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**ETHNIC CONFLICTS AND  
TRADITIONAL SELF-GOVERNING  
INSTITUTIONS:  
A STUDY OF LAITUMKHAH *DORBAR***

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## Crisis States Programme

### **Ethnic Conflicts and Traditional Self-governing Institutions: A Study of Laitumkhrah *Dorbar*<sup>1</sup>**

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Ethnic conflicts have been plaguing the North Eastern states of India. The situation is so serious that in April 2000, while inaugurating a seminar, the Governor of Meghalaya pointed out that each community of the region was involved in violent conflicts with one or more of the other communities. He maintained that this violence was affecting the everyday life of the ordinary citizens in a manner that threatened their rights as members of a democratic society.<sup>2</sup> What effect do these conflicts have on democratic governance? Are these conflicts related to the problems arising out of the introduction of modern democratic governance in traditional societies? How is tradition responding to modern governance? Many of the ethnic communities of the region are rooted in traditional tribal cultures, which some sections zealously guard. The most visible assertion of tradition is to be seen in the attempt to retain 'traditional political authorities' in the name of protecting traditional cultures. For instance, in Meghalaya, the most advanced of the hill states of North East India, certain sections are trying to revive virtually defunct tribal chiefdoms called *Syiemships* and are demanding direct funding for those institutions from the Government of India.<sup>3</sup> How is modern governance dealing with tradition? Is the interaction between modernity and tradition in the area of governance aggravating ethnic and communal conflicts? These are some questions that seemed to be relevant in contemporary North-East India. To find answers to these questions we decided to look at the tribal state of Meghalaya. This state has been experiencing ethnic violence at almost regular intervals since 1979.<sup>4</sup> But what is more important is that in this state the perception of the social reality itself seems to have acquired an ethnocentric character. A look at the programmes of all the major political parties shows that ethnicity governs the politics of this state.<sup>5</sup> Each community in Meghalaya views social reality from its own perspective. This becomes clear from the fact that whether it is the political parties (even the national parties are national only in a formal sense), underground extremist groups,

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<sup>1</sup> The term 'institution' is used in this paper to refer to both institutions as 'rules' and organisations, in the manner employed by the Khasi people themselves. This working paper presents some of the empirical findings on a *Dorbar Shnong*, one of the most controversial traditional institutions of North East India. There is clear evidence to show that the tradition is under pressure to accommodate constitutional norms and practices of Indian democracy of the modern kind reflecting a conflict over values. No theoretical interpretation is attempted for the time being. Four such other *Dorbars* are being investigated by NEIDS, as a part of NEIDS-LSE collaborative work under the Crisis states programme. The empirical data for this paper was collected from April to June 2002 by K. Robin and Audery Laldinpui with the help of Sita, Ribhalin, and Marconi, students of North Eastern Hill University, Shillong. The Author gratefully acknowledges the co-operation received from the then Chairman of Laitumkhrah *Dorbar* late Ramesh Kharpor.

<sup>2</sup> See, News Item 'Communal conflicts brutalising educated youth, says Governor' in *The Shillong Times*, 14 April 2000.

<sup>3</sup> For an analysis of the political consequences of such attempts see, Apurba K. Baruah, 'Democracy and Traditional Institutions: A case for Consensus', *Deccan Herald*, 28 October 2002.

<sup>4</sup> For some information with regard to the capital city of Meghalaya, see, R. K. Purkayastha, 'Social Instability in Shillong: 1981-1991', in B. Data Ray & S. K. Agnihotri (eds), *Dynamics of a Tribal Society*, New Delhi: Uppal, 1999, pp.276-284.

<sup>5</sup> For an analysis of some of these programmes see, Sushmita Sengupta, 'Regionalism in Meghalaya', unpublished PhD thesis, North Eastern Hill University, 1997.

student and youth organizations, or human rights organizations, all are organized as organizations of particular communities.<sup>6</sup> In view of the above we proposed to examine the consequences of such perspectives at the local level of governance.

At the lowest level of governance in the state of Meghalaya there exists the traditional *Dorbar Shnong*. According to the contemporary narrative of the traditional political system of the Khasi, it is a village level assembly of the Khasis around which the life of the community is organized. This narrative might have been affected by interventions of the British administration, the interaction of the Khasi with Christian Missionaries (who converted a large majority of the Khasis to Christianity), and also the reformist actions of the educated Khasi elite that emerged during the British period and continues to grow even now. Under the Constitution of India a modern democratic system of governance has been in place in the area for over fifty years. The protective discrimination under the sixth schedule of the Constitution made it possible for the traditional Khasi institutions to function as self-governing Institutions at various levels. Of these the *Dorbar Shnong*, or the village level tribal councils, seem to be most important in the politics affecting the day to day administration and the lives of the common people. A perceptive British administrator once pointed out that the Khasi Chiefs were not territorial sovereigns but “democratic” chiefs whose authority was over subjects and not over land.<sup>7</sup> As Sharma shows, the meaning of democracy in the official British perception of these chiefdoms is not very clear because some records also refer to them as oligarchies.<sup>8</sup> It seems to be clear that these chiefs could assert their authority, not so much within defined territorial limits, as over their subjects. It was much later, in 1923, that the Khasi National Durbar, a newly formed social organization, sought to change the practice by insisting on allegiance to the state of residence.<sup>9</sup> But in the context of emergence of cosmopolitan communities in many parts of the Khasi Hills, traditional authorities are losing their tribal (community-centred kinship-based) character, and chiefs of all ranks are now becoming territorial chiefs instead. A look at certain situations of conflict and some actions taken by some *Dorbars* shows that they govern localities that they claim to be their domains. We explore two major conflict situations in Shillong, in 1979 and 1998, to prove this.

In 1979, the city experienced a major riot over the celebrations of a Hindu religious festival, and as the reports in the newspapers showed, it quickly turned into a tribal/non-tribal conflict. According to one report, some leading non-tribal people issued a signed statement narrating the following developments. On 22 October at 4:15 pm when Kali idols were being lifted onto a truck to be carried for immersion from Ram Villa *Puja* Compound,<sup>10</sup> near the Laitumkhrah police beat, a young man belonging to another community contemptuously crossed over the idol and it was broken. That led to a scuffle. Within minutes it became a fight between the tribals (Khasi) and non-tribals (mainly Bengali), and two more idols were broken. The police intervened and arrested two young Khasi men. Following the arrests there were protests against the police, who in their turn arrested two from the other community and then released everyone. The following day some local leaders called a meeting and decided to

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<sup>6</sup> For a discussion on ethnic mobilization of Youths in North East India see, Apurba K. Baruah, *Youth and Students Organizations in North East India*, Report of a Project sponsored by the ICSSR, NERC, Shillong 2000.

<sup>7</sup> Colonel Bivar, quoted in Keith Cantle, *Notes on Khasi Law*, Shillong, 1934, p.131.

<sup>8</sup> Manorama Sharma shows this in a paper presented in a project workshop organised in Shillong in 2002 as a part of the project carried out under the Crisis States programme by North Eastern Institute of Development Studies (‘Critiquing Traditions: The Case of Meghalaya’, *Crisis States Programme Working Paper*, London: Development Research Centre, LSE, forthcoming).

<sup>9</sup> See Cantle (1934), p.163.

<sup>10</sup> In many Indian languages the word *Puja* means worship or prayer.

punish the Bengali minorities of the area by closing their shops and establishments for seven days. They also decided to fine the two people from the minority community involved in the fight, Rs.5000 each. The decision to close down the minority shops was promptly enforced and miscreants started beating up minorities. Chaos broke out and hundreds of people visited the residential areas of the minorities and committed atrocities. In some areas minorities tried to resist but hundreds of so-called picketers started parading the streets with sticks. The administration seemed to take a soft position. In some localities minorities had to leave home in search of security. One person was killed, 121 were injured, 143 families were forcibly evicted, and a total of 567 persons were evacuated.<sup>11</sup> Following deterioration of law and order, the administration imposed a curfew and called in the army. But despite these measures some non-tribals were issued eviction notices by Khasi landowners.<sup>12</sup> By December 8, the government had to take serious note of these notices and issued a warning to those responsible.<sup>13</sup> This obviously was the perception of the non-tribals, who viewed it as an attempt at taking away their legitimate rights by the tribal majority of the State.

