur*. The *Kur* is the nucleus around which all institutions - social, cultural and political revolve.²⁶

According to the Khasi tradition, the institution of the *Rangbah Kur* or clan leader has been maintained as the oldest institution.²⁷ When each *kur* or clan has settled down in a certain place they formed a village. The village society could assimilate the members of other *kurs* as well who might settle down in the village. Normally, Khasi men go to their wives' places but in some cases the male members of the founding clan bring their wives from other *kurs* or clans to stay in their village

²⁶Helen Giri, "Evolution of the traditional, social and political ideals of the Khasis and the Impact of British rule on these ideals", *Proceedings of the North East India History Association*, NEIHA, Shillong, 1980, p. 93.

²⁷[Http://ncrwc.nic.in](http://ncrwc.nic.in) (National Commission to Review the Working of the Constitution, consultation Papers on Empowering and Strengthening of Panchayati Raj Institution/ Autonomous District Council/ Traditional Tribal Governing Institutions in Northeast India, December, 2001).

thus increasing the number of *kurs* in the village.²⁸ In this way, many *kurs* came to stay in a village that initially began with only one *kur*. The *Rangbah Kur* who is normally the eldest male member of the *kur*; from the first or founding *kur*, assumed the office of the *Basan* or village chief. The remaining *kurs* in the village also elected their own representatives called *Ki Tymmen Ki San* or elders but in a village founded jointly by different *kurs*, the minor *kurs* would elect the *Tymmen Shnong* or the Headman.²⁹ Thus, there would be one or more headmen in the same village. As the *Basan* is responsible to look after the administration and welfare of both the *shnong* or village and the *raid* or congregation of villages, he was also called the *Basan Raid* or the *Basan Shnong*.³⁰ There were instances where some *raid* or *shnong* called their chief as *Lyngdoh* or priest. *Lyngdoh* can be of two types; one who is responsible for and entrusted to conduct the religious affairs of the clan and the state like the *Sohblei* of the *hima* Khyrim and the other who is entrusted with both the administrative and religious functions like the *Lyngdoh* of Mawphlang, Lynciong and Sohiong.

So far as the Khasi people are concerned, it appears that the germ of consciousness for the need of organization started at the level of the family or *kur* and is extended as the *kur* expands to the *shnong* and the *shnong* to the *raid* and later to the *hima*. *Hima* is the result of a mutual agreement among the leaders of *kurs* or

²⁸Helen Giri, *The Khasis Under British Rule (1824-1947)*, Regency Publications, New Delhi, 1998, p. 16.

²⁹*Ibid.*

³⁰*Ibid.*, p. 17.

Basans or *Lyngdohs* of the *raids*.³¹ Generally in the Khasi Hills, the Khasi *hima* was presided over by the traditional administrative heads or chiefs known by various names as *Syiem*, *Lyngdoh*, *Sirdar* and *Wahadadar* with the *Myntri(s)* or ministers, *Bakhraw(s)* or nobles and the *Basan(s)* representing their respective clans and villages at the *darbar*.³²

Accordingly, when the British had established their power and consolidated their position in the Khasi and Jaintia Hills, they set up and recognized 20 *Dolois* in the Jaintia Hills, 16 *Syiemships*, 3 *Lyngdohships*, 5 *Sirdarships*, and 1 *Wahadadarship* known as “Khasi States” (*himas*), and 31 *Sirdarships* known as “British Villages” in the Khasi Hills.³³ However, various interpretations have been given regarding the number of *himas* that existed during the period of the British rule. Alexander Mackenzie had given a list which included 25 recognized petty states (*himas*) in the Khasi Hills.³⁴ Here, Mackenzie is talking only about the recognized Khasi States. Thus, the inference which can be drawn from this is that there were more than 25 Khasi States at that time. A.J.M. Mills, in his *Report on Khasi and Jaintia Hills*, 1853, quoted that Col. Lister, the first Political Agent in Khasi and Jaintia Hills, had given the number of Khasi States as 23.³⁵ However, this

³¹*Ibid.*

³²[Http://ncrwc.nic.in](http://ncrwc.nic.in), *op.cit.*

³³Government of Meghalaya, *Report of the Land Reforms Commission for Khasi Hills*, Government Press, Shillong, 1974, p. 10.

³⁴A. Mackenzie, *The North-East Frontier of India*, Mittal Publications, New Delhi, 2003, p. 237.

³⁵A.J.M. Mills, *Report on the Khasi and Jaintia Hills 1853*, NEHU Publications, Shillong, 1985, pp. 42-44.

list might have omitted some of the petty states or accidentally excluded some of them. L.G. Shullai, in his book *Ki Hima Khasi*, had listed 25 independent Khasi states or *himas*. These include all those *himas* which fall under the *Syiem*, *Lyngdoh*, *Sirdar* and *Wahadadar*.³⁶ On the other hand, R.S. Lyngdoh, in his memoranda to the *Land Reforms Commission for Khasi Hills, 1974*, had stated that in the early times (before British occupation), there were 30 independent Khasi states.³⁷ However, there are very limited records as to give a correct account of the number of Khasi *himas* during the British rule in Khasi and Jaintia Hills. At present, there are 16 *Syiemships*, 3 *Lyngdohships*, 1 *Wahadadarship* and 5 *Sirdarships* included in the “Scheduled-I” and 30 *Sirdarships* included in the “Schedule-II”, of the Khasi Hills Autonomous District (Administration of Elaka) Act, 1991.³⁸

The *Syiemship*, an institution that existed even before the annexation of the British, is one of the most important traditional institutions of the Khasi. The *Syiem*, who is an elected chief of the *syiemship* with the assistance of other officials, administer the *hima* under the overall supervisions of the *durbar hima* or the state council which is the supreme authority in the Khasi political system.³⁹ A Khasi *Syiem* is the head of his *hima* but he ought to subject himself to ethical instructions

³⁶See L.G. Shullai, *Ki Hima Khasi*, L. Gilbert Shullai, Shillong, 2000, p. 1.

³⁷Government of Meghalaya, *Report of the Land Reforms Commission for Khasi Hills*, *op.cit.*, p. 97.

³⁸Government of Meghalaya, *The Khasi Hills Autonomous District (Administration of Elaka) Act, 1991*, (Published in the Gazette of Meghalaya, Extraordinary, Shillong, 17th May, 2006).

³⁹Gurudas Das, "Social Change and Traditional Tribal Political Systems in Meghalaya", in M.N. Karna, L.S. Gassah and C.J. Thomas (eds.), *Power to People in Meghalaya*, Regency Publications, New Delhi, 1998, p. 37.

prescribed by customary rules, laws and regulations as well as customs, traditions and usages.⁴⁰

Generally, the *Syiem* can be elected only from the *Syiem's* clan or its legitimate *kpoh* or womb. Formerly, the electoral council which comprises of *Myntris*, *Lyngdohs*, *Basans* and other heads of the clans, collectively known as the *Bakhraws* or nobles elects and appoints the *Syiem*. In some cases the *Bakhraws* proposed the name of the candidate whereas the people, or the electorate themselves, decide the nomination of the *Syiem*.⁴¹ The electorate consisted of all adult males. But at present, while the electoral council can make the nomination, the confirmation is made by the District Council, an autonomous body established under the Sixth Schedule to the Indian Constitution. Though Khasi *Syiems* are elected, yet the mode of election and nomination varies from one place to another.⁴²

In pre-colonial periods, the *Syiem* as the chief of the *hima* in consultation with the *durbar* performed administrative, military, religious, ceremonial and judicial functions. His was the highest court in the *hima*. All unsettled disputes either at the village level or at the *raid* level and serious cases involving severe punishment like life imprisonment and death were referred to his court where the

⁴⁰L.S. Gassah, "Traditional Self-Governing Institutions among the Population Groups of Meghalaya", in Atul Goswami (ed.), *Traditional Self-Governing Institutions among the Hills Tribes of North-East India*, Akansha Publishing House, New Delhi, 2002, p. 181.

⁴¹Hamlet Bareh, "Ancient Khasi Polity", in Jayanta Sarkar and B. Datta Ray (eds.), *Social and Political Institutions of the Hill People of North-East India*, Anthropological Survey of India, Calcutta, 1990, p. 70.

⁴²Sarahline M. Pdah, "Khasi Polity with special reference to the Syiemship", *M.Phil. Dissertation*, NEHU, Shillong, 1982, p. 32.

Syiem acted as a judge and the whole body of the *durbar* as the jury.⁴³ There was no land revenue and the *Syiem* had no power to confiscate public and clan property and it was not he who owned the land but the clans, villages and individuals. The main sources of income of the state were the crown or *raid* lands, *pynsuk* or state subscription, *khrong* or market toll, judicial fines, registration fees, etc.⁴⁴ Though these practices and usages varied from place to place yet they all emphasized on the vital needs for maintaining the unity of the *hima*.

The lone *Wahadadarship* also known as *Wadarship* of Shella, among the various chiefships recognized as “Native States” of the Khasi Hills by the British government is a unique political institution in many respects. The title of the chief of Shella, *Wahadadar* is undoubtedly not the traditional Khasi chief’s designation which is *Syiem*, *Basan* or *Lyngdoh*.⁴⁵ According to tradition preserved by the local people, the institution of *Wahadadarship* has been maintained from times immemorial, but its origin is not known even today. However, it was only after the death of Gunga Sing (1772-1790) who ruled Shella for some period that the old institution of *Wahadadarship* was revived.⁴⁶ Originally there were four *Wahadadars* in the whole of Shella confederacy.⁴⁷ At present, only one *Wahadadar* exists and he

⁴³P.R.T. Gurdon, *The Khasis*, Cosmo Publications, Delhi, 1975, p. 69.

⁴⁴Gurudas Das, in M.N. Karna, L.S. Gassah and C.J. Thomas (eds.), *op.cit.*, pp. 37-38.

⁴⁵P.N. Dutta, “Wahadadarship of Shella: Origin and Rise”, in S.K. Chattopadhyaya (ed.), *Tribal Institutions of Meghalaya*, Spectrum Publications, Guwahati, 1975, p. 81.

⁴⁶E. Laitflang-Warjri, “Polity Formation Among the Wars of Meghalaya”, *Ph.D Thesis*, NEHU, Shillong, 1989, p. 109.

⁴⁷H. Bareh, *History and Culture of the Khasi People*, Spectrum Publications, Guwahati, 1997, p. 83.

is recognized as the native chief of Shella. He is elected from among the general people of Shella Confederacy.

In Khasi Hills, the chiefs styled *Sirdars* are generally the heads of two to three villages. The institution of *Sirdarship* has a simple organization as a *Sirdar's* jurisdiction is more limited, confined to a few villages, compared with the *hima* such as the *Syiemship*, *Lyngdohship* or the *Wahadadarship*. A *Sirdar* normally is an administrator. He returned to office by virtue of election where all the male adults voted.⁴⁸ He is assisted by a number of assistants with appropriate functions.

The powers and functions of the *Sirdars* consisted of settlement of petty disputes in their villages. They derived their revenues from tolls in the markets and fines for offences. A duty of importance performed by the *Sirdars* is the maintenance of peace in their villages.⁴⁹ The institution of *Sirdarship* in Khasi Hills may be asserted as the creation of the British authorities. P.R.T. Gurdon agreed with the contention when he observed: "some small states, such as Mawdon and Pomsanngut are presided over by *Sirdars*, a name which has probably been introduced during the British era of supremacy in these hills."⁵⁰ Though this institution may be agreed to be the creation of the British authorities, yet it is still operating in the Khasi Hills.

⁴⁸*Ibid.*, p. 110.

⁴⁹P.N. Dutta, "Sardarship of the Khasi Hills: Origin and Development", in S.K. Chattopadhyaya (ed.), *op.cit.*, p. 97.

⁵⁰P.R.T. Gurdon, *op.cit.*, p. 75.

As has been already stated earlier, the final stage in the growth, development and evolution of the Khasi *hima* was based on the mutual agreement among the leaders of the *kur*, *Basans* and *Lyngdohs* of *shnongs* and *raids*. The Khasi tradition indicates that *Basanship* and *Lyngdohship* had already appeared before the existence of *Syiemship*. It will not be far from truth, therefore, if we argue that the institution of *Lyngdohship* is deeply rooted since time immemorial. This institution is very different from any other traditional institutions in the Khasi Hills. In the case of *Syiemship*, *Sirdarship* or *Wahadadarship*, the *Lyngdoh* is a priest, but in the institution of *Lyngdohship*, the *Lyngdoh* is instituted with both temporal and spiritual powers, that is, he is a priest and also the chief of the state or *hima*.

It may be quite difficult to understand the word *Lyngdoh* in the real sense of the term. In the strict sense, it may be said that *Lyngdoh* denotes those who are in charge of *Ka Niam* or religion. Such a *Lyngdoh*, who comes from the *Lyngdoh* clan, is appointed for the purpose and he is called *U Sohblei* or a Religious Priest. As the title of his office suggests, his main and foremost duty is to perform all traditional religious rites and functions in the village or *hima*. Therefore, any traditional rites and religious festivals concerning the whole village or *hima* have to be performed by this *Lyngdoh* alone. On the other hand, there is another type of *Lyngdoh* who is in charge of the administration of the *hima*, *raid* or *shnong* as well as the religious affairs of the *hima*; he is called the *Lyngdoh Synshar* or Priest Chief.⁵¹

⁵¹Giri (1998), *op.cit.*, p. 17.

The *Lyngdoh Synshar* or Priest Chief normally hails from the *Lyngdoh* clan. Only the male members belonging to the legitimate *kpoh* or womb of the respective *Lyngdoh* clan of the *hima* can contest for the office of *Lyngdoh*. He is usually elected by the entire population of male adults of his *hima*. He is assisted by minor *Basans* or *Myntris* who are elected from the founding clans of the *hima* but their appointments are subjected to the approval of the council of people attended by every male adult of the *hima*. In the past, junior *Lyngdoh(s)* assisted the *Lyngdoh Synshar* in running the administration.⁵² But at present the *Lyngdoh* is mostly assisted by *Myntris* and *Basans*.

However, in a broader analysis *Lyngdoh Synshar* may be further categorized into two kinds. In the first category, are those *Lyngdohs* who have control over some *raids* or few *shnongs*. They are called the *Lyngdoh Raid* or *Lyngdoh Shnong*. Normally, these *Lyngdohs* are appointed for religious purposes in the *raid* or *shnong* and at the same time they are not devoid of few secular functions as they are also the customary heads of the *shnong* or *raid*. But these *Lyngdohs* are generally under the overall supervision of the *Syiem* or the traditional head of the *hima* as they are appointed only as customary heads and, thus, their power is limited and they are accountable to the *syiem* or traditional heads. As in the case of Myllem *Syiemship*, each *raid* is under the control and administration of one *Lyngdoh* and four *Myntris*.⁵³

⁵²H. Bareh (1997), *op.cit.*, p. 258.

⁵³Saraline M. Pdah, *op.cit.*, p. 35.

The Khasi Hills Autonomous District Council, in its Eight Amendment Act, 2006 of the “Appointment and Succession of Chiefs And Headmen”, stated that “a *Syiem Raid*, a *Lyngdoh Raid* or a *Sirdar Raid* means the “Customary Head” under the traditional chief of any *elaka (hima)*.”⁵⁴ Thus, it indicates that the *Lyngdohs* in this respect are not independent chiefs but customary heads under the control of a traditional chief. They are normally appointed as religious heads of the *raid* comprising of some villages which fall under the overall control of the chief of the *hima*. The powers and functions of such *Lyngdohs* are therefore accountable to the supervision of the traditional chief who in most cases is the *Syiem*.

In the second category, are those *Lyngdohs* who are the chief of the *hima* or *Lyngdohship*. They are normally instituted with both temporal and spiritual powers and thus they act as administrators or chiefs of the *hima*. Here, the *Lyngdoh*, as the chief of the *hima* or *Lyngdohship*, has the same powers and functions like the *Syiem*, *Sirdar*, *Doloi* or *Wahadadar* as he is an independent chief. Moreover, the Khasi Hills Autonomous District Council makes no difference between them by explaining that the word “Chief” means a *Syiem*, a *Lyngdoh*, a *Doloi*, a *Sirdar* or a *Wahadadar* as the case may be of any *elaka (hima)*.⁵⁵ Mawphlang *Lyngdohship* is one of the three *Lyngdohships* which fall under this category.

⁵⁴Government of Meghalaya, *The United Khasi-Jaintia Hills Autonomous District, (Appointment and Succession of Chiefs And Headmen) Act, 1959*, (As Amended), Khasi Hills Autonomous District Council (KHADC), Shillong, 2006.

⁵⁵*Ibid.*

Mawphlang *Lyngdohship* or *Hima* Mawphlang is one of the *Lyngdohships* in Khasi Hills. It is situated in the southwest of Shillong, at a distance of about 24 kms. Mawphlang *Lyngdohship* is headed by a *Lyngdoh* or priest chief who is elected from the *Lyngdoh* clan by the entire population of male adult citizens of the *hima*. He is assisted by four *Myntris*, each from the Iangblah (Blah), Kharshiing, Kharhunai and Kharsohliya (Sohliya) clans. The *hima* is made up of 22 *shnongs* or villages which are headed by their respective headmen who receive their recognition from the *Lyngdoh* and the *durbar hima* and then are finally approved by the District Council. These headmen are elected from among the general people of the villages. The *Lyngdoh*, together with the four *Myntris* and some elected members from among the male citizens, formed the 'Executive Committee'.⁵⁶ This executive committee functions as an administrative body which looks after the day-to-day administration in the *hima*. Also, it is this executive committee which decides when to call the session of the *durbar hima* or the Grand *Durbar* which is participated by all male adult members of the *hima*. Besides, there is also the *durbar* of the *Lyngdoh* and the *Myntris* that takes up issues which are related with the day-to-day administration of the *hima*. It meets every week and thus decides on all important matters related to the *hima*. Any cases which this *durbar* cannot decide, it sends to the executive committee to find a solution. At the base is the *durbar shnong* headed by the *Rangbah Shnong* and participated by all adult male citizens of the

⁵⁶L.H. Pde, *Ka Khlaw Kyntang bad kiwei de ki khlaw Hima Mawphlang*, Deofavente, Shillong, 2002, p. 13.

village concern. It takes up issues related with those that fall under the jurisdiction of its village. For assistance in looking after the administration of the village, there is an executive committee of the *durbar shnong* which acts as an administrative body at the village level.

