Project Notes: Research in North East India

Liberal Democracy, Traditional Institutions & Politics Of Representation Analysing the Nongkynrih Shnong Dorbar

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[In the Johannesburg Crisis States Workshop, in 2003, we presented our findings on the interface of tribal traditions and liberal constitutional governance in the urban areas of the Khasi Hills of North-east India and found that the constitutional values were penetrating the traditional tribal local governing institutions like the Dorbars. In what follows we are trying to examine the same issues in the context of a rural Dorbar of Nongkynrih].

Introduction

The increasing salience of ethnic identity and its convergence with political mobilisation and representation has in contemporary times sought to reformulate our notions of sovereignty and entitlement to institutional arrangements. The result being that in many multiethnic states of both the developing and developed world, ethnic consciousness and the recognition of ethnic difference have begun to structure policy initiatives that often split the 'sovereign claims' of the state among numerous institutional constituents. This accommodation or 'split' is considered to be a result of the transformation in the global democratic agenda, wherein the transformation is being structured along an increasing emphasis upon 'particular concerns' that allegedly were hitherto sheltered by the 'concern for generalities'². As a discourse it is referred to as the 'politics of difference'³, which at its benign form calls for 'renegotiating the principles of political participation' or even [re] establish 'alternative institutions of [pseudo] sovereign authority'.

These assertions for recognition of the 'prior sovereignty' 4, or 'indigenousness' are formulated on a normative foundation that apparently contests the universalising aspects of liberal democracy, notwithstanding the 'cultural particularity' 5 of liberal democracy itself. In most of the states this negotiation between 'ethnic identity and territoriality' and sharing of 'sovereignty' is conditioned by the granting of numerous forms of autonomy that entitles the concerned groups to exercise control over aspects [like governance, cultural goods etc] of special importance to the concerned groups. 6

In an extremely heterogeneous state like India, ethnic diversities have been considered simultaneously it's "spectacular strength and its most formidable challenge". In its efforts at

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The field work in the Nonkynrih was carried out by Ibadondar Pathaw, Willmandon Lyngdoh, Michael and Kher under the Supervision of Dr. Rajesh Dev.

See Anne Phillips. *Democracy and Difference* (Polity Press: Cambridge. 1993) pp.129-130

Charles Taylor. "The Politics of Recognition" in Amy Gutman (ed.) *Multiculturalism: Examining the Politics of Recognition*. (Princeton University Press:NJ.1994) pp.25-74

See Autonomy and Ethnicity: Negotiating Competing claims in Multi-ethnic States. Yash Ghai (ed.) Cambridge University Press. 2000). p. 8

Bikhu Parekh "The Cultural Particularity of Liberal Democracy" in David Held (ed.) *Prospects for Democracy*. (Stanford University Press: USA 1993)pp. 170

See Ghai. loc.cit.

[&]quot;Federalism and Diversity in India" Vasuki Nesiah in Ghai op.cit. 2000. p. 53

consolidating a state built around liberal democratic principles, in the post-colonial phase, the Indian state sought to accommodate the diversities by sharing its sovereignty with a wide array of autonomous and largely self-governing communities. The arrangements arrived at with the tribal communities in India's north-east, particularly the areas governed by the 6th schedule of the constitution of India is a clear example of it. The state, as Parekh shows, consequently, sought to reconcile as an association of individuals and a community of communities, recognising both individuals and communities as bearer of rights. This paradoxical dilemma of reconciliation between the liberal [individual] spirit enshrined in the provisions of the constitution and the concerns and consciousness of community has remained, according to Andre Beteille¹⁰, a major test for India's liberal democracy. Nonetheless efforts for negotiating these apparently contested claims between two sets of claimants, were furnished by the establishment of dual structures of jurisprudence¹¹ and 'recognition of layered sets of institutions' that effected a 'differentiated citizenship' criteria in the enjoyment of rights and privileges within the national state.

However, this strategic compromise, upon which a 'national community' was attempted to be foisted remained provisional and elusive and the contemporary deepening of contests between the "native and the citizen" noticed by Mamdani in the case of Africa seems to be present here, in the Northeastern periphery of India, reflecting the paradoxes of such reconciliation. In this region, which comprising of seven states that are predominantly 'tribal' 14, the political legitimacy of a liberal state is being continually challenged and contested by norms and institutions that apparently are socially and culturally embedded in the communities they seek to represent. In other words there is a contest between what *Stephanie Lawson* refers to as, "an attitude of reverence and duty towards the practices and values [and institutions] transmitted from the past" that supposedly represents a community's shared social practices, cultural traditions and social understandings with what David Held refers to as the liberal constitutional values and institutions that emphasise "individual autonomy, including liberty of person, freedom of speech, thought and faith...and the right to be treated equally with others before law" 16.

Most of the states of the region exhibits collective projects of varied ethnic groups that are increasingly claiming 'recognition' for [traditional] institutions, which they consider would authentically reproduce their nostalgia for 'self-rule' and 'sovereign legitimacy'. Consequentially in the entire region there is a 'scrambling competition' for [re] invention and articulation of authentic and embedded life-worlds and institutions that are often at contest not only with similar institutions of other groups but also with the structures of the state and

⁸ Parekh. *loc.cit*.

ibid. p 170

Andre Beteille. "Pluralism and Liberalism" *The Hindu*. January 4, 2002 p 10

Rajesh Dev. "Relativism, Minorities & Human Rights in North East India". *Economic & Political Weekly* Oct 23, 2004.

See Rajesh Dev "Identity Claims: Paradox of Recognition and Redistribution in North-East India" in Kousar Azam (ed.) *Ethnicity, Identity and the State in South Asia*. (South Asian Publishers Pvt Ltd.: N. Delhi. 2001) pp.221-231

See Mahmood Mamdani. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism.* (Princeton University Press: Princeton. 1996)

See *Basic Statistics of NER*. North Eastern Council Statistical Handbook. NEC Secretariat. Shillong. 2003

Stephanie Lawson. *Tradition Versus Democracy in the South Pacific: Fiji, Tonga and Western Samoa.* (Cambridge University Press: Cambridge and New York. 1996) p. 17

David Held. Democracy and the Global Order: From Modern State to Cosmopolitan Governance. (Polity Press: Cambridge. 1995) p.67

autonomous institutions. The ensuing politics of 'recognition' employed by the federal state have only fashioned a multiplicity of institutions that seesaw between cooperation and conflict¹⁷.