The *Dorbar's* perception of the reality was completely different from this. The Laitumkhrah *Dorbar* meeting on 24 October, declared the two Khasi boys, accused of damaging the idols, innocent and protested against their arrest. The *Dorbar* expressed its respect for all religious beliefs and condemned any attempts to infringe the religious rights of any community by anti-social elements. They demanded action against those responsible for the assault on the two "innocent Khasi young boys". The *Dorbar* also demanded closure of all non-tribal shops in Laitumkhrah from 23 to 29 October, decided to disallow performance of *Puja* in any place other than temples, demanded compensation of Rs.5000 each for the two assaulted Khasi boys and withdrawal of armed police from Laitumkhrah.<sup>14</sup> There was no mention of the atrocities on the minorities. There is no doubt that kin-protection weighed heavily on the *Dorbar*. Their claim that the two Khasi youth were innocent was refuted 21 years later by a publication by the *Dorbar* itself. Kong Ibandalin Nongrum in an article clearly stated that in 1979 residents of Shillong witnessed killings and discontentment emanating from an incident in Laitumkhrah where Khasi residents attacked the non-tribal residents and broke the idol of a goddess at Ram Villa temple situated at Nongrimbah near the Police Beat House.<sup>15</sup> The very fact that the *Dorbar* was imposing restrictions on non-tribals showed that it was laying claim to authority to govern the area called Laitumkhrah. In the process it sought to challenge the legally constituted authorities because under normal constitutional procedures the two accused should have been produced in a court of law to judge their involvement in any crime. The *Dorbar's* intervention made it impossible for the police to investigate the case and instead the police tried to appease the *Dorbar's* outcry by making an equal number of arrests and then releasing all. The episode showed that the police were forced to act politically. It is clear that the *Dorbars* play an important role in bringing an ethnocentric perception to administration at the local level.

This conclusion is confirmed by another episode involving vital issues of law and order. In 1998, the situation of Shillong deteriorated and the police requested the *Dorbar Shnongs* to help maintain law and order. But the help the *Dorbars* began to render in itself became a more serious problem. They organised volunteers to keep vigil at night in the respective

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<sup>11</sup> Reports in *The Shillong Times*, 3 November 1979.

<sup>12</sup> *The Shillong Times*, 17 November 1979.

<sup>13</sup> *The Shillong Times*, 8 December 1979.

<sup>14</sup> *The Shillong Times*, 3 November 1979.

<sup>15</sup> Kong Ibandalin Nongrum, 'Ka Laitumkhrah Mynnor Bad Mynta', in *Laitumkhrah 2000*, Laitumkhrah *Dorbar Shnong* Pyllum, Shillong, 2000, p.42.

localities. Most of the localities then experienced unprecedented atrocities committed by the volunteers who were mainly Khasis. *The Shillong Times* reported on 18 August 1998 that the sudden rise in the crime rates of Shillong and its suburbs had disrupted the police force. Each locality formed its own volunteer force for night vigil. *Dorbars* organized these volunteers and there were reports that quite a few people were lynched by these volunteers, and others had debilitating injuries inflicted on them for breaking the curfew imposed by the locality.<sup>16</sup> Another daily asked, “is Shillong nearing its doomsday?” This paper gave details of innocent non-Khasi people being killed by volunteers in various localities.<sup>17</sup> The civil administration, instead of trying to enforce law, merely appealed to the local *Dorbars* to reduce the number of volunteers and requested them to hand over suspicious people to the police. The latter appear to have accepted that the *Dorbars* were the legitimate law-enforcing authority. There was no evidence of any of the volunteers, involved in lynching and beating up incidents, being booked. The gravity of the situation and its consequences for constitutional governance were such that, in an unprecedented intervention, the Shillong Bench of the Guwahati High Court directed the State Government to tackle immediately the deteriorating law and order situation. The court directed the government to protect the life and liberty of the people of the State, particularly in the capital city.<sup>18</sup>

Crime statistics collected from the police, however, do not show any remarkable increase in the number of recorded criminal acts. According to police records the grand total of the crime figures for 1997, the year preceding the troubles, in east Khasi Hills District, which includes Shillong, was 842. The figures went down to 791 in 1998. Incidences of crime in 1999 were recorded at 659.<sup>19</sup> It is surprising that in a year when the police had to seek help from the *Dorbars* to contain crime, and when vigilantism by *Dorbars* led to the virtual breakdown of law and order, the recorded crime figures were lower than the previous year. Interestingly a note supplied by the office of the Senior Superintendent of Police, Special Branch (Shillong), to our researcher stated that there was a spurt of thefts, robberies, burglaries and *dacoities*,<sup>20</sup> and 193 such crimes were committed during the period from 1 January to 30 November 1998. Police described the incidents of violence committed by the *Dorbar* volunteers “as *over-reaction* by some volunteer groups” and went on to explain that a feeling of exploitation by outsiders had continued to haunt the local tribals:

They feel that the benefits of economic development of the state are all flowing outside, thus depriving them of their rightful share. Coupled with this is a sense of isolation and of alienation from mainland India.<sup>21</sup>

The note expressed no regrets about the way in which the *Dorbar* volunteers took law into their own hands and committed heinous crimes. That they seem to have had a completely ethnocentric view of the criminal incidents and that they held other communities responsible for criminal activities without any investigations did not seem to bother the police.

*Dorbars* have been active in deciding disputes between their own members and others, and there again ethnocentrism seems to colour perceptions. On 20 September 1990, the Mawprem *Dorbar* issued a notice to one R. Paul, preventing him from carrying on business in the

<sup>16</sup> *The Shillong Times*, 18 August 1998.

<sup>17</sup> *Meghalaya Guardian*, 20 August 1998.

<sup>18</sup> *The Shillong Times*, 20 August 1998.

<sup>19</sup> Obtained from computerised Police Department records in the Office of the Director General of Police, Meghalaya.

<sup>20</sup> A term used by the Indian Police meaning robberies.

<sup>21</sup> Note supplied to Audrey Laldinpui on 8 August 2002 by R. A. Rynjah, Senior Superintendent of Police, Shillong.

*Dorbar* area.<sup>22</sup> *The Shillong Times* reported on 24 September 1990 that five shops belonging to non-tribal owners had been asked to close down.<sup>23</sup> The tone and tenor of the orders are those of legally constituted authorities:

Whereas the Durbar *Shnong* Mawprem has found that shri R. Paul owner of Grocery cum Stationary Shop resident of Mawprem was involved in the incident on 29<sup>th</sup> August 1990 at Lower Mawprem, Shillong, causing hatred and communal disharmony among sections of the people of the locality:

Therefore, the Durbar *Shnong* Mawprem, Shillong, direct and require the said person to cease carrying on the trade or occupation at the said place, and not again to carry on the same in any place within the jurisdiction of the Durbar *Shnong* and to remove the said trade from the place where it is now carried on with effect from 21<sup>st</sup> Sept. 1990

Issued by the order of the Durbar *Shnong* Mawprem, Shillong.

Secretary

Durbar *Shnong* Mawprem

There is no doubt that the tenor of such notices served the purpose of creating the desired effect in the mind of the recipient. In this instance, Paul promptly appealed formally to the *Dorbar*, seeking a review of the decision. It is necessary to note that under the criminal procedure code that governs criminal offences in India, the *Dorbar* did not have any authority to pass such orders, but if repeated over a period of time such practices create *de facto* authority. The implications of the exercise of such power for the rule of law are all too evident.