According to tradition preserved by the local people, the indigenous clans of the Mawphlang *Lyngdohship* are twelve in number and these are Iangblah (Blah), Kharshiing, Kharsohliya (Sohliya), Kharhunai, Lyngdoh Mawphlang, Kharphyrnep (Wankhar), Kharsahkhar, Kharnabi, Kharmawphlang, Kharlangniuh, Kharmaram and Kurkalang. But it was the Iangblah clan who were the first settlers in Mawphlang. The *Lyngdoh* clan was invited to come and settle there as the Iangblah wanted a priest to perform the traditional rites and rituals for their village. Other clans came later and settled in the *hima*.⁵⁷ This institution of *Lyngdohship* in Mawphlang has therefore grown out of the collective needs of the people of the *hima* Mawphlang and especially the twelve founding clans. However, it would be inappropriate without mentioning the existence of other clans too.

According to H. Bareh, the *Lyngdoh* clan of *hima* Mawphlang traced their origin from an ancestress that came up from Rani Kudam⁵⁸ in Kamrup. Another source stated that they traced their origin from Rangjyrteh in Mawphu village of the Jaintia Hills.⁵⁹ However, L.H. Pde stated that the *Lyngdoh* clan came through a

⁵⁷K.P., Chattopadhyay, *Essays in Social Anthropology*, KP Bagchi and Company, Calcutta, 1994, pp. 158-59.

⁵⁸H. Bareh (1997), *op.cit.*, p. 109.

⁵⁹E. Laitflang-Warjri, *op.cit.*, p. 37.

woman named Khmah Nongsai from Laitsohma village of Mawbeh-Lerkhar *Sirdarship*.⁶⁰ Subsequently, the *Lyngdoh* clan not only performed the religious duties but also acts as the secular head of the *hima*.

It was not exactly known when the *hima* Mawphlang was recognized as a separate state under the *Lyngdoh*. However, according to P.N. Dutta, Mawphlang was initially a dependent village of Nongkhlaw. But after Tirot Singh's detention, who was the chief of Nongkhlaw, the British government decided to restore Nongkhlaw to a scion of the royal family subject to certain modifications of his territory.⁶¹ Moreover, those chiefs who had voluntarily submitted to the British government and offered engagements acknowledging the British authority in the hills were allowed to retain their territories. Mawphlang, Sohiong, Mawiang, Nobo Sophoh, Jirang and others were some of these territories.⁶² Therefore, taking this aspect into consideration, it may be concluded that Mawphlang was recognized as a separate *hima* under the *Lyngdoh* only after the British rule was established in these hills⁶³ and it is still operating as one of the *Lyngdohship* in the Khasi Hills.

Survey of Literature

There are some available works on traditional political institutions of the Khasi Hills but these literature may not be applicable to the proposed subject on

⁶⁰L.H. Pde, *op.cit.*, p. 3.

⁶¹P.N. Dutta, *Impact of the West on the Khasis and Jaintias*, Cosmo Publications, New Delhi, 1982, pp. 74-75.

⁶²*Ibid.*

⁶³*Ibid.*

traditional institution of *Lyngdohship* which has a different kind of system where the *Lyngdoh*, who is an independent chief in a *Lyngdohship* is instituted with both temporal and spiritual powers. Some of the relevant literature for this particular study are discussed as under.

Gurdon's work, *The Khasis*,⁶⁴ contains a full record of the public and private life of the Khasi but its aim was not to deal with the socio-political institutions. J.N. Chowdhury's book, *The Khasi Canvas*,⁶⁵ deals with the different aspects of the Khasi but has discussed very little about traditional political institutions. Another book by H. Bareh, *History and Culture of the Khasi People*,⁶⁶ has discussed some of the Khasi traditional institutions but as his work is on the different aspects of the lives of the Khasi, the author did not deal elaborately with the traditional political institutions.

H. Bareh in his book, *Khasi Democracy*,⁶⁷ has discussed about the evolution of *Syiemship*, the working of village councils, state council and the important position held by the chief of the states. However, though the British government retained these traditional heads yet they were required to abide by the advice and directions of the government. *Tribal Institutions of Meghalaya*,⁶⁸ an edited book by S.K. Chattopadhyaya, is another collection of various papers related with the

⁶⁴P.R.T. Gurdon, *The Khasis*, Cosmo Publications, Delhi, 1975.

⁶⁵J.N. Chowdhury, *The Khasi Canvas*, Jaya Chowdhury, Shillong, 1978.

⁶⁶H. Bareh, *History and Culture of the Khasi People*, Spectrum Publications, Guwahati, 1997.

⁶⁷H. Bareh, *Khasi Democracy*, Ri Khasi Press, Shillong, 1964.

⁶⁸S.K. Chattopadhyaya (ed.), *Tribal Institutions of Meghalaya*, Spectrum Publications, Guwahati, 1975.

traditional institutions of Meghalaya. This book is an attempt at presenting a descriptive account of such institutions. It has discussed in detail the powers and functions of the institutions relating to particular tribes and communities in Meghalaya. However, this book does not include any particular topic related with the institution of *Lyngdohship*.

H. Bareh in an article, “Ancient Khasi Polity”,⁶⁹ has focused on the traditional political institutions of the Khasi which was based on a strong federal set-up, the *Syiem* being the federal agency, the communes and villages being the federating units. The state came into being as a result of agreements, covenants and contracts entered by the various heads of the communes and units who consented to place the *Syiem* at the top of this union. The final authority thus lies with the *Syiem*'s court. Here the author has focused on the powers and functions of the *Syiem*, the role and function of the *durbar* and its impact on imparting and training the art of self-government and creative citizenship to the people.

P.R.G. Mathur in his book, *Khasi of Meghalaya*,⁷⁰ has discussed in general about the powers and functions of the Khasi *durbar* and their role. Mathur has stated that the traditional *durbar* system of the Khasi functions at four levels, starting from the clan council or *durbar kur*, village council or *durbar shnong*, congregation of villages council or *durbar raid* and, at the top, the state council or *durbar hima*. Each

⁶⁹H. Bareh, “Ancient Khasi Polity”, in Jayanta Sarkar and B. Datta Ray (eds.), *Social and Political Institutions of the Hill People of North-East India*, Anthropological Survey of India, Calcutta, 1990.

⁷⁰P.R.G. Mathur, *Khasi of Meghalaya*, Cosmo Publications, New Delhi, 1979.

of these has its own head and their authorities are subordinate to a central one giving the administration a hierarchical structure. The *durbar* is known as the supreme authority but with the formation of the District Council and the establishment of the District Council Court, the powers of these traditional chiefs and the *durbar* were curtailed to a considerable extent. E. Jyrwa in an article, “Traditional Village Council of the Khasi”,⁷¹ focuses on the village council or *durbar shnong*; its powers, functions and duties. The *durbar shnong* is based on male adult franchise. Women are not allowed to participate in the *durbar* system. Again, persons without moustache or with physical deformities or who are mentally retarded are not allowed to take part in the meeting of the *durbar*. Here the author discusses about the unlimited powers of the village council in ancient times. However, in modern times the District Council has treated these village councils as its subordinate bodies.

A.K. Nongkynrih’s work, *Khasi Society of Meghalaya: A Sociological Understanding*,⁷² discusses about the functioning of two tier structures, the *shnong* and the *raid* or *hima* of the Khasi *durbar* system as traditional institutions of political governance. However, since the objective of this book is to study the Kongthong village of *hima* Sohra, thus, his study deals with the traditional political institutions in the village society and its link with the modern political institutions of the country.

⁷¹E. Jyrwa, “Traditional Village Council of the Khasi”, in A.K. Baruah (ed.), *Proceedings of the North East India Political Science Association*, (Third Annual Conference, Doimukh), NEIPSA, Shillong, 1993.

⁷²A.K. Nongkynrih, *Khasi Society of Meghalaya: A Sociological Understanding*, Indus Publishing Company, New Delhi, 2002.

Law and order, peace and harmony and all legal administration were looked after by the village council or *durbar shnong*.

P. Malngiang in an article, “The Traditional Durbar System in the Khasi Hills”,⁷³ mentions about the changing patterns of the Khasi traditional *durbar* system where women and youth are also permitted to take part in the village council or *durbar shnong* in the present time. A.K. Baruah in his paper, *Ethnic Conflicts and Traditional Self-governing Institutions: A Study of Laitumkhrah Dorbar*,⁷⁴ discusses the changing patterns of the traditional political institutions of the Khasi. His study is on Laitumkhrah *durbar shnong*, one of the urban local council where the representation of women and youth organizations as members of the executive committee of the *durbar shnong* exists though this is strictly against traditional practices. The author has argued about the conflict of values between traditional and modern politics where traditional values are under pressure to accommodate constitutional norms and practices of Indian democracy.

H. Giri's work, *The Khasis Under British Rule (1824-1947)*,⁷⁵ has focused on the historical evolution and formation of Khasi states and Khasi polity and also briefly discussed about the three tier *durbar* system functioning in the traditional

⁷³P. Malngiang, “The Traditional Durbar System in the Khasi Hills”, in A.K. Baruah (ed.), *Proceedings of the North East India Political Science Association*, (Fifth Annual Conference, Union Christian College, Barapani), NEIPSA, Shillong, December, 1995.

⁷⁴A.K. Baruah, *Ethnic Conflicts and Traditional Self-Governing Institutions: A Study of Laitumkhrah Dorbar*, Crisis States Programme, Working Paper No. 39, LSE, London, 2004.

⁷⁵H. Giri, *The Khasis Under British Rule (1824-1947)*, Regency Publications, New Delhi, 1998.

political administration with *shnong*, *raid* and *hima* in a bottom-up structure respectively.

P.N. Dutta's book, *Impact of the West on Khasis and Jaintias*,⁷⁶ and Gurudas Das's article, "Social Change and Traditional Tribal Political System in Meghalaya",⁷⁷ have discussed about the impact of British rule on the traditional political institutions of the Khasi where the powers of these traditional heads completely lost their external sovereignty as well as certain internal administrative and judicial powers to the colonial British rulers. The British policies towards the Khasi-Jaintia states have resulted in the extinction of *Syiemship* in Jaintia Hills and submission of certain powers of the Khasi chiefs to the British authorities which finally led to the lost of their ancient status.

L.S. Gassah in his book, *Traditional Institutions in Meghalaya: A Study of Doloiship and His Administration*,⁷⁸ has discussed about the evolution and the functioning of the institution of *Doloiship* in Jaintia Hills and the effect of the British and the District Council on these traditional system. Again in his article "Traditional and Emerging Leadership Pattern in Khasi- Jaintia Hills of Meghalaya",⁷⁹ Gassah briefly

⁷⁶P.N. Dutta, *Impact of the West on Khasis and Jaintias*, Cosmo Publications, New Delhi, 1982.

⁷⁷Gurudas Das, "Social Change and Traditional Tribal Political System in Meghalaya", in M.N. Karna, L.S. Gassah and C.J. Thomas (eds.), *Power to People in Meghalaya*, Regency Publications, New Delhi, 1998.

⁷⁸L.S. Gassah, *Traditional Institutions in Meghalaya: A study of Doloiship and His Administration*, Regency Publications, New Delhi, 1998.

⁷⁹L.S. Gassah, "Traditional and Emerging Leadership Pattern in Khasi Jaintia Hills of Meghalaya", in B.C. Bhuyan (ed.), *Political Development of the North-East, Part-II*, Omsons Publications, New Delhi, 1992.

discusses about the emergence of political elite from two aspects. Among the traditional institutions, leadership was vested in persons belonging to certain original or founding clan or clans. In modern democratic institutions, leadership is provided by the educated elite of the society. The impact of these modern democratic institutions can be seen in the present period where political leaders come from every nook and corner of the state irrespective of the fact whether they come from the erstwhile British areas or erstwhile Khasi states.

S.K. Chaube's work, *Hill Politics in North East India*,⁸⁰ deals mainly with the emergence of hill politics and the creation of the District Council in North-East India which brought the traditional institutions and their chiefs under the supervision of the modern democratic institutions. With the advent of new modern institutions, the powers and functions of the traditional chiefs were threatened and, for this reason, the Autonomous District Councils were never welcomed.

From the survey of literature mentioned above it is seen that though there are a number of works on traditional institutions yet no study has been conducted on the Traditional Institution of *Lyngdohship* in general and the Mawphlang *Lyngdohship* in particular. Therefore, the present study is an attempt to analyze the powers and functions of the Mawphlang *Lyngdohship* and its relationship with the District Council.

⁸⁰S.K. Chaube, *Hill Politics in North East India*, Orient Longman, New Delhi, 1999.

CHAPTER II

POWERS AND FUNCTIONS OF THE MAWPHLANG LYNGDOHSHIP

Human beings have always needed a structure which provides them a social space to operate. This space is needed to be regulated by a hierarchy of command and enforcement of norms. In other words, they have always needed an institution as a means to protect and project their interests. A political and organized body possessing the right of making rules, laws and regulations for regulating and preserving of rights and liberties which serve the public as a whole. In modern parlance, they need socio-political institutions or government with established and accepted norms of governance.¹ The Khasi *hima* or state and the *durbar* or council system with their chiefs and other heads of the clans are such similar socio-political institutions. These socio-political institutions had served and have been serving the cause of the communities by ensuring continuation of life and property through a system of guiding principles, norms, practices and beliefs in an organizational structure and governing procedures.

Like other tribal people, the Khasi have their own distinctive codes of behaviour and modes of social control which are different from those to which non-khasi are accustomed. Their social and political institutions have been evolved over

¹Amar Yumnam, "Traditional Self-Governing Institutions of the Hill Tribes of Manipur: An Economist's View", in Atul Goswami (ed.), "*Traditional Self-Governing Institutions Among the Hill Tribes of North-East India*", Akansha Publishing House, New Delhi, 2002, p. 214.

the centuries according to their tribal genius and instincts.² With the coming of the British rule, certain changes were introduced to regulate the relationship between themselves and the Khasi chiefs. The changes were made through the 'Agreement, Engagements, Treaties and *Sanads*' entered between the British and the Khasi chiefs at different periods.³ But the British rulers did not interfere with the customary practices of administration. With the attainment of Independence, the powers of the Khasi chiefs were further reduced and they were treated by the District Council as its subordinate officials.⁴ However, the structural organization of the Khasi *hima* remains the same as it had always been and the autonomy of the chiefs is still maintained in some matters like the administration of petty civil cases where their jurisdiction remains unlimited.⁵

Structural organization

State organization of the *hima* Mawphlang took shape with the demarcation of territory and authority. The primary territorial units are the villages or *shnongs*. Each village constituted a *darbar shnong* which is administered and presided over by a *Rangbah Shnong* or headman. The *darbar shnong* is quite a

²Sarahline M. Pdah, "Khasi Polity with special reference to the Syiemship", *M.Phil. Dissertation*, NEHU, Shillong, 1982, p. 30.

³*Ibid.*

⁴L.S. Gassah, "Traditional Self-Governing Institutions Among the Hill Population Groups of Meghalaya", in Atul Goswami, *op.cit.*, p. 189.

⁵Sarahline M. Pdah, *op.cit.*, p. 30.

resourceful *durbar* in which all the male adults sit together to discuss vital issues.⁶ This *durbar* is concerned with providing directives for the day-to-day administration and also responsible for protecting and strengthening the morale of the community.⁷ In most of the cases, the headmen are assisted by some village elders who constitute the 'Executive Committee' and acts as an executive body of the *durbar shnong*. All important matters concerning the village are discussed at the *durbar shnong*.

In most of the *Syiemships*, there is an intermediary unit like the *raid* or congregation of villages and the *durbar raid*. Each of these *raids* are administered by the *Syiem Raid*, *Lyngdoh Raid* or *Sirdar Raid* and assisted by some officials. However, there are some smaller *Syiemships* like Malai-Sohmat, Langrin and Bhowal which does not have these intermediary units.⁸ These *Syiemships* are constituted simply by the association of villages which are directly administered by the *Syiem* and his *durbar*.⁹ Like these smaller *Syiemships*, the Mawphlang *Lyngdohship* does not have any of these intermediary units like the *raid* or the *durbar raid*.

Since there is no intermediary unit, the structural organization of the the Mawphlang *Lyngdohship* rest only with *shnongs* at the base and the *hima* at the apex. There are 22 villages which comprise *hima* Mawphlang or the Mawphlang *Lyngdohship* namely; (i)Mawphlang Dongiewrim, (ii)Mawphlang Dongmission,

⁶H. Bareh, *History and Culture of the Khasi People*, Spectrum Publications, Guwahati, 1997, p. 255.

⁷P.R.G. Mathur, *The Khasi of Meghalaya*, Cosmo Publications, New Delhi, 1979, p. 66.

⁸Sarahline M. Pdah, *op.cit.*, p. 33.

⁹*Ibid.*

(iii)Mawphlang Nongrum, (iv)Mawphlang Mawkohmon, (v)Lad Umrissain, (vi)Mawngap Lumparing, (vii)Mawngap Mawkharshiing, (viii)Mawngap Dukan, (ix)Mawngaprim, (x)Mawngap Khliehshnong, (xi)Mawngap Mawsmmai, (xii)Um Tyrniut, (xiii)Mawmyrsiang, (xiv)Ur-ur, (xv)Wahrynghaw, (xvi)Lyngkien Sunnei, (xvii)Lyngkien Tyngiew, (xviii)Kyiem, (xix)Lyngkien Ramklang, (xx)Wah Umlawbah (xxi)Laitmawpen and (xxii)Jathang.¹⁰ Each of these villages is administered by the *Rangbah Shnong* or headmen who are recognized and who have received *Sanads* from the *Lyngdoh* of the *hima*.¹¹ *Sanads* are legal documents issued by the District Council to the chief after being elected by the people of his *hima*. It spells out the terms to be fulfilled by the chief during the period of his administration. Formerly, the independence of the Khasi states was recognised by the British in the form of agreements and treaties. It was in 1877 that the formal recognition was replaced with *Sanads*.¹² Normally, it is the District Council which issues *Sanads* to the traditional chiefs and headmen in the present day. However, these traditional chiefs are still issuing *Sanads* to the headmen falling under their jurisdiction or within their *hima*. The *Lyngdoh* of *hima* Mawphlang argued that if the headmen falling under the jurisdiction of the *hima* directly receive *Sanads* from

¹⁰Interview with N.K. Lyngdoh (Lyngdoh of *hima* Mawphlang), on 6th June, 2009.

