



TRADITIONAL VILLAGE COUNCIL (DURBAR SHNONG) IN THE KHASI HILLS: CONTINUITIES AND CHANGE

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INTRODUCTION

Meghalaya, a hilly state in the North Eastern region of India, comes into being on the 2nd April 1970 when Prime Minister Indira Gandhi inaugurates the New Autonomous state within Assam. Amidst Scenes of unprecedented enthusiasms and in the presence of 50,000 people, the biggest ever seen in Shillong at that time, the Prime Minister Shrimati. Indira Gandhi announced the birth of the state of Meghalaya at the Garrison ground. Meghalaya becomes the full-fledged state of India on the 21st January 1972. Meghalaya is homed to the three major tribes- the *Khasis*, *Jaintias* and the *Garos*. One of the unique features of the system of administration in Meghalaya is the existence of the traditional system of administrations in the form of Syiemship, Sirdarship, Wahadarship, Doloiship and Nokmaship. These chieftainships have managed to co-exist with the modern constitutional institutions, i.e the state government and the Autonomous District Councils. According to date from the Khasi Hills Autonomous District Councils, there are fifty-four chieftainships in the Khasi Hills of Meghalaya.

TRADITIONAL INSTITUTIONS IN THE KHASI HILLS

The Khasi Hills is called, *Ka Ri laiphew Syiemⁱ* or the land of thirty chiefs (syiemship). This does not mean that there were actually and exactly thirty chiefs since the term merely means many. According to C.U. Aitchison, the Khasi states are twenty-five in number out of these 16 were the chiefs and the rest were known as *Wahadadars*, *Sardars* and *Lyngdohs*. The village headman was known as *Rangbah Shnong*. The chiefs were elected from their families by electoral Durbars of the area concerned. The succession to the syiemship is from the female side, except in *Khyrim*. The sons of the eldest uterine sister inherit as per the rule of primogeniture. In the absence of a male heir from the eldest sister the eldest male child of the second sister will be eligible. In *Khyrim*, the chief must be selected from the male relation of the high priest (*Ka Syiem-Sad*). Cherra, *Khyrim*, *Mylliem* and *Nongstoin* were some of the important syiemships. They exercise limited powers. The Chief is assisted and advised by small council (*Durbar*), which consists of *Myntris* (nobles). His powers are greatly restrained by usage and customs of the area. He is bound by the advice of his ministers. His executive action extends mainly to management of markets, maintenance of peace in the village and collection of fees and fines. In all matter pertaining to village administration of justice, his Durbar exercises sole right and power jury. He has no power to appoint new officials and headman, he should only confirm their election on being returned to office either by the village electorates of eligible clans. In other words, the *Syiem*'s position is that of a nominal chief - simply an

elected head - and his tenure of office is subjected to good governance, accountability and transparency. The *Syiem*, in many of the chieftainships, still observe customary and local religious ceremony laws.

The *Syiem's* major source of income were the market levies, the license fee for the sale of liquor, income from the forest, court fees and fines, royalty from lease of limestone quarries etc. land was treated as the clan's property. The income from it is utilized for meeting the expenses for observing religious and customary festivals.

With the enactment of 73rd Constitution Amendment Act in 1992, the attention of the country as a whole was focused on the need to the strengthen and developed power to the grass-root level in the Country. The spirit of the Amendment is to the prepare plans and implement schemes for the economic development and social justice (Art. 243G (A and B)).

The Khasi system of the of local self-government is structured in the form of a four-tier durbar system which include:

- i. the *Durbar Hima* or State Durbar at the apex;
- ii. the *Durbar Raid* or provincial durbar at the provincial level;
- iii. the *Durbar Shnong* or village durbar at the village level; and
- iv. the *Durbar Kur* or the clan durbar which managed the affairs of the clan.

The then Syiem of Myllem, Laborious Manik Syiem has included the Durbar ling or family durbar in this system. However, the last two types of durbar are particular in nature since, participation in them are confine only to a particular type of people bound by the ties of family and kinship.

The concept of durbar in the Khasi Hills is based on the mythological Durbar Blei or the divine assembly/durbar. Sylvanus Sngi Lyngdoh, a professor of scripture in the Sacred Heart Theological College, Mawlai is of the view that the very first *Durbar Blei* held in Heaven before the Khasis were sent into the world, the "*Hynniewtrep* (the Khasis) were commended by God to govern, to rule and administer the earth by righteousness". According to him, "Righteousness was to be the norm to their Government and rules for their administration". The first value system that transpired at this *Durbar* was political in nature.