The formalization and the bureaucratisation of this traditional Khasi system of non-formal governance, claimed often to be 'traditional', are rather obvious. A notice circulated by Anil K. Toi, Secretary Umsoshun *Dorbar Shnong* on 9 April 1995 displays this trend very clearly. The notice reads:

The office bearers of Umsoshun locality including the *Rangbah Shnong* (Headman) will make a thorough inspection to [*sic*] all the shops located at Umsoshunon Monday the 17.4.95 at 10.00 A. M. for verification before the issuing [*sic*] any N.O.C for trading license. All the proprietor of the shops should be in their shop at the time given above for the said purpose, failing the same the *Dorbar* will not take any responsibility in future.<sup>24</sup>

There are innumerable instances that show that these *Dorbars* are now acting as an arm of the Government and they are becoming formalized. They are fast losing their traditional, non-formal tribal character and are acquiring an authority of unprecedented formal nature through *de facto* jurisdiction. It is claimed that the *Dorbars* are traditional bodies. A close look at the functioning of these bodies might throw some light on how these institutions interact with the constitutional authorities, and show whether the values of these traditional institutions in any way influence the values of constitutional democracy in North East India. We are therefore studying two *Dorbars*, Laitumkhrah in an urban setting and Nonkynrih in a rural setting. This paper presents our findings in Laitumkhra.

<sup>22</sup> Order of *Dorbar Shnong* Mawprem intimated vide Ref.DSM/1/90-37 dt. 20 September 1990.

<sup>23</sup> *The Shillong Times*, 24 September 1990.

<sup>24</sup> Notice circulated under signature of "Toi".

## Methodology

To facilitate understanding of the Laitumkhrah *Dorbar* we decided to examine records of the *Dorbar* and relevant government departments so that we could have a fair idea of how the system functioned. During the course of our study we discovered that in the case of Laitumkhrah some records were maintained. *Dorbar* functionaries are generally reluctant to grant access to the records, but some of these became accessible to us because of the perseverance of our research investigators and the generous co-operation of the then chairman of the *Dorbar*. The chairman made it clear that the proceedings were not open to outsiders. According to him, the secretary does not allow scrutiny of official papers. The functionaries of the *Dorbar* are volunteers and work part time, and therefore they cannot be expected to maintain very systematic and easily accessible records. We tried to collect information from records from the two levels (the *Shnong*<sup>25</sup> and the *Dong*<sup>26</sup>) at which the *Dorbar* functions.

To supplement this we interviewed twenty *Dorbar* functionaries, including the chairman (who happens to be a *Rangbah Shnong*), the two other *Rangbah Shnongs*, the three secretaries and the fourteen *Rangbah Dongs*. These are the key functionaries of the *Dorbar*, and the unstructured interviews with them helped us unravel part of the nature of the authority and power that the *Dorbar* exercises. But to understand this it is necessary to assess the attitude of the residents of the *Dorbar* area. We therefore interviewed eighty people: forty drawn from twenty households in a locality with a mixed population; and another forty from another twenty households in a Khasi locality. In each household we tried to interview an adult male and an adult female, but the gender balance could not be maintained uniformly because of non-availability of respondents of a particular gender in certain households. The attempt was to collect information about the *Dorbar*'s ways of functioning in the most crucial aspects of social life, their implications for the values of constitutional democracy and also to assess the degree of legitimacy enjoyed by the *Dorbar*. We are aware of the fact that the number of people interviewed was small and therefore cannot serve as a statistical sample. But it is large enough to cover a significant section of population, and give us some idea about people's perception of the *Dorbar*. We therefore tabulated this data of individual responses and tried to examine the variation of perception.

Since the *Dorbar* area includes a large commercial establishment<sup>27</sup> we also interviewed 34 individuals (22 Shopkeepers and 12 petty vendors) involved in commercial activity. The attempt here was to see if the *Dorbar* enjoyed any legitimacy in the commercial establishment. We tried to understand this by discussing with them the prohibitory orders the *Dorbar* had issued from time to time. The opinions expressed by these interviewees were not strictly quantified but were used to understand the issues of legitimacy and allegiance. In view of the paucity of well-maintained records we decided to draw upon unstructured interviews to examine the functioning of the *Dorbar*. We also interviewed five prominent women, familiar with the Laitumkhrah *Dorbar*, to understand the women's perception of the *Dorbar*. During interviews with the ordinary residents we also raised the issue of gender in connection with the functioning of the *Dorbar*.

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<sup>25</sup> *Shnong* is a Khasi equivalent of Village

<sup>26</sup> *Dong* is a Khasi equivalent of neighbourhood locality.

<sup>27</sup> The *Dorbar* has no records of the number of shops and vendors but a quick survey in the main commercial area and the daily market showed that there were 232 shops and 67 vendors.

### **The Laitumkhrah *Dorbar***

The problems related to governance of Laitumkhrah *Dorbar* area, in which a complex three tier political process exists, reflect serious conflicts between traditional communitarian and modern liberal democratic values. These conflicts cannot be understood without understanding the circumstances of development of the cosmopolitan city of Shillong created by the British administration of the nineteenth and early twentieth century. Laitumkhrah is a densely populated urban locality of Shillong, the capital town of the Indian state of Meghalaya, a state created out of the composite state of Assam in 1972 after a largely peaceful sustained agitation by the residents of the Khasi-Jaintia Hills and the Garo Hill districts of Assam. The composite state of Assam itself was created by the British after they took over in 1826 the areas ruled by the Ahom kings, who ruled those areas for 600 years. It was under the Ahom rule that the *Asomiya* community (referred to often as the Assamese) developed as a major linguistic community of the region. The Ahom kingdom was confined basically to the Brahmaputra valley. When the British arrived, this kingdom was surrounded by a large number of tribal hill communities, which ruled themselves and most of whom remained outside the Aryan influence that led to the formation of the *Asomiya*. As a result they retained much of their tribal practices intact.<sup>28</sup> The British initially did not interfere with the lives of these people, but for various political reasons, associated with the interest of the empire in India, gradually penetrated the areas occupied by them and gave shape to the composite state of Assam. This state embraced the erstwhile *Asomiya*-inhabited Ahom kingdom, and many of the tribal areas brought under British rule.<sup>29</sup> The inclusion of these tribal areas in the newly created composite state forced people with strikingly different cultures to adjust to a new system of administration. This in turn released a peculiar process of ethnic mobilisation generating hopes of assimilation, but often resulting in fierce competition for power and opportunities.

The Khasi-Jaintia tribal people of the area now called Meghalaya had come into close proximity with the British much earlier than many of the hill tribes of the region. With the coming of the British administration and missionaries to the area, they came under strong Western influence.<sup>30</sup> While the introduction of school education by missionaries and conversion to Christianity influenced the society considerably, the most striking and direct consequences came in social and political life as a result of the introduction of a new system of administration. Despite the policy of minimal interference in the tribal way of life, reflected in the policies followed in the excluded and partially excluded areas, the administrative interventions by the British changed the face of the societies in the area. As a part of this intervention the British decided to establish a station in Shillong by persuading the *Syiem* of Myllem to cede to the British authorities his right as 'Rajah' over the tableland of Shillong and by entering into agreement with some private owners.<sup>31</sup> In the land thus acquired the administrative offices, European bungalows, and settlements of recruits to government services and practitioners in trade and commerce grew up. The Khasi (at least those sections which took advantage of the opportunities created by the British

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<sup>28</sup> For a discussion see, Lakshmi Devi, *Ahom- Tribal Relation*, Guwahati: Lawyers Book Stall, 1992, pp.1-18.

<sup>29</sup> See, H. K. Barpujari, *The Comprehensive History of Assam*, Vol.IV, Guwahati: Publication Board of Assam, 1992, pp.77-257.

<sup>30</sup> Detailed accounts of the Christian Missionary activities are available in works like Hughes Morriss, *The History of the Welsh Calvinistic Methodists' Mission, to the End of the Year 1904*, New Delhi: Indus, 1996 [1910]. The western influence in the early British period is discussed great details in P. N. Dutta, *Impact of the West on Khasis and Jaintias*, New Delhi: Cosmo, 1982.