¹¹*Ibid.*

¹²K. Cantlie, *Notes on Khasi Law*, Chapala Publishing House, Shillong, 2008-2009, P. 148.

the District Council authorities, then the traditional chief will have limited powers on these headmen.¹³

The headmen are assisted by a number of village elders who formed the executive committee of the *durbar shnong*. As per the guidelines of the *hima*, the executive committee comprises of nine (9) members. These members are elected by the *durbar shnong* from among the village elders of the village concerned. Usually, those who possess vast knowledge about public affairs and welfare of the people are selected as members. Their membership is fixed for one year but the *durbar shnong* can extend the period if necessary. The executive committee looks upon all those cases which relates with the day-to-day administration of the village. However, all vital matters concerning the village are discussed at the *durbar shnong*.

On the other hand, the *hima* is headed by the *Lyngdoh* and assisted by four *Myntris*. The *Myntris* are elected from among the four founding clans, each from Iangblah (Blah), Kharshiing, Kharhunai and Kharsohliya (Sohliya). The controlling and administrative authority in the Mawphlang *Lyngdohship* is the *durbar hima* which can be attended by all male adult members. Normally, one male adult from each household is required. The *durbar hima* is usually convened when there are any important matters concerning the whole *Lyngdohship* like law and order problem, election of the *Lyngdoh*, approval of names to the post of *Myntris*

¹³N.K. Lyngdoh, *op.cit.*

etc. This *durbar* is usually conducted in the open, at *U Lum Ryngkew Mawiong*.¹⁴ As per the norms of the *hima*, it is supposed to be held once every year. But in certain cases it can be held twice a year or there can be a lapse of one to three years as the case may be.

Besides the *durbar hima*, there is an executive committee of the *hima* which functions as the executive body and meets whenever required. It is headed by the *Lyngdoh* and assisted by the four *Myntris*. The membership of the executive committee varies from nine (9) to six (6) members excluding the *Lyngdoh* and the *Myntris* depending on the decision of the *durbar hima*. At present there are six (6) members.¹⁵ The six (6) members are elected by the *durbar hima* and consisted of village elders who possess vast knowledge of public affairs and who are willing to work for the welfare of the people. While the *Lyngdoh* and the four *Myntris* enjoy lifetime tenure, the other members cease their membership once they are replaced by the new members. These members are usually elected for a period of one year but their term may be extended as per the wishes of the people. Moreover, there is the ‘*durbar* of the *Lyngdoh* and the *Myntris*’ which meets every weekend and thus look after the day-to-day administration of the *hima*.¹⁶

¹⁴Laitflang-Warjri, Elizabeth, “Polity Formation Among the Wars of Meghalaya”, *Ph.D. Thesis*, NEHU, Shillong, 1989, p. 18.

¹⁵N.K. Lyngdoh, *op.cit.*

¹⁶*Ibid.*

Succession and election to chiefship

To most of the tribal societies in different parts of the world, the process of succession to chiefship is hereditary.¹⁷ However, in the case of the Khasi it is different, as their society, which is embedded in matrilineal system, is having its own type of succession different from other societies. In the case of Khasi and Jaintia traditional polity and stratification, it is found that the original or founding clans have a special place and role to play in a *shnong* or *hima*.¹⁸ Thus, the process of succession prevalent among the Khasi is based on the clan system. But apart from the *kur* or clan, there is the *kpoh* or womb (lineage) which claims descent from the young ancestress. Each *kpoh* is sub-divided into *Iing* or houses (families).¹⁹ Thus when the *kur* expands, turning into vast families, there are certain *kpoh* which is legitimately entitled to succeed to the post of *Lyngdoh* in the *hima*.

The succession to the post of *Lyngdoh* in the Mawphlang *Lyngdohship* is not through nomination based on the required qualification like age, marital status, etc. but it is the *kur* or clan which plays a vital role in the selection of the chief. Normally, members of the concerning *Lyngdoh* clan decide among themselves on a single candidate and send the same to the *durbar hima* for ratification. But there are some cases where the particular clan cannot decide on a single candidate and thus

¹⁷H. John Sema, "Traditional and Modern Political Institutions of Sumi Naga", *Ph.D. Thesis*, NEHU, Shillong, 2001, p. 34.

¹⁸L.S. Gassah, "A study of Emerging Political System and its effects on Traditional Leadership in Jaintia Hills of Meghalaya", *Ph.D. Thesis*, NEHU, Shillong, 1988, pp. 123-24.

¹⁹Helen Giri, *The Khasis Under British Rule (1824-1947)*, Regency Publications, New Delhi, 1998, p. 12.

have to go through elections conducted by the District Council. The *Lyngdoh* clan of *hima* Mawphlang is having two *kpoh* or wombs who are entitled to succeed to the post of the *Lyngdoh*. From these two *kpoh*, four candidates contested in the elections conducted by the District Council.²⁰ Thus, the present *Lyngdoh* (N. Kingkerious Lyngdoh) was elected under the District Council Regulation of 1983 through secret ballot.²¹ He was appointed to the office of *Lyngdoh* in 1996 as Acting Chief and was elected as the full fledged *Lyngdoh* from the year 2000.²² The recognition of the *Lyngdoh* is done through the granting of *Sanads* by the District Council only after elections. The elections of the *Lyngdoh* was held in a general meeting comprising of all male adult members of the *hima*.

In the case of *Syiemship*, the succession to the post of the *Syiem* is passed through the eldest of the *Syiem*'s uterine brothers, or through the legitimate *kpoh* or womb from the female side or those nearer in degree of relationship. In the Mawphlang *Lyngdohship* since there are two legitimate *kpoh* who can claim for the position, the clan has to either come with a consensus candidate or put the candidates into a trial of strength through elections. Once elected the *Lyngdoh* serves for a lifetime period unless he himself wishes to opt out or step down on personal matters. In certain cases he may be removed from office on certain ethical grounds only. According to the *Riti Synshar*, the *durbar hima* which is the supreme authority

²⁰The candidates are Khamshai Lyngdoh, Lurshai Lyngdoh, Eston Lyngdoh and N. Kingkerious Lyngdoh.

²¹Laitflang-Warjri, Elizabeth, *op.cit.*, p. 38.

²²N.K. Lyngdoh, *op.cit.*

in the Mawphlang *Lyngdohship* can remove the *Lyngdoh*, “if he goes and acts against the *durbar hima* and also if he goes against the wishes of the people of the *hima*”.²³

The most important functionaries who occupy important positions in the *hima* next to the *Lyngdoh* are the *Myntris*. First of all, the respective clans decide among themselves for a person deemed fit for the post and then nominate the names to the *durbar hima* for appointment. Once accepted by the *durbar hima*, the *Lyngdoh* forwards the name to the District Council. The District Council only approves the name through a letter of approval.²⁴ The clans therefore play a major part in the selection of the *Myntris* as the people and the District Council only confirm what has been decided by the clans. Unlike the election of the *Lyngdoh*, in the selection of the *Myntris*, people do not have any power to elect or chose them. It is the clans that take major steps in the selection and nomination of the candidates.

Unlike the *Lyngdoh* and the *Myntris*, where their succession is hereditary based on the matrilineal system, the selection of the *Rangbah Shnongs* is different. The election to the office of *Rangbah Shnong* has some resemblance to the modern democratic system. In the elections of the *Rangbah Shnong*, there is no special preference given to any of the particular clan(s) as it is with the case of the *Myntris* and the *Lyngdoh*. Irrespective of whatever clan they belong, all the clans have equal rights and privileges to set up candidates for the office of the *Rangbah Shnong*.

²³*Ka Kot Hima Mawphlang Shaphang; Ka Riti Synshar Khadar*, Mawphlang Lyngdohship, 1970.

²⁴N.K. Lyngdoh, *op.cit.*

However, since the original or founding clans are always a majority in a village, the villagers often favour the candidate who belongs to such clan or clans. This however does not mean that the candidature to the office of *Rangbah Shnong* is confined strictly to such major clans only.

Normally, *Rangbah Shnongs* are elected by the adult male members of the village concerned. There is no fixed tenure for their term.²⁵ They hold office as long as they have the mandate of the people. They are supposed to duly return every year to their *durbar shnongs*. Their term of office may be decided at the session of the *durbar*. It is to be noted that outsiders and aliens are not allowed to take part in the *durbar* sessions.²⁶ Moreover, only male adult members are permitted to take part in the process. Women are still not permitted to participate in the *durbar* system. However, in some villages they are not totally restricted from attending the *durbar* as in Laitmawpen and Wah Umlawbah.²⁷ In the Khasi society, which follows the matrilineal system, women inherit property but they are not generally entitled to succeed to the office of chiefships.²⁸ Though it appeared that in the distant past women have occupied the office of *Syiemship* in *hima* Nobosohphoh,²⁹ yet, at present, most of the Khasi *darbars* still restrict women from taking part in its

²⁵Interview with N. Kharsyntiew, R. Kharbudon, D. Kharshiing, P. Hynniewta, S. Lyngdoh, E. Jyrwa, R. Kharrngi, B. Rynjah and L. Kharphuli (Rangbah Shnongs of Umtyrniut, Mawngaprim, Mawphlang Dongiewrim, Mawphlang Lad Umrissain, Mawphlang Mawkohmon, Kyiem, Lynkien Ramklang, Lyngkien Sunnei and Ur-ur), on 14th, 23rd & 25th July, and 7th & 12th August, 2009.

²⁶*Ibid.*

²⁷Interview with P. Kharshiing and K. Kharshiing (Rangbah Shnongs of Laitmawpen and Wah Umlawbah), on 29th August, 2009.

²⁸H. Bareh, *op.cit.*, p. 50.

²⁹*Ibid.*

deliberations. From ancient times, a Khasi woman's presence and participation in Khasi traditional *durbar* system is not yet countenanced.³⁰ Women have to face certain restrictions especially in political affairs. Traditionally, women do not have any political space and they are not allowed to participate in political decision-making process. This is reflected in the following tenets: “*Ka said ka thew, ka sain ka tiah, kiba khia kiba shon ki jong u Rangbah.*”³¹ This means that deliberations and decisions, planning, administration and policies and the burdens of management belong to the man.

Another tenet says, “*Ka akor Khasi ka khang ban kynih ka 'iar kynthei ne said thma ha durbar.*”³² This tenet forbids a woman to crow or to deliberate at the *durbar*.

These tenets explain that women in the Khasi society do not traditionally have the same socio-political right as men do. Thus the traditional political system is based on male dominance. Though there are some women organisations like the *Seng Longkmie* in the *hima* and in almost all the villages of *hima* Mawphlang taking active part in social activities, yet they are still debarred to represent themselves in the *durbar*.³³

³⁰Kynpham Singh, “Syiems and Durbars in Khasi Polity”, in S.K. Chattopadhaya (ed.), *Tribal Institutions of Meghalaya*, Spectrum Publications, Guwahati, 1975, p. 14.

³¹*Ibid.*

³²*Ibid.*

³³Interview with L. Kharhunai (Myntri), R. Kharbudon, M. Sohlang and M.S. Kharshiing (Rangbah Shnongs of Mawngaprim, Mawngap Mawsmmai and Mawphlang Dongmission), on 6th June, 2009 and 23rd & 25th July, 2009.

Powers and Functions:

Much before the advent of the British into the Khasi-Jaintia Hills, the Khasi were well organized and ruled themselves though it was a clan-centred administration. Every *hima* has its own independent functions with the chief *Syiem*, *Lyngdoh*, *Sirdar* or *Wahadadar* as the head of the administration. The power and position of the chief are the same as that of a commoner except for the role that he performs as the head of the *hima*. The chief should combine in himself the motherly and fatherly qualities and attitudes, thus he is sometimes called *U Syiem U Kmie* or the *Syiem* the mother and he is also called *U Pa'iem* or the *Syiem* the father.³⁴ All those who live in the *hima* are looked upon as his own people. He should administer with benevolence and sympathy to the poor and the needy, take care of the destitutes, the abandoned, the orphans, the supportless and also those who have lost all their clansmen and relatives.³⁵ He was bound to help them in their adversities, counsel them in their difficulties, reward them on their achievements and punish them when they were found guilty of misdeeds or infringement of established customs. The citizens on the other hand are sometimes called as *Ki Khun Ki Hajar* or the children of the land. They are to obey his orders and commands, though he is not an autocratic chief or ruler. The Khasi chief is not a ruler in the true sense of the term as he is not the territorial sovereign but a democratic one, whose authority is

³⁴P. Malngiang, "Structure of the Khasi Traditional Durbar System", (memo).

³⁵H.O. Mawrie, *The Khasi Milieu*, Concept Publishing Company, New Delhi, 1981, p. 92.

over the subjects and not over the lands.³⁶ All common lands or *Ka Ri Raid* belongs to the people and private land or *Ka Ri Kynti* belongs to private owners. Thus, he is powerful only when he acts in the *darbar*.

The Khasi traditional political system has a strong federal structure of administration which functions at various levels. In the Mawphlang *Lyngdohship* the system of administration is divided between the *darbar hima* at the apex headed by the *Lyngdoh* and the *darbar shnong* at the base headed by the *Rangbah Shnong*. They are assisted by the executive committee of the *hima* or villages.

(i) Legislative powers

In the pre-colonial period, the chief in the *darbar* enjoyed a certain amount of legislative powers. All matters relating to issues of ordinances, rules and other instructions were made by the chief and his officials along with the consent of the *darbar*. At the apex, the *darbar hima* functioned as a rule making body on matters like fixing of tolls on articles entering into the *Lyngdohship's* market, raising contribution for definite purposes, solving inter-village disputes, and matters relating to the financial expenses of the *hima*. Unless sanction was obtained from the *darbar hima*, the *Lyngdoh* and his *Myntris* could not take actions on these matters.

At present, the *darbar hima* can delegate its authority to the *Lyngdoh* and his officials or the executive committee to make rules and regulations so as to have a

³⁶K. Cantlie, *op.cit.* p. 135.

smooth functioning of managing the day-to-day administration of law and justice. Since the rules and regulations or *adong shnong* passed by the *shnong* and *hima* are made for the welfare of the society and the villages as a whole, those who do not abide by these *adong shnong* can be punished. *Adong Shnong* are rules, regulations, laws, etc. in the *shnong* and *hima*. These are the do's and don'ts and directions for the general welfare of the *shnong* and the *hima*. Some of the *adong shnong* are laws on house tenants, laws on absence to attend the *durbar*; laws on daily collection of fuel, using foul languages, drunkenness and causing public nuisance in the village.³⁷

Today with the consent of his officials, the *Lyngdoh* has the power to issue *Sanads* to the *Rangbah Shnongs* or village headmen. The recognition of new villages would first come under the notice of the *Lyngdoh* and his officials and later necessary actions will be taken for the recognition by the *hima* and the District Council.

(ii) Judicial powers

Prior to the advent of the British, the chief was the supreme judge and the whole body of the *durbar* acted as the jury. The *Lyngdoh* tried all civil and criminal cases in consultation with the *durbar* and the *Bakhras* of the *hima*.

At present, the chief and the *durbars* are entrusted to decide on those cases which deal with civil petty crimes only. 'The Chief's Court of Justice' is

³⁷*Ka Kot Hima Mawphlang Shaphang; Ka Riti Synshar Khadar*, Mawphlang Lyngdohship, 1970.

composed of the *Lyngdoh* and the *Myntris* (*Ka Durbar u Lyngdoh bad ki Myntri*). If this *durbar* cannot take decisions it is then taken to the higher authority which is the executive committee of the *hima* comprising of the *Lyngdoh*, his *Myntris* and the committee members. In most cases, internal issues ended in the executive committee. Cases like *Tait shnong* or banishment from the *hima* once and for all are required to be referred to the *durbar hima* for adjudication. The *durbar hima* serves as the apex body and its decision is final.³⁸ However, such decisions are limited or confined only to the traditional system. Apart from petty crimes, any criminal cases requiring judicial interpretations are sent to the District Council Court for considerations.

Traditionally, the *durbar* system was sacrosanct. It was often called the *Durbar Blei* or God's Council. Any person attending the *durbar* understood its sanctity and no one could assume self importance and show his contempt to others or exhibit temper or tell lies or be intoxicated. Anyone showing contempt for the *durbar* was taken as a complete misfit who was not even worthy of being physically touched and of such a person they said "Take him away with a winnow, throw into his face burning ashes and swing him out to the farthest ditch".³⁹ David Scott, the first British official who saw the conduct of the open air *durbar hima* at Nongkhlaw observed the Khasi *durbar* by saying:

"I was struck with astonishment at the order and decorum which characterized the debates, ... No shouts of

³⁸N.K. Lyngdoh, *op.cit.*

³⁹H.O. Mawrie, *op.cit.*, p. 93.

exultation or indecent attempts to put down the orator of the opposite party; on the contrary every speaker was fairly heard out. I have often witnessed the debates of St. Stephen's Chapel, but those of the Cossea (Khasi) parliament (*durbar*) appear to me to be conducted with more dignity of manner".⁴⁰

David Scott gave a vivid picture of the dignity of the Khasi *durbar* system. Though the proceedings of the cases were never put down in writing yet these proceedings are worked out in strict accordance with *Ka Riti* or the Constitution which has grown out of past usages, customs and practices. All actions are taken in conformity with it.⁴¹

The decisions of the chief varied according to the nature of the offence and the customs of the *hima*. The chief after all is not above the law rather he has to follow the customs, norms, beliefs and practices of the *hima*. Further, he has to work within the framework of the traditional system which is valued and cherished by his people.

The occupation of the hills by the British did not bring drastic changes in the judicial system of the *hima*. Though the British had taken up important steps in interfering with the criminal related cases, yet civil cases were retained by the local chiefs for adjudication. For civil cases like minor theft, robbery and conflicts among citizens (tribal) of the *hima*, the chiefs were also given certain discretionary powers to be dispensed within his jurisdiction if the matter was brought to his notice. For

⁴⁰Quoted in H. Giri, *op.cit.*, pp. 56-57.

