

Traditional Self-Governing Institutions Among the Hill Population Groups of Meghalaya

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The present State of Meghalaya comprises the three major tribal groups of the Khasis, Jaintias and Garos. All these three have their own Autonomous District Councils now. The Autonomous District Councils for the United Khasi-Jaintia Hills District and the Garo Hills District were introduced right from 1952 in accordance with the provision of the Sixth Schedule to the Constitution of India. Subsequently, however, the people of Jaintia Hills felt that a separate District Council was an urgent need for the then Jowai subdivision. A Commission was appointed in 1963 to look into this matter. The Commission recommended for a separate district administration for Jaintia Hills and so a separate District Council for Jaintia Hills was created on the 1st of December 1964 after the bifurcation of the then United Khasi-Jaintia Autonomous District Council. Since then three Autonomous District Councils have been in operation, one each for Khasi Hills, Jaintia Hills and Garo Hills..

The Autonomous District Councils in Meghalaya are such institutions which were introduced among the tribal people of the State only after Independence, to be specific, since 1952. But the tribal people of Meghalaya have their own traditional socio-political institutions since time

immemorial. Such institutions are deeply rooted in the society. They can also be considered as traditional self-governing institutions. The traditional institutions were and are still responsible for the day-to-day administration of the people. They run the administration in a democratic manner and in accordance to the general will of the people based on traditions, customs, culture and usages of the land. The traditional Chiefs, though occupy the highest hierarchy in the rung of the ladder of administration, cannot go against the popular will of their people. In many cases, such Chiefs were either selected or elected by the people in order to supervise the administration and not to oppress or suppress them. The people retain the highest authority in matters of decision making although they are helped and guided by the various traditional councils at different levels of administration. These councils play a very important role in the administration and decision making process.

Khasi Hills

Among the Khasis we have the *Syiem* or King at the top of the administration. He is assisted by other officials of the *Hima* or State for the smooth running of the administration. The office of the Khasi *Syiem* emanated as an organ to centralise some common subjects of the administration. The office thus arose out of an impulse for amalgamating identical pursuits, interests and necessities of the clan residents and villagers. It was instituted on the spirit of reciprocity along with a consolidation of their intimate relations which had grown amongst the different sections of people who made up their units.

A Khasi *Syiem* is the head of his State. But he ought to subject himself to ethical instructions, prescribed by customary rules, laws and regulations, as well as customs, traditions and usages. He is the symbol of unity of all the clans and groups of clans and groups of villages within the *Syiemship*. The clans and the villages forming the popula-

tion of the State, are co-partners with the *Syiem* in the smooth functioning of the entire *Syiemship* administration. He is under the strict control of the whole community. He has to lay down his policy in conformity with the resolution of the *Durbar* (Council) of the people. The *Durbars* actually transacted both the political and judicial matters and their decision is final. The acts or decisions of a *Syiem* can be vetoed by the *Durbar* if they are contrary to the usages and traditions of the community. A *Syiem* is always assisted by his *Myntris* (Ministers) in all matters concerning the *Syiemship* administration. In judicial matters or in the administration of justice, a *Syiem* acts as a judge and the *Durbar* as a jury.

The sovereignty of the Khasi State is based on customary laws of the Khasi people established since the inception of the society and handed down from generation to generation. This sovereignty further reflected by the general will of the people as may be exercised and expressed by them from time to time. The *Syiem* exercises civil, judicial and executive powers; in the past the *Syiem's* court was the highest court of appeal within his *Syiemship*, although his authority was derived from and exercised by the State *Durbars* (Councils) sitting in judgement in his presence, and the verdict in his name is in actuality a resolution and agreement of a *Durbar*. In all his executive actions, he was advised by a *Durbar* of *Myntries* (Council of Ministers). His executive action today extends principally to management of markets, arrest of wrong-doers and criminals and collection of fines and imposts at various quarters in the State. He also approves the appointment of subordinate officials of the State.