The paper seeks to empirically investigate how the politics of "recognition" and "representation" of the exclusive rights of a community is being enacted and reflected in the renewed assertion for 'recognition' of "traditional political institutions", which are perceived to the institutionalised bearers of "traditionality". ¹⁸ Indigenous supporters who consider the modern institutions as blemished by schisms of competitive party politics often position these "traditional political institutions" as a distinctive alternative to the modern liberal democratic institutions. The uniqueness of these traditional political institutions is expressed by emphasising the role of "consensus" in decision-making and the "incontestable legitimacy" that the institutions instinctively secure from the 'community' they serve. Nonetheless, these institutions have often been the focus of critical assessments for being 'exclusively modelled' limiting the participation of certain sections like women and ethnic others as well providing a "new lease of life to encumbered collective identities"¹⁹.

In this context the essay investigates the bases of 'political' authority, the nature of the institutional structures, the implications of consensual 'political' processes, limits to individual liberty and gender equality and the dichotomous or constitutive relationship between 'modern' and 'traditional' institutions in a rural 'ideal type' *Durbor* in the Khasi Hills district of the state of Meghalaya. This ideal type Dorbar is called the *Nongkynrih Shnong Dordar*, situated about 70 kilometres from the urban centre of Shillong.

Historical antecedents: the structure & linkages

The traditional political structure in Meghalaya is a three-tier system with *Shnongs* (villages/localities) at the bottom, the *Raids* (Elakas/provinces) at the middle regional or provincial level and the *Syiems* (rulers/chiefs) at the top of the political establishment. Each of these tiers has a *Dorbar* (assembly/council/meeting) composed of people who were traditionally chosen according to their level of maturity or the sacerdotal and religious functions they are supposed to perform.

Essentially, at the local level, the Khasi traditional political structure was organised around the Kur (clan) that had been the nucleus of the socio-cultural and political institutions 20 . Therefore, the villages and village administration was initially coterminous with a particular clan or Kur. In due course however, due to social pressures of various kinds, the coterminuses between clans and village boundaries, both political and social, broke down. This phenomenon has thus made village social and political boundaries much more wider and

As an instance in the state of Meghalaya, the traditional institutions called *Dorbars* are at simultaneously cooperating with the institutions of the state and at the same time are engaged in a conflict-ridden discourse with them for autonomy. See A. K.Baruah. "Ethnic Conflicts and Traditional Self-Governing Institutions: A study of Laithumkhrah Dorbar". Working Paper No 39. Crisis States Programme. Destin. London. January 2004

For a more elaborate explanation of the relationship between traditional institutions and assertions of traditionality, see A.K.Baruah. *ibid*.

Andre Beteille. "Citizenship, State and Civil Society" *Economic & Political Weekly* 2588-2591, Sept 4,1999

Helen Giri. The Khasis Under British Rule (1824-1947) (Akashi Book Depot. Shillong. 1990) pp. 10-14

complex, though the nomenclature of the villages or the raids often reflected the dominant clan group.

There were twenty-five Khasi chiefs and chieftainships before the intervention of the British in these hill areas; with fifteen of these petty states being administered by the *Syiems*, one administered by *Wahadadars*, five administered by the *Sirdars* and four administered by the *Lyngdohs*.²¹

The *Shnong Dorbar*, which is the focus of this essay, is the primary unit of administration based at the locality (in the urban areas) or village level (in the rural areas). The *Nongkynrih Shnong Dorbar*, which comprises of four smaller administrative sub-units—*Madan football, Madan Lyngdoh, Jalynteng and Wahtyngngai*—that usually, especially in the urban localities, are referred to as the *Dong Dorbars* but in this case is referred to as the *Shnong Dorbars*, is one of the four *Shnongs* within the *Nongkynrih Raid. Laitkyrhong, Umthli* and *Nongthymmai* being the other three *Shnongs* of the *Nongkynrih Raid*. The *Nongkynrih Raid* is one of the six *Raids*²² that constitute the *Khyrim Syiemship*.

The *Khyrim Syiemship* is said to have been the most advanced and had the practice of minting their own coins. Some scholars maintain that the Khyrim Syiemship along with the Mylliem Syiemship branched out from an integrated Syiemship known as "*Ka Hima Shyllong*". However, in the case of Khyrim, unlike the other Khasi 'States' the authority to rule was socially sanctioned to the *Syiem-Sad* (a High Priestess) who delegates the responsibility to a male representative that his authority is circumscribed by the presence of a powerful *Dorbar* constituted by the *Myntris* [counsellors]. This restricted authority of the Khasi chiefs or *Syiems* permits Gurdon to refer to the Khasi *Syiemship* as 'Limited monarchy' However, irrespective of the fact that the role of the Khasi chiefs or *Syiems* are limited by the countervailing authority of the *lyngdohs* (Priest-Chiefs) and the *Myntris* (ministers/councillors) the choice of the Syiem is determined through ascriptive succession and unless constrained by unexceptional circumstances of succession or personal impropriety the council has little choice to deny approval to a nominated Syiem.

The *Syiem* of *Khyrim* is also required to perform certain sacerdotal functions that assign him with temporal and religious authority. This religious role of the *Syiem* of *Khyrim* almost indirectly accords a numinous legitimacy, howsoever limited, to his political authority. Moreover, primarily due to his religious authority and role in religious functions, a *Syiem* of this *Hima* has to be a non-Christian.

These features of the *Syiemship* as well as the other tiers of traditional governance rather reflects the pre-political nature of the Khasi states where "functional abstractness" of the units of governance has not been realised and as such "differentiation of social functions, a wide ethical and cognitive pluralism...and... autonomisation of individuals from the

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B.C.Allen. *Gazetteer of the Khasi & Jaintia Hills District*, 1905 (Gyan Publications. N.Delhi. 1980 reprint) pp. 44-49.

Raids denote an elaka (area or province) comprising several villages looked after by hereditary petty chiefs. In this connection it is interesting to mention that while the Meghalaya Land Reforms Commission of 1974 defines a Riad as a division of Hima, the 1991 Gazetteer defines it as a province.