⁴¹H. Bareh, *Khasi Democracy*, Ri Khasi Press, Shillong, 1964, p. 59.

judgment, the chief and his officials set the appropriate time and place and settled the cases amicably or with nominal charges of fines against the culprit. In extreme cases, anyone found guilty of breaking the long time-honoured customs and practices such as rape, murder or any evil practices, were sentenced with a severe degree of punishment called *Tait Shnong* or *Beh Shnong* which means banishment from the village once and for all. Though, in the modern days, this does not happen very often, yet very recently on 20th June, 2009, the local *durbar* of Lawjynriew (*durbar shnong*),⁴² one of the locality in Shillong, has taken this degree of punishment. This indicates that the *durbar* still plays a dominant role in matters relating to cases which fall under its jurisdiction.

Besides the administration of justice at the state (*hima*) level, there is also the disposal of justice at the village levels. Each village has a village council or *durbar shnong* in which every adult male member is a member. Headed by the village headmen, the *durbar* legislates village decrees and regulations and the headmen with village elders carry them out in their day-to-day administration. The *durbar shnong* looks into such matters as the settlement of disputes within the village and takes decisions on various issues of social importance. Thus, all important matters need to be taken to the *durbar shnong* and decisions are taken in the presence of the whole village.

Though there is a provision in the Sixth Schedule to the Constitution of India for the establishment of *durbar shnongs* or village councils yet neither the

⁴²*Mawphor*, Vol. XIX, No. 525, Mawphor Offset Press, Shillong, 26th June, 2009.

District Council nor the State Government have done the needful to vest this traditional unit of local self-government with statutory recognition.⁴³ Traditionally, the village council was vested with legislative, executive and judicial powers, but the District Council has given recognition only to the judicial powers by enacting the United Khasi-Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953.⁴⁴ The District Council has set up village courts as the lowest level with powers to try cases of a civil nature if the immovable property is within its jurisdiction and in all cases too falling within the purview of tribal laws and customs and if the offence is of petty nature.⁴⁵ Criminal offences is limit to cases of a petty nature such as petty theft and pilfering, mischief and trespass of a trivial nature, simple assault and hurt, affront and affray of whatever kind, drunkenness or disorderly brawling, public nuisance and simple cases of wrongful restraint.⁴⁶ Serious crimes like murder, homicide and accidental deaths are all referred to the district authorities and to the court of the District Council.

However, it is not convenient to convene the *durbar shnong* at intervals. Thus for the day-to-day execution of administration and judiciary, the executive committee was specially instituted and vested with such authority. Any cases which

⁴³P. Malngiang, "The Traditional durbar system in the Khasi Hills", in A.K. Baruah (ed.), *Proceedings of the North East India Political Science Association*, (Fifth Annual Conference, Union Christian College, Barapani), NEIPSA, Shillong, December, 1995, p. 59.

⁴⁴*Ibid.*

⁴⁵*Ibid.*

⁴⁶E. Jyrwa, *Administration of Justice in the Khasi Hills*, Akansha Publishing House, New Delhi, 2006, p. 68.

fall under the jurisdiction of the *durbar shnong* come first to the notice of the *Rangbah Shnong* and the executive committee. The executive committee tries to solve all cases within its authority but, if it fails or cannot settle the cases, it then refers to the *durbar shnong*.

(iii) Military powers

In order to protect the villages from any danger, the chief and the *Myntris* were responsible for the effective defence of the *hima*. Peace and prosperity of any *hima* depended on the ability of the chief to keep enemies or attackers at bay. In the past defence of the village and *hima* was a matter of supreme importance. The military powers of the *hima* will not be significant unless a mention is made of the role of the chief and his cordial relations with the neighbouring *himas* or *shnongs*. All diplomatic matters concerning war and peace with any neighbouring *himas* were to be decided by the chief and his officials. Being a supreme commander of the army the success or failure of the war with others depended solely on the chief's ability. When there is a threat to security, the entire *hima* was called for preparation or, if necessary, even the help of nearby villages was sought. The villagers were used as constables and warriors. The Khasi used bows, arrows, spears and a circular shield as weapons for defence.⁴⁷ Moreover a Khasi tenet says: "*Ka wait, u sum,*

⁴⁷P.R.T. Gurdon, *The Khasis*, Cosmo Publications, Delhi, 1975, p. 23.

...*baroh ka jong u rangbah*”, which means that the weapons of war, belong to the man.⁴⁸

This indicates that the Khasi were using weapons of war since time unrecorded and thus shows that they were familiar with military tactics. However, when the British occupied the Khasi and Jaintia Hills, the military powers were taken away and today, it is no longer operational.

(iv) Police powers

There was no organized system of police administration in the Khasi *hima*. All the powers in the *hima* and village whether political, police, judicial etc. were vested in the chief and the *durbar*. The chief executed the orders or sentences passed by the *durbar* with the help of various officials, headmen and other recognized village authorities. Before the advent of the British there was no police system in the *hima* but customary laws were strictly observed and the *adong shnong* was always properly adhered to by the people of the village.

In the past, the Mawphlang *Lyngdohship* used to keep prison cells for detainment of defaulters and evil doers. The prison cell was located at the place where at present it is occupied by *Ka Iing Hima* or office of the *hima* in Mawngap

⁴⁸Kynpham Singh, *op.cit.*, p. 14.

village. But, when the modern police outpost was brought to the area, the traditional police authority lost its importance.⁴⁹

In maintaining peace, order and security in the village and the *hima*, the cooperation of the people and citizens becomes a vital issue. At present, despite the modern police forces of the government, Village Volunteers, Vigilance Committee, Village Defence Parties are formed to help in maintaining peace and security in the *hima*. Situation has also arisen when the police authority at times requested the traditional authority to help in maintaining law and order.⁵⁰ This shows that even today the *durbar* still plays an important part in maintaining peace and tranquillity in the *hima*.

(v) Religious Powers

As has been mentioned in the previous chapter, the state formation of the Khasi started with religion. The *Lyngdoh*, who serves as a priest in other Khasi *himas*, is a chief in the Mawphlang *Lyngdohship*. The duties of the *Lyngdoh* with regard to religious functions consist chiefly of performing certain sacrificial rites in times of the outbreak of epidemics like cholera and other fatal diseases (*jingiap*

⁴⁹Interview with S.H. Kharshiing and L. Iangblah (Blah) (Myntris of hima Mawphlang), on 12th June, and 14th July, 2009.

⁵⁰See A. K. Baruah, *Ethnic Conflicts and Traditional Self-Governing Institutions: A Study of Laitumkhrah Dorbar*, Crisis States Programme, Working Paper No. 39, LSE London, 2004.

khlam).⁵¹ Also all traditional rites and religious festivals concerning the whole *Lyngdohship* has to be performed by the *Lyngdoh*.

With the advent of the British Missionaries and the effect of Christianity, many changes took place. The present *Lyngdoh*, who is a Christian, has to delegate his religious authorities to his clansmen or to the *Myntri* in charge of religious duties. At present, from the four *Myntris* of *hima* Mawphlang, only one is not a Christian. Most of the sacrifices which are required to be performed in the *hima* are being helped by people who are neither *Myntris* nor *Lyngdoh*. Though the *Lyngdoh* and these *Myntris* fulfil and perform their duties entrusted to them, yet traditional ways of performing their duties are altered.

(vi) Privileges

As a benevolent administrator, protector and guardian of the *hima*, the chief enjoys certain privileges. He is highly respected by all his people. He is not only respected as the head of the *hima* but, at times, also as the leader of his clan. In any *darbar* meetings the chief opens the proceedings and calls for discussion. The discussion is then joined by the elders and those interested in the issues. Everyone present has the right to participate in the discussions and express their opinions.

Like other Khasi chiefs, the *Lyngdoh* of *hima* Mawphlang too has a council to advise him. They believe that the tackling of crucial issues require cool and experience persons. The dispensation of justice to all is the primary concern of

⁵¹P.R.T. Gurdon, *op.cit.*, p. 121.

the administration of the *hima*. The council of elders from time to time decides disputes which take place between people of the *hima* and also those disputes which involve inter-village conflicts.

Limitations and Checks on the Powers of the Chief

The Khasi chief, however, does not exercise unlimited powers because he was believed to be bound by the powers of the *durbar*. Thus, whether a person is the chief or a common man, all have to follow the ethical prescriptions of customs, practices and norms of the society. The chief is only a nominal head. In theory the chief has the authority to settle disputes but in actual practice it is the elders who settle all the complicated cases. As the Khasi tenet says:

No member of the ruling clan or founding clan will agree to be a *Syiem*, for it is the bounden duty of a *Syiem* to imprison, to fetter in irons, to bind down a person, to collect the property of those who has become extinct or without heirs and to inflict punishment on the evil persons, the thieves and the evil doers.^{52*}

In the case of the *Lyngdoh* clan of *hima* Mawphlang, it is learned that they were invited by the *Iangblah* clan to perform religious duties. Thus, they are under the watchful eyes of the *Bakhraws* and the people at large. Overall, the power

⁵²Kynpham Singh, *op.cit.*, p. 16.

*“U jait baheh bakhraw um treh ban long Syiem, namar ba dei ka jait Syiem kaba dei ban shimti ia ka nar ka Bili, u Saikhum u Saiteh, ban shimti ia ka kamai ka kajih u iapduh u iaptan, ban shimti ia ka tangon ka lymban, ban ai saja ia u dakaid, u runar, u nongtuh u nong shohnoh.”

of the people rank supreme. The chief's power is delegated so as not to collide with the supreme authority of the people. A limitation is placed on the power of the chief so that he is really no more than a nominal head and administrator of the state. According to customs and traditions, therefore, the chief in the *hima* Mawphlang rules but does not reign.

In order to help the *Lyngdoh* in the administration as well as to check against any possible misuse of power entrusted to him, there are the *Myntiris* who are selected from the four founding clans of the *hima*. Their duty is to help the *Lyngdoh* in the regular administration of the *hima*. Moreover, the *Lyngdoh*, *Myntiris* and the executive members of the *shnong* and *hima* are accountable to the *durbar shnong* and *durbar hima* respectively.⁵³ At such general meetings, questions or clarifications may be put forward by any member relating to any matter of financial, administrative or executive. Thus, every possibility of the misuse of power by the *Lyngdoh* and his officials are curbed by the supreme power vested in the people and the *durbar*.

Traditionally, when sitting in the *durbar*, the chief presides but he can neither dictate nor direct or pass any opinion. In one of the *durbars* of Cherra, Dewan Singh, the *Syiem*, who gave shelter to David Scott, spoke out of turn. Up stood U Pdah Umdor and chided him, "Who are you? A piece of stone could very

⁵³*Ka Kot Hima Mawphlang Shaphang; Ka Riti Synshar Khadar*, Mawphlang Lyngdohship, 1970.

well take your place!”⁵⁴ This expression shows that there is no place for a tyrant. Thus, in following the customs and practices of the traditional way, the chief’s powers are kept under the watchful eyes of the *Bakhraws* and the people.

Position of the Chief and other traditional heads

With the coming of the British, there have been remarkable changes in the political organisation of the Khasi. The British, in order to exercise control over them, legitimized the chief’s rights and privileges. However, certain restrictions in the forms of ‘Agreements, Treaties and *Sanads*’ were followed. The Khasi chiefs, who were regarded in the traditional polity as the guardian of customary laws and usages, also became the officers of the British government. As a result, the chiefs had to bind themselves by the orders of the British authorities.⁵⁵ Thus the basic structure of the Khasi polity was affected.

The erosion of the age-old customs also affected the position of the chiefs. From the beginning of the last century, the impact of Christianity became stronger and as a result, the traditional faith and age-old customs and usages are practised today by only a few. Many of the pre-Christian customary practices like the erection of megaliths which is associated with funeral ceremonies have been neglected though not completely forgotten. Only those customs which are found to have been blended with the Christian principles such as land tenure systems and

⁵⁴Kynpham Singh, *op.cit.*, p. 18.

⁵⁵P.N. Dutta, *Impact of the West on the Khasis and Jaintias*, Cosmo Publications, New Delhi, 1982, p. 141.

laws of inheritance are followed.⁵⁶ Christianity no doubt has caused reversals in marriages, naming, funeral and other village ceremonies connoting abandonment of a number of old religious faith and beliefs.⁵⁷

In the process of giving more powers to the District Council, the present position of the Khasi chief and the *durbar* system are considerably reduced. It is found that, the strongest opposition to the chiefs comes from the modern elite who have abandoned their traditional life-style. They look with disgust at the traditional values and begin to imitate new pro-western values. A section of the modern elite has become more and more vocal in their attacks on the rights and privileges of the chiefs and the *Myntris*. They look upon the chief as a symbol of colonial exploitation, oppression and preservers of anachronistic tradition. Moreover, the male dominance in traditional polity is a crucial question. Very recently the Centre for North-East Studies (CNES) recommended for the inclusion of women in the traditional political bodies and also stated that women should be allowed to contest elections to the posts of *Syiem*, *Doloi*, *Rangbah Shnong*, etc. However, this was strongly opposed to by the heads of traditional institutions and termed the CNES recommendation as “unprecedented and intended to weaken the traditional system of the indigenous people”.⁵⁸ At the same time, there are some modern elite who view that the recommendation of the CNES at this stage will amount to the loss of

⁵⁶H.G. Joshi, *Meghalaya Past and Present*, Mittal Publications, New Delhi, 2004, p. 216.

⁵⁷*Ibid.*

⁵⁸*The Shillong Times*, Vol. LXIV, No. 188, The Shillong Times Press, Shillong, 2nd February, 2009.

their identities, traditions and cultures. Instead, they favour for constitutional recognition of these traditional political institutions.

Those who view the powers of the chief and the *darbar* system as undemocratic strongly opposed it, thinking that the system will disrupt the forces of change. However, the general perception seems to be in favour of retaining these traditional institutions by limiting the powers of the chiefs and the *Myntris* thus allowing changes to take place to cope with the need of time and situation. However, the position of the chiefs and the Khasi *hima* is presently relegated to the District Council which is the autonomous body under the Sixth Schedule to the Indian Constitution.

The *Myntris*, who hold the most important position in the Khasi traditional political system, play an important role in the *hima*. They occupy an important place in assisting the chief in the discharge of the administrative power. They act as legal advisers to the *Lyngdoh*. The most important qualification of the *Myntris* is tactfulness and wisdom. They must be well versed with the customary laws and usages of the *hima*. Although no remuneration was paid to them by the people yet they share the responsibilities of the *hima*.

The *Rangbah Shnongs* are the only traditional leaders in the present Khasi political system where clans do not play any significant role in their appointments and election processes. The *Rangbah Shnongs* are usually elected from any clan in the village irrespective of whether they belong to the founding clans or not. The *Rangbah Shnong* is looked up to as a magistrate in the

administration of the village. His verdicts are almost always unequivocal and imperative on the village community. The headman is expected to inspire and influence the village community by his personality.⁵⁹

⁵⁹P.R.G. Mathur, *op.cit.*, p. 67.

CHAPTER III

ROLE OF DURBAR SHNONG AND DURBAR HIMA IN MAWPHLANG LYNGDOHSHIP

Since time immemorial, the Khasi have always had a *durbar* or council where in they act and think collectively; whether in the family household, the clan, at the village or higher levels of political administration. These *darbars* are present even today. Anything which relates to administration, adjudication and decision making has to be collectively agreed to at the *durbar*. The word *durbar* is, probably not a Khasi word but borrowed from Persian.¹ It is difficult to trace when this word began to be used. Some of the first reference to the *durbar* was made by U Hain Sing Syiem of *hima* Myllem in his letter to the Deputy Commissioner, Shillong dated 5th August, 1878.² The Herbert's report also pointed out to the use of the word *durbar* in 1903.³ Significantly during the same year, two articles by U Khasi J. dkr (a pen name) entitled *Ki Khasi hyndai* (The ancient Khasi) and *Ka dorbar dorsha jong ki Khasi hyndai* (the ancient Khasi *durbar*) were brought out.⁴

The concept of the *durbar* system in the Khasi Hills is based on the mythological *durbar Blei* or divine *durbar*. Sylvanus Sngi Lyngdoh, a professor of

¹Quoted in P. Malngiang, "Structure of the Khasi Traditional Durbar System", (memeo).

²*Ibid.*

³See, Captain D. Herbert, *Report on Succession to Syiemship in the Khasi States*, Directorate of Arts and Culture, Meghalaya, Shillong, 1903.

⁴P. Malngiang, *op.cit.*, (memeo).

scripture at the Sacred Heart Theological College, Shillong, is of the view that at the very first *durbar Blei* which was held in heaven before the Khasi were sent to inhabit the earth, the ‘Hynniewtrep (Khasi) were commanded by God to govern, to rule and to administer the earth by earning righteousness’. According to him, “righteousness was to be the norm of their government, of their rule and of their administration”. The first value system that transpired at this *durbar* was then political in nature.⁵

The foundation on which the Khasi system of *darbars* is built was based on the *durbar Blei*. It is probably in the light of the *durbar Blei* that the other types of *darbars* always have a sacred role. No unruly behaviour is permitted in the *durbar*. Even the *Syiem*, *Lyngdoh*, *Basan* or the *Bakhras* cannot impose their will on the people.⁶ Indeed the chief, who is the administrator of the *hima*, does not seem to have much power. Authority lies with the *durbar*.⁷

Types of Durbar

Whatever be the origin of the word *durbar*, probably, the most significant *durbar* is the *durbar iing* or family council wherein uncles and male members of the family have the power to decide on important issues like admonition of the younger members or to alienate property. Apart from the *durbar iing*, the *durbar kur* or clan council is of great importance. Many of the pioneering authors on Khasi literature

⁵P. Malngiang, “The Traditional *durbar* system in the Khasi Hills”, in A.K. Baruah (ed.), *Proceedings of the North East India Political Science Association*, (Fifth Annual Conference, Union Christian College, Barapani), NEIPSA, Shillong, December, 1995, p. 57.

⁶*Ibid.*, p. 58.