<sup>31</sup> See Agreement with proprietors of land, 19 December, enclosed in Home Judicial Proceedings, April 1863: No. 10-12., National Archives of India, New Delhi.

administration) participated in this process. Jibon Roy, a member of the Sawian clan, was one of the close collaborators of the British in this effort.

The population of Shillong, including the population of the Khasi villages in and around the new station, increased as people moved from other parts of the hills and plains as employees, traders and businessmen. As Nurara Hazarika shows, from British records, government employment was not very popular among the Khasis, and therefore Bengalis filled the vacancies.<sup>32</sup>

The area in which the British enclave of Shillong was established, initially for a cantonment and a sanatorium, but later as the administrative headquarters, was largely vacant though interspersed with Khasi villages with small populations. In fact, the descriptions of Shillong in those days give the impression that with the exception of the Khasi villages, the rest of the station was without much habitation.<sup>33</sup> These villages attracted people migrating as government servants, traders and shopkeepers. While government servants were settled by the government, the traders and shopkeepers settled in land obtained from the *Syiem* of Myllem and private owners.<sup>34</sup> With the growth in administration, trade, business, and education the station expanded and new areas were included in it. Mawkhar and Laban were brought under Shillong in 1878. Some nearby areas of Laban and cantonment were included in 1887. Mawprem, Jhalupara, Bivar's Estate and Hopkinson's Wood were brought under it in 1895-98 period. By 1910, Laitumkhrah and Malki were incorporated. In the same year Shillong, a station since 1878,<sup>35</sup> was converted into a municipality with ten wards: Laitumkhrah, European Quarters, Jail Road and Haneng, Police Bazar, Mawkhar, Jhalupara and Mawprem, Laban, Mission Compound and Jaiwa, Qualapatti, and Malki. Kench's Trace was included in 1934. Nurara Hazarika shows that with Shillong becoming the headquarters of the British administration in the region, the process of urbanization accelerated, and this greatly affected the demographic picture of the area. She says that migration changed the demographic composition of the urban population, and like other big towns and cities we find a multi-ethnic population in Shillong.<sup>36</sup> It is in this multi-ethnic, cosmopolitan capital city of a tribal state that Laitumkhrah is situated. In this state, unlike in many other tribal areas of India, political power is vested firmly in tribal hands with 55 of the 60 seats in the Assembly reserved for the tribes, who also dominate the bureaucracy.<sup>37</sup>

The population figures of the *Dorbar* area are not available because the *Dorbar* does not keep such records. The *Rangbah Shnong* of Laitumkhrah, told us during an interview that a census of the *Dorbar* area was being taken up. In the absence of *Dorbar* records we looked at the electoral rolls to get an idea of the demographic situation. The rolls showed 9,829 Khasis and 8,038 non-Khasis in a total electorate of 17,867.<sup>38</sup> These figures may not show the actual strength of the non-Khasi population in the *Dorbar* area because many non-tribal adults may not register as voters because of the sustained agitation carried out by some Khasi youth

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<sup>32</sup> Nurara Hazarika, *Urbanization in Meghalaya: A Socio-Historical Study*, Unpublished M.Phil. Diss., North Eastern Hill University, 1983, p 46.

<sup>33</sup> See I. Hussain, 'Shillong British Enclave to Tribal City', in A. C. Sinha *et al.* (eds), *Hill Cities of Eastern Himalayas*, New Delhi: Indus, 1993, p.80.

<sup>34</sup> See Hussain (1993), p. 76.

<sup>35</sup> See V. Venkata Rao, *A Hundred Years of Local Self Government in Assam*, Gauhati: Lawyers, 1967, pp.62 & 118.

<sup>36</sup> Hazarika (1983), p.50.

<sup>37</sup> See Sengupta (1997).

<sup>38</sup> *Meghalaya Electoral Roll, 1999, 17<sup>th</sup> Laitumkhrah Constituency*, Shillong: Electoral Registration Officer, 1999.

organizations against enrolling outsiders as voters.<sup>39</sup> In any case these figures clearly show that the Khasi and non-Khasi populations are almost equal in strength in the *Dorbar* area. If our assumption about many non-Khasi names not appearing in the electoral rolls is valid, then the non-Khasi population may actually be a majority in the area.

Laitumkhrach has a daily market, and most of the shop owners and vendors dealing in vegetables, fish, meat and fruits in the market area are Khasis. Until recently most major commercial establishments, such as grocers, stationers, restaurants and hardware stores, were owned by non-tribals. But repeated ethnic conflicts are creating a psychosis of fear, and many non-tribal traders and businessmen, particularly middle ranking ones, are selling off and leaving the city itself.<sup>40</sup> Laitumkhrach has a large number of schools, colleges, hospitals and important places of worship of various communities, as well as a police beat. It is an urban area with all the amenities of modern life, and falls within the municipal limits of Ward No.11 of Shillong Municipality.

The History of the *Dorbar* is difficult to trace. The Chairman of the *Dorbar* told us during an interview that Macdonald Kharkonger was the first *Rangbah Shmong*, and the *Dorbar* seems to have been organized during the First World War when it became necessary to distribute rations to the people and to form self-defence groups. This appears to be plausible because missionary accounts from the late-nineteenth century describe the present Laitumkhrach as “Hopkinson’s wood” a large property that was sold to a Mission by General Hopkinson for the sum of Rs.5000. There was no mention in these records of any *Dorbars* in the area. The Chairman could not trace the records of the first recorded meeting.

### **Constitutional inroads**

The *Dorbar* has a constitution called “Rules and Regulation concerning the administration of Laitumkhrach”. It was adopted on 14 March 1990. These rules categorically mention that they aim at maintaining peace and harmony in the locality and are meant to bring about understanding and co-operation among the residents and are binding on all members of the locality.

The emphasis laid in these rules on peace, harmony and co-operation is understandable because during the period 1979 to 1990 Shillong experienced a series of ethnic conflicts involving the Khasis and the Dakhrs or the non-Khasis.<sup>41</sup> The riot of 1979 was discussed above. In 1987 a major riot took place when a Khasi Students’ Union (KSU)-led agitation turned communal, and what the police called “group clashes” between Nepalis and Khasis broke out. According to police records six people were killed and 65 injured, and property worth Rs.29,953,000 was destroyed. 231 cases were registered. In 1992 another KSU agitation turned violent, and again according to police records five people were killed and 85

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<sup>39</sup> One of the issues these organization raise frequently is about cut off year for the purpose of electoral rolls. For a discussion on the student’s movement in Khasi Hills see Pascal Malngiang, ‘Students and Youth Organizations in Meghalaya’, in Apurba K. Baruah (ed.), *Student Power in North East India*, New Delhi: Regency, 2002, pp.173-196.

<sup>40</sup> Well-known old Bengali shops like Jalpan and Geeta Stores changed hands only recently.

<sup>41</sup> Police records provided by the S. P. SSB. to Audrey Laldinpui on 4 September 2002 at 3.00pm. Audrey Laldinpui was trying to ferret out information about riots and ethnic violence. Despite the fact that the DGP put in a word for her she was refused access to information on various pretexts. The most astounding pretext was that, the department destroys records every five years. Audrey’s experiences in various departments of Meghalaya government were revealing. An ethnocentric bureaucracy seems to suppress information about ethnic conflicts.

injured. In 1997 yet another agitation turned communal, and six people were killed. It is interesting that these records do not mention the truckloads of people being taken away and dumped just outside the state boundary at Khanapara, in neighbouring Assam. Even judicial enquiries seemed to have avoided such contentious issues.<sup>42</sup>

As we saw in the 1979 episode, the Laitumkhrah *Dorbar* was initially governed by an ethnocentric attitude. But the steps the State Government had to take might have made them realise that pursuit of ethnic interests must be through means that would not attract the wrath of the State.<sup>43</sup> In fact the history of the interaction of the Khasi Chiefdoms with the British, in the early days of British expansion in the area, and the response of the newly emerging educated Khasi leadership to the process of integration of the area with the Indian Union, shows that the community, at least at the leadership level, was apt to adopt conciliatory strategies without giving up what it conceived as the community goals. A discussion of the politics of the Khasi 'States' and forces like the Khasi National *Dorbar* and the process of emergence of hill tribal politics can show this convincingly, and therefore during the course of our research on Meghalaya we propose to examine the politics of the Khasi National *Dorbar*.

