Chapter III
Limits of the Recognition Model in Meghalaya

As mentioned earlier, a new trend of political struggle has emerged, since the last few decades of the previous century, in various corners of the globe. This can be termed as the ‘cultural politics of difference’. This is what many describe as the ‘struggle for recognition’ and it is still fast becoming the paradigmatic form of political conflict. Demands for ‘recognition of difference’ fuel struggles of groups mobilized under the banners of nationality, ethnicity, race, gender, and sexuality. In these ‘post-socialist’ conflicts, group identity supplants class interest as the chief medium of political mobilization. Cultural domination supplants exploitation as the fundamental injustice. And cultural recognition displaces socio-economic redistribution as the remedy for injustice and the goal of political struggle. To be very brief and precise, the groups struggling for recognition generally demand political autonomy of different degree\(^1\). The root of such struggles lies, as is generally opined, in the cultural injustice meted out towards the minorities groups (ethnic, culture or religion, etc.). As Charles Taylor puts it, “non-recognition or misrecognition...can be a form of oppression, imprisoning someone in a false, distorted, reduced mode of being. Beyond simple lack of respect, it can inflict a grievous wound, saddling people with crippling self-hatred. Due recognition is not just a courtesy but also a vital human need”.\(^2\) In the same tune Axel Honneth has argued “we owe our integrity..... to the receipt of approval or recognition from other persons. (Negative concepts such as ‘insult’ or ‘degradation’) are related to forms of disrespect, to the

\(^1\)Some groups demand political autonomy whether in the form of a sovereign state of their own (e.g. the Palestinians) or in the form of more limited provincial sovereignty within a multinational state (e.g. the majority of Quebecois). Struggles for ethnic recognition, in contrast, often seek rights of cultural expression within polyethnic nation-states. These distinctions are insightfully discussed in Will Kymlicka, ‘Three Forms of Group- Differentiated Citizenship in Canada’ (paper presented at the conference on ‘Democracy and Difference’, Yale University, 1993). See also Fraser, 1995.

\(^2\)Cited in Fraser, op.cit. Also see p.25.
denial of recognition. (They) are used to characterize a form of behavior that does not represent an injustice solely because it constrains the subjects in their freedom for action or does them harm. Rather, such behavior is injurious because it impairs these persons in their positive understanding of self – an understanding acquire by inter-subjective means.³

Thus, struggles for recognition aspires at receiving certain positive special consideration, may be in the form of political autonomy or other forms of group rights for the vulnerable minority groups. This recognition of minority culture is imperative because the diverse cultural, ethnic or religious communities have distinct ways of life, which they cherish and wish to preserve. This is also a fact that since its cultural value is different from the values of other cultures, some of the practices of one particular community conflict with those of other cultural practices. At times, the cultural practices conflict not only with other cultural values but also the very values liberal society embraces. In the process the minority cultures are often intimidated. Rectifying such intimidation needs certain concession to the vulnerable minority groups. This is a way to show respect for diverse cultures and respect for diversity implies equal space and opportunity for different cultures to sustain themselves.

Fair enough, many people have said and written on it. Now, I would like to study the case of India with reference to Meghalaya. I have already talked about ethnic conflicts in the state to some extent. Now let me start with the roots of these conflicts.

Tracing the Roots of Conflict: Colonial Legacy and the Institution

Though it is really difficult to trace the origin of ethnic conflicts, especially that of conflict between tribal and non-tribal, and hill people

and the plain people in the states of Northeast, it can be rightly said that
the deconstruction of the link between these groups had started long
before independence. The British administrative system that was
imposed on the country has its own share in the development of the
conflicts. Part of the reason was that under the provincial autonomy, the
hill areas of the then province of Assam fell into two categories, viz., the
Excluded and Partially Excluded Areas, as scheduled in the Order-in-
Council under the Government of India Act 1935. The main concern of
the administration at that period of time was more static than dynamic.
Thus, the administrative insulation contributed to the prolongation of
backwardness of the region particularly the areas mainly inhabited by
the tribal people. The British did everything possible to check the
emotional integration between the tribals and non-tribals for the
evolution of a spirit of common identity superseding ethnic diversities.
There were even abortive attempts at keeping the North Eastern tribal
areas outside the Indian Dominion when the British Parliament was
passing the Indian Independence Act of 1947.4

When the British started their occupation of the region, they
sensed the need for dealing with the people in the region differently from
the way they do with the people in the mainland India. It all started with
the division of the region into regulated and non-regulated areas for
administrative purpose. When the British annexed the Garo Hills and the
Jaintia Hills, they brought these two regions under direct control of the
British administration. However, in the Khasi Hills the British took
control of only a few villages, including the area where they built Shillong
city. In other parts of the Khasi Hills the British allowed the rule of the
'Syiem', the traditional tribal chiefs, after coercing them to enter into

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4L.S. Gassah, 1997, *The Autonomous District Councils*, Omsons Publications, New Delhi, p. 2. It can be
rightly said that it is only after India got its independence, under the inspiring leadership of Jawaharial
Nehru, the policy of winning the confidence of the tribal people and promoting closer contacts and
intercourses between the tribals and non-tribals, ensuring the protection of interest of the tribals in their
lands and autonomy to shape their lives as they desire, was followed.
subsidiary alliance with the British authority. Although several scholars have argued that the traditional Khasi society was classless and casteless and their traditional institutions of Dorbar and Syemship were more democratic than modern democracies, in reality, these 'Khasi States' were basically oligarchic republics wherein a certain privileged clans monopolized the political power at the top.