J.N.Chowdhury. *Ki Khun Khasi-Khara* (Jeetraj offset: Calcutta. 1996) p.108

P.R.T.Gurdon. *The Khasis*. (Cosmo Publication: N. Delhi. 1987) p. 70 also see ibid. p.113

ibid. p.114

Gurdon. *op.cit*. p 66

normative pressures of tradition and collective beliefs..."²⁷ has not been achieved. As a result of this lack of 'functional differentiation', the traditional political institutions are yet to witness the 'formal' separation or relative abstractness of the legal, political and social institutions that are an emphatic feature of modern democratic institutions.

Therefore, though Khasi *Syiems* may not be purely monarchical in relation to the exercise of his power or association with the subjects of the Syiemship, political choice and consent of the people in the appointment of a Syiem is restricted by the norms and procedures of succession and indirect popular participation. What is more, except for a few instances, there is seldom any disagreement or lack of consensus on the choice of the *Syiem* in the Electoral College, since its authority is restricted basically to confirming a nomination. It is also pertinent to mention in this context that with the enactment of the sixth schedule of the constitution of India, the Khasi chiefs, in terms of appointment/succession and authority, are placed at a subordinate position to the District Councils.²⁸

The Syiem and the Dorbar Hima thus stand at the apex of the traditional political structure and is followed by the *Dorbar Raid*. The *lyngdoh-Raid* [priest-chief] who usually belongs to the priestly clan inhabiting the Raid is the de-facto administrator of the Raid Dorbar As such the six Raids in Khyrim have six Lyngdohs who act as an intervening structure/authority between the apex Dorbar Hima and the base Dorbar Shnong. Each of the Raids— Nongkynrih, Nongkrem, Nongbri, Mawshai, Lawai, and Mawlieh-is composed of a lyngdoh-Raid, from the traditional priestly clan and four to six Myntris from the main clans constituting the Raid. Traditionally the Lyngdohs and Myntris of the council were nominated from the priestly and leading clans respectively from within the Hima (state) by the respective clans. Traditionally, when the clan or Kur boundaries were more coherent and coterminous with the boundaries of the province or Raid, popular participation and involvement of the non-dominant clans inhabiting the *Raid* in the affairs of the province or their political representation in the *Raid* councils were restricted. Interestingly, the presence of an intermediary Raid Dorbar is more or less theoretical and the Lyngdoh is less visible in functions other than those requiring a religious sanction. This is corroborated by members of the 'Executive' of the Madan Football Shnong when they revealed that except for activities that generate monetary revenue²⁹ for the *Shnong*, the permission of the *Lyngdoh* for all other normal activities are not necessary. Besides, the Lyngdoh is basically concerned with religious functions and receives his authority by virtue of his religious stature. The quasipolitical authority granted to a Lyngdoh is basically recognition of his position during an era where formal head of governance like the Syiem was unavailable and the structural linkages between the different tiers of governance was not as defined as today. Historically speaking the Lyngdoh is a person who is appointed by the members of the dominant clan inhabiting the area, which earlier was one clan for one village. It is usually a person who is well versed in religious performances and bears knowledge of the tradition. Notwithstanding the fact that there is no Lyngdoh clan per se, today we find many progenies of Lyngdohs (priest-chiefs) adopting Lyngdoh as their surname, which basically follows from the clan one belongs to, though some of these members may never have been a Lyngdoh (priest-chief).

See Danilo Zolo. "Citizenship in a Post-Communist Era" in David Held (ed) *Prospects for Democracy*. (Stanford University Press: California. 1993) p 261.

For a more elaborate elucidation see. Abhijit Choudhury. "The contextual Dimensions of the Sixth Schedule". *Contemporary India*. Nehru Memorial Museum and Library. Vol 1, No 4. Oct-Dec 2002

Monetary revenue is generated by organising Fetes, etc or even imposing a token toll during village Huts (markets). Sometimes a 'bairung shnong' (a kind of a duty) is levied on residents of the Shnong.

In fact any analysis of these primary 'bases' and modes of 'representation' of the traditional political system of the khasis would reveal that the "unique democratic feature" of appointment of functionaries of the different sets of the governance structures through consensual nomination without any competitive schisms of modern competitive democratic systems is a little more complex and skewed than it actually is asserted to be. Because besides the limitations in the appointment and succession of the *Syiems*, the choice of the *Lyngdohs* and the *Myntris* is not only limited to specific clans and legitimated through clan nominations, but additionally as Captain Herbert states instances, that in the event of a vacancy by death or removal of a *Lyngdoh* or *Myntri*, the choice of replacement is confined to that particular family primarily. Consequently even in the case of the *Lyngdohs* and the *Myntris*, succession is purely hereditary, which cannot be considered a modern liberal democratic feature.

The *Shnong Dorbar*, which is the domain of this empirical study, is the primary or base structure of the traditional political system of the Khasis. The *Shnong* is the primary unit in the traditional political institutional hierarchy of the Khasis and is concerned with the actual day-to-day activities of the Shnong or locality. It is around this structure that the village administration is established and executed.

In the near past, *Dorbars* were the only proximately available effective institution that could act as an adjudicator of local disputes and as such they could be called at any moment of the crisis and therefore, we have *Ka Dorbar Step* (morning Dorbar), *Ka Dorbar Sngi* (day Dorbar) or *Ka Dorbar Miet* (night Dorbar). In contemporary times, however, the *Dorbar* usually begins in the morning and continues through the day and as such the suffixes reflecting the time of the day is usually not referred during any mention of a *Dorbar* session today.

The Nongkynrih Shnong Dorbar: dynamics of tradition

The Nongkynrih Shnong Dorbar lies between the Laitlyngkot sirdarship and Laitkyrhong village of Nongkynrih Raid. Unlike the urban areas where the demarcation between a village and a locality is more pronounced and defined, in the case of rural areas this is not so. Consequently we encounter problems while trying to understand the structure of village administration. In the urban areas we have the Shnong Dorbar at the level of the village and the Dong Dorbar at the level of a locality in the village. Here in a rural setting even the locality Dorbar (i.e. Dong Dorbars) are referred to as Shnong Dorbar. Therefore, we only have Rangbah Shnongs, which in urban areas would be referred to as Rangbah Dongs who administratively would be subordinate to a Rangbah Shnong. This fact reveals that it is difficult to find a standard structure of traditional governance with easily identifiable set of institutions where power and authority is defined. Each of the Shnong in Nongkynrih village function as an autonomous unit without any direct administrative relationship with the other, though they all, theoretically function under the supervision of a single Raid-Lyngdoh and the clan Myntris.

