Executive Summary

1. Background and objectives

This research is concerned with the nature and roles of traditional governance institutions among the Khasis in Ri Bhoi District of Meghalaya, with special emphasis on the dorbar shnong. The study is undertaken with a view to find out how far are the principles of the Khasi traditional democracy aligned and relevant with the tenets of modern Indian democracy; and to investigate how far can the Khasi traditional political institutions be incorporated in the process of democratic decentralization in the Khasi Hills in line with the provisions of the 73rd Constitutional Amendment Act, 1992.

The Sixth Schedule to the Constitution was created with the objectives to preserve the cultural and ethnic identities of the tribals; to ensure their autonomy in the management of their tribal affairs and to allow them to develop and administer themselves according to their own genius; and for this, Autonomous District Councils (ADC) were constituted. But it seems that the ADCs of Meghalaya have not achieved the objectives for which they were constituted, and have failed as instruments of self-management, and social and economic changes in the rural sectors of Meghalaya.

Since the coming into force of the 73th Constitutional Amendment Act, 1992, it has been made mandatory for states to constitute elected local bodies at the village level in the rural areas. The main objective of this Constitutional Amendment is to provide statutory status to the panchayat system in the country so as to pave the way for
devolution of power to the people through democratic decentralization of political administration and institutions for all-round development.

The 73rd Amendment Act is however, not applicable to the States of Nagaland, Meghalaya and Mizoram, and the District Council areas of Manipur on the grounds that the tribals already have their traditional systems with a wide range of indigenous democracy similar to the panchayati raj, that must be preserved. It is also opined that the Khasi traditional institutions are democratic in character.

But there are indications that the Khasi traditional institutions are not truly democratic with reference to modern Indian democracy as enshrined in the basic tenets of the Constitution. Women were debarred from participation in the Khasi traditional dorbars. There are also opinions that the Khasi concept of dorbar especially at the village level is not traditional but might have been invented; beginning from the early twentieth century under the influence of the British rule.

The Central Government brought out a comprehensive bill for amendment of the Sixth Schedule to the Constitution so as to extend the provisions of the 73rd Amendment to the Sixth Schedule areas as well. But in Meghalaya, there had been strong resistance by the District Councils as well as by the representatives of the traditional institutions against this proposal of the Government.

Meghalaya is the only state which has remained till now without a constitutionally, legally and democratically constituted unit of local self-government in the pattern of the village panchayat system as enjoined under the Constitution of India. It is therefore
felt that an investigation into the existing traditional institutions of the Khasis especially that of the dorbar shnong, will be in order. So also a comparative assessment of the prevailing Khasi traditional governance institutions with the positive aspects of the sound system of ideology and principles behind the panchayati raj now fully Constitutionalised will be useful in the modern context. It is with this end in view that we have undertaken this research with the following main objectives:

1. To find out whether the basic principles of Khasi traditional democracy are compatible with the basic tenets of the Constitution of India so as to find out how far the Khasi traditional institutions can be adapted within the main frame of the Indian governance structure.

2. To examine the nature of the dorbar shnong; to find out the roles it plays in the day to day affairs of the people at the grassroots level, and whether it can be a legitimate organ of the Government for devolution powers and responsibilities under the provisions of the 73rd Constitutional Amendment Act, 1992.

3. To identify the reasons for the exclusion of women from participating in the durbars and the traditional governance system, and to examine whether such exclusion is still justified in the present-day Khasi society.

4. To assess how far the Khasi three-tier traditional institutions can play the roles of the three-tier institutions provided in the Panchayati Raj System in line with the provisions of the 73rd Constitutional Amendment Act, 1992.
5. To come up with certain conclusions on the possibility of improvements of the Khasi traditional institutions, especially that of the dorbar shnong, as an indigenous grassroots governance institution, as well as a statutory agency for democratic decentralization and devolution of power and responsibilities.

2. Materials & Methods

The research is exploratory and qualitative in approach; historical and contemporary in perspective, as well as analytical and evaluative. It is based on the study of seven raids and eleven villages. Primary data were personally collected from the field research through specially designed interview schedules, questionnaires, personal interviews, discussions, and personal observations which were conducted among the functionaries of the dorbar raids; the rangbah shnongs of the villages; the youth group, and the adult inhabitants of the villages. Interviews with the functionaries of the raids were conducted with the simple apparatus of pen and paper with questions prepared on a bespoke basis.