⁷*Ibid.*

like Jeebon Roy in his book *Ka Niam Jong Ki Khasi* or Religion of the Khasi (1897) U Sib Charan Roy *Ka Niam Ki Khasi* or Khasi Religion (1919) emphasized on the *kur*, the religious and social dimension of man. The clan *durbar* plays a very important role and other *durbars* cannot meddle with it. Again, on perusal of Captain Herbert's Report (1903) it was found that the *kurs* played an important role even at the *raid* level.⁸ However, these two types of *durbars*, i.e., the *durbar iing* and the *durbar kur* are parochial in nature since participation in them is confined only to a particular type of people who are bound by the ties of kinship or family.⁹

Besides, the *durbar iing* and *durbar kur* which is based on internal issues of the family and clans, there is the *durbar shnong* or village council, *durbar raid* or commune council and the *durbar hima* or state council which functions for the welfare and administration of the *shnong* or villages, *raids* or conglomeration of villages and *hima* or state. Every Khasi village has its own *durbar shnong* or village council. All adult male inhabitants of the village are required to attend the session of the *durbar*. The meetings are presided over by the *Rangbah Shnong* or the village headman. The *Rangbah Shnong* is expected to inspire and influence the village community by his personality. In the present administrative set up, both the State Government and the District Council put a good deal of value on the functions and services of the village headman.

The *Raid* is a political unit comprising of a number of adjacent Khasi villages organized into a political system for the purpose of social control and

⁸P. Malngiang, *op.cit.*, (memo).

⁹P. Malngiang, (1995), *op.cit.*, p. 57.

harmonious civil and judicial administration. This is a larger political unit which usually exist in the *syiemship* or larger *hima* over which the Khasi wield political authority. Thus at every *raid* there is a *durbar raid* which may be called a territorial political council. In other words, it is a conglomeration of several villages with a commune council or *durbar raid* at the top to manage its internal affairs. The *durbar raid* is generally presided over by customary chiefs known variously as *Syiem raid*, *Sirdar raid* or *Lyngdoh raid*. The *durbar raid* generally consists of one *Lyngdoh* and few *Myntris*. For instance, Khyrim *Syiemship* has six *raids* each headed by a *Lyngdoh* or priest and *Myntris* or ministers from definite clans. Similar pattern is followed with Myllem *Syiemship* and other *syiemships*.¹⁰ The *Myntris* always act as counsellors to the commune or customary chief as well as the chief of the *hima*. The *durbar raid* settles both civil and judicial matters which fall under its jurisdiction. The *durbar raid* also settles boundary disputes between villages, looks after the land and forest within the *raid* and prevents unauthorized occupation and poaching. However, cases which cannot be settled at the *raid* level are referred to the *durbar hima* for adjudication.

The *hima* or state which is at the top of the Khasi political system was formed by the conglomeration of *shnongs* or *raid*. Perhaps this formation was considered to be a necessity by the rulers of the different *shnongs* and *raids* that they should arrive at an agreement to unite for better understanding, administration and security from undesirable and external forces. Each *hima* therefore has its own

¹⁰P. Malngiang, *op.cit.*, (memeo).

durbar hima. The *durbar hima* is presided over by the traditional chief known variously as *Syiem*, *Lyngdoh*, *Sirdar* and *Wahadadar*. The *durbar hima* is the supreme authority in the Khasi political system and people call it the *durbar pyllun* or the Grand *Durbar*.

All the four separate political units or *durbars*- *durbar iing*; *durbar kur*; *durbar raid* and *durbar hima* mentioned above are interlinked in such a manner that they do not exist or function independently of the others. The different forms of local authority are subordinate to a central one giving the administration a hierarchical structure. For instance, the *Rangbah Kur* owes allegiance to the *Rangbah Shnong* who, in turn, is subordinate to the customary chief (*Syiem raid*, *Lyngdoh raid* or *Sirdar raid*) and the customary chief is ultimately subordinated to the traditional chief (*Syiem*, *Lyngdoh*, *Sirdar* or *Wahadadar*). This system has been in vogue from times immemorial and continues even to this day.

The *durbar hima* is composed of the chief together with the *Bakhraws* (nobles) and *Ki Tymmen Ki San* (elders), or the *Bakhraws* and *Ki Tymmen Ki San* without the chief, or the chief and the *Bakhraws* only or the *Bakhraws* only without the chief and the elders. However, only the chief and the elders cannot convene or hold the *durbar*.¹¹ The *Lyngdoh*, *Myntiris*, *Basans* etc. are selected by the clan and the people were only informed about it. The same happens with the *durbar raid* and some *durbar shnongs* where some selected clans play a very significant role.¹²

¹¹J. Bacchiarello, S.D.B., *Ki Dienjat Jong Ki Longshuwa*, Don Bosco Press, Shillong 2004, p. 92.

¹²P. Malngiang, *op.cit.*, (memo).

Supremacy of the Durbar

The Khasi are very conscious of their participatory rights. Through the years they have fought to maintain the supremacy of the *durbar* as the sole electoral body and as the sole legislative, administrative and judicial body in the socio-political system of their tribal administration.¹³ Traditionally, the *darbars* are conducted with utmost decorum and in a solemn atmosphere. The Khasi term the *durbar* especially the *durbar hima* as the *durbar Blei* or God's council because they say that God himself is present at the *durbar*.¹⁴ Nobody, however how much respected, can speak out of tune. No one can level personal attacks or even reveal signs of anger on his face. Any person, speaking in anger, using foul words, showing disrespect to the *durbar* by word or deed or misbehaving by being drunk etc., is literally thrown out of the *durbar*. This tantamount to a serious breach of privilege and such persons may be debarred from participating in future *darbars*. The Khasi says that even God himself will not interfere in the *durbar*. Truth is truth. There cannot be any partiality even when the matter in hand involves one's relatives and friends. Such is the stress on the impartiality of the *durbar* that, in olden times, litigants could not have witness for their own side.¹⁵ *Darbars* summoned by the issue

¹³Kynpham Singh, "Syiems and Darbars in Khasi Polity", in S.K. Chattopadhaya (ed.), *Tribal Institutions of Meghalaya*, Spectrum Publications, Guwahati, 1975, p. 22.

¹⁴*Ibid.*, p. 21.

¹⁵*Ibid.*

of private notices are not recognized and any resolution or orders passed by such *darbars* are null and void.¹⁶

Another feature of the supremacy of the Khasi *darbar* is the active participation of the entire population in moulding policies, legislation and judicial decisions at their *darbars* through which they keep themselves in direct touch with public affairs.¹⁷ The *darbars* are worked out in strict accordance with *Ka Riti* or Constitution which has grown out of past usages and practices. All political actions are taken in conformity with it.¹⁸ *Ka riti* is the original concept implying the exaltation of the sovereign will of the people and the limitation of the power of the rulers.¹⁹ A term like *Ka Ktien U Paidbah* or voice of the people is sovereign and that power and decision belong to the people. However, a closer look at the various *darbars* present in the Mawphlang *Lyngdohship* appears that the traditional *darbar* systems are not representative in the true sense of the term. What actually appears is that in the *darbar hima*, only few clans dominate the *darbar* system. The *Lyngdoh* and the *Myntris* are elected and appointed by their clan. Moreover, women are not allowed to take part. This signifies the lack of democratic values and spirit on the part of these traditional *darbar* systems. In the whole of the Mawphlang *Lyngdohship* or *Hima* Mawphlang, it is only in Laitmawpen and Wah Umlawbah

¹⁶*Ibid.*

¹⁷H. Bareh, *Khasi Democracy*, Ri Khasi Press, Shillong, 1964, p. 59.

¹⁸*Ibid.*

¹⁹*Ibid.*

that though it is not mandatory for women to attend the *durbar* yet they are not restricted from attending its session.²⁰

Durbars are usually held in the open and constitute typical open-door councils.²¹ In the present days, *durbars* are usually held at specific places. It is to be noted that the *durbar* should not be held or convene at the place of the chief's wife for such houses could harbour spies and enemies of the *hima*.²² It is not only considered unsafe to discuss state matters in such places but it is also considered as invalid and ineffective. It is truly a violation of the *riti* of the *hima* and deserves the strongest condemnation from the *durbar*.²³ The announcement of the *durbar* must be made public. Therefore, before the *durbar* is convened, wide publicity is provided by the *Sangot* or crier. Normally, at night on the eve of the *durbar* session when everyone has returned to their houses in the village from their works, the *Sangot* makes an announcement with a loud shout so that everyone in the village could hear the message and its content announced by him. In case the *durbar* was held without due publicity from the *Sangot*, its decisions are taken not to have any binding force. Such a meeting is illegal.²⁴ Gurdon gives the English translation of the announcement in the following manner:

“Kaw, thou, a fellow villager,
thou, a fellow creature,

²⁰Interview with P. Kharshiing and K. Kharshiing (Rangbah Shnongs of Laitmawpen and Wah Umlawbah), on 29th August, 2009.

²¹H. Bareh, (1964), *op.cit.*, p. 65.

²²Kynpham Singh, *op.cit.*, p. 18.

²³*Ibid.*

²⁴P. Malngiang, (1995), *op.cit.*, p. 58.

thou, an old man,
thou, who had grown up
thou, who art young
thou, a boy
thou, a child
thou, an infant
thou, who art little
thou, who art great.
Hei: because there is a contest
Hei: for to sit together
Hei: for the cause to deliberate
Hei: for to give intelligence together
Hei: about to assemble in durbar
Hei: for to listen attentively
Hei: ye are forbidden
Hei: ye are stopped to draw water thou not to cut fire wood then
Hei: to go as coolies then
Hei: to go work then
Hei: to go to journey then
Hei: to descent to the valley then
Hei: he who has pouch
Hei: he who has a bag
Hei: now come forth
Hei: now appear
Hei: the hearing then is to be all in company
Hei: the listening attentively then is to be all together
Hei: for his own king

Hei: for his own lord, lest destruction comes, lest wearing away has overtaken us:

Kaw: come forth now fellow mates.’’²⁵

The inhabitants are forbidden to go anywhere or to do their everyday’s job on the day of the *durbar*. They are required to cancel all their business and engagements. This proclamation is called *Ka Khang Shnong* which means that no one is allowed to go to work or to go anywhere out of the village.²⁶ Announcements are preceded by drum beats to mark the importance of the occasion. According to strict usages observed more rigidly in the past, absentees were fined or even expelled from their habitations. Though attendance of all adult male village members is strictly made compulsory but in exceptional cases, for instance, when the member of the family or clan has died in other near or far village, the relatives in the village are allowed to take leave from attending the *durbar*.

To most of the villages in the Mawphlang *Lyngdohship*, the criers or *Sangots* are still used to make announcement before convening of the *durbar*. But there are some villages which have done away with this system and have introduced modern system of distributing notification with date and time fixed for convening the *durbar*.²⁷ In some cases, the youth are authorised by the *Rangbah Shnong*, especially at the village level to deliver notices for the *durbar* meeting to all households.

²⁵P.R.T. Gurdon, *The Khasis*, Cosmo Publications, Delhi, 1975, pp. 91-92.

²⁶*Ibid.*

²⁷Interview with M.S. Kharshiing (Rangbah Shnong of Mawphlang Dongmission), on 25th July, 2009.

Durbars in Mawphlang Lyngdohship

Like some of the smaller *syiems* which are simply constituted of by the association of villages directly administered by the chiefs and the *durbars*, the Mawphlang *Lyngdohship* also does not have any of the intermediary units like the *raid* or the *durbar raid*. The structural organization of the Mawphlang *Lyngdohship*, thus, comprises of *shnongs* and *durbar shnongs* at the village level and the *hima* and *durbar hima* at the state level. However, the study of traditional administration in the Mawphlang *Lyngdohship* will not be completed without making a reference to the *durbar kur*. The important *durbars* in the Mawphlang *Lyngdohship* are the *durbar kurs*, *durbar shnongs* and *durbar hima*.

(i) Durbar Kur

In the traditional political system of the Khasi, each clan has its own council known as the *durbar kur* or clan council and presided over by the clan's leader or *Rangbah Kur*. Normally, the *durbar kur* deliberates on internal matters of the family and clan and to look after their own lands and the welfare of all clan members especially those who are destitute or unfortunate. It also settles disputes between clan members, disciplines the wayward ones, and generally exercises control over all clan members. However, there is a very significant role of the *durbar kur* in the Mawphlang *Lyngdohship* where the *durbar kur* not only deals with internal matters of the clan but also with the day-to-day administration of the village. The *durbar kur* is presided over by the *Rangbah Kur* who is elected from among the

male members of the *kur*.²⁸ There is no fixed tenure for his term; he holds office as long as he has the confidence of his clan members. But he is supposed to duly return every year when the *durbar kur* is held. His continuance in office may be decided at the session of the *durbar*.²⁹ It is to be noted that outsiders and aliens are not allowed to take part in this *durbar*. However, women are not barred from attending and participating in the *durbar*.³⁰ The *durbar kur* manages all internal affairs under the supervision and control of its elders and disputes are settled amicably. All members of the clan fall under the jurisdiction of their *Rangbah Kur*. Although the functions and powers of the *durbar kur* are limited yet it plays a moderately effective role in the political affairs as all male members of the clan meet together to dispose off important matters affecting the whole clan.³¹ The *durbar kur* also plays an important role in the *durbar* system of the *hima*. Candidates for various posts in the *hima*, ranging from the *Myntris* to the *Lyngdoh*, are nominated by the *kur* and, those nominated, inevitably gets elected. The *durbar kur* is also important because in many of the villages, clans are still very effective and important for the governance of the village.³²

In the Mawphlang *Lyngdohship* there are few villages where the *Rangbah Shnong* does not have power and authority to recommend or give permission in the buying, selling and transferring of lands. The power of the *Rangbah Shnong* is

²⁸ P. Kharshiing and K. Kharshiing, *op.cit.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ P.R.G. Mathur, *The Khasi of Meghalaya*, Cosmo Publications, New Delhi, 1979, p. 66.

³² P. Malngiang, *op.cit.*, (memo).

confined to the administration of the village only. All matters relating to buying, selling and transferring of lands are done by the *Rangbah Kur*. In the Mawphlang *Lyngdohship*, Laitmawpen and Wah Umlawbah are the only two villages where only one clan is allowed to stay in the village and that is the Kharshiing clan.³³ This means that after marriage, the male members of the *kur* have to leave and stay outside their own village with their children and wives. Women can bring their husbands to the village as their children are of the mother's *kur* in a matrilineal society. No other clans are allowed to stay in these villages. Though the male members, who have married, are to leave the village, yet at the same time they remain to be the members of the *durbar kur*. Thus, the male members who have left the village can still hold the position of the *Rangbah Kur*. The *Rangbah Kur* is thus the key person responsible for the peace and tranquillity of the village. It is on such villages that the role of the *durbar kur* and the *Rangbah Kur* occupies a very significant place. He looks after the allocation of lands for cultivation and residence. He also acts as the spokesman of the clan.³⁴ Besides, there are also some other villages in *hima* Mawphlang like Ur-ur and Mawngap Mawkharshiing where the role of the *Rangbah Shnong* is limited only with the administration of the village in the day-to-day administration while the transfer of land is entrusted to the *Rangbah Kur*.³⁵

³³P. Kharshiing and K. Kharshiing, *op.cit.*

³⁴P.R.G. Mathur, *op.cit.*, p. 65.

³⁵Interview with N. Kharsyntiew, R. Kharbudon, D. Kharshiing, P. Hynniewta, S. Lyngdoh, E. Jyrwa, R. Kharrngi, B. Rynjah and L. Kharphuli (Rangbah Shnongs of Umtyrniut, Mawngaprim, Mawphlang Dongiewrim, Mawphlang Lad Umrisain,--

(ii) Durbar Shnong

Durbars in the Mawphlang *Lyngdohship* are similar in their composition from one village to the other. The most important *durbar* is the *durbar shnong* or the village council. Normally, all male adult residents who have attained the age of eighteen automatically become the member of their *durbar shnong*. In the past, strict physical appearances were followed. It may be recalled that a person who has no moustache is not permitted to speak in the *durbar*. This is probably one of the means to verify that those who were not adults were kept out of the *durbar*. Over and above this, a person who is blind or who has some physical deformity, though he cannot be appointed as a *Myntri* yet can participate in the deliberations of the *durbar*.³⁶ With the introduction of the universal adult franchise, all male adults are members of the *durbar shnongs*. However, in most of the villages, women are still barred from the *durbar*.³⁷

A study of the traditional village administration, both in Khasi and Jaintia Hills, will not be complete without making a reference to the *durbar shnong*. The reason being that even at the grass-root level of administration, the *durbar* serves as an important and significant role of a little parliament of the people.³⁸ In examining the role of such *durbars*, it appears that some democratic functioning of such grass-

Mawphlang Mawkohmon, Kyiem, Lynkien Ramklang, Lyngkien Sunnei and Ur-ur), on 14th, 23rd & 25th July, and 7th & 12th August, 2009.

³⁶J. Bacchiarello, *op.cit.*, p. 94.

³⁷P. Malngiang (1995), *op.cit.*, p. 58.

³⁸L.S. Gassah, "A study of Emerging Political System and its effects on Traditional Leadership in Jaintia Hills of Meghalaya", *Ph.D. Dissertation*, NEHU, Shillong, 1988, p. 112.

root traditional institution is in the area under study. The *durbars* are constituted strictly in accordance with *Ka Riti Synshar* or constitution of the *hima* which has grown out of past customs, usages and practices.³⁹ In *durbar shnongs* the entire village adult male members take active participation and through these *durbars* they keep themselves in touch directly with public affairs. *Durbar shnongs*, therefore, serve as real political forums of the people in which the village men-folks have a major role to play in its deliberations and proceedings. With regard to the administration of justice, *durbar shnongs* constitute itself as a 'Village Court' where the local and village disputes are settled.⁴⁰ On the basis of these developments, *durbar shnongs* are therefore entrusted by the members of the society to look into and deliberate upon important matters relating to the legislative, executive and judicial affairs pertaining to the overall welfare and development of the people.⁴¹

These *durbar shnongs* in the Mawphlang *Lyngdohship* impart adequate training to village people in the art of self-government. This considerably helps to mould a politically conscious and creative citizenship. These *durbars* prescribe rules for the behaviour of residents and guide or direct the standard of public morality. The constitution and holding of the sessions of *durbar shnongs* are the prerogatives of the village people. The *Rangbah Shnong* or the *Lyngdoh* himself, who is the chief of the *hima*, can neither interfere with the holding of such *durbars* nor with the procedure for the conduct of businesses. A motion of an ordinary citizen for holding

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*, pp. 112-13.

a particular *durbar* could be admitted and officials should execute it. *Durbar shnongs* may even veto the decisions of the *Lyngdoh* and *Myntris* in matters affecting policies of the village people. However, the decisions of the *durbar hima*, fixed by usages in matters relating to judiciary, communications and markets, cannot be overridden by *durbar shnongs*.⁴² The people have the final say in the village administration through their *durbar*. Such participation is without any party alignment because there is no party structure within the *durbar*. All adult men folk debate and support one another's view not because of political affinities but solely for the sake of general interest and welfare.⁴³ Healthy exchange of ideas with honourable words and expressions is a must and no one can insult or speak ill of or use abusive language against any other. This is looked upon as *Ka Bein Durbar* or contempt of *durbar*.⁴⁴

In the past, on the day fixed for the *durbar* to sit in session, all grown up males of the village assemble at the *durbar* ground, the site of which is marked in villages by rows of flat stones arranged in an irregular circle upon which the villagers sit.⁴⁵ In the present day, *durbar shnongs* are held at the *durbar* hall or community hall especially meant for such purposes. The meeting is presided over by the *Rangbah Shnong* and, after his opening remark, the proceedings start and other deliberations and debates follow. Eloquent debaters called *Rangsaid* lead as movers

⁴²Interview with N. Kharsyntiew, R. Kharbudon, D. Kharshiing, et.al., *op.cit.*

⁴³L.S. Gassah, *op.cit.*, p. 114.