The main occupation of the residents in the village is agriculture though some of them are employed in petty government jobs as well mostly in urban areas like Shillong. The *Raid* has very basic educational infrastructure with six primary schools one run by the *Madan Lyngdoh Shnong* itself, one by the St. Mary's sisters, one by the district council, one by the Presbyterian mission and two by the Ramakrishna Mission order. A secondary school run by the Christian missionaries is situated about 5 Kms away from the Nongkynrih Village. The

police station is situated about 26 kms away from the village while the other government offices like that of the BDO etc are situated about 8-10 Kms away.

The society is a simple one where social inequalities are very marginal and can be termed as un-stratified in respect of pronounced socio-economic differentials. Though changes in the economic structure with the emergence of a new class of people like the contractors, petty merchants and governments servants is introducing stratification that subtly influences the dispersion of power in the traditional structure. However, any distortions in social tranquillity and social goals by the aspirations and interests of these diverse social groups is often neutralised by the bonds of kinship among the community. The Main Clans of this *Raid* are the *Rynjah* and the *Nongkynrih* while other clans like the *Mylliem*, *Nongkhlaw*, *Nongrum*, *Nongsteng* etc. constitute the village population.

As we have already mentioned that the Nongkynrih village has four Shnongs—Madan Football, Madan Lyngdoh, Jalynteng and Wahtyngngai. The total population of the village is 2394 members with 481 households. Madan Lyngdoh being the biggest Shnong has a population of 1023 with 205 households, followed by Jalynteng with 653 people and 131 households, Wahtyngngai with 522 people and 105 households and the most recent Shnong Madan Football with 196 members and 40 households. There are no standard procedures for the creation of separate Shnong, since some of the respondents believe that it is because of increase in population while others agree that often, personal egos of the residents may be a reason. Though sparse population density of the village may be a reason that leads to the formation of Shnongs however, the reasons stated for the creation of Shnong like Madan Football with only 40 households and 196 people indicate that there could also be considerations of local power struggles. In fact residents of the Madan Football Shnong state that it was after a "long struggle of three (3) years by several houses in the area" that the Shnong was established and the grounds for the 'struggle' had been the perceived "exploitation, humiliation and deprivation of rights" by the population of Madan Lyngdoh Shnong.30

The history of the formation of the *Shnong/s* is veiled by the lack of any written documents either about their functioning or their structure, but expressions from the personalised narratives of elderly residents of the area reveal that the present quasi-formal structure of the *Shnong/s* is of a very recent origin. In fact many people say that the office of the *Rangbah Shnong* or Village Headman who is the chief executive of the *Shnong Dorbar* was formally constituted with the advent of the Sixth Schedule or the formation of the District Councils. Though of course the role and authority of the village elder (*Rangbah*) as an arbitrator and manager of local issues concerning the village folk is a traditional feature *sans* the arrangement that presents itself in such a structured form today.

In an open assembly where one adult member from each household of the *Shnong* is expected to attend, the *Rangbah* [of the] *Shnong* is elected. Eligibility for participation and voting in this Dorbar (assembly) is limited to adult male members of the community/locality and adulthood is acknowledged and defined not by an attained age but by reflections of physical features like the growth of a moustache. Each household entrusts the head of the household or his nominee to attend the sessions. Official versions maintain that in order to ensure the attendance of all the eligible members from each of the household an attendance register is maintained, however, its procurement by the investigating team also required prior approval

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Personal Interaction with Malklan Nongkynrih Rangbah of Madan Lyngdoh Shnong on 24th april 2002 at the Dorbar hall..

of the general *Dorbar*, which was not in session and, therefore, for all practical purposes could not be procured. The *Dorbar* also imposes a punishment for non-attendance to the sessions and the nature of the punishment in contemporary times is the imposition of monetary reparation. However, this is done only if a member fails to attend the *Dorbar* for three or more times and given the fact that the *Dorbar* holds general sessions effectively once a year punishment or monetary reparation is negligible. This punishment also looks more theoretical than real when we consider the statement of the Secretary of Madan Lyngdoh who during discussions regarding the participation and involvement of the educated and elite sections of the village/locality maintained that this section did show a little indifference towards the Dorbar. These sections also migrate to urban areas and are thus away from the village for all practical purposes. Consequently the method of ensuring compliance of attendance and the scope and degree of participation in the *Dorbar* sessions is not strictly mandatory or broad-based. During the course of our investigation we have observed that this section of the population, especially the rich and the educated, are a little reticent to participate in the affairs of the *Dorbar* largely due their transformed social status, though they ensured not to entirely distance themselves from the kin group for social and cultural reasons. Significantly adult women members of the locality and members of non-local/non-dominant clans and other ethnic groups are not allowed to participate in the *Dorbar* affairs; they "may view the proceedings of the Dorbar from far" only. This assumes importance due to the fact that Khasis follow a matrilineal system, but it may also be worthwhile to emphasise the importance of what Baruah and Sharma states in this connection when they maintain that the Khasi society is a matriliny governed by rules of patriarchy. 32 Moreover 34.69% of our male respondents disagree with proposals to involve women as members of the *Dorbar*, while 48.97% of the male members have no response to any such proposal and only 16.32% agree to any participation or involvement in discussions that concerns their welfare. Interestingly unlike the urban areas where women members showed reticence to become members of the Dorbar since it is barred by tradition, in this rural Dorbar, 63.04% of women respondents articulated interests to be included in the proceedings of the *Dorbar*. This difference may be attributed to the fact that in these rural areas ideally, not only descent is traced through the mother and property passed through the female line, women are commercially assertive and play an active role in village hats (markets) which possibly heighten the consciousness for increased political voice. Consequently as women traditionally possess economic powers, many today feel that this competence must be balanced and supported by political equality.