Secondary data were derived from the review of literature which comprised: official documents and reports of the British colonial officers; books and historical literature during the period of the British rule; literature and official documents from the post-Independence period; official documents of the Khasi Hills Autonomous District Council and references from other books, edited volumes and journals.
Field research through interviews and survey were conducted at different times during the period from 23rd February to end of June 2015. The data and information collected were classified, tabulated and analyzed in statistical tables, and information which cannot be reduced to tabulated forms are presented by way of descriptive analyses. The analysis of the data is done in terms of descriptive-analytical method.

3. Findings of the study

3.1 Nature of Khasi democracy

The basic traditional political commune among the Khasis in Ri Bhoi District, is generally called *ka raid*, was founded by a group of *kurs* (clans) which were called *ki trai-raid* (founding clans) or *ki binong-bishon* (aristocratic clans). Other clans which migrated in later periods into the territory of the *raid* were not *ki trai-raid* and they were called *ki shongthap-shongbian*. The governance of the affairs of the government of the *raid* were the prerogatives only of the *binong-bishon* clans and *ki shongthap-shongbian* clans have no right to interfere. Democratic equality in political affairs existed to some extent only among the founding clans.

A *dorbar shnong* in which all the adult male inhabitants of the village irrespective of clan affiliations have the right to attend and participate had never existed in the *raids* in Ri Bhoi District in the pre-colonial period. So, the political system among the Khasis, as far as that which prevailed in the *raids* in Ri Bhoi District is concerned, was not a popular democracy but it was an aristocratic
democracy. Therefore, in the context of the Indian Constitution, Khasi traditional
democracy was not truly democratic in nature.

The kur today has lost much of its institutional character, and the kñi (maternal
uncle) is no more the institutional leader of the kur. Hence, the present Khasi
traditional political institutions can no more be said to be based on the traditional
matrilineal kur system and the so called traditional institutions today are neither
traditionally legitimate, nor democratically relevant in the present context.
Therefore, their ways of functioning cannot be compatible with the tenets of
modern Indian democracy.

3.2 Power equations of the three-tier institutions

In the past, the dorbar raid has been the most powerful among the three-tier
political institutions of the Khasis, as it was the only traditional institution that
exercised territorial authority. The dorbar hima has no territorial authority other than
free submission of the dorbar raids to its authority in matters concerning judicial
disputes among the inhabitants, and inter-raid boundary disputes. The shnongs on the
other hand were only sectional habitations of the raid, and the tymmen shnong had no
territorial authority and nodorbar.

Today, as empowered by the Acts of the District Council, the chiefs of the himas
with their executive dorbars seem to be the most powerful institution; but in actual
situations however, the dorbarshnong has become the most powerful, the most
legitimate and most effective institution governing day to day social living of the
people. The Khasis are presently more concerned about the security of their lands and other economic resources than with hereditary traditional institutions and customs.

So in the power equations among the three-tier traditional institutions, it appears that the *dorbarshnong* has become the most important and most powerful institution in Khasi society today.

### 3.3 Nature of the *dorbar shnong*

The *raid* was the actual traditional Khasi village and its *dorbar* was the traditional political village *dorbar*. Originally, the *raid* was the parent village or original settlement which gave birth to several outgrowth settlements which were called *kynoits, dongs* or *shnongs*. At the beginning these outgrowth settlements had no fixed boundary as they may grow bigger or smaller or may totally disappear due to plague or mass migration; and they became full-fledged villages with independent *dorbar shnong* in due course of history. Most of the present Khasi villages with *dorbar shnong* in Ri Bhoi District are new settlements evolved within the last century.

The *dorbar shnong* is a new grassroots institution emerging out of the amalgamation of the Khasi clan-based democracy and the individual-based modern popular democracy. It is a political institution of the Khasis, by the Khasis and for the Khasis only. As it is functioning today, the *dorbar shnong* is the general assembly of the Khasi male heads of households. Women are not allowed to participate in the *dorbar* or to hold office in the executive committee of the village. Hence, the *dorbar shnong* is ethno-centric, gender-exclusive and semi-democratic in nature.
However, the *dorbar shnong* is recognized as an agency of the Government in implementing socio-economic development programmes, in the maintenance of law and order, and in dispute resolution among the people. There are evidences to suggest that there is a gradual and natural persistent shift in the system of governance at the grassroots level towards modern participatory democracy.

Therefore, with further democratic transformations the *dorbar shnong* can be made amenable to gender justice as well as making it more adjustable to the requirements of other communities permanently residing in the villages and urban localities.