⁴⁴*Ibid.*

⁴⁵Gurdon, *op.cit.*, p. 92.

for and against the motion.⁴⁶ The sessions are normally held until the ultimate objective is achieved.

Even today, *durbar shnongs* in the Mawphlang *Lyngdohship* function as judicial courts to decide petty cases involving the villagers and execute justice in their respective units. The *durbar shnongs* have the right to impose judicial fines and other types of punishment. Punishments are inflicted according to the seriousness of the case involved. Cases relating to murder or other heinous crimes are to be reported to the *Lyngdoh* by the *Rangbah Shnong* concerned. This particular matter is outside the parameters of the *durbar shnongs* and thus needs the *Lyngdoh's* interpretation.⁴⁷

Apart from the day-to-day administration of the villages, the *durbar shnong* also plays an important role in preserving the various kinds of forests and lands that exist in different villages of *hima* Mawphlang. The Mawphlang *Lyngdohship* have various kinds of forests such as *klaw kyntang* or sacred grove, *khlaw raid* or community forests, *khlaw adong* or protected forests, *khlaw ri-kur* or clan's forests and *khlaw ri-kynti* or individual forests. The *durbar shnongs* with the knowledge of the *durbar hima*, work in preserving these forests. Financial assistance comes from various sources for maintaining and preserving the forests. In the plantation of trees, help is even received from international organisations like Community Forest Management (CFM), Community Forestry International (CFI)

⁴⁶H. Bareh (1964), *op.cit.*, p. 65.

⁴⁷Interview with N. Kharsyntiew, R. Kharbudon, D. Kharshiing, et.al., *op.cit.*

and others.⁴⁸ Also, the *durbar shnong* has played and has been playing a very important role in preserving lands in the *hima*. Land is broadly divided into two types. According to the *Report of the Land Reforms Commission for Khasi Hills*, they are the *ri kynti* or private lands and *ri raid* or commune lands.⁴⁹

Ri kynti or private land refers to those lands which are owned by either the family or clan. These lands are apportionable by the *durbar kur* or *durbar iing* as the case may be. These are lands set apart from the time of the founding of the *elaka (hima)* for certain clans. The clans have the proprietary, heritable and transferable rights. They also include any part of *ri raid* lands which can be bestowed upon a person or a family or clan for certain yeoman's service rendered to the *elaka (hima)*. The same rights devolve on a Khasi to whom such lands are disposed of by the original owners by way of sale, transfer on receipt of full consideration for the same.⁵⁰ *Ri raid* lands refer to those lands where it belongs to the people of the village. The management and control of *ri raid* lands belong to the community and is completely within the jurisdiction of the community concerned. These are commune lands and no persons have proprietary, heritable or transferable rights excepting the right of use and occupancy. Such rights revert to the community when a person ceases to occupy or use the land for a period of three years consecutively. Heritable and transferable rights over *ri raid* lands accrue when the occupant has made permanent improvements on the land. However, even these rights lapse if a person

⁴⁸Interview with N.K. Lyngdoh, (Lyngdoh of hima Mawphlang), on 6th June, 2009.

⁴⁹Government of Meghalaya, *Report of the Land Reforms Commission for Khasi Hills*, Government Press, Shillong, 1974, p. 17.

⁵⁰*Ibid.*

completely abandons the lands over such a period as the *durbar shnong* deems long enough.⁵¹

Most of the *durbar shnongs* in the Mawphlang *Lyngdohship* have taken pre-emptive steps by re-defining rules and regulations on the protection, conservation, and use of forests. This is strengthening the customary practices whereby the forests are to be used for both domestic and commercial purposes more judiciously. The common property resources are protected and thereby providing sustainable resources for the community.

The *durbar shnong* which is the primary unit of the traditional political system of the Khasi and also of the Mawphlang *Lyngdohship* is not only concerned with the day-to-day administration of the villages. It also plays an important role in providing basic educational institutions to the villagers. Most of the villages in the Mawphlang *Lyngdohship* are having primary schools either run by the government, missionaries or by the *shnong* and *hima*.

Over the past several years, *durbar shnongs* have become increasingly active. They are being looked upon both by the State Government and the Khasi Hills Autonomous District Council for various supports. This in turn has made the traditional heads of the Khasi *hima* and village headmen, including the Mawphlang *Lyngdohship*, almost indispensable within the structure of administration. In many occasions, these village headmen have issued certificate of various kinds to the citizens and residents of the village such as residential certificate, documents of

⁵¹*Ibid.*

identity for opening bank accounts and such requirements which the state and district authorities accept.⁵²

Durbar shnongs in the Mawphlang *Lyngdohship* also takes and supervises the implementation of developmental schemes either funded by the State or Central governments. As most of the villages are dominated by farmers and agriculturalist⁵³ who do not have much of resources, the developmental schemes received from the government sources or from other organisations are carried on by the *durbar shnong*. The task of upgrading the living standard of the people in the villages lies with the *durbar shnong*. By cooperating with various departments of the government relating to farmers' benefits and schemes, the *durbar shnongs* under the leadership of their *Rangbah Shnong* have taken a leading role to uplift their well being.

(iii) Durbar Hima

Above the *shnong* and the *durbar shnong* is the supreme political authority known as the *hima*. As it is with the *shnong*, the *hima* is administered by the chief known as the *Lyngdoh*. He administers the *hima* through the grand council or assembly known as the *durbar hima*. All male adult members of the various villages which fall under the Mawphlang *Lyngdohship* are members of the *durbar hima*. Traditionally, strict rules were followed in the composition of the *durbar hima*. But with the coming of the modern system of adult franchise, all male adult residents are members of the *durbar*. However, there is a strict rule in *hima*

⁵²N.K. Lyngdoh, *op.cit.*

⁵³*Ibid.*

Mawphlang where membership is limited only to those who are residents of the *hima*. Even members of the twelve founding clans of the *hima* who had left the *hima* are not allowed to take part in the election of the *Lyngdoh*.⁵⁴

At the apex of the Mawphlang *Lyngdohship*, the *durbar hima* acts as the law making body and frame rules relating to the overall administration of the *hima*. It is the decisions of the *durbar hima* that are turned into rules and are binding in the *hima*. These rules and regulations cannot be ignored by any one. The *durbar hima* is the central figure in the Khasi political system. According to the *riti synshar* of the Mawphlang *Lyngdohship*, the *durbar hima* is the supreme authority in the whole of the Mawphlang *Lyngdohship*.⁵⁵ It is the guardian of laws, customs, usages, beliefs and practices and also the supreme authority with regard to the moral code. It is empowered to appoint and remove the *Lyngdoh*, *Myntris* and the *Rangbah Shnongs* if they function against the will of the people or go against the *riti synshar* of the *hima*.⁵⁶ Under normal circumstances, the *durbar hima* convenes the annual council meeting. But should necessity demand, it may meet more often. The last *durbar hima* of the Mawphlang *Lyngdohship* was held in 2005.⁵⁷ Though as per the guidelines of the *hima*, it should be held annually, yet till now the *durbar hima* has not been held. The argument given by the *Lyngdoh* and *Myntris* is that the initiatives

⁵⁴*Ibid.*

⁵⁵*Ka Kot Hima Mawphlang Shaphang; Ka Riti Synshar Khadar*, Mawphlang *Lyngdohship*, 1970.

⁵⁶N.K. Lyngdoh, *op.cit.*

⁵⁷*Ibid.*

for convening the *durbar hima* should first come from the people of the *hima*.⁵⁸ Since the people are less interested to ask for the *durbar hima*, the *Lyngdoh* and the *Myntris* are also reluctant to hold it. Normally, the general annual agendas for discussion at the *durbar hima* are:

- (i) to assess the nature and procedure of taxation on forest base produce and quarrying;
- (ii) to grant permission for tenancy rights and impose market taxes;
- (iii) to discuss the law and order situation within the *hima*;
- (iv) to settle inter-village conflicts;
- (v) to confirm the newly appointed *Myntri(s)* and *Lyngdoh*;
- (vi) to grant permission relating to land utilization either by an individual, an association, a group, or the government;
- (vii) to maintain cordial inter-*hima* relationship;
- (viii) to maintain liaison with the government on its various programmes;
- (ix) to deliberate over the nature of procedures and rules regarding the power of the District Council and the *hima*;
- (x) To discuss any other relevant matters.⁵⁹

In most cases, the issues to be discussed in the *durbar hima* are already set by the executive committee of the *hima*. Cases that require the decisions of the higher body first come to the notice of the *Lyngdoh*. If the *Lyngdoh* cannot decide by himself, may forward such cases to the ‘*Durbar of the Lyngdoh and the Myntris*’ and

⁵⁸Interview with N.K. Lyngdoh (Lyngdoh of hima Mawphlang), L. Kharhunai, S.H. Kharshiing, L. Iangblah (Blah) and R. Kharsohliya (Sohliya)(Myntris of hima Mawphlang) on 6th & 12th June, 14th July, and 24th August, 2009.

⁵⁹A.K. Nongkynrih, *Khasi Society of Meghalaya: A Sociological Understanding*, Indus Publishing Company, New Delhi, 2002, pp. 74-75.

then to the executive committee of the *hima* and, at a later stage, to the *durbar hima*. Matters relating with the administration, expenses and expenditures of the *hima* are the general issues raised at the *durbar hima*.

Since time immemorial, the *durbar hima* has been playing an important role as the custodian to safeguard the rights and liberties of the various groups, to shape the civil consciousness of the individual and to give the people a paramount role in working out their government.⁶⁰ Though some *durbar shnongs* have started giving places for women to participate at the deliberations related to socio-political matters like the setting up of women organisations, yet the *durbar hima* has still maintained strict restriction on matters related with administration. Most of the villages in the Mawphlang *Lyngdohship* are having different women organisations like the *Seng Longkmie*, Women's Self Help Group, Vigilance Group (women's body), etc., but women are excluded from participating in the *durbar* system. Moreover, in maintaining the traditional norms of the Khasi, the *durbar hima* still follows most of the traditional beliefs and practices of the past.

In the past, the *durbar hima*, determined foreign policy, decided questions of war and peace and solved judicial problems. Before the advent of the British, this *durbar* took up civil and criminal suits sent to it from the villages and its verdict was final.⁶¹ It thus acted as the court of appeal or Supreme Court. It could even veto the appointment of chief, and officials who, on its resolutions might be removed. The *durbar hima* which is the supreme body has the power to control the purse of the

⁶⁰H. Bareh (1964), *op.cit.*, p. 60.

⁶¹*Ibid.*, p. 61.

hima. The income of the *hima* is minimal as the sources are limited only to one traditional market, stone quarrying and minimal incentives from selling of timbers within the *hima*.

As mentioned earlier, there are some forests which are under the control of the *durbar shnong*. However, there are also some very important forests which fall under the control of the *durbar hima* such as *Khlaw Raid*, *Khlaw Adong*, *Law Lyngdoh* or *Law Kyntang* which is popularly known as Sacred Grove, *Khlaw Lyngdoh Khun* and *Khlaw Lait Tyrkhang*. In relation to the preservation of these forests, the *durbar hima* has played a key role in the conservation of forests and other common property resources such as water sources, springs, grazing grounds etc. For centuries they have played the role of stewards with responsibility.⁶² This is evident from the manner in which the sacred forests have been conserved for years. These forests are under the supervision of the *durbar hima*. The *durbar hima* frames rules and regulations which relate to cutting of trees from these forests. Strict punishment is given to those who do not abide by the rules of the *durbar hima* relating to these forests.

The *durbar hima* not only preserves these forests but it also takes a leading role in preserving the tribal lands. With strict regulations from the *durbar hima*, no person is allowed to sell land to any other person other than the citizens of

⁶²Patricia Mukhim, "Tradition versus Development", *The Shillong Times*, Vol. LXIV, No. 54, Shillong, 3rd October, 2008.

the *hima* itself.⁶³ This is binding on all lands which fall under the *ri kynti* or individual lands, *ri kur* or clan lands and *ri raid* or community lands. To avoid land alienation, rules and regulations are supposed to be observed in a stringent manner. Moreover, the *durbar hima* of the Mawphlang *Lyngdohship* has played one of the leading roles in preserving the traditional market in the Khasi Hills. *Iew Mawngap*, the traditional market in the Mawphlang *Lyngdohship*, is known for the largest selling of live piglets in the Khasi Hills.⁶⁴

For a *hima* to prosper, peace and security are the main focuses. In the Mawphlang *Lyngdohship*, there is law and order situation in almost all villages. The success of this is that the leaders of the villages along with the *durbar shnong* and *durbar hima* function in such a way that they never allow party politics to enter into the area of traditional administration. Party affiliations are kept away from traditional administration.

The *durbar* still plays an important part in the political life of the people at different levels of family, clan, village and *hima* or state. At times, *durbars* and their executive committees are made active stakeholder or partners in maintenance of law and order. While the police take care of the corrective side of crime, the *durbars* are encouraged to focus on the preventive aspect of law and order management

⁶³Interview with L. Kharhunai (Myntri), R. Kharbudon, M. Sohlang and M.S. Kharshiing (Rangbah Shnongs of Mawngaprim, Mawngap Mawsmat and Mawphlang Dongmission), on 6th June, 2009 and 23rd & 25th July, 2009.

⁶⁴*Ibid.*

within their own jurisdiction.⁶⁵ However, owing to the factors of modernity, they have lost their importance in many places.⁶⁶

What is seen is that many of the traditional *darbar* systems in the Khasi Hills like the Mawphlang *Lyngdohship* have become prey to greed and extreme selfishness. From protecting the rights of the community they have become usurpers of those rights.⁶⁷ At present, most of the *darbars* in the Mawphlang *Lyngdohship* are having proper letter heads for communication. They use the computer and the modern technologies with equal flair. The traditional *darbar* system which believed in the word of the mouth is now replaced by written words or constitution. Though the *darbar* still plays an important and key role in the socio-political life of the Khasi, somehow tradition and the fruits of labour of our forebears to preserve the traditional laws and customs seem to be neglected and uncared for the unsought. In polity, as in other spheres of activities, we are being led away by foreign glamour.⁶⁸

Thus, a closer observation reveals that the role of the *darbar shnongs* and the *darbar hima* has started losing their grip while powers are being delegated to the authority of the heads of these institutions. Hence the role of the heads of traditional institutions has gained more importance especially in the upper level at the *hima*. Today there is a call by many political parties and organisations for the

⁶⁵Toki Blah, "Traditional Institutions and Urban Governance," *The Shillong Times*, Vol. LIX, No. 258, Shillong, 3rd and 4th May, 2004.

⁶⁶H. Bareh (1964), *op.cit.*, pp. 77-78.

⁶⁷Patricia Mukhim, *op.cit.*

⁶⁸Kynpham Singh, *op.cit.*, p. 27.

empowerment of the traditional heads. However, traditionally, it is the *durbar* that matters and this vital institution should be revitalised.⁶⁹

⁶⁹P. Malngiang, *op.cit.*, (memeo).

CHAPTER IV

RELATIONSHIP BETWEEN THE DISTRICT COUNCIL AND THE MAWPHLANG LYNGDOHSHIP

Mawphlang *Lyngdohship*, as one of the traditional institution in Khasi Hills, functions today within the framework of the District Council and the State Government. The District Council in particular exercises tremendous impact on the traditional institutions like the Mawphlang *Lyngdohship*. The powers and functions of the District Council and the Acts, Rules and Regulations that it made has affected and even curtailed some of the powers and privileges enjoyed by the traditional bodies since time immemorial.

The emergence of the modern political institutions or political system in Khasi Hills can be traced back to the period when the British annexed the area. Before the British came into these hills, the Khasi were under the administration of their traditional chiefs, that is, the *Syiem*, *Lyngdoh*, *Sirdar* and *Wahadadar*.

In the post-independence period yet another pattern of political system and administration emerged with the creation of the Autonomous District Council under the Sixth Schedule to the Constitution of India. The District Council replaced

the colonial administration and introduced many administrative measures which ultimately affected the traditional institutions in the area.

Coming of the District Council

Prior to the commencement of the Indian Constitution in 1950, at the district level, the administration of the hill areas of North-East India was vested with the Deputy Commissioner who was under the direct control of the Governor of Assam. Below the district level, administration was carried out mainly through tribal organizations and authorities of various categories like *Syiem*, *Lyngdoh*, *Sirdar* and *Wahadadar*.

While drafting the Indian Constitution, the Constitution makers recognized the necessity of a separate political and administrative structure for the hill Tribal Areas of the erstwhile province of Assam by enacting the Sixth Schedule to the Constitution of India.¹ An Advisory Committee on Fundamental Rights of Minorities in Tribal Areas was constituted by the Constituent Assembly and one of the sub-committees constituted was the North-East Frontier (Assam) Tribal and Excluded Areas sub-committee under the chairmanship of Gopinath Bordoloi. This committee is popularly known as the Bordoloi Sub-Committee.² The recommendations of the sub-committee were incorporated in the Sixth Schedule to

¹L.S. Gassah, "The Sixth Schedule and the 73rd Amendment: An Analysis", in M.N. Karna, L.S. Gassah and C.J. Thomas (eds.), *Power to People in Meghalaya*, Regency Publications, New Delhi, 1998, p. 4.