In fact from the point of view of administrative structure, the Khasi States and the British areas were treated and administered differently by the British authorities. This different treatment and imposition of administration under two distinct types by the colonial rulers over the people who otherwise have many things in common, had created some sort of a disguised or unconscious split of the people into two different groups. This conscious division of the people by the colonial rulers helped in sowing the seed of a feeling to maintain one's own separate ethnic identity against the background based on administrative framework. Thus, we cannot rule out the possibility of developing a space of mistrust between the groups due to the application of different system of administration within the same region.

But again this cannot be the sole reason for continuing ethnic conflicts. When the Indian constitution was adopted, it envisaged strong democratic institutions at the grassroots level as concerning the affairs of the tribal communities. Consequently, democratic decentralization and establishment of Panchayati Raj became one of the Directive Principles of State policy. However, in the case of the tribal areas in the country, especially those in the Northeast, there are certain specific provisions provided in the constitution. The constitution makers also recognize the necessity of a separate political and administrative structure for the hill tribal areas of the erstwhile province of Assam by enacting the Sixth

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5Sh. Srikanth, op cit, pp. 3987
Schedule to the constitution of India. In doing so, as mentioned earlier, they were broadly guided by three major considerations: a) the desire and necessity to uphold the distinct customs, socio-economic and political culture of the tribal people of the region and to protect the identity and autonomy of the tribal people; b) the need to prevent the economic and social exploitation of the tribal people by the more advanced neighboring people of the plains; c) to permit the tribal people to develop and administer themselves according to their own genius.\(^7\)

This framework looks pretty good. But still ethnic problem persist. In view of this condition it will be very appropriate to see if the kind of institutional arrangement has anything to do with the enduring conflict in the state.

**Institutional Accommodation**

India as a diverse (culturally, ethnic, and religion) country needs to be relooked through its institutional arrangements that have been initiated for promoting diversity. India has, through the long vision of national fathers, created a variety of mechanisms for recognizing diversity in India. The constitutional fathers understood quite well the complexity of Indian society; cultural, linguistic and ethnic diversity; and the need for national integration. This complex nature of Indian society is one of the key reasons for them to consider about a federal polity of the country. One of the peculiarities of our federalism is that each state has been taken care of in accordance with its particular needs rather than having a uniform mechanism of administration for the whole country. The Indian State, in common with all other States, does not merely respond to crisis produced by uneven economic development and social change,

\(^7\)Gassah, L.S. 1997, op.cit. p. 3
but is itself the leading force providing differential advantages to regions, ethnic groups, and classes".8

Since time immemorial and even during the British rule this area called 'Backward Track' of the Northeast region of India had been remained administratively, culturally and geographically separated from the mainland India including Assam. One of the most important questions in the Constituent Assembly Debate on the matters relating to this area and the people living here was whether for the purpose of integration of these people into the Indian union, “method of force, the methods use of Assam Rifles and the military forces, should be used, or a method should be used in which the willing cooperation of these people can be obtained for the purpose of governing these areas”.9 Then, it was found that there were certain institutions, among the hill tribals, which were so good that it would have been wrong to destroy them. Thus, instead of raising in the tribals a spirit of enmity and hatred by application of force, they should be brought up under the broad principles of government by good will and love. Thus the idea of Sixth Schedule came to the members.

It was, as Shri Nicholas Roy assumed, a measure of “self government” that Sixth Schedule aimed to offer to the tribals. According to Dr. Ambedkar, the tribal people in the region differed from tribals of other parts of India, their laws of inheritance, their laws of marriage, custom, etc. were quite different from that of Hindus. And thus Dr. Ambedkar agreed that the Regional and the District Councils should be created to enable them a form of self-rule.10

The original design of instituting Sixth Schedule was a very innovative concept. Since the tribal people, when they share a particular territorial boundary with ‘other’ people (non-tribal) who are more or less

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8Brass, 1994, op.cit. p.32.
10Ibid. p.12.
advanced in terms of socio-politico and economy, needed certain mechanisms to protect and promote their cultural identity and also to save them from being exploited economically by the bigger and more advanced group (groups). It was assumed that they could make their own progress through the practice of their customary way of life. It is, in one sense, to give their own space of development through their socially recognized patterns of administration. And in another sense, it is a means to create a more equitable society in which communities with distinct ways of life are given due recognition to their cultural need.

