

CHANGES IN LAND SYSTEM IN KHASI HILLS
PRE-INDEPENDENCE AND POST-INDEPENDENCE PERIOD

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CONCLUSION

Land is an important asset to a Khasi. It is considered not only a source of wealth but is also linked with the religious and social aspect of society. In fact, the life of a Khasi revolves around the land he possesses. Land belongs to God and it is His gift to man. The Khasis still uphold this concept. However, we cannot deny the fact, that with the impact of modernisation, there is vast disparity between the concept laid down by the ancestors and the prevailing practice. With money economy, land becomes a commercial commodity. We should not forget that custom too permits such changes. It recognises the permanent claim of a person if he has made improvement upon it. In the process, the privileged people, having better financial position claim as much Raid land, as within their capacity, depriving the poorer section. This results in the present day problem of landless labourers or the share croppers; whose position is in no way better than any other peasant in India as a whole.

Land system among the Khasis is broadly divided into two categories, namely Ri-Raid and Ri-Kynti respectively. In Ri-Raid land people can occupy, build houses and cultivate. There

is no proprietary, transferable or heritable rights, but the occupant can sell his house, site, garden or paddyfield or grove, which does not extend to any thing more than his right of occupancy. Moreover, as the method of cultivation is jhuming, any person can leave the land fallow for a period varying from three to five years ; but if he does not returned within the period, it can be occupied by another. In short, Ri-Raid is the undivided land kept for common use of the people of the Raid. Ri-Kynti on the other hand is private land. In the early days it was possessed only by the privileged class known as the Bakhras (nobles). The Bakhras are said to be the makers or the founders of the Hima (state). They annointed the Syiem clan (ruling clan) to take care of the State and look after the welfare of the people.

It may be stated, that early contact of the British with the Khasis was ^{because of} the availability of limestone. This attracted them commercially. But, with the Treaty of Yandaboo (February 24,1826) Assam was annexed, it thus provided a closer contact with the Hills. Soon they realized that Khasi Hills could provide better and near communication with Sylhet. The British Government then sought the approval of the local Syiem (U Tirot Sing). But it has to be remembered that in Khasi

society, the Syiem is only the instrumental and voice of the people, and therefore before making any agreement a Durbar was to be convened. So when the proposal about the road was made, U Tirot Sing had to convene the Durbar. After a long debate, the British were granted permission to construct the road. Conflict arose due to the ill-treatment of the workers on the local inhabitants, thereby years of struggle (1829-33) followed. Finally the British proved to be the victors and U Tirot Sing was taken prisoner. The result was, many of the Syiems who participated in the conflict, had to part with a large portion of their territory and the British assumed the political control over the Hills.

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After assuming sovereign power over the hills, the British officials were anxious to give some legal cohesion to the customary pattern of land holding. Many of them expressed different opinions about the Khasi land system. Baden Powell was of the view that, the greatest part of the Khasi Hills consist of estates of the chiefs. They pay no tribute but have resigned their mines, minerals, forests, elephants and natural products and received half the profits from these sources. Hunter in 1879, while reporting on the land tenure of Khasi and

Jaintia Hills mentioned that, the land as a rule is either ancestral property or it belongs to village communities and is cultivated under well understood Agreements. Major P.R.T. Gurdon in his monograph 'The Khasis' (1903) classified land into two main categories:-

- (a) Public Land (Ri-Raid) and
- (b) Private Land (Ri-Kynti).

Ri-Kynti land is further sub-divided into two:-

- i. Ri-Kur or Clan Land
- ii. Self-acquired landed property

Keith Cantlie in his book Notes on Khasi Law made an elaborate statement of the Khasi Land Tenure. He states that lands are of two types:-

- i. Ri-Raid
- ii. Ri-Kynti

Though the British administrators realised and recognised the prevailing customary pattern of land system among the Khasis, yet they did not follow what they themselves emphasised. In course of time they treated the ceded areas as their own property, insisted the people to produce patta for

procuring housing loan. This has encouraged the Khasis to claim Ri-Raid as Ri-Kynti. It is quite amazing to find that even the Syiem, who is the representative of the people issues patta on Ri-Raid land. Examples of such Syiem are the Syiem of Myllem and the Syiem of Nongstoin.