Under the rules adopted by the *Dorbar*, it has a pyramidal structure of administration in two tiers – the *Shnong* and the *Dong*. There are three *Rangbah Shnongs* elected by the *Dorbar*, of whom one is elected as the Chairman by the executive of the *Dorbar*. The main office bearers of the *Dorbar* are the Chairman, two other *Rangbah Shnongs*, the Secretary, Joint Secretary, and the Treasurer. The *Dongs* also have executive committees elected by their respective localities. According to the Constitution of the *Dorbar*, the term of the *Dorbar* is two years. The executive comprises all the *Rangbah Dongs*, referred to variously as the heads of the *Dongs* or deputy headmen, elected by their respective locality or *Dong Dorbars*, two members each from *Seng Kynthei* (women's organization) and *Seng Samla* (youth organization) and the local Member of the Legislative Assembly (MLA) as a co-opted member. Though the *Dorbar* rules do not specify as to how the women's and youth representatives are chosen, the Chairman of the *Dorbar* told us that the *Dorbar* executive selects them. It is important to note that these organizations despite their Khasi nomenclature are not strictly traditional organizations. During our interview with the Chairman of the Laitumkhrah *Dorbar* we were told that most probably *Seng Kynthei* and *Seng Longkmei* are offshoots of Church organization of similar kind.

Margaret Mawlong, a celebrated lady bureaucrat and leader of the women in the locality, maintains that the participation of women in church activities through the women's organization of the Church might have contributed significantly to the increasing importance given to gender issues. There seems to be some truth in this assessment because during our investigations in the village *Dorbar* at Nongkynrih, the *Rangbah Shnong* and even individual women respondents told us that *Seng Longkmei* was a recent phenomenon. According to the traditions as reported by Khasi historians, women were kept out of *Dorbars*.<sup>44</sup> In this sense, involvement of *Seng Kynthei* and *Seng Longkmei* in *Dorbar* affairs is a part of the reformist

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<sup>42</sup> For instance the Sarma Commission of Enquiry of the Disturbances At Shillong in 1992 refused to draw conclusions on most issues and merely stated what came before it as memoranda of various parties.

<sup>43</sup> The D. C. issued a warning to the Headmen to the effect that they will be held responsible for disturbances in their area. The new *Dorbar* leadership being government servants cannot be expected to ignore completely the possible consequences of breakdown of law and order.

<sup>44</sup> For a discussion on this and related issues see, Soumen Sen (ed.) *Women In Meghalaya*, , Delhi: Daya Publishing House, 1992.

tendencies under the influence of the constitutional democratic politics. Gender has become an issue in Indian politics. Margaret Mawlong told us that her exposure to international conventions on women's rights made her gender sensitive. But the tradition of keeping women out of politics weighs heavily on the *Dorbar*. Even Mawlong told us that she was asked to become the chairperson of the New Colony *Dong*, but after two meetings she gave up because she did not want to break tradition. This is revealing because it is the same person who led the women of Laitumkhrah in a crisis situation in 1982 in a manner that led to the formation of *Seng Kynthei* in Laitumkhrah. We have noted that this organization has two representatives in the *Dorbar*. During our study we asked the individual men and women interviewed by us whether women should be allowed to participate in the *Dorbars*. Only 32.5% of the respondents said that women should participate in *Dorbar* affairs. A large majority (67.5%) of the respondents were unwilling to comment on this issue. None of the respondents said that women should not be allowed to participate. Laitumkhrah being a seat of education and a highly urbanized locality, with a lot of public discussions held in the youth centre, the most widely used public auditorium, it was expected that people would be aware of gender issues. But the weight of tradition is such that, ordinary people, both Khasis and non-Khasis, seem to be diffident about expressing their opinion on this issue. We have noticed that more than the tribal men it was the non-tribal men who were reluctant to comment on this issue. We noticed that the residents of Laitumkhrah feel obliged to conform to a particular perception of tradition so far as the *Dorbar* is concerned. The perception held of the *Dorbar* by ordinary residents, as an arm of the State, in which the bureaucracy appears to be ethnocentric, might have something to do with it.

Inclusion of women in the *Dorbar* is indeed a break with the tradition but the other significant break with the past is the inclusion of representatives of modern organizations in the *Dorbar*. We have argued that *Seng Kynthei* is not a traditional Khasi organization. The same is the case with *Seng Samla*, the organization of Khasi youth. Historically we do not come across this institution in the traditional Khasi polity. Scrutiny of the Lumshora *Seng Samla* papers showed that it was a registered society under the no.SR/SSL-92/00 of 2000. The purpose of this registration seems to enable the youth to take care of some governmental schemes, particularly MLA and Member of Parliament (MP) funded Schemes. All the functionaries of the *Dorbar* told us during the interviews that they were aware of government schemes but never applied for these. But scrutiny of Lumshora *Dong* papers clearly showed that large funds were obtained under the MLA and MP schemes for various developmental works. The contracts under such schemes are distributed by the *Rangbah Dong* with the help of *Seng Samla*. The implication is clear. Despite the fact that Laitumkhrah has almost equal numbers of tribal and non-tribal population and non-Khasis put together outnumber the Khasis in the area, the opportunities generated by the above mentioned schemes are monopolised by the Khasi young men because only Khasi young men can be members of *Seng Samla*.

### **Powers of the *Rangbah Shnong***

A look at the powers and functions of the *Rangbah Shnongs* shows that they combine executive and judicial powers. Part iv –A of the rules state that the *Rangbah Shnong* is required to obtain a *Sanad* (sanction) from the *Syiem*. He is required to look after peace and harmony in the locality. He is the judge in all conflicts and quarrels. He can summon any 'defaulters' and punish them. He can punish all trouble-makers including mischief-mongers. According to the rules adopted by Laitumkhrah *Dorbar* the *Rangbah Shnong* is both the prosecutor and the judge so far as the disputes in the locality are concerned. It is important to

note that the rules require him to visit the various parts of the locality for inspection. In this sense he becomes an investigating officer, as well, giving him extraordinary powers. There is nothing in the rules that makes him responsible to any other authority so far as his day-to-day functions are concerned. He seems to be able to exercise unbridled power in his domain. The only restriction that is imposed on his functions is about issuing of certificates to non-tribals for trading purposes. Requests for such certificates and recommendations are to be placed in the executive, which can take a decision. The intent is clear. The community that, with rare exceptions, did not have the resources nor much inclination for modern business, has begun to compete with the middle-sized and small business. The upwardly mobile new elite is trying to establish control over trade and business. Restricting recommendation for licenses for non-tribals appears to be a major area of conflict. A series of petitions have been filed by non-tribal traders against alleged discriminatory treatment by some *Dorbars*. At times non-tribal traders are made to obtain trading licences from more than one authority for the same business. In 1987 the Chief Executive officer of the Shilong Municipality drew the attention of the special Secretary to the government of Meghalaya about the controversies surrounding this issue.<sup>45</sup> The issue of trading by non-tribal traders is such an important one that the most important student union of Meghalaya, the Khasi Students' Union, finds it necessary to intervene in the matter.<sup>46</sup> The *Rangbah Shnong* has the power to fix rates for application fees. The *Rangbah Dongs* have similar powers in their respective localities, except for the fact that all matters relating to non-tribals have to be brought to the notice of the *Rangbah Shnong*. The additional power that the *Rangbah Dong* has is to allow house owners to let houses, other than for commercial purposes. The latter is the responsibility of the *Dong* executive.