The *Syiem's* position is that of a nominal Chief; he is simply an elected head and his tenure of office is limited to his people's pleasure. That the *Syiem's* powers are limited and circumscribed can be envisaged from the constitutional, legal, social and religious checks and restraints imposed by

the usages and covenants upon him. He cannot override the decision of his ministers and those of the State and local councils. Legally, he has no power to make laws or impose fresh levies or issue ordinance. In all acts of legislation he and his State *Durbar* make laws but such laws should in all ordinary cases conform to the usage and customs of the land.

Jaintia Hills

The Jaintias too have their own traditional political institutions. These institutions played a very crucial role in the process of self management of the people as they were also responsible in looking after the socio-economic welfare of the people.

At the much earlier period of time, the Jaintias were under the administration and leadership of *U Langdoh* or priest, both at the village and groups of villages or *Raid*. The *Langdoh* combined in himself both the sacred or religious and secular functions. The first incumbent of the office of the priest of the *Raid* was elected from among the priestly families of the villages of the *Raid*. But with the increase in the number of families and clans, area and size of population, there was also an increase in the number or duties and functions to be performed single-handedly by the *Langdoh*. This led to the general feeling among the inhabitants that the administrative set up should be restructured. As a result, it was felt necessary to bifurcate the dual functions of sacred and secular affairs which were under the power and authority of the *Langdoh*. In the process, it was decided to hand over those functions which were purely sacred in nature to the priest and the other functions which were purely administrative or secular to the secular Chief, *U Dolo*i or Provincial Governor. Thus, the office of the *Dolo*i in Jaintia Hills came into existence.

*U Dolo*i is therefore the Chief of the next higher political unit called *Elaka* or Province, which was formed by combining a group of villages or *Raid*. Once a *Dolo*i takes up his

office, he normally holds it for the rest of his life. But he may be punished, expelled or stripped of his office, should he arouse sufficient hostility to his people. The powers and functions of the *Dolois* are therefore circumscribed by the society which differentiates them from other Chiefs prevailing among other tribal communities of the region, especially those outside Meghalaya.

A *Doloi* is the administrative head of an *Elaka*. He exercises his functions within the jurisdiction of his *Elaka*. The *Dolois* in Jaintia Hills are not autocratic rulers and have no dictatorial power over the people of their respective *Elakas*. Their provinces are really republics though very tiny indeed. Like the *Syiem*, when this office was in existence in Jaintia Hills, the *Dolois* also have to run the administration according to the popular opinion of their *Elakas*. This is clearly noticed from the fact that all actions initiated or taken by a *Doloi* are to be approved by all the citizens of the *Elaka*, through the general *Durbar* of the *Raid* or *Elaka*.

The *Dolois* in Jaintia Hills had certain executive, political, judicial and religious functions to perform within their respective jurisdiction. In the past, they also performed military functions. Besides extending their hands to the *Syiem* in his administration, the *Dolois* on their part executed and exercised important decisions in matters relating to the administration and welfare of the people of their *Elakas*. In running the administration of his *Elaka*, the *Doloi* was and is still assisted and guided by the *Durbar Elaka* or *Durbar Raid* and an executive council of leading persons like the *Pator* (Lt. Governor), clan representatives and others.

Garo Hills

In Garo Hills, the institution of *Nokmaship* and the Village Council were the two traditional administrative agencies. The institution of *Nokmaship* is as old as the first settlement of the Garos in the Garo Hills.

The Garos entered the present Garo Hills in batches from different directions, each batch consisting of a clan and each clan settling in a particular area. The leader of the clan who has thus brought his people and settled them in a particular area of the Garo Hills was automatically recognised as their leader or headman called *Nokma* in Garo language. But the *Nokma* does not enjoy autocratic powers as all the decisions are taken at a joint assembly of all the elders of the village. With the passage of time, there evolved various types of *Nokmas* in the Garo Hills. Of these, only the *A'king Nokma* has the political and administrative power. A man becomes the *A'king Nokma* by virtue of his relationship to the woman who is the head of the village community. Such a man is generally the husband of the senior-most woman of the clan but other relatives are sometimes appointed for special reasons. The *A'king Nokma* is not the proprietor of the land but the representative of the woman who is the head of the clan or the village community, and she is not the proprietor of the village but the head of the village community who is the owner. As the head of the clan and as the custodian of the *A'king* land, he is entrusted with certain political and administrative powers. As such, it is the only type of *Nokma* who possesses certain political and administrative powers.