The Sixth Schedule was in fact to provide the tribal people with a simple and inexpensive administration of their own, so that they could uphold their own customs, traditions, culture, etc., and to furnish them maximum autonomy in the administration of their tribal affairs. If we remember, the Autonomous District Council (ADCs) in certain Hill Districts of the then composite state of Assam were first established in 1952, and in 1953 regional councils (now District Councils) were launched in the then Lushai Hills District (now Mizoram) as per the requirements of Sixth Schedule. We need to remember that Autonomous District Councils were first instituted before the composite state of Assam was reorganized (before 1971). The significance of the timing of its establishment lies in the fact that within the larger state of Assam there were some major tribes who were demanding a separate space of their own, first, to protect themselves from the exploitation by the non-tribals economically as well as politically, and second, to be able to preserve their ethnic identity and customs, they needed some extent of political autonomy within the composite state of Assam. One should keep in mind that these tribals were living within the same state along with other bigger communities. And, therefore, their fear of ‘others’ is
understandable. In this sense the report of Bordoloi Sub-Committee is very important.\textsuperscript{11}

After having an extensive study of the problems of the tribal people of the North East, the Sub-Committee suggested instituting certain mechanism for the necessary protection and safeguard of the tribal way of life and at the same time allowing them to participate in political life of the country along with others. It also recognized the existence of the traditional tribal self-governing institutions, which functioned democratically and resolved their disputes in accordance with their own customs and traditions. “The Sub-Committee sought to evolve a system by which it could be possible to remove the apprehensions of the tribal people, simple and backward as they were, so that they might not be exploited, subjugated and oppressed by the more advanced people.”\textsuperscript{12}

The insights and the understanding of the Sub-Committee, through which these Autonomous District Councils had been instituted, should be appreciated. Without such kinds of institutional arrangements, it would have been a difficult task to think of preserving and protecting community values of the minority tribal people within the existing state system. Their prize is important because of the fact that the pre-reorganized state of Assam (the composite State of Assam which included the present States of Meghalaya, Nagaland and Mizoram) present the picture of a typical liberal state that inhabits diverse cultural communities, some of which are bigger than others and have the capability to dig out all advantages of a liberal state. In such a situation, accommodating all the communities which entails giving equal respect to the diverse cultural values of each particular community would be possible only through institutions like Autonomous District Council

\textsuperscript{11}Bordoloi Sub-Committee was one of the Sub-Committees constituted by the an Advisory Committee on Fundamental Rights of Minorities in tribal Areas which was constituted by the constituent Assembly of India on May 16, 1946. For details see The Framing of Indian Constitution, Edited by Sri B. Shiva Rao, Select Documents, Vol.III, pp. 683-713.

\textsuperscript{12}Gassah, L.S. op.cit. 1997, p. 4.
under Sixth Schedule. This institution was supposed to provide positive value to cultural diversity by empowering the cultural community to run their own system of customary laws and traditional institutions on the one hand and to provide certain level of political and administrative autonomy that enables them to make their own course of development unhindered by larger community/communities. In this sense Sixth Schedule (or Autonomous District Council (ADC) for that matter) was supposed to be a remedy of minority discrimination within a large and ethnically diverse state like Assam. Again, this sort of arrangement had the potential to diminish the likelihood of inter-ethnic conflicts.\footnote{Indeed, recent surveys of ethno-nationalist conflict around the world show that self government arrangements diminish the likelihood of violent conflict, while refusing or rescinding self government rights is likely to escalate the level of conflict. See Ted Gurr, 1993, \textit{Minorities at Risk: A Global View of Ethno Political Conflict}, Institute of Peace Press, Washington, DC. The same view is available in his (2000) ‘Ethnic Warfare on the Wane’ \textit{Foreign Affairs}, Vol. 79 no. 3, pp. 52-64.}

However, the demand for a separate hill state in Northeast India was made right from the year 1953 when hill leaders submitted a memorandum to the State Reorganization Commission demanding the creation of a separate state for them. Part of the reason for demanding the creation of a separate state is the provisions of Sixth Schedule under the Constitution of India itself. This is especially true in regard to the Khasi Kingdoms. Many knew that the District Council would take away the major functions of the Federation of the Khasi States. However, in spite of the opposition, Nicholas Roy, then leader of the hill movement managed to get the majority in a vote to accept the motion of District Council. Some even said that as a result of the formation of the District Council the federation of the Khasi States suffered an eclipse.

Prior to the enforcement of the Constitution of India, the Khasi and Jaintia Hills and other areas had been administered by Deputy Commissioner who acted on the advice of the Governor of Assam. The Hill areas were never brought under the direct administrative control of the state Government. After the Sixth Schedule of the Constitution
coming into force, the Hill Districts were placed under the overall administrative control of the state Government. Some groups like the Nagas even refused to recognize the local autonomy envisaged in the Schedule, but J.J. Nicholas Roy, the veteran Khasi leader, persuaded other Hill peoples to come under the administrative control of Assam for their greater economic improvement.