The Engagements and Treaties which the Khasi Syiems had entered upon with the British Government were too complicated to be understood. This created problems not only in the early days, but even now the Syiems are in a dilemma as to the development which takes place. In order to solve these problems, the Khasi National Durbar tried its best to give a correct definition and codification of the Khasi Land System. The work contributed could have had a better perspective if there would have been a follow up programme. But the increase of population, the varied interest of the people, the selfish interest of the local inhabitants and a host of many difficulties have made Khasi land system more complex.

As stated above, the Khasi National Durbar from 1923 focussed discussion on land laws. It was only in 1929, that the Durbar was able to define the terms relating to land into two broad categories:-

- i. Ri- Raid or Community Land.
- ii. Ri-Kynti or Private owned Land.

These may be called by different names in different areas of the Khasi State. (Detailed discussion has been made in Chapter IV). There has been a general awareness of the complexity of land tenure. Therefore, the Khasi National Durbar felt that codification of land laws is of vital importance.

Changes began with the acquisition of land by the British for setting up their official and residential complexes necessary for administrative purposes. The policy of acquisition had tremendous effect not only on ceded areas but on the entire Khasi Hills. It not only hiked up the value of the land but also resulted in a new precedent of paying revenue to the land owners. In subsequent years, patta system led to the emergence of a new kind of land tax in the form of fixed percentage (Salami) to be paid by the patta holders to the original owners. Thus, individual right on land took shape.

Another effect, of the acquisition of land for administrative purposes was the creation of Government lands. Today, Government lands in Khasi Hills comprise of :

1. Land in the Cantonment area.
2. Government lands within the Municipal area of Shillong.
3. Land acquired by the Government for administrative purposes.

Besides these, the Government also bought lands for the purpose of creating forests like Raitkhwan and Shyrwat forests. There are also Reserved forest like Nongkhyllem Reserved in Nongpoh area.

In 1952, the Khasi - Jaintia Autonomous District Council was created as enshrined in the Sixth Schedule of the Indian Constitution. It was entrusted with the power of legislation and administration over land.

After the attainment of Statehood, the Meghalaya Government legislated a series of Acts relating to land laws. The most important are The Meghalaya Transfer of Land (Regulating) Act, 1971 and The Cadastral Survey and Preparation of Records of Rights Act, 1980. This Act has been criticised on the ground that the Government is trying to interfere with the right of the people over the land. The former Act on the other hand, provides provision for the prohibition of the transfer of land from a tribal to a non-

tribal and from non-tribal to another non-tribal. The limitation of this Act is the inclusion of tribes as defined in the Indian Constitution, which indicates that any tribal can occupy land in Khasi Hills, irrespective whether such persons are Khasis or not.

Ri-Kynti or Private owned Land is often understood as land which belong to an individual, family or particular clan. However, we find Ri-Khain Nonglang of Maharam Syiemship is clan land, which is owned jointly by five clans- Shangdiarbah, Shangdiarnah, Shylla, Lyngdoh Rngad and Wanniang. Investigation has also revealed that there is land which is owned jointly by forty-families, known as Sawpnew Bat or Ka Khlaw Nongstong. It extends from Hima Maharam, Nongstoin Syiemship upto Rambrai and Myriaw Syiemship.

Inspite of the changing trend in ownership rights, there are Syiemships which realise the importance of community ownership of land. Such is the case in Nongspung Syiemship, where it tries to preserve Ri- Raid through the Lyngdoh Raid. In Lyngdoh Lyngkhoi, an Order was issued on 23.3.91, to preserve a forest called Laitryntroin as Ka Law adong shnong. We also find a recent incident in Langrin Syiemship, where the

High Court passed the verdict that the forest of Langamkila is a Raid Syiem and not the property of the Syiem's family.

In short, we may say that Ri-Kynti or private owned land has gained momentum in course of time. In Khasi Hills today, Ri-Kynti is the most prevalent form of land pattern which is recognised by the society. It may be suggested that, other Himas (Khasi State) should follow the example set by Lyngdoh Lyngkhoi, in preserving land for the benefit of the community at large. Perhaps, it is only by preserving land for larger interest of the society that customary pattern of land holding will find a proper place in law.