A long traditional custom endows certain rights and privileges to the *A'king Nokma*. Breach of these privileges amounts to a usurpation and an insolence to the *Nokma*. Among these, the most important single characteristic of the *A'king Nokma* is the possession of titles to land. Titles to *A'king* land can be bought or sold to others, but sale or purchase can be done only with the full consent of his wife and her *charas* or her maternal uncles and brothers. Thus title to some lands is a necessary prerequisite for being considered a *Nokma*, though title to land alone is not enough. Therefore, it will be found that though the office of the *Nokma* has no obvious privileges, it is by no means a

completely unattractive position as a certain amount of prestige is attached with the office.

The *A'king Nokma* occupies a high place in the Garo society. This office has an intrinsic importance from the point of view of the Garo organisation. It is the pivot of the village organisation through which the basic network of the entire society is woven. In fact, the *Nokma* plays the leading role as the central figure in the village activities and externally represents the village. However, the position of the *Nokma* is very delicate. In fact, the *Nokma* cannot be compared to a Chief who exercises his authority with various social and economic advantages. The *Nokma* is rather a social and economic representative of the village without having any advantage or authority in the true sense of the term.

The *A'king Nokma's* economic status is basically equal to that of others. Though the *A'king* land belongs to the wife of the *Nokma*, it is actually held in common by all the inhabitants of the village. Every member of the village has the right to cultivate the village land. The possession of the *A'king* land is simply represented by the *Nokma's* wife and managed by the *Nokma*. As a rule, no portion of the *A'king* land can be sold or mortgaged by the *Nokma*. The village land is divided into several parts on the basis of annual rotation of jhum cultivation. Every year one of these parts is distributed to each household, and the share of the *Nokma's* family is allotted in the same way as that of other families. In fact, the *Nokma* receives one direct economic benefit from his title, though it is very insignificant, that is, an annual fee called *A'will*, paid by an outsider if he wants to cultivate land within the *A'king* land.

The *A'king Nokma* is the centre of social activities within the village and outside. He is also responsible for the peace and good administration within his *A'king* land. He has to keep himself abreast of all that is going on within his jurisdiction. He has also to regulate jhum cultivation, which

is one of his important duties, and participate with the villagers in all public and social works and functions. In olden days, it devolved upon the *Nokma* to lead his people to wars and to protect his village against external invasions.

In the settlement of disputes, the *Nokma* tried all cases, both civil and criminal, committed within his *A'king* land, with the help of the elders and of the village in an open court. Decisions were made either by conciliations or by imposing fines as compensations which is called *Dai* on the guilty. Their decisions were final and were put into execution at once. Thus, it is clear that under the traditional system, the clan or *Ma'chong* was the socio-political unit and there could be no authority above that of the *Nokma* who managed the affairs of the clan with the consent of the people.

Under the British rule, the powers and functions of the *Nokmas* were greatly reduced. The Regulation X of 1882 legalised the Draft Proposals of David Scott, according to which a *Laskar* and *Sardar* were to be appointed over ten or twelve villages, which means an appointment of a *Laskar* and *Sardar* over a certain number of *A'king* *Nokmas*. A *Laskar* is an elective head of a group of villages called *Elaka* which are united for fiscal and administrative purposes, each village being under its hereditary *Nokma*. The Scheduled Districts Act, 1874, conferred on the *Laskar* some powers in matters of Police, Civil and Criminal justice and in revenue administration within his *Elaka*. They were also empowered to impose a fine whereas the *A'king* *Nokmas* were to collect revenue of his village, collect revenue of his village, maintain law and order in it, report all crimes to the *Laskar* and arrest the offenders.