Looking at these institutional arrangements and provisions under the constitution of India on the one hand and the persisting ethnic conflicts in the region particularly in the state of Meghalaya on the other, it is incredibly essential for us to locate the limitations of the above-mentioned institutional arrangements and the grounds of ethnic relation and conflict in the region.

Yes, recognition has been given (at least in principle) to the cultural values of some of the larger ethnic communities in the region through the constitutional provisions of the Sixth Schedule. Now there are some questions, which need to be taken very seriously. First, how are these institutions (ADCs) functioning in the region? Second, when some of the ethnic communities were already enjoying political and cultural autonomy within the framework of Autonomous District Councils, why did these communities demand the formation of full-fledged States? Third, what is the idea behind the continuation of the ADCs even after the formation of so called ‘tribal states’? And finally, why some of the groups who came together for a separate hill state are longing for a separate state in the name of ‘survival of their culture’?

What Ails the Model
The United Khasi-Jaintia Hills Autonomous District Council came into existence on 27th June 1952 after being formally inaugurated by the Governor of Assam, J. Daulatram at the Dinam Hall, Jaiaw. Since its inception protests started against the 6th Schedule. The inauguration was a gloomy day for the public of Shillong. Black flags were carried to
protest the principle of nomination. However the protest was directed not to the District Council but against the Assam Government’s policy of trying to impose the nomination of three non-tribal persons as members of the District Council. Thus, the demand for separate councils for the 3 separate communities was begun.

The hopes and aspirations of the tribals are not fulfilled both within the composite state of Assam where they were given ADCs and in the present state of Meghalaya. Within Assam these ADCs had to work under somewhat assimilationist Assamese. The ADCs had little power to maintain their so-called “self-rule” within the composite state of Assam, the biggest example being the language policy of the Assamese Government.

After the creation of the so-called “tribal state” of Meghalaya, the fate of the tribal, especially the common people, remained the same. Earlier within the composite state of Assam, it was a struggle between an assimilationist state that wanted to impose its cultural milieu on the tribals and “differently civilized” groups of people who wanted to preserve their age old custom and traditions. Today the struggle is not merely between a supposedly tribal state and the ADCs. It is more complex than what was in pre-reorganized Assam. There are different facets of conflict in Meghalaya. It is, first, between the traditional institutions of the tribals and the ADC within a community. Second, it is between various communities. Third, it is between ADCs and the State. Finally, it is between modern liberal state and traditional way of life.

Again ADCs do not have the power to protect the indigenous communities or the tribal people from encroachment by the outsiders in economic or cultural fields. It is just to see if the Traditional Institutions do exist in the way it had been from antiquity. Even the State (which is being made as tribal state) is not so active to safeguard the interest of the Tribal vis-à-vis the intrusions of outsiders. So far the responsibility of safeguarding tribal communities is left to the tribals themselves. And it is
only the students and the youth organizations (and other civil society organizations to some extent), which have been doing all kinds of activities to safeguard themselves. For example, in the case of the recruitment policy of PSUs (Public Sector Undertakings) which have office in the state, neither the government nor any state agency (including ADCs) works to ensure fulfillment of the demand of tribals for appointing local tribal candidates for the vacant posts. Because of this, out of the total staffs recruited or regularized, more than 95% are non-tribals. In order to ensure that these kinds of demands are fulfilled, the student organizations take strong steps which lead to hatred between outsiders and local tribals.

There have been academic discussions over the existence of the District Councils after the Statehood was granted to the people to run their administration according to their own genius. In fact, studies have shown the overlapping of powers of the State Government and the District Councils. Moreover the State has better infrastructure for governance. It was felt that after the creation of the State, District Council may serve the people as local self-government in true sense of the term. It has grass root level contact. Indeed, the District Councils can easily carry out the development works entrusted by the State and the Center provided there are provisions for direct funding to local self-governments from the Central Government. However, without such provision, carrying out of the functions of the State Govt. and the District Councils in parallel does not give much benefit to the local people. In effect, at present there is lack of coordination in the functioning of these two bodies. Some even suggest that the State Government should be the all power assisted by the District Council that would act as an agent to the State Govt. in developing activities. However, the changing of the

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14The case of BSNL well exemplifies this. See Memorandum submitted to the Chief General Manager, Bharat Sanchar Nigam Limited, NE 1 Circle, Shillong, by Khasi Student Union (KSU) 27-02-06. In such cases, reservation system of the Government of Meghalaya has been overlooked quite often. That is why student organizations often criticized recruitment process of PSUs.
status of the District Council would be a difficult task. As is shown by the current political game, most of the politicians normally seek refuge at ADCs after losing elections. Even some feminists are opposing ADCs for not prescribing agendas of women's representation (as no reservation is provided for the women).