In our perusal of the records at the *Dong* level we noticed that the *Rangbah Dong* of Lumshora had accepted 'fees' at various rates for allowing residents to buy property and to forward applications for trading licenses by non-tribal traders. It is very interesting that the Laitumkhrah *Dorbar* executive had fixed the rate of donation for forwarding applications for trading licenses from non-tribal residents at Rs.5,000 to 15,000 depending upon the size of the establishment. The notice clarified that for small shops selling such items as beetle nuts, these rates will not be applied. Such shops should donate according to turnover. The same notice constituted a committee to interview the applicants.<sup>47</sup> It is necessary to keep in mind that the *Dorbar* cannot issue trading licenses. That is the prerogative of the District Council, which is a constitutional body. The *Dorbar* merely forwards applications and charges huge amounts for doing so. The non-tribal shopkeepers we interviewed maintained that demanding such huge donations for forwarding applications for trading licenses is a new practice. One businessman of thirty years standing said that when he applied for a license thirty-odd years ago no such donation was demanded. This practice might have been introduced by the new *Dorbar* leadership. Fees can be collected by the *Rangbah Dong* and the *Rangbah Shnongs* for forwarding any application, ranging from character certificates to be obtained for acquiring a residential accommodation in another locality, to opening of bank accounts and transferring property. The Lumshora *Rangbah Dong* showed us documents to this effect. On 12 December 1995, Rs.4,200 were received for permitting transfer of property. On 23 January 1996, Rs.250 were received from one K. Kharpor as *Bairangdong*.<sup>48</sup> Detailed records of the

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<sup>45</sup> See letter of the Chief executive officer, Shillong Municipality, to the Special Secretary, government of Meghalaya. Letter No. 6268 Dt31. 8. 87.

<sup>46</sup> See news item on the demand of the Khasi Students' Union for closure of non-tribal trading establishments. *Shillong Times*, 24 April 2003.

<sup>47</sup> See Laitumkhrah *Dorbar* Notice ref. No.LDSP/B/-6/94/12 .

<sup>48</sup> *Bairangdong* in the Laitumkhra *Dorbar* parlance is a fee to be paid by an outsider to set up residence in a *Dong*.

fees thus received at the *Shnong* and *Dong* level were not maintained. According to the Rules adopted by the *Dorbar* all such collections are to be deposited with the *Dorbar*.<sup>49</sup> Scrutiny of the *Dorbar* accounts for the period ending 24 December 2000, which included the accounts for the period 28 October 1997 to 24 December 2000 for the general fund, did not show any receipts for forwarding applications of any kind including trading licenses. During our interview the Chairman of the *Dorbar* said that hundreds of applications for trading licenses are received by the *Dorbar*. He quoted figures of 432 and 584 applications in the years 1995 and 1998 and maintained that 330 and 206 applications were forwarded from among those. He could not provide figures for the later years. Even if we presume that the *Dorbar* went by the lowest of rates for forwarding such applications it would appear that in 1998 it earned Rs.1,030,000 from trading license fees alone.<sup>50</sup> *Dorbar* finances are therefore far more than what they appear to be. But it is not merely a question of finances and accounts. The practice of charging fees for all kinds of applications, and also the introduction of new formalities such as interviewing applicants for licenses, are reflective of a new political culture at the *Dorbar* level that is far removed from the informal traditional system. The traditional *Dorbars* were said to be congregations of people of the community who carry on debates for as long as is necessary to arrive at a consensual decision. But now the Laitumkhrah *Dorbar* rules provide that at the *Dorbar* executive level in the event of a tie the Chairman has a casting vote. Constitutional representative democracy has definitely made inroads into the tradition.

This new leadership, as the present chairman explained, consists of retired government officials. During the interview he maintained that there is a change in the profile of the incumbent chairpersons:

In the past ordinary persons (even rif-rafs) became *Rangbah Shnong/ Rangbah Dongs* but in the recent years many government servants have been performing these functions.

Of the 3 *Rangbah Shnongs* of the *Dorbar* under study, one was a retired, and two were serving, government servants. In the fourteen *Dongs*, ten *Rangbah Dongs* belonged to the category of retired or serving government servants. In terms of education, of these seventeen key functionaries, thirteen were highly qualified (graduate or above). It is quite natural that the government servants brought the culture of Indian bureaucracy to the *Dorbar* too.

The examination of Laitumkhrah *Dorbar* and scrutiny of some of its records has already shown that through a series of steps these key functionaries are formalising this traditional non-formal system of governance. *Dorbars* are moving away from their tradition. The wide-ranging powers that the *Rangbah Shnong* of Laitumkhrah held are not in conformity with the traditional Khasi *Dorbars* because all authorities point out that the traditional Khasi chiefs were not supposed to exercise any significant powers without consultation with their *Dorbar*. Hamlet Bareh for instance says:

The *Syiem* had limited powers....The *Syiem* could not legislate, impose taxes, and issue ordinances himself without the consent of the full state *Dorbars*.<sup>51</sup>

The same appears to be true of the village *Dorbars* because Bareh says that the village *Dorbar* had the power to legislate and decide cases.<sup>52</sup> But this concentration of powers in the

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<sup>49</sup> See rule VI of Part IV .

<sup>50</sup> 206 x Rs.5000=Rs.1,030,000.

<sup>51</sup> Hamlet Bareh, 'Ancient Khasi Polity', in J. N. Sarkar & B. Datta Ray (ed), *Social and Political Institutions of the Hill People of North East India*, Calcutta: Anthropological Survey of India, 1990, p.72.

hands of the *Rangbah Shnong* need not necessarily be seen as a deliberate deviation from the tradition and a mere corrupt practice. It may as well be reflective of the values of the new bureaucratic elite. These powers sound more like that of a district magistrate than that of a traditional Khasi Headman.

The rules clearly state that the only connection the *Dorbar Shnong* has with the District Council is in recommending applications for granting of trading licenses to non-tribal traders. In that sense the *Dorbar Shnong* is not a constitutional institution under the District Council. The requirement of the *Sanad* from the *Syiem* however seem to establish a connection with the District Council because the *Syiem* is appointed by the District Council under the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act of 1959. This act, while defining the Headman says:

Headman means a Myntri, a siem Raid, a Basan, a Lyndoh Raid, a Matabor, Elector, a pator, a Sangot, a Sordar *Shnong*, Sordar Raid and *Rangbah Shnong*.<sup>53</sup>

Yet Laitumkhrah *Dorbar* rules categorically deny any connection with the District Council. This resistance to the authority of the District Council needs to be understood in the context of the strong resentment expressed by a section of the educated Khasis against the interference of the District Council in matters of the traditional system of governance. L. S. Gassah says in a discussion on District Councils that after a close examination of the relationship of the District Councils and the traditional institutions it may be concluded that, under the new constitutional set up, the Chiefs are pushed '*behind the line of leadership. They are to keep themselves content with whatever powers and functions that were left to them by the District councils* (emphasis added)'.<sup>54</sup>

Those who harp on the theme of the position of the traditional chiefs being threatened by constitutional authorities do not seem to ask the question whether it is advisable to keep their power and position intact in contemporary Khasi society, with its integration into what is often called, in north east India, a modern world. The coming of the British to the area in the nineteenth century, and the introduction of western education, Christianity, a money economy, market and modern administration, set the tribal societies on a course that led them to a stage that B. Pakem, the best known political scientist of Meghalaya, described as preparing to attain the status of a post industrial society.<sup>55</sup> It is necessary to examine what purpose the chief (*Syiem* or *Rangbah Shnong*) serves in a modern context. What services do a *Syiem* offer to his people? It is surprising that no one in the community is trying to examine the issue of protecting the traditional authorities in terms of the general public interest, at least not publicly. As letters to the editors of bcal dailies and recent news reports over the illegal toll-gates erected by some *Syiem*s show, there is very little that these authorities do for the people.<sup>56</sup> There is no evidence to show that an overwhelming majority of the Khasis want traditions retained at any cost.

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<sup>52</sup> Bareh (1990), p.76.

<sup>53</sup> United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959, Section 2(k).