At present however, this entrenched principle of exclusion that denies political voice and role to a significant segment of the population nonetheless, does not in anyway prohibits the *Dorbar* from formulating and implementing decisions on issues that are gender-specific since many of the *Rangbah Shnong/s* or 83.67% of the male respondents interviewed believe that "there is no difficulty in making decisions related to women even in their absence". Contrarily 67.39% of the females believe that decisions on issues that are gender-specific are affected due to their absence. The *Dorbar* however, has a working relationship with the *Seng Kynthei*³⁴ (women's organisations) that is often 'consulted' in matters relating to women's

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This was how an official of the *Madan Lyngdoh Shnong* stated when asked if these groups can participate in Dorbar affairs.

A.K.Baruah & M. Sharma. "Mtriliny, Land Rights & Political Power in Khasi Society" in Indian Journal of Human Rights. Vol-3, No-1& 2 Jan-Dec 1999. pp. 210-228

Statement of Ondar Nongkynrih, *Rangbah Shnong* of *Jalynteng* on April 24th 2003.

Baruah argues that *Seng Kynthei* is an organisation that does not have its roots in tradition and is a recent phenomenon and shows how modernity has influenced and structured the formation of organisations, which though have indigenous names and have a working relationship with traditional political institutions, are after all the outcome of modern consciousness. See Baruah *op.cit*. LSE 2004 pp.11-12

affairs. Our investigation reveals that despite the prevalence of this organisation women would prefer to settle any concerns relating to women either within the family or within the clan *Dorbar*. It reflects the fact that a clear delineation of private and public spaces are yet to emerge in this rural setting and the intertwining relationship between the two makes it difficult to organise issues on purely impartial terms. Nonetheless, this indirect involvement or participation of women with the traditional institutions does precious little to extend the conception of the 'political community' that tradition and traditional institutional, even in a matrilineal society like the khasis, usually advocate and espouse and as a consequence undermine modern democratic notions that liberal traditions endorse. What is more, this indirect involvement actually only reflects the paternalistic suzerainty that the traditional institutions or authorities would like to sustain upon such groups like the women.

In the traditional tribal formations the choice of the *Rangbah* was limited to the village elder who was also a clan elder, but today besides this criterion, considerations of social acceptability and political acumen are important qualities for the choice. Moreover, the 'election' of the *Rangbah Shnong* and also the Executive members does not take place under formalised institutional norms and procedures where open competition among nominees takes place, but rather the entire *Dorbar* through a 'consensual nomination' selects the incumbents. Even here it is usually an articulate member of the community is entrusted to list the virtues and competence of, to-be-selected members. In cases where an incumbent *Rangbah Shnong* is to be re-nominated again, the incumbent himself presides over the election/selection process. Only in cases where a *Rangbah Shnong* is asked to resign for perceived lapses, a *protem* Rangbah is appointed to oversee the election/selection.

Fascinatingly, in course of our field investigations it was revealed in private conversations with residents of the *Shnong*, that prior to the actual public assembly and apparent transparent choice, private consultations with families, clan leaders and other important functionaries like the Member of the District Council or other local leaders usually take place where names are circulated for acceptance. In view of this it may not be erroneous to maintain that the choice of a *Rangbah* or even members of the 'executive' in an open assembly is rather a public endorsement of private choice. This feature otherwise has no negative consequences in an 'ideal village *Dorbar*' where interests would traditionally be coterminous with clan boundaries or simple village goals. But in a situation where contestations between rival clan interests and individual claims³⁵ and aspirations are increasingly becoming a feature, the nomination of the *Rangbah Shnong* or members of the 'executive' may show traces of politics and power-play, the absence of which is often cited as the ideal reason for 'legal recognition' of the traditional political institutions.

The *Dorbar* structure is like a pyramid with the *Rangbah Shnong* at the Apex, followed by the members of his executive and the base being comprised of the one adult male member of every household of the locality. A body of members who are referred to as the "Executive Members" assists the *Rangbah Shnong* in discharging his duties as an administrator and arbitrator. The general *Dorbar* or public assembly chooses these members in a similar manner as the *Rangbah Shnong*, with often a little support from backdoor manoeuvrings ³⁶. The nomenclature and social bases of the members of this body is an interesting evidence of the influence of modern political institutions and practices. The term 'executive' is possibly

For instance the creation of the Madan Football Shnong or the removal of Mr. Snailing Nongkynrih an official of the *Shnong* are examples of the emerging contestations.

This was communicated to us by the officials of the *Shnongs* in an indirect way during our interaction with them during April June 2002

adopted from the terminology of the sixth schedule of the constitution of India, where we have a Chief Executive Member (CEM)³⁷ and other members of the executive. It may not be far from truth to surmise that the relative standardisation of the structure of *Rangbah Shnongs* or Headmen is an outcome of the efforts and legal provisions of the District Council³⁸.

The members of this 'executive' are basically teachers of primary schools, contractors and petty government officials. In other Riads of this Syiemship, Myntris and executive members have also been the member of Legislative Assemblies and member of District Councils. Interestingly, most of these functionaries including the Rangbah Shnong of Madan Lyngdoh expressed their willingness to contest elections to the legislative assemblies and district councils, since according to them "it is more paying" in terms of money and power. As a matter of fact, actors often perceive the traditional political institutions as primary institutions of authority and legitimacy that could be utilised as springboards for greater political role in institutions of the modern state. This phenomenon actually validates a view that is held by scholars that assertion for 'recognition' of the traditional institutions is more for direct receipt of government funds rather than a genuine desire to "safeguard the traditional way of life". In other words, indigenous beneficiaries of these traditional structures see merit and opportunities in maintaining these institutional structures often for instrumental reasons. This view also seems increasingly probable in a social condition where ethnic identity and ethnic institutions are considered a political resource for aggregating and consolidating electoral advantages³⁹, and with such a "political opportunity structure" political mobilisation and legitimisation seems effortless.

This aspect of the traditional political institutions where government servants are considered to be more effective as members of the executive is more pronounced in the urban areas, however, is slowly making inroads in this rural setting as well. A retired civil servant, Mr. Terence Cajee in an informal discussion, with this writer, maintained that this feature of government officials holding posts in traditional institutions is a British introduction and was directed to undermine the authority of the *Syiem* and ensure stability for the colonial administration. In the post-independent period, this overlapping relationship between functionaries of the modern state and the traditional institutions has, according to our view, produced a nexus that has led to a dilution in the autonomy and authority of both the traditional and modern political institutions. In some situations it has also produced a "legitimation crisis", for instance when Capt. William Sangma, a former Chief Minister of Meghalaya had refused to engage in negotiations with a delegation consisting of *Rangbah Shnong/s* and Executive members on the plea that they were members of his secretarial staff with whom he would not discuss policy issues⁴⁰.