Under the District Council administration, the *A'king* *Nokmas* have been reduced to mere custodians and supervisors of their *A'king*s on behalf of their wives and their clans. However, the Garo Hills District (Jhum) Regulation, 1954, conferred on the *A'king* *Nokmas* the right to

allot land for jhuming to each family within his *A'king* in consultation with the residents thereof. But in the event of any dispute with regard to the land so allotted by the *A'king Nokma* to any particular persons or a family, the matter has to be referred to the Village Council, a power which was exercised by the *A'king Nokma* before.

With regard to the trial of cases over which the *A'king Nokma* used to preside over since time immemorial, his powers have been taken away by the passing of the Garo Hills Autonomous District (Administration of Justice) Rules, 1953. According to this Act, there are three classes of Courts, namely, the Village Court, Subordinate District Council Court and the District Council Court. These Courts try all civil and criminal cases falling within the purview of tribal laws and customs in which both the parties belong to Scheduled Tribes and are the residents within its jurisdiction. With regard to the powers of administration and general supervision of the *Nokmas* within his *A'king* land, his powers have been taken away by the Village Councils by passing of the Garo Hills District (Constitution of Village Councils) Acts, 1958, whose members are elected.

The above brief discussion on the socio-cultural, ecological and political-economic roots of self-management of the tribal people of Meghalaya brings into focus the strong link between the traditional socio-political institutions and the people themselves. We have noticed how those traditional institutions play their role in maintaining not only law and order but their active participation in the economic uplift of the people within their respective jurisdiction. Many of such traditional institutions were responsible in the regulation and distribution of jhum lands so that each family or household has a plot of land for cultivation. A Chief would not like to see his people suffer from shortage of food, unless some unnatural forces take their own course. It was the duty of the Chief to ensure that every family or household gets a plot of land to cultivate.

Evidently, the powers of the traditional Chiefs in Khasi, Jaintia and Garo Hills had been threatened by the new administrative set up since India's independence. The stepping of the District Council into the shoes of either the traditional institutions or the British and post-independence constitutional authorities, did not bring any improvement in the power position of the traditional Chiefs. On the contrary, the new power structure has radically reduced the powers of the Chiefs. Moreover, on many occasions, there have been tussles between the traditional elite represented by the Chiefs and the modern political elite (popular elected representatives). On one pretext or another the Chiefs might be suspended or even dismissed by the District Council on charges like insubordination, mal-practices and disobedience. This tussle is a continuing affair.

The traditional Chiefs are now treated by the District Council as its subordinate officials. The Chiefs and headmen are completely under the control and supervision of the District Council. Under the provision of paragraph, 3(I) (g) of the Sixth Schedule, the Indian Constitution has empowered it to make laws with respect to the appointment or succession of Chiefs or headmen. The United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959, made provision not only for its authority to appoint the Chiefs and Headmen, but also the removal and suspension of the same by the Executive Committee of the District Council if in its opinion these incumbents violated the terms and conditions of their appointment. This Act not only brought radical changes in the pattern and procedure of the election and appointment of Chiefs, but reduced their position and status, and the District Council even treated them as its 'administrative heads'. At one point of time, the District Council even suggested to the State Government not to correspond with the traditional Chiefs directly. It is therefore obvious that such actions taken by the District Council had created re-

sentment between the traditional and modern institutions. Thus the relationship between the traditional Chiefs and that of the District Council has been all along under strains. The Supreme Court in 1960 in the case of *T. Cajee, Chief Executive Member of the United Khasi-Jaintia Hills Autonomous District Council versus U. Jormanik Syiem, the Syiem of Myllem*, observed that "the position, after the coming into force of the Constitution was that the Chiefs lost whatever ruling or administrative powers they had with the merger of these twenty five states (Khasi States) in Assam and the governance of these States was to be carried on according to the provisions of the Sixth Schedule". Paradoxically, these new situations during the transitional period are a threat to the traditional institutions and democratic practices of the people. It may even be said that with the dawn of independence and especially with the setting up of the District Council, the period of an 'erosion of democracy' in the area begins. Such new political institutions which were created after independence were in fact eroding the powers and functions of traditional councils instead of improving them.