<sup>54</sup> L. S. Gassah, 'Effects of the District Councils on Traditional Institutions', in L. S. Gassah (ed.), *Autonomous District Council*, New Delhi: Omsons Publications, 1997, p. 215.

<sup>55</sup> See B. Pakem's introduction to Pynsai Bor Syiemlieh, *The Khasis and Their Matrilineal System*, Shillong: published by the Author, 1994, pp.9-17.

<sup>56</sup> Letter to the Editor, 'Check Gates in RiBhoi', written by Don Narleng, Acting *Syiem* of Raid Marwet, *The Shillong Times*, 9 August 2002.

News reports in the local dailies about the recent suspension of two *Syiems* show that the Khasi community now is divided over the tussle between the traditional authorities and institutions and the constitutional authorities. In the case of the *Syiem* of Myllem, the District Council suspended the *Syiem* and appointed an acting *Syiem*. But when the acting *Syiem* went to take over he was prevented by some *myntries* (ministers) and other supporters of the deposed *Syiem* on the ground that the *Syiem* must be elected by his *Dorbar* and therefore the acting *Syiem* appointed by the District Council had no legitimacy.<sup>57</sup> But a few days later he could take over without much resistance. The educated elite of the Khasi Hills have been divided over the issue of adjusting to the process of political reforms on constitutional lines.<sup>58</sup> But the reformists seemed to have gradually gained ground, though at times under the cloak of protecting tradition. Even now the process of accommodating the values of constitutional politics into a traditional form of governance is evident.

The influence of constitutional democratic governance on tradition becomes clear from various interpolations of constitutional procedures in the functioning of traditional governance. Margaret Mawlong narrated to us the story of formalising the rules of election in Laitumkrah *Dorbar*. She said that in 1998, when the *Dorbar* met to elect its functionaries, one member was elected to conduct the election proceedings, which were carried out by voice vote. Some members proposed the name of the election officer himself and the proposal was carried. Mrs Mawlong, with her long association with the higher bureaucracy, found it difficult to accept this and quoted from the rules governing elections to the State Assembly to prove the point that the election officer cannot be a candidate. Because the motion was already carried the person was allowed to accept the office but in the following year the election rules for the *Dorbar* were formalised on the lines of the state rules. The serving or retired government servants, leading the *Dorbar*, could not think of challenging her attempt at introducing non-traditional norms to *Dorbar* matters. Such attempts at integrating modern democratic practices to tradition are rather common. The tradition is undergoing far reaching changes and values enshrined in the Constitution of India are finding their way into traditional *Dorbar Shnongs*.

The *Dorbar* rules do not specify the composition of the *Dorbar Shnong*. It merely states that all executive members will be of eighteen years or more in age. The powers and functions of the office bearers, and all such other provisions, are like the powers and functions of the office bearers of the institutions governed by the Societies' Registration Act. The *Rangbah Shnongs* and the *Rangbah Dongs* told us during interviews that, though traditionally the *Dorbar* is composed of all adult Khasi males and Khasi women are not supposed to participate in public affairs, in Laitumkrah some women are attending the *Dorbar* and some of them are in the executive also. During our interviews with five prominent women familiar with Laitumkrah *Dorbar*, Margaret Mawlong narrated the story of how women came to participate in the *Dorbar* as a result of their attempt at prevailing upon the youth not to take the law into their own hands.

The story she narrates is that of a hotel called Orion that was suspected of shady activities. The reputation of the hotel attracted protests from the young people of the locality and one day they gathered near the hotel to close it down. Mawlong claims that she and the wife of the then MLA, Peter Marboniang, intervened to convince the youths not to take the law into their own hands. Hurriedly a *Dorbar* was called and with the *Dorbar* crowd some women

<sup>57</sup> 'Supreme Court Upholds *Syiem* of Myllem's Suspension', *The Shillong Times*, 11 August 2002. See also 'Hima Myllem fails to take decision on Supreme Court order', *The Shillong Times*, 17 August 2002.

<sup>58</sup> See, Shibani Kinkar Chaube, *Hill Politics in North-East India*, New Delhi: Orient Longman, 1973, pp.62-105.

walked to the house of the Minister of Law and with the intervention of the women the problem was solved. According to Mawlong, following that episode the *Seng Kynthei* was formed and it demanded representation in the *Dorbar*. The men recognized the organization and two representatives were accepted into the *Dorbar*. A new tradition seems to have started.

The issue of women's participation is not very simple. In Khasi Hills there is a lot of resistance to proposals for gender justice. The community has been matrilineal and matriline, as we have shown elsewhere, has been giving Khasi women a better deal in the society than in most other communities in India<sup>59</sup>. But from the beginning of the twentieth century, the Christian Khasi-Jaintias began to attack the system on the grounds that it renders the men totally powerless. That they might have been greatly influenced by the patriarchal and patrilineal values of Christianity and the Church need not be far wrong.<sup>60</sup> Reports and writings published in *U Lurshai* in 1914-21, and quoted in the *Meghalaya Land Reforms Commission Report*, show that there was a determined effort on the part of the educated among the newly converted Khasi Christians to undo the perceived injustices men suffered under matriliney.<sup>61</sup> But the efforts did not bear much fruit because at that time large sections of ordinary people were not sufficiently exposed to the patriarchal values of the new culture that came with the new rulers and the new men of God. This trend did not wear off. A section of the educated elite pursued it, leading to the formation of *Ka Syngkhong Rympei Thymmai*, which argues that matriliney was an aberration.<sup>62</sup> Margaret Mawlong's reluctance to continue as the Chairperson of the New Colony *Dong* should be understood in the context of this resistance to women's participation in public life.<sup>63</sup> Laitumkhrah *Dorbar* remains dominated by men. Even the *Seng Kynthei* representatives to the *Dorbar* are not elected by the *Kyntheis*. They are selected by the male dominated *Dorbar* executive of which all the key functionaries are men.

### **An arm of a modern state**

The present executive of the *Dorbar* is composed of three *Rangbah Shnongs* of whom one is the chairman, fourteen *Rangbah Dongs*, two representatives of the *Seng Kynthei*, two representatives of the *Seng Samlah*, and two representatives of the Laitumkhrah Sports Club. The local MLA is a co-opted member of the executive. The composition of the *Dorbar* executive provided for in the rules of the *Dorbar* and followed by it are more in conformity with modern day legally constituted socio-political organizations that accommodate the compulsions of popular democracy than with Khasi traditional institutions. Six executive members, coming from the *Seng Kynthei*, *Seng Samla* and the Sports club, could not be called representatives under traditional institutions. The MLA's inclusion as a co-opted member is a deliberate break from tradition, an attempt to keep in close touch with the democratically elected state government.

As we have noted, by significantly changing its composition the *Dorbar* has been trying to come closer to modern constitutional politics. Even the responsibilities it carries out are not

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<sup>59</sup> Apurba K. Baruah & Manorama Sharma, 'Matriliney, Land Rights and Political Power in Khasi Society', *Indian Journal of Human Rights*, 3:1-2 (1999), p.220.

<sup>60</sup> Lalrinchhani has shown how Christianity reinforced patriarchal Values in Mizo society . In matrilineal Khasi society Christianity might have helped at least the resistance to matriliney, See B. Lalrinchhani, *Christianity and Women in Mizoram*, unpublished MPhil Dissertation, North Eastern Hill University, 1998.

<sup>61</sup> See, *The Report of The Land Reforms Commission For Khasi Hills*, Shillong: Government Press, n.d.

<sup>62</sup> For a statement on the main arguments of this Organization see Syiemlieh (1994), pp. 9-17.