The Executive committee consists of a Secretary, an Assistant Secretary and Treasurer besides other members, who as expressed earlier are elected/nominated by the *Dorbar Shnong* or Peoples Assembly. The composition of the executive differs from *Shnong* to *Shnong*, and therefore, in some Shnong like *Madan Lyngdoh*, it is ten (10), in others like

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For an elaboration of the structure of the District Councils see L.S.Gassah. (ed) *The Autonomous District Councils*. (Omsons Publications: N.Delhi. 1997)

See for example the United Khasi-Jaintia Hills Autonomous District (Appointment & Succession of Chiefs and Headmen) Act 1959, Section 2(k).

See Rajesh Dev. "Community Loyalties and Regional Outlook" *Economic & Political Weekly*. Vol XXXIV Nos 34 & 35, Aug 21-28, 1999.

Revealed by Mr. Terence Cajee, retired bureaucrat during interaction with the author, April-June 2002.

Madan Football, it is eight (8)⁴¹. It has been found that in most cases, it is most often the Secretary and the Treasurer who are invariably government officials.

Usually the Rangbah Shnong and the Executive Committee members' tenure is for one year, a usual interval at which the *Dorbar* meets, though sometimes emergencies may require the convening of special sessions of the entire Dorbar. During the annual or bi-annual sessions of the Dorbar, the Rangbah Shnong presents an annual report of the activities and accounts of the Shnong Dorbar. The Rangbah Shnong reads this report and only if specifically asked by a member of the Shnong (village/locality) presents a copy for personal scrutiny. However, in spite of our best efforts we have been unable to procure a copy of the records or the attendance registrar of any of the Shnong Dorbars, though we could procure a copy of the "constitution" of the Madan Lyngdoh Shnong. This written document that is referred to as the "constitution" contains basically the rules that members of the Shnong should abide by, together with quasi-structured procedures or norms about the scheme of functioning of the traditional institutions. Though these documents are usually referred to as the "Constitution", but it is a little difficult to acknowledge them as 'constitutions' in the strict sense of the term. Since they neither express nor reflect the supremacy of a set of codified law that limits and restrains the authority of the political functionaries or expressly clarify the operation of governance. The dynamics of traditional governance in this rural *Dorbar* instead pursues a system of limits and restraints that operate through kin relationship and is not obligated to any set of formalised procedures and norms.

These 'constitutions' also contain rules that are meant to simply ensure the moral and social stability of the village life, which members of the locality must follow, and are usually referred to as the "Ki Adong Shnong" or "Rules of the village/locality". Nonetheless, this system of adopting a 'constitution' highlights the influence that modern democratic governance has impacted upon traditional political institutions and thereby also reveals the changing socio-political dynamics and state of affairs where traditional un-codified set of rules are no longer adequate to ensuring effective social or political control even in an 'ideal-type' *Dorbar*.

The decision-making procedure in the general *Dorbar* is usually through negotiations, discussions and deliberation where dissent is seen as forbidden by custom and requirements of group-loyalty. It may be stated that the relational networks of kinship and group-solidarity get credence over impersonal political debate on issues, essentially because in traditional societies members are not self-determining individuals because individuals are unable to assert autonomous priority to that of his community. This becomes more poignant when we view the expressions of Mr. Snailing Nongkynrih, a former member of the Madan Football Dorbar, who says that there is no dissent in front of the Dorbar but there may be dissent individually. Thus despite the prevalence of opposition, in the *Dorbar*, dissension is seen as deviant and the goal is basically directed towards 'consensus-building'. As Table-I (A) & I (B) would show that a 77.55% of the people i.e. effectively the male members, of the Shnong/s perceive that dissent in the Dorbar or with its decisions is unacceptable and this perception is strengthened by the fear of social boycott or ostracisation. This in-group solidarity is almost overbearing over individual dissent and democratic autonomy when we consider the fact that even for conducting this interview we required a formal permission from the Rangbah Shnong to talk to individual members, unless such permission is sought no respondents were willing to make any responses. This is not an instance but a general practice

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Refer to table-V in this presentation.

within the *Shnong/s*, which we had to confront on numerous other occasions also. It reveals the reality that ethnocentrism is rigidly maintained by such denial of individual autonomy in a social condition where individuation processes are showing signs of emergence and possibly imperil the authority and institutions of an oligarchic collective conscience. Besides, the instance cited reflects the domain of authority of a *Rangbah Shnong*, which not only regulates social life but also determines and defines the nature of individual choice.

An interesting detail that also needs attention while assessing the decision-making process in the *Shnong Dorbar* is that for all practical purposes it is the *Rangbah Shnong*⁴² who performs the quotidian functions of governance and as such a significant portion of the actual decision-making is undertaken by him⁴³ that may not necessarily require the sanction of the entire executive or the *Dorbar*. Moreover, even in the sessions of the *Dorbar*, the *Rangbah Shnong* asserts immense influence that motivates the decisions of the *Dorbar*. This reality demonstrates the effective significance of the deliberative function of the traditional political institutions where the right to claim effective authority over processes of governance at all the levels is restricted by the operation of several non-negotiable principles like belonging to a particular clan, respecting the norm of kin-protection or simply abiding by a general in-group solidarity. Therefore, popular control of the authorities and participation in decision-making at all levels of governance is circuitous and limited by rights of specific clans and even families to positions of traditional authority.

The *Dorbar* also performs specific judicial functions and arbitrates minor local crimes and functions as a prosecuting body. In all the *Dorbar/s* in Nongkynrih village minor crimes like petty thefts, boundary disputes, issues of moral turpitudes, divorces, prosecution of incestuous couples etc are brought initially to the notice of the *Rangbah Shnong* who usually adjudicates and issues judgements, but in cases that are complicated he calls a session of the general *Dorbar*. The nature of punishment ranges from monetary compensation to removal from the locality. It would seem that the legitimacy of the traditional political authority is drawn and derived from the *Dorbar*; constituted by all adult males of the locality; which is viewed as the source of the traditional power, yet, the repository of the actual power is the executive committee and the *Rangbah Shnong*. Even if it is difficult to validate, common people express the view that many of the decisions legitimated in the name of the *Dorbar* is actually that of the Executive committee and the *Rangbah Shnong* that are usually not contested unless those offend the general popular sensibilities.