The foundation or the basis of the Khasi system of durbar was then the *Durbar Blei* (Divine Council). God, though he is believed to be omnipotent, did not take a unilateral decision when it concerned man. Man in turn believed that the community decisions should not be taken by any single person. It had to be done so with the knowledge of all those concerned. It is in this context that he durbar of the Khasis always have a sacred role. No unruly behavior is permitted during the durbar and even the *Syiem* or the *Bakhraws* (elders) cannot impose their will on the people. It was mentioned that in one instance, U Duwar Sing Syiem of Sohra State committed an error while speaking at the Durbar, he was/reproached by u Pdah Umdor who told the syiem "than having you, we put a stone is permitted". The Khasis show no very particular courtesy of bearing towards their Rajahs. Indeed, the latter do not seem to have much of power.

According to the traditional custom of the Khasis, the durbar at all levels include only those males who have attained the age of 50 and above. According to the Khasi, a person reaching the age of 25 has just passed the age of childhood. The age between 25 -50 are considered as youth.

There are certain restrictions being placed on persons who have attained the age of 50 from participating at the durbar. A person who have no moustache is not permitted to speak at the durbar. A person who is blind or have some physical deformity though he cannot be appointed a *Myntri* yet can participate in the deliberation of the durbar.

Before the durbar is called, wide publicity has to be given by the *Sangot* or the carrier. A durbar cannot be held without the knowledge of the people. A durbar which is held without due notice and publicity is not taken notice by the people and its decisions are not binding or recognized.

In the *Durbar Hima* or state durbar, it is important that the *Syiem*, the *Bakhravs* (nobles) and the *tymmen ki kro* (elders) should be present. Sometimes only the *Bakhravs* and the elders or only the *Syiem* or the *Bakhravs* only. The *Syiem* in his personal capacity as the *Syiem* cannot take any decision, since the decision making power lies with the *durbar*. In the Khasi custom the *syiem* is merely the executive head. He has no legislative power. It is for this reason that there are non-tribal *syiems*. It was only with the advent of the British that an attempt was made to vest them with a royal status.

At the raid level, there is the *durbar raid* which is organized on the same lines as the durbar hima or state durbar. At the village level, the *durbar shnong* or village durbar is vested with extensive powers. It is the grass-roots unit of local self-government for the Khasis.

THE VILLAGE COUNCIL OR THE DURBAR SHNONG

The Village Durbar traditionally consisted only the adult male members of the village. Though there is a provision in the Sixth Schedule to the Constitution of India for the establishment of village durbars or village councils, yet neither the District Council nor the State Government has done the needful to give this traditional unit of self-government with a statutory recognition. Traditionally, the village council is vested with legislative, executive and judicial powers. The District Council has recognized their significance and importance when it enacted the United Khasi-Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953. The District Councils has set up and recognized the village courts as the lowest court with powers to try cases of a civil nature. It can also try criminal cases falling within the purview of the tribal laws and customs and if the offence is petty in nature. With regard to this power vested on the village Court, the Dutta Commission which was set up by the Government to look into the administration of the District Councils remarked in its report that these courts are weak in nature and therefore have no power to compel the attendance of the accused before such courts. Hence, it is very weak organ of the village council.

With regard to the legislative and executive functions, the *Durbar Shnong* cater basic civic-amenities of the people of the village and such other matters which are of common interest to the people within its jurisdiction. As pointed out above, ever today, no statutory recognition is given to the *Durbar Shnong* though the District Council has given the *Rangbah Shnong* or village headman with some powers. However, it must not and cannot be inferred from the powers laid down in the *sanad* (legal deed) and given to the *Rangbah Shnong* that the *durbar shnong's* power has a legal weightage. It may also be mentioned here that due to these sanads given to the village headman according to the United Khasi-Jaintia Hills Autonomous District (Appointment and succession of Chief and Headman) Act, 1959 that sometimes they have acted independently of the *Durbar Shnong*. This is brought to the notice of the Land Reforms Commission for Khasi Hills that even village roads were sold by the *Rangbah Shnong* without the knowledge of the durbar.

With the constitution of 73rd amendment Act, 1992 on Panchayats, a fresh look should also be taken to strengthen and revitalize these institutions of local self-government that already existed in the Khasi Hills. It may be seen that a number of items in the 11th schedule is already being carried out by the *Durbar Shnong*. These include markets, Sanitation, Housing, drinking water, roads etc. However, these, *Durbar Shnong* suffers due to the paucity of fund, the erosion of its authority and the question of their relevance in the modern era due to its partial undemocratic nature (as it mostly exclude women from decision-making process). However, one cannot deny that the village council has been instrumental in carrying out the implementation of the government schemes at the grassroots level where the state machinery fails to reach. They are also key actors in maintaining peace and security at the local level. But the most important part

of the role of the village council is in the preservation of the identity of the Khasi tribe. Therefore, with the spirit of the constitution 73rd amendment act, these traditional bodies could be strengthening to meet the asperity of the act in empowering the people at the grassroots level.

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