The District Council appears not only to be alien to the traditional institutions, but the powers and functions of the traditional Chiefs have been threatened due to its existence in the area. Because of this reason, the District Council was never welcomed by the traditional Chiefs. The stepping of the District Council into the shoes of either the Jaintia *Raja* or the British and Indian authorities did not bring any improvement in the power position of the Chiefs. On the contrary, the new power structure had radically reduced their powers. For example, the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959 (hereinafter referred to as the Principal Act), introduced two fundamental changes from the traditional customary practices of the people as per Sections 10 and 11 which relate to the appointment of

deputy Chief (Section 10) and an acting Chief (Section 11). The Jaintia Hills Autonomous District Council which was established in 1964, adopted the Principal Act as it is during its initial years of existence. In the subsequent years, this District Council made certain amendments to the Principal Act. For example, the Jaintia Hills Autonomous District Council passed an amendment Act in 1973 which deleted the entire Section 10 of the Principal Act relating to the appointment of deputy Chief. The District Council realised the uselessness and inapplicability of such a provision of the Act and more importantly it shows the complete deviation from the traditional customary practices of the people. However, the Executive Committee of the Jaintia Hills District Council still retains Section 11 of the Principal Act relating to the appointment of an acting Chief. Armed with this constitutional power, the Executive Committee of the said Council appointed a number of acting *Dolois* from time to time, either after the death, removal or suspension of the regular *Doloi* in an *Elaka*. Such appointment of an acting Chief has been criticized as it represents complete deviation from the traditional customary practice of appointing an acting Chief. A Chief once appointed, holds the office for life, unless removed for very strong reasons, like moral turpitude or commission of heinous crimes. Moreover, according to the traditional customary practices, a Chief must be a person belonging to the particular clan or clans chosen from time immemorial. No other clans in the society not enjoying this particular privilege have the right to setting up of candidates for the office of *Doloi*. But according to the aforesaid Section (Section 11) of the Principal Act, it is mentioned very specifically that the Executive Committee of the District Council may appoint "any person" who could be from any clan to act as an acting Chief and exercise all the powers and functions of the Chief. This step taken by the District Council is sure to create confusion in the minds of the people. It also shows a

complete deviation from the traditional practices and against the norms of the society.

The traditional Chiefs being treated by the District Council as its subordinate officials, are accountable for their actions to it. They have been directed to desist from criticism of the functioning of the Executive Committee of the District Council in any form. The Chiefs are also debarred to participate in any demonstration or resort to any form of strike in connection with any matter pertaining to their condition of service. These conditions laid down by the District Council gave rise to suspicion and mistrust between the two institutions. Likewise, the various Acts enforced from time to time by the District Council under the Sixth Schedule to the Constitution brought radical changes in the pattern and procedure of election and appointment or succession of Chiefs and Headmen in Khasi and Jaintia Hills Districts of Meghalaya.

Thus, under the new constitutional set up, the Chiefs are pushed behind the line of leadership. They are to keep themselves content with whatever power and functions left to them by the District Council. Though the District Council granted certain unofficial pickings to the Chiefs, it however reduced them to a much lesser status. In the District Council's dealing with the Chiefs, there is a strong feeling that it has not fully appreciated their continuance as desirable traditional institutions and the Chiefs are treated as personalities or individuals of their respective *Elakas* and villages. This naturally leads to different or discriminatory treatments of adhoc nature without a firm and definite policy of preserving the institutions in their pristine purity. This has also caused a sense of confusion among the people in general, a feeling of uncertainty, if not of mistrust or suspicion among the Chiefs of the motive of the District Council as to their continuance as custodians and trustees of the customs and traditions of the people.

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