A significant feature that requires emphasis here is the fact that the officials of the *Dorbar* emphatically state that the "police would require permission" from the *Rangbah Shnong* to even enter the village premises in search of a culprit. Though this assertive language is couched in a language that makes it seem like that of a co-operative arrangement⁴⁴ between these two sets—liberal and tradition—of institutions deriving their authority and legitimacy from differing sources. It is significant that there exists no legal sanction to this ethnocentric patronage that the civil authorities accord to the *Rangbah Shnong*. It has possibly, become a custom primarily due to the ethnocentric link that exists between the civil authorities and the

Respondents to a questionnaire submitted by our investigators state that the "Rangbah Shnong/s decision is final, but mostly with public support" or "Rangbah Shnong's decision is final, mostly with public willingness".

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The Rangbah seems to be omnipotent, in finding places for burial, in solving petty problems or even in interaction with the administration and government he represents the Shnong.

This co-operative arrangement between the Dorbar and the Police is expressed in this way: "there is co-operation among them. No cases where the police disobey the rules of the Shnong." This subtly expresses the superordinate authority of the traditional institutions over the police and civil administration.

traditional bodies or merely to mollify an emerging consciousness that views the state as a colonial extension of the Indian state.

The Rangbah Shnong also exercises executive and law-enforcing functions within the locality/village. Crimes are reported to the Rangbah Shnong first who than decides based on the nature of the crimes whether to report them to the police or take action himself. It is effectively the Rangbah Shnong who enforces decisions of the Dorbar within the locality, and as we have mentioned earlier it is usually the fear of social sanctions or expulsion from the village that used as deterrents. These deterrents not only violate individual autonomy of persons but also under liberal constitutional guarantees accorded by the constitution. The authority of the Rangbah is so intense that a respondent said that even in a case of death the Rangbah Shnong must be informed first, because without the Rangbah Shnong/s' knowledge "they would not find a place to dig a grave". This scale of the control and ability to enforce rules and regulations by the Rangbah Shnong is nonetheless constrained in certain cases like in the case of bodies like the Khasi Students Union (KSU) that has a unit in the village. The functionaries of the Shnong often claim that prior permission of the Rangbah Shnong is necessary to establish any bodies/organisations within the Shnong; it is found that in case of the KSU no such permission was sought. Though the functionaries maintain that they do not recognise bodies like the KSU, however if they do something useful for the village they approve it thereby providing tacit recognition to the organisation and its activities. The KSU it seems took no prior formal permission from the Rangbah Shnong for the construction of bus sheds in the village. This fact reveals that compliance of the rules of the Dorbar Shnong usually from social bodies like the KSU is a suspect and many a times the authority of the Rangbah Shnong and the Dorbar are circumvented and even diluted if it fails to suit the aspirations of these bodies. It is significant to state that while legal bodies like the 'police' must obtain permission of the *Dorbar* to undertake any operation within the *shnong*, bodies like the KSU do not seem to take any such formal permission for undertaking construction etc.

The other executive functions of the Rangbah Shnong include granting of permission for construction, purchase of property or organising fetes in the village. The *Rangbah Shnong* also performs certain civil and welfare functions like supervising the identification of beneficiaries and distribution of public distribution outlets in the village/locality. The *Rangbah Shnong* also supervises the implementation of the development schemes of the government and the Local Area Development funds of the MLA (member of the legislative assembly), MDC (member of the district council) and the MP (member of Parliament). The *Rangbah Shnong* in this case is merely an endorsing authority where the local BDO implements the projects, especially the disbursing and accounting of finances. This role of traditional authorities has led Barauh to declare that the *Rangbah Shnong/s* seems to function more like an unpaid government servant than as a tribal Headman⁴⁵.

The *Rangbah Shnong* also performs certain municipal functions like maintenance of village roads, drains, sanitation, water sources etc. The *Shnong/s* undertakes *Pynkhuid Shnong* (cleaning the village) once a year and also renders welfare services to the distressed and the needy. To carry out such welfare activities, the *Dorbar* collects monetary contributions from the members of the *Shnong/s*. The *Dorbar/s* in Nongkynrih village generates revenue through voluntary donations from MLAs and MDCs or even individual members who sometimes make monetary contributions for the maintenance of the *Dorbar* Halls, *Dorbar*-maintained

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schools etc. However, the office bearers of the *Shnong/s* did not allow access to the documents that reveal the quantum of grants received this far since such documents "are confidential and cannot be shown to outsiders". This reflects the degree of accountability and openness that operates within the *Dorbar/s* and in a situation where dissent is limited, this inaccessibility would be even more difficult for members of the *Shnong/s*. Nonetheless, the *Rangbah Shnong* of *Madan Lyngdoh* maintained that if cases of financial misappropriation are established the *Rangbah* or members of his executive can be removed from office, he mentions such a recent case in the *Shnong* as an example.

It is theoretically the *Dorbar* that distributes land among the people of the village for agricultural purposes. Land is basically of two types—the *Ri-Kynti* (privately owned land) land and the *Ri-Raid* (communally held) land and most of the *Ri-Kynti* lands are belong to women since according to the Khasi law of inheritance, the *Khadoh* (youngest daughter) is the custodian of all property⁴⁶. Yet in spite of this apparently obvious division between the two kinds of lands, ownership pattern is undergoing modifications in a manner that *Ri-Raid* land is being converted to *Ri-Kynti* land⁴⁷. The papers or *patta* for the land is issued by the office of the Syiem who is the custodian of the land under his Syiemship. The *Rangbah Shnong* has no substantial role in this exchange between the owner of the land and the office of the *Syiem*, though he collects a "*Bairung Shnong*" (entry fees as a resident of the *Shnong*) from the owner of the property. There is no ceiling or any taxes on the amount of land holdings imposed either by the *Syiem* or the *Rangbah Shnong* and the *Shnong* or the *Hima* does not generate any revenue through land.