²*Ibid.*, p. 5.

the Constitution of India. The idea behind the Sixth Schedule was to provide the tribal people with a simple type of administration so that they could safeguard their own customs, traditions, culture and to provide them with maximum autonomy in the management of their tribal affairs.³ Accordingly, the United Khasi-Jaintia Hills Autonomous District Council (UK-JHADC) came into existence on the 27th June, 1952.⁴ It was formally inaugurated by the governor of Assam, Jairamdas Daulatram, at Shillong on this same day.

The necessity of a separate political and administrative structure for the hill Tribal Areas of the erstwhile province of Assam by enacting the Sixth Schedule to the Constitution of India are guided by three major considerations:

- i) The necessity to maintain the distinct culture of the tribal people of the region
- ii) The necessity to prevent their economic and social exploitation by the non-tribal people ; and
- iii) To allow them to develop and administer themselves according to their own genius.⁵

The Constitutional provisions therefore seek to maintain the tribal customs, culture, language, social and traditional councils/institutions and courts, and to secure the autonomy of tribal districts which are inhabited by fairly

³*Ibid.*

⁴S.K. Dutta, *Functioning of Autonomous District Councils in Meghalaya*, Akansha Publishing House, New Delhi, 2002, pp. 54-56.

⁵L.S. Gassah, "Effects of the District Councils on Traditional Institutions", in L.S. Gassah (ed.), *The Autonomous District Council*, Omsons Publications, New Delhi, 1997, p. 209.

homogeneous groups of tribes.⁶ Therefore, the Khasi Hills Autonomous District Council was an institution which was set up to protect and preserve the traditional rights and institutions of the Khasi people. In this respect, therefore, the power relationship and the effects of the District Council on these traditional institutions including the Mawphlang *Lyngdohship* are as under:

(i) Powers of the District Council

Under paragraph 3(1) of the Sixth Schedule to the Constitution of India, the District Council would have power, among other things, to make laws with respect to-

- (a) the allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest for the purpose of agriculture or grazing or for residential or other non-agricultural purposes or for any other purposes likely to promote the interests of the inhabitants of any village or town;
- (b) the management of any forest not being a reserved forest;
- (c) the use of any canal or water-course for the purpose of agriculture;
- (d) the regulation of the practice of *jhum* or other forms of shifting cultivation;
- (e) the establishment of village or town committees or councils and their powers;
- (f) any other matter relating to village or town administration, including village or town police and public health and sanitation;
- (g) the appointment or succession of Chiefs or Headmen;

⁶*Ibid.*

- (h) the inheritance of property
- (i) marriage and divorce; and
- (j) social customs.⁷

Armed with such Constitutional powers, the District Council was authorized to make rules, laws and regulations with matters relating to the traditional institutions and put them under its control.

(ii) Effects of District Council on Traditional Institutions

The Khasi society had its tribal institutions and form of governance since time immemorial. However, these pristine institutions had to face severe stresses and strains at the oncoming forces of new administrative set up and modernization processes in the field of constitutional administration. With the advent and evolution of the agents of political modernization and the emergence of the new institutions, many changes had been brought on the powers and functions of the traditional institutions and the traditional chiefs.⁸ Such new political institutions which were created after independence were in fact eroding the powers and functions of traditional councils (*darbars*) instead of improving upon them.⁹ The immediate effect was that the powers and functions of these traditional institutions were taken

⁷P.M. Bakshi, Jaswant Singh and Deepak Arora, *The Constitution of India Volume 4*, Madras Law Journal Office, Madras, 1993, pp. 486-87.

⁸L.S. Gassah, *Traditional Institutions of Meghalaya: A Study of Doloi and his Administration*, Regency Publications, New Delhi, 1998, p. 52.

⁹*Ibid.*

away and were put under the overall control and supervision of the District Council.¹⁰

The colonial powers of the British, which was removed in 1947, was replaced by the District Council. Most of the powers of the chiefs and the traditional institutions which were reduced by the British were carried on by the District Council.

With the introduction of the District Council there has been a mistrust of one institution by the other and a misuse of power by the newer form of administration which has, in most cases, failed. The UK-JHADC which was established in 1952 passed a number of Acts, Rules and Regulations. Some of these Acts had a direct bearing and effect on the powers and functions of the traditional institutions and traditional chiefs.

The traditional chiefs in the Khasi Hills such as the *Syiems*, *Lyngdohs*, *Sirdars*, *Wahadadar* and village headmen are treated by the District Council as its subordinate officials. These chiefs are therefore completely under the control and supervision of the District Council. This was done through the provisions contained in paragraph 3(1) (g) of the Sixth Schedule. It stated that the District Council is empowered to make laws with respect to the appointment or succession of chiefs and headmen.

¹⁰*Ibid.*

In brief, all appointments of chiefs and headmen shall be subjected to the approval of the District Council which may confirm such appointments under terms and conditions which it may by rules from time to time adopt. The terms and conditions provided in the Act include:

- (a) The duration of their office,
- (b) Their remuneration,
- (c) Their relationship with the District Council and/ or with the *Elaka (hima)*,
- (d) The manner in which the administration of the *Elaka* will be carried out by them,
- (e) The manner in which the fund of the *Elaka* is to be managed by them,
- (f) Their code of conduct.

Provided that the terms and conditions that may be adopted by the District Council under this section shall apply to all the existing chiefs.¹¹

With such rules and regulations, the Sixth Schedule has made the District Council the competent authority to make laws on various matters. These matters which were dealt with by the chiefs and the power of the chiefs have been modified to the extent as provided in the laws made by the District Council. However, in the implementation of the appointment of the chiefs, the District Council has reduced the position of the chiefs of the Khasi *hima* to that of the position of the employee of

¹¹*The United Khasi-Jaintia Hills Autonomous District (Appointment And Succession of Chiefs And Headmen) Act, No. II of 1959.*

the District Council. Similarly, the District Council has also modified the said customary law by enacting a law providing for approval of the election and appointment of the chief.¹²

Regarding disputes of election of the chiefs, the “Appointment and Succession of Chiefs and Headmen” Act, clearly states that if, within 30 days of the declaration of the result by the returning officer, any dispute arises regarding any matter relating to or connected with the election or nomination of a chief, the disputes shall be referred by the party or parties concerned by a petitions, to the Tribunal constituted by the Council for the purpose which shall submit its report and finding at the earliest and not later than six months from the date of receipt of the case records, to the Executive Committee for its decision. However, the Executive Committee may from time to time extend the aforesaid period of six months at the request of the Tribunal by means of written order. The decision of the tribunal shall be final.¹³

Besides, the “Appointment and Succession of Chiefs And Headmen” Act also made provisions for the removal and suspension of the chiefs and headmen by the Executive Committee of the District Council. It states that the chief may be removed from office or suspended by the Executive Committee if in its opinion:

¹²E. Jyrwa, “Critical Assessment on the Working of the Khasi Hills Autonomous District Council in Meghalaya”, in M.N. Karna, L.S. Gassah and C.J. Thomas (eds.), *Power to People in Meghalaya*, Regency Publications, New Delhi, 1998, p. 95.

¹³*The United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs And Headmen) Act, 1959, (As Amended)*, KHADC, Shillong, 2006.

- (a) he violates any of the terms and conditions of his appointment; or
- (b) he violates any of the law, regulations, rules and the resolutions passed by the District Council; or
- (c) he refuses to carry out the instructions issued by the Executive Committee; or
- (d) he is found to be mentally unfit to carry out his functions; or
- (e) has been incapable of carrying on the administration to the satisfaction of the Executive Committee due to ill health, old age or drunkenness; or
- (f) he violates any customary rights and practices prevailing in the *elaka* concerned and duly approved by the Executive Committee; or
- (g) he has been convicted of offences involving moral turpitude; or
- (h) has oppressed the people of his *elaka* and they have just cause for dissatisfaction with his misrule; or
- (i) he has lost the confidence of his majority of the electors or of the people of the *elaka*; or
- (j) he is an un-discharged insolvent; or
- (k) he has been conducting himself in a manner derogatory to his office or pre-judicial to the interest of the *elaka* or part thereof; or
- (l) has been conducting himself in a manner which may undermine the authority of the Executive Committee of the District Council;

Provided that every such case shall be placed before the District Council at its next session;

Provided further that no chief shall be removed from office or punish with suspension unless he is given an opportunity of being heard.¹⁴

Furthermore, the UK-JHADC in the Principal Act of 1959, introduced two fundamental changes from the traditional customary practices of the people as per sections 10 and 11 of the Act which relate to the appointment of Deputy Chief (section 10) and an Acting Chief (section 11). In relation to the appointment of Deputy Chief, section 10 stated that:

- (1) The chief and his durbar may with the prior approval of the Executive Committee appoint a deputy chief who shall exercise such powers and functions as may be delegated to him by the chief and his durbar.
- (2) Immediately after the operation of this Act, the existing deputy chief shall cease to be in office and shall be appointed in accordance to its provisions.
- (3) The chief and his durbar may, with the previous consent of the Executive Committee, remove the deputy chief from his office if in their opinion:
 - (a) he is conducting himself in a manner derogatory to his office or prejudicial to the interest of the *elaka* or which may undermine the authority of the Executive Committee; or
 - (b) he is found to have been convicted of offences involving moral turpitude; or

¹⁴*Ibid.*

- (c) he is found to be mentally unfit to carry out his functions; or
- (d) he is found incapable of carrying out his functions due to ill health, old age or habitual drunkenness; or
- (e) he violates any provision of the Act.¹⁵

In relation to the appointment of an Acting Chief, section 11 stated that if at any time the post of the chief becomes vacant as a result of death, resignation, expiry of tenure of office, the Executive Committee of the District Council may, by order in writing, appoint the deputy chief or any Khasi male adult belonging to the customary ruling clan of the *elaka* and/ or is a native of the *elaka* concerned to act as an acting chief, who shall exercise all the powers and functions of the chief.

An acting chief will remain in office until the appointment of a new chief or until further order of the Executive Committee whichever is earlier.¹⁶

It may also be stated that the Khasi Hills Autonomous District Council in 1980 in its Fifth Amendment to the Principal Act of 1959, went to the extent of passing an Act debarring the chiefs, deputy chiefs and acting chiefs from taking part in politics and elections.

The chiefs being treated as its subordinate officials are made accountable for their actions to the District Council. They are therefore directed to desist from criticism of the functioning of the Executive Committee of the District Council in

¹⁵*Ibid.*

¹⁶*Ibid.*

any form of utterance or statement. They are debarred to participate in any demonstration or resort to any form of strikes in connection with any matter pertaining to their conditions of service.¹⁷

The various Acts passed by the District Council under the Sixth Schedule from time to time brought radical changes in the pattern and procedure of election and appointment or succession of chiefs and headmen in the Khasi Hills. The effect of such Acts of the District Council has resulted in reducing and subordinating the position and status of chiefs to that of stipendiary officials.¹⁸ Subsequently, the District Council was never welcomed to the traditional authorities.

Though a certain organized group known as *Ka Dorbar Ki Khlieh Nongsynshar Ka Ri Hynniewtrep* (KDKKNKRH) is established among the chiefs and heads of the Khasi *hima* yet its position is very weak and ineffective. The Khasi chiefs and *hima* have to accept whatever policy decisions taken by the District Council in their relationship with it. The District Council has become an authority to control the chiefs and, at the same time, an integrative agency for the different *himas*. In a sense, it is becoming a centralized authority. The chiefs are completely under the control of the District Council.

¹⁷L.S. Gassah, (1998), *op.cit.*, p. 60.

¹⁸Government of Meghalaya, *Report of the Land Reforms Commission for Khasi Hills*, Government Press, Shillong, 1974, p. 8.

The Khasi Hills Autonomous District Council and the Mawphlang Lyngdohship

Like any other traditional institutions in Meghalaya, the Mawphlang *Lyngdohship* falls under the supervision and control of the Khasi Hills Autonomous District Council as per the authority empowered by the Sixth Schedule to the Constitution of India. Among the various Khasi *himas* which fall under the control and supervision of the Khasi Hills Autonomous District Council, the Mawphlang *Lyngdohship* is one of them. The Mawphlang *Lyngdohship* is categorized as one of the three *Lyngdohships* in the Khasi Hills. Thus, the Acts, Rules and Regulations of the KHADC which relate to the traditional chiefs and traditional institutions have the same legal binding forces on the Mawphlang *Lyngdohship*.

It is to be noted that the present KHADC enjoys autonomy over a large number of subjects under its power. As per the Sixth Schedule to the Constitution of India, the KHADC can encroach upon the vast areas related with the traditional institutions and traditional chiefs.

It has been pointed out that the traditional chiefs are now treated by the KHADC as its subordinate officials. Hipshon Roy Kharshiing has been very harsh on the District Council when he pointed out that the UK-JHADC (*Appointment and Succession of Chiefs And Headmen*) Act, 1959) was more like a Government Servant's conduct Rules for Grade IV employees besides diluting the power to the

people.¹⁹ The *Lyngdoh* of *hima* Mawphlang also falls under the same category. As per the traditional customs followed in *hima* Mawphlang, the *Lyngdoh*, once elected, served for a life time period. But with the power vested by the Sixth Schedule on the KHADC, it can enact terms and conditions related with the duration of their office and their code of conduct.

Again, any matter related to disputes in the election of the *Lyngdoh*, the decision of the Executive Committee of the KHADC shall be final. Besides, the KHADC can make provisions for the removal and suspension of the *Lyngdoh*. But this has never happened in the Mawphlang *Lyngdohship*.

In relation to the appointment of Deputy Chief and the Acting Chief, the UK-JHADC in the Principal Act of 1959 introduced two provisions which affect the traditional customary practices of the people of *hima* Mawphlang.

As per section 11 of the Principal Act of 1959, if at any time the post of a chief is vacant, the Executive Committee may by an order in writing, appoint the deputy chief or any Khasi male adult belonging to the customary ruling clan of the *elaka* and/or is a native of the *elaka* concerned to act as an acting chief who shall exercise all the powers and functions of the chief. An acting chief will remain in office until the appointment of a new chief or until he is removed by the Executive Committee. According to the customary practices in the Mawphlang *Lyngdohship*,

¹⁹U Hipshon Roy, "Re-appraisal of the Khasi Hills District Council", *The Meghalaya Guardian*, G.L. Publications, Shillong, 14th March, 1993, (as quoted by P. Malngiang, "The Khasi Hills Autonomous District Council and the 73rd Constitution Amendment", in M.N. Karna, L.S. Gassah and C.J. Thomas (eds.), *op.cit.*, p. 106).

whenever there is vacancy in the office of the *Lyngdoh*, it is the *Myntri Blah* who is to take the responsibility as the *Myntri Incharge* of the *hima* on behalf of the *Lyngdoh*. All powers and functions of the *Lyngdoh* are temporarily vested on the *Myntri Incharge* and the administration of the *hima* empowers him to run its affairs with the help of other *Myntris* and the *durbar*.²⁰ However, with the introduction of this Act by the District Council, an acting chief was appointed during a period when the office of the *Lyngdoh* was vacant. The present *Lyngdoh*, (N. Kingkerious Lyngdoh) had served as an acting chief for some period before he was elected to the post of *Lyngdoh* of the Mawphlang *Lyngdohship*. Thus, section 11 of the Act which empowers the Executive Committee of the KHADC to appoint an acting chief is contrary to the age-old customs and usages. Such an act of appointment of the acting chief has been criticized as it tantamounts to complete deviation from the traditional customary practices of the people. According to the Khasi custom, there was never a practice of appointing an acting chief. The chief once appointed was chief for life.²¹

As for the post of the deputy chief in the Mawphlang *Lyngdohship*, the direction of the District Council on this matter has not been followed. Section 10 of the Principal Act of 1959 of the District Council did not affect the Mawphlang *Lyngdohship*. In *hima* Mawphlang the post of deputy chief has never existed,

²⁰Interview with N.K. Lyngdoh, (Lyngdoh of Mawphlang Lyngdohship), on 6th June, 2006.

²¹E. Jyrwa, "Critical Assessment on the Working of the Khasi Hills Autonomous District Council in Meghalaya", in M.N. Karna, L.S. Gassah and C.J. Thomas (eds.), *op.cit.*, pp. 97-98.

because whenever the post of the *Lyngdoh* falls vacant, it is the *Myntri Blah* as *Myntri Incharge* who takes over the responsibility on behalf of the *Lyngdoh*.

With regard to financial matters, the *hima* Mawphlang needs to pay 1/8 (one-eighth) of the total income to the District Council. The Council has also certain control over the budget of the *hima*. Overall, it has been found that the chiefs of the various *himas* are today under immense pressure in many ways. The traditional market in *hima* Mawphlang i.e., *Iew* Mawngap or Mawngap market is held once a week. The income received from it is very small compared to other traditional markets like the *Iewduh* (Bara Bazar) under Myllem *Syiemship*. The other income of the *hima* are very minimal as the prime sources come only from market, stone quarrying and timbers. Thus, it is very difficult for the *hima* to maintain its administrative services with such meager income. Hence the *hima* had requested the District Council to cancel the payment of financial income of one-eighth shares. In this regard it is a welcome gesture for the Mawphlang *Lyngdohship* as the KHADC had relaxed the one-eighth shares for the time being.²²

Over the past several years, the *durbar* systems have become increasingly active. They are being asked by the State Government and the District Council on various occasions for support. The traditional heads of the Khasi *hima* and the village headmen have become indispensable for the administration. Citizens have to get the recommendation of these traditional institutions for obtaining the residential

²²N.K. Lyngdoh, *op.cit.*

certificates and documents of identity for opening bank accounts and such requirements. The *Durbars* have the respect of the local population, and local governance is the forte of these bodies. The importance of these traditional bodies can be seen best, during the years when Shillong faced serious law and order problems due to social tension. The government machinery and other agents of administration had to seek the help, assistance and cooperation of the local headmen of different localities. Therefore, in order to ease the tension and bring back normalcy not only in Shillong, but in other district headquarters, traditional chiefs and such other institutions came to the rescue of the government machinery.²³

Also at times the KHADC have sought the cooperation of these democratic and traditional institutions when it is concerned with some problems like matters relating to the crisis that emerged with the issue of the trading licenses to non-tribal traders. In this instance, the Executive Member of the KHADC in charge of trade sought the authority of the *durbar shnong* when it asserted that it would issue such licences only to traders whose names would be recommended by it. It is no surprise therefore that we are witnessing in our time a resurgence of the rights, powers and privileges of the traditional institutions and their leaders.²⁴ However,

²³L.S. Gassah, "Traditional Institutions and Parliamentary Democracy: A Case study of Meghalaya", in A.K. Baruah (ed.), *Proceedings of the North East India Political Science Association*, (Fifth Annual Conference, Union Christian College, Barapani), NEIPSA, Shillong, December, 1995, p. 37.