Problem Contrasting Solution
These Autonomous District Councils have functioned in their respective autonomous districts for more than four decades. Autonomous District Councils have passed from time to time a number of laws, rules, regulations, Acts, etc., dealing with and effecting the people of their respective areas in a variety of ways – relating to such significant matters like land, forest, primary school education, planning processes, markets, trade developmental activities, etc., to mention just a few of them. Some of these Acts have direct effects on the traditional institutions like the Chiefs, tribal councils, etc. Many alterations have taken place since 1952. Soon after the conception and setting up of Autonomous District Councils in the Sixth Schedule areas of the Northeast India, they have been indefatigably articulating their grievances against the treatments meted out to them by different state governments in the matters of provisions of grants, approval of the legislative proposals, suppression of the Autonomous Districts Councils, etc. Before the re-organization of the then composite state of Assam (pre 1972), such grievances were directed against the Assam government. The situation is not so different today even after the re-organization of Assam, which gave way to the formation of full-fledged states like Meghalaya, Mizoram, Tripura, etc. Today in Meghalaya a tug-of-war is still continuing between State and the three autonomous District Councils over a particular paragraph (paragraph 12A) of the Sixth Schedule. They are unhappy and dissatisfied with the decisions of their respective state governments. Two years after the introduction of the Autonomous District Councils (first in 1952), a
conference of the Chief Executive Members (CEMs) was held at Shillong on the 6th and 17th June 1954. One of the striking items in the agenda was to discuss the need to amend the Sixth Schedule. This was felt necessary because, as opined by the CEMs who attended the conference, it is evidently clear from experience that the Sixth Schedule does not fully satisfy the aspirations and expectations of the hill people the reason being that it does not confer real 'autonomy' as such. Capt. Williamson A. Sangma, who was then the CEM of Garo Hills Autonomous District Councils, stated in his speech at the conference thus:

"By experience, the tribal leaders have found that the provisions of the Sixth Schedule do not give the hills adequate power to safeguard their interest- social, economic and political and on the contrary there are ample loopholes for interference from outside in matters relating to day to day administration of the districts."

The other CEMs, Pu Lalsawia of the Mizo Hills Autonomous District Council and Mr. Khothlang of the North Cachar Hills Autonomous District Council supported what Capt. Sangma had said and unanimously demanded for the amendment of the Sixth Schedule. This, therefore, shows that all was not well with the provisions of the Sixth Schedule even at its initial stage. In the subsequent years more demands were made for the amendment of the Sixth Schedule and more provisions were also added to the original ones.

It is said that even in regard to developmental activities which by dint of Autonomous District Councils' existence could do a lot for the welfare of the people but these Autonomous District Councils, particularly in the Khasi and the Jaintia Hills Districts have not been able to deliver the goods. Allegations of misuse of government funds granted for various development projects are not unusual. Even supervision on schools' academic growth is minimal, or almost absent.

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Hence further deterioration in the standard of education that has been sharp. Many schemes have been planned and even started but ended in a hotchpotch manner. No proper planning or clear-cut guidelines appear to have existed in the planning process. Many have become mere paper schemes – rather a hoaxed scheme. Thus, lack of proper planning in its developmental schemes and mismanagement of funds have been strong bases, among others, on which the provisions of Sixth Schedule have been questioned and demand for the amendment to the provisions. “It is sad to see that nowhere there is any substantial attempt to even improve the existing condition. In Meghalaya, the government has rightly needled out the uncorrectable wrongs of the functioning of ADCs. Besides taking over control of Primary Education, other subject like forestry needs its close watch”\textsuperscript{16}. Some argued in favor of the government, in the latter’s step to take control of toll transit check posts, collecting taxes on coal loaded trucks which constitute formerly almost 80 per cent of revenue profits to the Jaintia Hills Autonomous District Council (JHADC). The trends in the current context appear apprehensive that other mismanagement of District Council subjects will definitely attract the eye of the State Government which by an appropriate ordinance could take them over from the District Council’s control. “It is found correct as years go by, that no more powers should be granted to the District Councils as they have apparently failed to justify even their existence as enshrined in the Constitution.”\textsuperscript{17}

It is crucial for us to understand that the only subject under the District Councils, which could be of utmost importance to the protection of the rights of the tribal people, is the right to occupation of land and the resultant land tenure system. A right of ownership of land anywhere under District Council’s jurisdiction cannot be granted to any non-tribal.