Conclusion

The above elaborated features of the working of the Rangbah Shnong/s in the Nongkynrih village provides us with a general view of the structure, processes, power and functions of the village *Dorbar*. However, it must be asserted that though this is an ideal-type situation where oral tradition still plays a significant part, modern constitutional devices and values are making inroads. The presence of a written constitution, presentation of reports, election of functionaries and the constitution of the executive is an indication of the same. These however, did effect any fundamental changes in the operational character of these institutions or result in a decline in its 'corporate' character. In other words the variety of economic, cultural, symbolic and political functions performed by these institutions without any clear independent 'private' or 'public' space remained unaltered. Thus it did not affect the values that structure these institutions or ensure social mobility or rights of all sections of the 'polity'. It must be also mentioned that ethnic rank, gender distinction and allegiance to kinship or ethnic loyalty still mediate popular participation in selection of functionaries or decision-making processes. Thus relationship between the political structure and the people are not as vet direct and unencumbered like that between the modern state and the citizen. Nonetheless newly introduced elements of constitutional government coexisting with old ones ensure social survival.

Yet in a condition where ethnic identities are at a heightened state of political consciousness and extension of differential privileges in the form of segmental autonomy in governance etc has resulted in the emergence of a "political opportunity structure", ethnic institutions play a vital role in maintaining the symbolic repertoire that braces political and social mobilisation

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See Soumen Sen (ed) *Women in Meghalaya*. (Daya Publications: Delhi. 1992)

Why such a process has begun see. Patricia Mukhim. "What's mine is mine, What's yours is also Mine" *The Shillong Times*. Nov. 10, 2004

along the narrow cleavages of ethnicity etc. moreover, the interaction with modern liberal institutions has influenced the character and nature of governance of these traditional political institutions which emphasise traditionality and customs as the basis of its legitimacy. This influence has no doubt helped the widening of the democratic imagination of the institutions and the actors involved but have also placed premium on ethnic identity that is often mobilised for instrumental purposes. Moreover, such institutions may seem to function reasonably well in mon-ethnic societies where play of opposing ethnic identities are minimal like the Nongkynrih Shnong, but as we have seen in the case of the Laithumkhrah Dorbar, in a pluri-ethnic condition there are problem that often contest the civil liberties and democratic rights of individual citizens⁴⁸.

Nonetheless, there seems to be a general opinion that traditional institutions are basically moral normative structures that basically sought to regulate the moral and ethical relations between clan members and establish order. Their informal and unstructured institutions work relatively favourably in such ideal-type situations like Nongkynrih where differentials of economic, political or social nature are limited. However, in complex stratified context marked by a high degree of ethnic and social diversity these institutions structured as they are along ethnocentric cleavages encounter problems of order and authority. We may contend that democracy in this traditional context means a mode of collective existence with very little stratified differentials rather than a mode of constituting and controlling public authority and therefore asserting these traditional political structures as democratic would fortify exclusiveness and undermine the scope of democratic governance.

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See Rajesh Dev. Minorities, Relativism and Human Rights in North-east India" Economic & Political Weekly. Vol. XXXIX. No.43. Oct 23-29, 2004.

Table-I (A): Permissibility Of Dissent

Respondents		Permissible	Not permissible	N R	Total Respondents	Percentage break-up
Rongbah Shnongs	Male	Nil	2	2	4	50%
Total respondents		Nil	2	2	4	100%
Total percentage		Nil	50%	50%	100%	-

Table-I (B): Permissibility Of Dissent

Respondents		Not	N.R	Total	Percentage
_		Permissible		Respondents	break-up
Male	Nil	38	11	49	77.55%
Female	Nil	23	23	46	50%
-	-	61	34	95	100
_	_	6/121%	35 78%	100%	
_	_	04.2170	33.70/0	100/0	
	Male	Male Nil	Male Nil 38 Female Nil 23	Male Nil 38 11 Female Nil 23 23 - - 61 34	Male Nil 38 11 49 Female Nil 23 23 46 - - 61 34 95

Table-II: Participation Of Women

Respondents		Allow	Dis-allow	N R	Total Respondents	Percentage Break-up
TRIBAL	Male	8	17	24	49	16.32%
	Female	29	14	03	46	63.04%
Total respondents		37	31	27	95	38.94%
Total percentage		38.94%	32.63%	28.42%	100%	-

Table-III: Crime: Institutional Preference Table – Modern / Traditional

Respondents		Traditional	Modern	N.R	Total Respondents	Percentage Break-up
TRIBAL	Male	44	Nil	5	49	89.79%
	Female	46	Nil	Nil	46	100%
Total respondents		90	Nil	5	95	94.73%
Total percentage		94.73%	Nil	5.26%		

Table-IV (A) Decision On Women's Issues In The Absence Of Women

Respondents	Decisions	Decisions	No response	Total	% of not
	affected	not-affected		Respondents	affected
Rangbah	Nil	2	2	4	50%
(Shnongs/Dongs)					

Table-IV (B): Decision On Women's Issues In The Absence Of Women

Respond	Respondents		Decisions	N.R	Total Respondents	Percentage
			Not-affected			breakup
TRIBAL	Male	8	41	Nil	49	83.67%
	Female	31	8	7	46	17.39%
Total Respondent		39	49	7	95	51.57%
Total percentage		41.05%	51.57%	7.36%		

Table-V Dorbar Profile

Shnong Name	Madan Lyngdoh	Madan Football	Jalynteng	Wahtyngngai
Rangbah Shnong	Malklan Nongkynrih	Klian Rynjah	Onder Nongkynrih	Dingdon Nongkynrih
Executive Members				
	Pynshlur Nongsteng	Widrick Nongkynrih	Donbor Nongkynrih	Kumnga Nonkynrih
	Dilip Nongsteng Phren Nongsteng	Samson Kharbuli Phron Diengdoh	Phlin Nongkynrih Chester Nongkynrih	Barwin Khmah Sket Mylliem
	Lakmenlang Mylliem Donkupar Nongkynrih	Tarzon Kharbuli Kriswon Rynjah	Thrat Rynjah Aamarbadon Khongsngi	Singstar Rynjah
	Asnor Nongkynrih	Snailing Nongkynrih	Rin Khongsngi	
	Iaising Rynjah	Nassar Nongkynrih		
	Ebarword Rynjah	Everest Nongkynrih		
	Cheswall Rynjah Birel Kharumnuid			