²⁴D.R. Syiemlieh, "Traditional Institutions of Governance in the Hills of North East India: The Khasi Experience", *Man and Society A Journal of North East Studies*, Vol. III, 2006, p. 131.

this task is not present in the Mawphlang *Lyngdohship* since the population is entirely tribal.

Some of the customary practices are not followed in some of the urban areas falling within the Shillong Municipality. But *darbars* are by and large firm in some of their customary practices like exemption of women from participating in the *darbar*. This is also true in the Mawphlang *Lyngdohship* excepting for two villages as mentioned earlier. Therefore, they are male-centric institutions.²⁵ Though there are times when the government authorities had recognised the yeoman service rendered by these traditional institutions yet it has not given to them the statutory authority as envisaged in the Sixth Schedule.²⁶

As stated earlier, there is an organised group established among the heads of traditional institutions which works collectively for the general welfare of these traditional institutions. One such organisation is the *Ka Dorbar Ki Khlieh Nongsynshar Ka Ri Hynniewtrep* (KDKKNKRH) an organisation of traditional heads from Khasi and Jaintia Hills which works on a common platform to fight against any threat to the traditional system. *Hima* Mawphlang, as one of the member of this organisation, is also participating in campaigning against any malpractices by the District Council. Under the banner of KDKKNKRH, the traditional institutions

²⁵Patricia Mukhim, "Traditional institution in a post-modern world", *The Shillong Times*, Vol: LXI, No. 50, Shillong, 30th September, 2005.

²⁶P. Malngiang, "The Khasi Hills Autonomous District Council and the 73rd Constitution Amendment", in M.N. Karna, L.S. Gassah and C.J. Thomas (eds.), *op.cit.*, pp. 102-03.

in the Khasi Hills had demanded for 'Constitutional Recognition' and requested that the legislative, administrative and judicial jurisdiction of the traditional institutions in accordance with the customs, usages and practices practised from time immemorial, be recognized.

On one hand, these traditional institutions demanded for constitutional recognition while on the other, they still want that power sharing should remain confine only to the male members of the society. The *Lyngdoh*, *Myntris* and other heads of the *hima* Mawphlang had expressed the need for Constitutional Recognition of their *hima*. However, they still hold on to the customary practices of restricting women from taking part in the traditional *durbar* system and its administration.

The relationship between the traditional institutions and the District Council was always under strains. This is because of the newly emerging elite. The prevailing conditions appear to be more in favour of such elite than the old guards of the tradition.²⁷ The experience of the traditional heads of the *hima* with the Khasi Hills Autonomous District Council since its inception has not been cordial. They continue to grouse against the 1959 Act of the Council that lowered their position to that of the village headmen.²⁸

²⁷L.S. Gassah, "A Critical Assessment of the Role and Functions of the Jaintia Hills Autonomous District Council", in M.N. Karna, L.S. Gassah and C.J. Thomas (eds.), *op.cit.*, pp. 128-129.

²⁸D.R. Syiemlieh, *op.cit.*, p. 130.

The District Council has not taken conscious measures to codify any of the social customs. In the Khasi Hills, the position of the chiefs and their functions remain undefined. Further, the spirit of the Sixth Schedule is to promote the growth of the tribal genius. Thus, the District Council may be considered not only redundant but also as an expensive institution with the establishment of the Hill State.²⁹

It is felt that instead of acting as an institution to protect and preserve the traditions and social customs of the people, the District Council behaves otherwise and contrary to the purpose of its establishment. It unnecessarily interferes in matters which should have been left to the people and their traditional institutions. In this way many of the powers and functions of the traditional chiefs are either curtailed or taken away by means of Acts, Rules and Regulations passed from time to time.³⁰ Thus the District Council was never welcomed by the traditional institutions as to them, it reflected the aspirations of the new elite.

The relationship between the Mawphlang *Lyngdohship* and the KHADC like any other Khasi *hima* was not cordial. Though some issues like the one-eighth shares of the revenue was solved on mutual understanding yet the leaders of the Mawphlang *Lyngdohship* had to succumb to the dictate of the District Council on

²⁹E. Jyrwa, "Critical Assessment on the Working of the Khasi Hills Autonomous District Council in Meghalaya", in M.N. Karna, L.S. Gassah and C.J. Thomas (eds.), *op.cit.*, p. 88.

³⁰L.S. Gassah, "A Critical Assessment of the Role and Functions of the Jaintia Hills Autonomous District Council", in M.N. Karna, L.S. Gassah and C.J. Thomas (eds.), *op.cit.*, p. 127.

the issue related with the creation of the post of Acting Chief which was not resented to by the leaders of the *hima*.

CHAPTER V

CONCLUSION

The Khasi is one of the major tribe in Meghalaya. The Khasi have their own traditional ways of governing themselves through the *durbar* system with their chiefs, nobles (*Bakhraws*), elders (*Ki Tymmen Ki San*) and village headmen (*Rangbah Shnong*). There are different kinds of chiefship among the Khasi, and their administration are different in some way or the other. In the Khasi Hills, the traditional institutions are known by various names based on the name given to their chief for instance, *Syiemship*, *Lyngdohship*, *Sirdarship*, and *Wahadadarship* with their chief known as *Syiem*, *Lyngdoh*, *Sirdar* and *Wahadadar* respectively. The Mawphlang *Lyngdohship* is one of the traditional institutions in the Khasi Hills.

In the first chapter an attempt has been made to understand and conceptualize the traditional institution of *Lyngdohship*. Many authors on traditional institutions have propounded their views on the concept of *Lyngdohship*. These writings point out that *Lyngdohship* is of two types, one is those *Lyngdoh* who are related with religion or 'Ka Niam', the *Lyngdoh* is thus a religious priest or 'U *Sohblei*'. The other *Lyngdoh* are those who are related with the administration of the *hima* besides being the priest. He is called the 'Priest Chief' or '*Lyngdoh Nongsynshar*'. This priest chief is the head of the *hima* in the Mawphlang *Lyngdohship*.

Traditional institutions as perceived by many are age-old socio-political institutions which are generally viewed as a system which is preventing change, an attitude opposed to progress, innovation, growth and creativity. However, some have argued that tradition itself can actually be invented and constructed and that what sometimes have been passed off as very ancient tradition, are in fact of quite recent origin. The traditional institutions in the Khasi Hills, which were once believed to function under convention as the driving force behind actions of these institutions, are now replaced by many forms. Thus, we see that traditionally oral communication with signs and symbols were sufficient but today the written word has come in the way. Every traditional institution has a proper letter head for communication and the resolution of the *durbar* was recorded.

Traditional institutions in the Khasi Hills, including the Mawphlang *Lyngdohship*, have accepted reforms introduced to suit the present changing society. Tradition is thus perceived not of the past but a practice that should suit the present.

The second chapter deals with the powers and functions of the Mawphlang *Lyngdohship*. In Mawphlang *Lyngdohship*, the system of administration is divided between the *durbar hima* at the apex, headed by the *Lyngdoh* and the *durbar shnong* at the base, headed by the *Rangbah Shnong*. The important powers and functions of the *durbar hima* are vested on the *Lyngdoh* and his officials, the *Myntris* and elders. They execute the various powers with the consent of the

executive committee or the *durbar hima*. Traditionally, the main functions of the Mawphlang *Lyngdohship* are legislative, judicial, military, police, and religious.

One of the main legislative functions of the Mawphlang *Lyngdohship* is to make rules and regulations or '*Adong Shnong*'. These rules and regulations are formulated at the *durbar* and are followed at all levels of the *hima*'s authority for the smooth day-to-day administration of law and justice. Some of the *adong shnong* include laws on house tenants, laws on absence to attend the *durbar*; laws on daily collection of fuel, using foul languages, drunkenness and causing public nuisance in the village. However, the most important legislative power which the Mawphlang *Lyngdohship* exercises till today is the granting of *Sanads* to village headmen falling under its jurisdiction.

The powers to try cases of a civil nature within the purview of tribal laws and customs such as petty theft and pilfering, mischief and trespass of a trivial nature, simple assault and hurt, affront and affray of whatever kind, drunkenness or disorderly brawling, public nuisance and simple cases of wrongful restraint still remain as judicial powers of these traditional institutions in the Mawphlang *Lyngdohship*. Again the District Council has set up village courts as the lowest courts with powers to try such cases. But what actually happens in the existing situation is that when cases become complicated and required judicial interpretations, the District Council Court or other higher courts come into consideration.

The military and police powers of the *hima* no longer existed since the advent of the British in these hills. However at times, the District and the State Government has sought the help of the traditional authority to assist in maintaining law and order. In maintaining peace, order and security in the *shnong* and *hima*, the cooperation of the people and citizens becomes a vital issue. Thus at present, despite the modern police forces of the government, there are the Village Volunteers, Vigilance Committee, Village Defence Parties to help maintaining peace and security in the *hima*. The cooperation of the village volunteer etc. has become one of the main functions of the *hima*. This shows that even in the present day, traditional authorities still play an important part in maintaining peace and harmony in the *hima*.

The *Lyngdoh* who serves as a priest in other Khasi *hima* is a chief in the Mawphlang *Lyngdohship*. The duties of the *Lyngdoh* with regard to religious functions consist chiefly of conducting sacrifices in times of the outbreak of epidemics like cholera and other fatal diseases (*jingiap khlam*). Also all traditional rites and religious festivals concerning the whole *Lyngdohship* has to be performed by the *Lyngdoh*. The present *Lyngdoh* who is a Christian had to delegate his religious authority to his clansmen or to the *Myntri* in charge of religious duties. At present, from the four *Myntris* of *hima* Mawphlang, only one is not a Christian. Most of the sacrifices which are required to be performed in the *hima* are being helped by people who are neither *Myntris* nor *Lyngdoh*. Though the *Lyngdoh* and these *Myntris* fulfil

and perform the duties entrusted to them, yet traditional ways of performing their duties are altered.

In the process of giving more powers to the District Council, the position of the Khasi chiefs and the *durbars* is considerably reduced. The overall impact of the British rule, the coming of Christianity and the establishment of the District Council was that, although the Khasi chief, *Myntris* and other officials remained in their offices, yet their powers were divested from them and the real power is presently vested in the District authorities.

With regard to the powers and functions of the Mawphlang *Lyngdohship*, there are a lot of changes that took place since the time of the British occupation of the Khasi Hills and the introduction of the District Council. Many of the powers enjoyed during the olden days were now being taken away or altered in some way or the other.

In chapter three the role of *durbar kur*, *durbar shnong* and *durbar hima* in Mawphlang *Lyngdohship* are specifically elaborated in terms of their contributions towards society. These *durbars* reveal the close interrelation and interconnection between them. All political units or *durbars* are interlinked in such a manner that they do not exist or function independently. The different forms of local authority are subordinated to a central one giving the administration a hierarchical structure.

Normally, the *durbar kur*, which is a *durbar* of the particular *kur* or clan, discusses internal matters of the *kur* only. However, in two villages of *hima* Mawphlang, i.e., Laitmawpen and Wah Umlawbah, the *durbar kur* is also related with the day-to-day administration of the *hima* as these villages are occupied by a single *kur*.

In almost every village of *hima* Mawphlang, women are still barred from taking part in the *durbar* system. This envisages the gender inequality in many of the *darbars* though the Khasi society is known to be a matrilineal one. However, in the two villages i.e., Laitmawpen and Wah Umlawbah, women are permitted to participate as an audience at the *durbar*.

Every village in Mawphlang *Lyngdohship* has a *durbar shnong*. These *durbar shnongs* impart adequate training to village people in the art of self-government. This helps to mould a politically conscious and creative citizenship. These *darbars* prescribe rules for the behaviour of residents and provide guidelines for public morality.

Apart from the day-to-day administration of the villages, the *durbar shnong* also plays an important role in preserving the various types of forests and lands existing in *hima* Mawphlang. It also plays a very important role in providing basic educational institutions to the villagers. Most of the villages in *hima* Mawphlang have primary schools either run by the government, missionaries or by the *shnong* and the *hima*.

The *durbar shnong* also takes and supervises the implementation of developmental schemes either funded by the State or Central Governments. As most of the villages are not having any sources of revenue, the developmental works are carried out by implementation of various schemes received from the government or from other organisations.

What is seen in the Mawphlang *Lyngdohship* is that the *durbar raid*, which exists in other Khasi *himas* does not exist here.

At the apex of the Mawphlang *Lyngdohship*, the *durbar hima* acts as the law making body and frame rules related to the overall administration of the *hima*. It is the decisions of the *durbar hima* that are turned into rules which further bind the people of the *hima*. These rules and regulations cannot be ignored by any one. The *durbar hima* is the central figure in the Khasi political system. This is also true of the Mawphlang *Lyngdohship*.

In the Khasi traditional institutions, power is vested in the hands of few clans whereas the majority of the citizens have no actual share in the administration of the *hima*. In the Mawphlang *Lyngdohship*, the Lyngdoh, the Kharshiing, the Iangblah, the Kharsohliya and the Kharhunai clans represents the whole of Mawphlang *Lyngdohship*.

Chapter four deals with the relationship between the District Council and the Mawphlang *Lyngdohship*. With the introduction of the United Khasi-Jaintia Hills Autonomous District Council (UK-JHADC) in 1952, the Council has passed a

number of Acts, Rules and Regulations from time to time. Some of these Acts had a direct bearing curtailing the powers and functions of the traditional institutions and traditional chiefs.

The study of the powers of the District Council shows that the District Council enjoys substantial autonomy and has unlimited powers in relation to the traditional institutions. Therefore, there is an on-going struggle for power between the traditional institutions like the Mawphlang *Lyngdohship* and the District Council.

The traditional chiefs in Khasi Hills like the *Syiems*, *Lyngdohs*, *Sirdars*, *Wahadadar* and village headmen are now treated by the District Council as its subordinate officials. These chiefs are therefore completely under the control and supervision of the District Council. This can be seen on certain provisions that contained in the Sixth Schedule. For e.g. under paragraph 3(1) (g) of the Sixth Schedule, the District Council is empowered to make laws with respect to “the appointment or succession of chiefs and headmen”. The relationship between the traditional institutions and the District Council is all along under strains.

Thus, the District Council instead of acting as an institution to protect and preserve the traditions and social customs of the people, it has acted contrary to the purpose of its establishment. This shows that the District Council unnecessarily tries to interfere in matters which should have been left to the people and their traditional institutions so that there is continuity in their traditional customs and

practices. In this way many of the powers and functions of the traditional chiefs were either curtailed or taken away by the District Council through Acts, Rules and Regulations passed from time to time.

Thus from the above findings, it may be concluded that the traditional institution of the Mawphlang *Lyngdohship* has undergone drastic changes after the coming of the District Council. In many cases the KHADC has restricted the powers and authority of the Mawphlang *Lyngdohship*. There is a struggle for power between the traditional institutions and the District Council and the Mawphlang *Lyngdohship* has lost many of its powers. The necessity to re-vitalize, modify, and strengthen the traditional institutions like the Mawphlang *Lyngdohship* by giving constitutional recognition to them is strongly felt so that they may be in a position to formulate policies and programmes for the welfare of the people in the traditional system.

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U Nongsain Hima, Ideal Press, Shillong.

APPENDIX

LIST OF PERSONS WITH WHOM INTERVIEWS WERE CONDUCTED

- | | | |
|-------|-------------------------|--|
| i) | B. Rynjah- | Rangbah Shnong of Lyngkien Sunnei |
| ii) | Bronath Langstieh- | Rangbah Shnong of Mawmyrsiang |
| iii) | D. Kharshiing- | Rangbah Shnong of Mawphlang
Dongiewrim |
| iv) | E. Jyrwa- | Rangbah Shnong of Kyiem |
| v) | K. Marchand Lyngdoh- | Rangbah Shnong of Mawphlang
Nongrum |
| vi) | Kenta Kharshiing- | Rangbah Shnong of Wah Umlawbah |
| vii) | Lamphrang Blah- | Myntri of Hima Mawphlang |
| viii) | Les Kharphuli- | Rangbah Shnong of Ur ur |
| ix) | Lumbok Kharhunai- | Myntri of Hima Mawphlang |
| x) | M. Sohlang- | Rangbah Shnong of Mawngap
Mawsmai |
| xi) | Mardor S. Kharshiing- | Rangbah Shnong of Mawphlang
Dongmission |
| xii) | N. Kingkerious Lyngdoh- | Lyngdoh of Hima Mawphlang |
| xiii) | Nibarson Kharsyntiew- | Rangbah Shnong of Umtyrnuit |
| xiv) | Pholdrington Hynniewta- | Rangbah Shnong of Lad umrisain |

- | | | |
|--------|----------------------------|--|
| xv) | Phone Kharshiing- | Rangbah Shnong of Laitmawpen |
| xvi) | R. Kharrngi- | Rangbah Shnong of Lyngkien
Ramklang |
| xvii) | Ratify Kharbudon- | Rangbah Shnong of Mawngaprim |
| xviii) | Riewshai Sohliya- | Myntri of Hima Mawphlang |
| xix) | S. Hodlingshon Kharshiing- | Myntri of Hima Mawphlang |
| xx) | Shotsing Lyngdoh- | Rangbah Shnong of Mawphlang
Mawkohmon |
| xxi) | Testo Kurbah- | Rangbah Shnong of Wahrynghaw |

Bio-data

1. Name: Iengskhem Ryingki Synniang
2. sex: Male
3. Date of Birth: 29th March 1983
4. Father's name: D.K. Ryingki
5. Address:
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6. Religion: Christian
7. Nationality: Indian
8. Caste/tribe: Scheduled tribe (Khasi)
9. Educational qualifications: MA, Department of Political Science,
NEHU. Graduated in 2007.
10. Additional qualifications: UGC-NET (Passed in 2008), Basic
Computer knowledge.
11. Hobbies: Football, Cricket, Drawing, Painting and
furniture works.