\textsuperscript{16}E.R. Tariang, op.cit. p. 78.
\textsuperscript{17}Ibid.
But a disturbing trend of BENAMI\(^{18}\), even in this regard, is causing concern to local indigenous citizens. For self gain, a tribal owner of land, e.g., rents it to a non-tribal and there are numerous instances in point. Petrol pumps run by more advanced and moneyed non-tribals, hardware and software shops are merchandised by non-tribals under the umbrella ownership of a tribal and so on. In this connection, one or two instances may be cited where all traders are non-tribals but the right of ownership of the shop or the land belongs to local tribal people. One could witness hundreds of such shops at Lad Rymbai and Dawki in Jaintia Hills being occupied by non-tribals who, it is suspected, have hailed even from Bangladesh. The situation is alarming until finally and not too distant time when tribals will be unduly swamped and that too, in a delicate and peaceful penetrative manner where all thoughts of compromise would be too late. ADCs could by law exercise powers to check the unhealthy practice of BENAMI but it does not seriously pursue the matter. Therefore, the matters of inconvenience and complaints crop up, conflicts and hostilities raise their ugly heads such as, of late, the unfortunate happenings in Iewduh, shillong. Chief Executive Members, the Syiem and Doloi are allegedly charged with receiving attractive bribes. The situation seems to have become out-of-gear and the entire responsibility and blame would fall on the District Council Authorities.

There is still another line of argument against the institution of ADCs that this scheme would only perpetuate the British policy of keeping the tribals isolated from the non-tribals, and create “tribalstan”. So, one of the questions being asked is whether the problems of the tribal people who are demanding additional power (and even separate state) occur due to certain state of affairs in which the Sixth Schedule keeps them isolated from the non-tribals. However, this argument has

\(^{18}\)Benami purchases are purchases in false name of another person, who does not pay the consideration but merely lends his name, while the real title vests in another person who actually purchased the property and he is the beneficial owner. Benami transactions used to take place to evade law of perpetuity
little significance today as many unifying factors have been put into the Schedule. This matter was also discussed at the time of the framing of the Constitution. It was explained that there were many unifying factors in the Schedule. The executive authority of the Assam government would also be exercised over the ADCs as distinct from the provisions of the government of India Act 1935. It is in addition to the authority of the Parliament and the State Legislature extended over the ADCs. The Laws passed by the Parliament and the State Legislature would automatically apply to the ADCs unless the Governor thought that they ought not to apply or to apply with some modifications. The Governor was not to act in his discretion but on the advice of the State Cabinet, while giving power to the District Councils to make laws in some specified subjects and they were subject to the review of the High Court and the Supreme Court. Lastly under paragraph 14 of the Sixth Schedule, provisions were made for appointment of a commission by the Governor (on the advice of the State Cabinet) to examine the functioning of the district Councils and report on any specified matter for proper review. By proper functioning of the unifying factor it was expected to check any possible arbitrary or separatist action on the part of the ADCs and to strengthen the process of integration of the tribals with the broad national life.

Likewise, it cannot be said that the feeling of separation and isolation of the tribal people has been removed and the feeling of national integration have been strengthened through the functioning of ADCs. Instead, while modern democracy and elective statutory bodies and planned economic development etc. were well accepted, side by side, the relationship between the tribals and non-tribals seem to go away day-by-day, specially in respect of trade, land service, education etc., often leading to breach of law and order. While the ADCs plead lack of necessary fund and demand more independent power (for example, receiving of central grant directly from the centre), the lower traditional institution of Syiemships and village Chiefs are dissatisfied for erosion of
their customary rights. In the midst of such conflicting developments with pull and pushes in opposing directions, the traditional structure of leadership is crumbling and to fill the vacuum, students and youth power is emerging and taking upon themselves the responsibility of safeguarding the interest of the tribals. The different political parties control the statutory bodies but they seldom try to organize healthy public opinion and feel shy to face any situation that may develop and depend only on administrative methods to deal with it.

Let me very briefly mention the case of giving more power to the ADCs. Even though District Councils are demanding more power for them, there are arguments against any move to increase the power of the ADCs. It argues that more power to the ADCs means erosion of existing power of the state government (which itself is a tribal state) and it is most unlikely that the state government would forgo any of their existing powers. To sum up, before thinking of any amendment for giving more power to the ADCs in Meghalaya, it is necessary to inquire into the working of the District Councils under the existing provisions of the Sixth Schedule.

**Institutional Feud: Facilitating Conflict**

One of the problems produced by our model of recognition in the Northeast, especially in Meghalaya, is a feud or a kind of political and administrative tug-of-war between three institutions within the State. This could be also called a sort of power struggle among these institutions. There are three different institutions working within the state side by side. These institutions viz. the tribal state of Meghalaya, which was created to fulfill the demands of the tribal communities inhabiting this part of the erstwhile state of Assam, the ADCs which are created under the Sixth Schedule of the Constitution of India in order to provide the tribal communities their own autonomy of administration, and the traditional institutions of the local tribal communities. These
intuitions are supposed to work in support to one another. However, the reality speaks otherwise. There is hardly any coordination between and among these three institutions. Let's have a look at the working relationship of these three institutions.