### 3.4 Roles of the *dorbar shnong*

The main roles played by the *dorbar shnong* include regulative, administrative, and judicial functions. At every *dorbar*, resolutions with regard to norms of social behaviour and rules of functioning called *ki rai-dorbar* were passed. The *rangbah shnong* and the executive committee constituted the highest judicial authority in the village. The *rangbah shnong* and executive committee played an important role in the maintenance of peace, and law and order in the village, and the civil administration of the government appears to have accepted that the *dorbar shnong* is the legitimate law-enforcing authority and the grassroots agency for the implementation of development programmes. The *dorbar shnong* is also effective in safeguarding the tribe’s ethnic and cultural identity.
3.5 Reasons for exclusion of women from the dorbar

There are two main reasons why women were not allowed to attend a dorbar. The first reason is because in the past, the maternal uncle attended the state dorbar on behalf of his clan, especially for the interests of his mother, sisters and nieces. So in principle, women’s participation was considered unnecessary as it was for their own interests that their uncles were attending the dorbar. The second reason is because the act of attending a dorbar was considered not as a matter of democratic right of the individual as understood in the context of modern Indian democracy, but as a social responsibility or a compulsion imposed on the male adults. So restriction on women’s participation in the dorbar is not seen as gender discrimination but as an exemption from that compulsion and responsibility.

Today, the two traditional grounds for restriction of women’s participation in public affairs have become irrelevant; the restriction is no more justifiable and amounts to gender discrimination which needs to be redressed through necessary legislations.

3.6 Status of democratic decentralization in the Khasi Hills

Local traditional self-government institutions have been in existence in the Khasi Hills since the past, but there is no statutory village council. These indigenous institutions deal only with local matters like settlement of disputes but not for
executing development programmes or providing civic welfare services. The composition of these local authorities is not satisfactory, and they are not completely democratic.

In the past, the Khasis were further ahead in the political evolution of democracy than any other tribe in North East India. But today it seems that other tribal communities of North East India have gone further ahead than the Khasis in constituting statutory village councils in the spirit of the 73rd Constitutional Amendment Act, 1992.

There is very little progress in the development of local self-government qualitatively in Meghalaya, and nothing has been done to establish statutory village councils in the Khasi Hills in the context of the devolution of powers to the grass roots to endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

3.7 The Khasi three-tier institutions and the 73rd Amendment

As they are today, the Khasi three-tier local governance institutions cannot play the roles of the three-tier institutions of the Panchayati Raj System for implementing the process of democratic decentralization and devolution of powers and responsibilities in the State in line with the provisions of the 73rd Constitutional Amendment Act 1992.
The *dorbar shnong* would be the only institution among the three-tier traditional institutions which can be made adaptable to undertake implementation of development schemes and civic welfare services in the villages and towns. The process of democratic decentralization of local self-government in Khasi society would also be practical and efficient only if it is carried out through the institution of the *dorbar shnong* with necessary changes to improve its constitution and procedures on democratic lines.

### 3.8 Factors of resistance to democratic decentralization

This study has identified the following five main factors which contributed to the resistance of the District Council and the traditional institutions to the initiatives taken by the Central or State Government to regularize and streamline the village administration on modern democratic lines:

#### 3.8.1 In Meghalaya there exist two parallel authorities: the State Government and the Autonomous District Councils serving the needs and interests of virtually the same territorial area and the same people. This situation has brought about conflict of authority in many aspects of administration.

#### 3.8.2 Article 244(2) and the Sixth Schedule of the Constitution still recognize the distinct identities of the tribal communities of North East India and the need to allow them to administer their own affairs according to their own
genius as would be regulated by the District Councils. It is on this ground
that the District Council always posed as the peoples’ saviour whenever the
leaders of the traditional institutions are apt to oppose any action of the
Government.

3.8.3 The land system in Meghalaya is different from that in other parts of India.
Here land belongs to the tribal communities and the various clans and not
to any Constitutional authority. There is inherent fear among the people
that their existing system of private ownership over their landed properties
may become subject to the regulation of an external territorial authority.

3.8.4 There is a lack of clear objectives in the Government’s proposals and
intentions with regard to grassroots governance; this has bred prejudices
among the people and paved the way for the endless play of party politics.

3.8.5 The existence of the persistent projection of contrary and conservative
ideas through tribal elites' propaganda on the basis of a general
apprehension of outsider’s incursions and domination.

In order to solve the conflict of authority between the State Government and the
District Council on the issue of village administration, the District Council should
enact a law limited to the constitution of a dorbar shnong which shall act as a political
authority to administer justice and the landholding system. The State Government on
the other hand, can enact law a for the constitution of village development councils limited to the implementation of developmental programmes, providing civic welfare services to the citizens and maintenance of law and order in the villages, without touching anything on matters concerning land and judicial administrations.