<sup>63</sup> New colony *Dong* eventually split. We need to examine the circumstances that led to the split.

of a traditional kind. In our perusal of the Lumshora papers we have noticed that the *Rangbah Dong* functions more as an unpaid government servant than as a tribal Headman. The normal governmental activities at local level, like allotment of public distribution outlets, assignment of contracts under developmental schemes, municipal duties like looking after parking rules in lanes and sanitation, are carried out by him. Government departments looking after such functions have fully paid officials for the work, but they merely pass it on to the *Dong* Headman. This raises a major issue about accountability of both the modern and the traditional authorities. We found a letter written by the secretary of *Dong* Lumshora on 19 July 2001 to the secretary, *Seng Samla Shnong* Laitumkhra, stating that two schemes to repair road drainage and covering drains were to be implemented. The Secretary of the *Dong* informed the Secretary *Seng Samla* that it was decided that the work should be implemented by the *Seng* under some guidelines. We also noticed completion certificates being forwarded by the *Dong* to the Chief Executive Officer of Shillong Municipality with a request for making final payment.<sup>64</sup> Such allotment of work is normally to be made by the Municipal Officer. Supervision and issuing completion certificates should only be done by such officers.

However, in Laitumkhra these municipal functions are carried out by the *Dong*, which is not accountable to the Government that spends the money. The State and the central government departments are supposed to be governed by the rules and regulations provided for the Republic of India, which cannot discriminate between citizens on the basis of caste, creed or religion. By passing on their responsibilities to *Dorbars*, the ethnocentricity of the tradition is also being introduced into the functioning of the constitutional authorities. As we have pointed out, the *Dorbar* rules do not specify its composition, but our discussions with the Chairman, Margaret Mawlong, and the ordinary citizens confirmed that non-Khasis are not allowed to participate in the *Dorbar* proceedings. They are not even allowed to witness these. There seems to be a minor exception in Lumshora where non-Khasis can attend the *Dorbar* of the *Dong* but cannot speak. But all *Dorbar* decisions are binding on them. This is a clear case of rule without consent. That raises serious questions of exclusivist tendencies and ethnocentric politics that characterise 'traditional' institutions spilling over into constitutional politics. The question is not merely theoretical because by allowing an organization like the *Seng Samla*, which bars all non-Khasis from becoming members, to monopolise government contracts under the MLA and MP schemes, the benefits of these schemes are being restricted to the unemployed young men of the Khasi community in a locality where Khasi and non-Khasi population are almost equal. Such responsibilities carried out by the *Dorbar* have no legal basis.

What is more, the unauthorised transfer of responsibilities of the state to the *Dorbar* is also a source of patronage. Opportunities of patronage are making the *Dorbar* positions rather attractive and that should make us wonder whether competitive politics are making an entry into the traditional institution, often claimed to be based on consensual democracy. The episode of the election officer being nominated and elected, narrated by Margaret Mawlong, therefore need not be viewed only as an instance of unfamiliarity with norms or inability to appreciate a sense of propriety.

If the Laitumkhrah *Dorbar* is not following the traditional norms then two questions regarding legitimacy need to be raised. First, do the tribal people owe their voluntary allegiance to the *Dorbar*? The answer to this question became clear when we interviewed the tribal and non-tribal vendors and shopkeepers about their compliance with prohibitory orders

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<sup>64</sup> Letters Dt.19.7.01 and 11.5.01

issued by the *Dorbar*. Out of these 34 respondents, 22 were tribal men and women and all of them violated the *Dorbar* decisions and pretended that they were unaware of these. It is interesting to note that all the 12 non-tribal respondents in this category showed a deference to the *Dorbar* and maintained that they always obeyed the *Dorbar* orders. Another non-tribal businessman could not be interviewed because he folded his hands and requested us to leave him out of these controversies. It was obvious that the non-tribal shopkeepers and businessmen held the *Dorbar* in awe. In contrast, the Khasi vendors were quite candid. They maintained that some the orders of the *Dorbar* were such that compliance would adversely affect their business and therefore they ignored them. They also maintained that the *Dorbar* did not try to implement its decisions, at least not the ones that affected them. A Khasi fish vendor vehemently criticized the *Dorbar* and told us that the *Dorbar* sends volunteers mainly to collect donations, “you know from whom?” she said. The implication was clear that it is the non-tribal shopkeepers on whom the *Dorbars* writ ran. The Khasi shopkeepers and vendors knew that except when the community in general gets mobilized and uses the *Dorbar* as a vehicle to pursue its interests, it could not enforce its decisions on them. But once communal frenzy has begun the *Dorbar* becomes a potent weapon, particularly against non-Khasis.

For the ordinary Khasis in the Laitumkhrah, the *Dorbar* is considered with some deference because the contemporary narrative of tradition glorifies it, so inducing a public demonstration of respect, and also because it is run by government servants. In India’s North East the *babus* (bureaucrats) exercise hegemony. The fact that all government privileges and facilities are channelled through the *Dorbar* prompts some allegiance. In the communally divided setting of Laitumkhrah, in the fierce competition for government patronage and share in the market, the *Dorbar*’s presence gives an edge to the Khasi middle class. That should be reason enough for this class to hold it in high esteem, at least in public. But it is the fear of the bureaucratic leadership that seems to force the ordinary citizen, particularly the educated middle class, to pay obeisance to it. An episode involving a fairly well placed educated Khasi lady and the fish vendor we referred to above led us to this conclusion. The day we interviewed the vendor she was very frank and told us in the market in the presence of other Khasi fish vendors that we could quote her and she wanted the *Dorbar* leadership to know her views. The next day we went to interview a highly educated professional and during our visit, sitting in front of her computer, she narrated her bitter experiences with her *Dong* leadership. She quoted a case in which residents had to go to court because the *Dorbar* was cutting off the water supply to a particular locality. She urged us to look for the records of the case to see for ourselves how atrocious the *Dong* leadership was. However, she kept reminding us that we should not mention her name because if the leadership came to know about her views she and her family would be in trouble. We eventually found the case, despite the vague references offered by her, and found that it had been filed against the government and not the *Dong*. It is, of course, possible that the government agencies function under the *Dong*’s guidance. We told her about the vendor and mentioned that she wanted to be quoted. She said that the vendor was being unwise. The same evening we received a phone call from the lady informing us that the vendor now wishes to remain anonymous. The well-meaning lady professional might have made the lowly vendor wiser.

The information we collected of some other *Dorbars* confirmed that the professional had good reason to be careful. The leadership at times becomes ominous. It is this fear that must have forced almost all our middle class informants, both Khasi and non-Khasi, to hand out a standard narrative about the authority of the *Dorbars*. The responses of almost all residents interviewed sounded almost tutored. For instance, in whatever form we asked the respondents

as to whether they could differ with the *Dorbar*, all except the lone brave fish vendor told us that it was unthinkable to differ with the *Dorbar* because tradition does not permit that. We have seen that the *Dorbar* is no longer functioning under traditional institutions. In that sense, it is not tradition that is commanding respect in Laitumkhrach. It is the power derived partly from the ethnically mobilized community and partly from acting as an arm of the state with its apparatuses of coercion and patronage that results in the *de facto* legitimacy that it enjoys. As an arm of the state the *Dorbar* does not only distribute patronage; it uses the coercive machinery of the state effectively. Our scrutiny of the general diary of the Laitumkhrach police station showed that the police station takes prompt action on any request from the *Rangbah Shnong*.<sup>65</sup> The Indian police are known for their lack of respect towards ordinary citizens. Their prompt response to *Dorbar* requests shows that it represents very powerful political forces associated with the constitutional authorities or real politics.

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<sup>65</sup> Our luck in scrutinizing ran out soon because the Officer-in-Charge refused our researcher access to these dairies on the pretext that her presence created problems for the staff.

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### **Research Objectives**

- We will assess how constellations of power at local, national and global levels drive processes of institutional change, collapse and reconstruction and in doing so will challenge simplistic paradigms about the beneficial effects of economic and political liberalisation.
- We will examine the effects of international interventions promoting democratic reform, human rights and market competition on the 'conflict management capacity' and production and distributional systems of existing polities.
- We will analyse how communities have responded to crisis, and the incentives and moral frameworks that have led either toward violent or non-violent outcomes.
- We will examine what kinds of formal and informal institutional arrangements poor communities have constructed to deal with economic survival and local order.



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