**State Vs. Sixth Schedule**

The autonomy of the ADCs has been affected in almost all fields, political, economic and social but mainly in the area of financial independence. They have to depend on their respective state governments in matters of financial allotments and assistance. This in turn had reduced and restricted their autonomy and performance. The council's original sources are few like (a) land revenue, (b) taxes on trades and callings, (c) forest, (d) motor vehicles, (e) entry of goods to markets, (f) auction of markets and collection of taxes from shopkeepers, and (g) Council Court Fees, etc. Forest yielded some revenues but their unwanted destruction brought about a deplorable situation. It is now impossible for the district Councils to manage their large organization with their own meager resources only. They are perpetually in the red.

One of the sources of the finance of the ADCs is the share of royalty accruing each year from licenses and lease for the purpose of prospecting for or extracting of minerals granted by the state government in respect of any area within an autonomous district. Many ADCs have complained that they are not given due share from the collection of royalties and taxes. This affects not only their loss of revenue but their autonomy as well. Secondly, ADCs alleged that because of the obstructive attitude of the respective state governments in the matters of the release of the funds, they had been forced to adopt undesirable practices so as to raise funds in order to discharge their constitutional obligations like running of primary schools, dispensaries and even to meet the salaries of the employees. Sometimes, because of the late release of the fund to the ADCs by the state government at the fag end of
the financial year, they are not in a position to utilize such fund. Mere increase of political power or autonomy without reference to financial autonomy and feasibility is no good a solution. This led the ADCs to demand direct funding from the central government, as well as, to avoid the state government’s control over their finance.

Besides this financial matter, there is yet another aspect of the functioning of the ADCs. This is in regard to what can be termed as the ‘development function’ of the Autonomous District Councils. ADCs have been conferred certain developmental functions by the Sixth Schedule. However, there is an enabling Clause whereby the state governments can entrust such functions with them. In the event of the re-organization of the states in the Northeast India in 1971, there was some sort of understanding at the political level as a result of which a number of developmental functions were conferred on the ADCs. In this aspect, certain ADCs in Northeast India experienced subsequently that this arrangement was a fragile one. Lacking in statutory support, the ADCs had to depend on the changing political relations with the state leadership. The developmental activities of the Autonomous District Councils therefore depend very much on the political party or parties that run the state administration. If the same political party is in power both at the State and District Council levels, the latter may have a smooth sailing in its programme of developmental activities. If it is otherwise, a number of obstacles and hurdles may be created by the party in power at the state level to jeopardize the plan of action that might be framed by the District Council for the development of the Autonomous Districts. We may take up few examples in this regard. Primary education, which needs a very sensitive and prudent management by the District Council authorities becomes badly politicized that now it has become a total failure. Public and teacher’s resentment grow high. Of late, the Government in Meghalaya, have
decided in principle to take over the primary schools, and placed them under its control.

If we remember, when Meghalaya was created as a separate State, over riding power was given to legislation enacted by the State over the matters included in the jurisdiction of the ADCs by an amendment of the Sixth Schedule and an insertion of paragraph 12 A in the Sixth Schedule. This paragraph has agitated the minds and thoughts of the leaders of the regional political parties in Meghalaya. It has found its place in the manifestoes of these political parties from time to time, where they have reiterated all along the urgent need to delete what they call the “discriminatory” paragraph 12 A of the Sixth Schedule. The main complain is that this paragraph empowers the laws of the state government to over-ride the laws passed the ADCs ‘even in matters allotted to the ADCs by the Constitution’. Mr. S.K. Dutta, the former Chief Justice of the Guwahati High Court and the Chairman of Commission of Inquiry on the Autonomous District Administration in the State of Meghalaya, in his report on this vexed issue stated that “the status of the ADCs in Meghalaya has been reduced more or less to that of a Municipal Board by the insertion of Paragraph 12 A in the Sixth Schedule......, The District Council, therefore, can function only if it maintains harmonious relationship with the state government.”

Again, there is no coordination between the State and the Autonomous District Councils both of which are political institutions. It is true that during the past more than four decades of the creation of United Khasi-Jaintia Hills Autonomous District Councils and three

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19This paragraph states very clearly that if the state government and the District Councils make laws on the same subject, the legislation or the laws of the state government shall prevail over those of the ADCs. This paragraph therefore lays down the over-riding authority of the law made by the state legislature over a similar law made by the ADCs in Meghalaya in case of the question of repugnancy arises. The paragraph spells out that in case any provision of a law made by the Autonomous District Councils is repugnant to any provision of a law made by the legislature of the state of Meghalaya with respect to that matter, then, the law or regulation made by the ADCs shall to the extent of the repugnancy, be void and the law made by the state legislature of Meghalaya shall prevail.
decades of the creation of a separate Jaintia Hills Autonomous District Council, unfortunately, there have been no coherent or cordial relationship between the two authorities. Both being political institutions, political parties in power always, for God's sake are not allied. Hence, the area of good relationship between the two has been always disturbing. The relations, by and large, become more of alienation than of partnership. Even today, after long years, there has been no such good atmosphere of relationship. Every effort to pull up developmental activities appears to have been jeopardized. Who is to be blamed? In this respect the greatest sufferers are the people at the grassroots.

Thus one of the arguments put forth against the institution of ADCs is that in a tiny state like Meghalaya the duplicity of rules is irrelevant. For more than forty years, the condition of development has been lacking, slow, degenerating and does not keep pace with onward march of progress elsewhere. "The state government of our own can provide all the necessary safeguards and protections to our rights and interests. One simple reason, that we share the same benefit in the same state, suffices to justify the irrelevance of these ADCs."20 It is being argued that during the time when Meghalaya was under the state of Assam in which the majority of population were the Assamese who differ from the tribal people of Meghalaya in many aspects like land settlement, customs, language, religious beliefs, marriage customs, clan relationship, mode of inheritance and many other things, it was well and good that they be bestowed with their own political and administrative autonomy. Now they are in their own State. Hence the existence of District councils as per the provisions of Sixth Schedule of the Indian Constitution in their own State is a mere exercise in futility. Time has tested their irrelevance and scholars, researchers and constitutionalists have many things to study to disprove their justification in the present shape of things.

However, looking from a slightly different angle, we can see the confusions and conflicts between the two institutions within the State. This is in regard to the power of the Autonomous District Councils. They are given a fairly good amount of matters on which they can make laws. Many of these matters are also included or co-related with subjects mentioned in the State List. Therefore, because of this overlapping of jurisdiction on such matters unnecessary confusions and conflicts arose. Unless there is proper coordination and cooperation between the ADCs and the state government, no progress could be made in these matters.

The relationship between Autonomous District Councils and the State government has not been so good since its very inception in 1952. There could be some plausible grounds at the time when the District Councils had to work under the Assam government (dominated by the non-tribals) to argue about the lack of sympathy and cooperation from the then state government for efficient functioning of the District Councils (though no specific complaints were ever raised and many laws such as control of money lending and trading by non-tribals were passed during the tenure of the Assam Government). However the fact remained that the tribal people were not satisfied with the limited autonomy under the Assam Government and started demanding formation of a separate tribal State during the early sixties, and this had to be conceded in 1970. It is a stigma that even after the formation of Meghalaya as a full-fledged

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21They have power to make laws in matters like utilization and allotment of land for the purpose of agriculture, grazing or any other purpose likely to promote the interest of the tribals, management of forest (except reserved forest), canals or water course, regulation of jhum cultivation, village and town administration including, police and public health and sanitation, appointment of chiefs and headmen, inheritance of property, marriage, divorce and social customs. Besides the above powers, under Para 3, the Autonomous District Councils can established village councils or courts for trial of all suits and cases, among parties all of whom are tribals and can make rules for regulating them (Para 5&6). They have power to manage primary schools (Para 6), assess and collect land revenue and impose taxes (Para 8) issue license or leases for prospecting of minerals, make regulation for control of money lending and trading by non-tribals.
State the relationship of the Autonomous District Councils with the State is somewhat antagonistic.

**Sixth Schedule vs. Traditional Institutions**

Another aspect of institutional arrangement in Meghalaya is the relationship between the traditional institutions, which are still important for the tribal people of Meghalaya and that of District Councils under the Sixth Schedule to the Constitution. Apart from having a close comparative analysis of the role, power and functions of Autonomous District Councils and the Panchayati Raj institutions as envisaged by the 73rd Amendment, people in Meghalaya have possibly to find suitable adjustments which would fit the traditional socio-political institutions like the Syiemships, Doloiships, Nokmaship and the Durbars (Councils) in the whole scheme. Under the Sixth Schedule, the office of the Syiem, Doloi and Nokma in Khasi, Jaintia and Garo Hills respectively are treated as subordinate officials of the Autonomous District Councils. Most of their traditional power and functions have either been curtailed or taken away by the Autonomous District Councils. Under the provisions of paragraph 3(i) (g) of the Sixth Schedule, the Autonomous District Councils can regulate the appointment and succession of Chiefs and Headmen.

The United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act 1959, and subsequent amendments made provisions for removal and suspension and even debarring the Chiefs, Deputy Chiefs and Acting Chiefs from taking part in politics and elections either to the Parliament, State Legislature and District Council by the Executive Committee of the District Council if in its opinion these incumbents violate the terms and conditions of their appointment. Armed with such constitutional powers, the Autonomous District Council has, therefore, put under it complete control over the traditional institutions. Thus, under the new constitutional set up, the
traditional Chiefs are pushed behind the line of leadership. This constitutional development makes many to ponder over the question - what is going to happen to the traditional socio-political institutions in Meghalaya, if tomorrow the State decides to adopt in letter and spirit the 73rd Amendment to the constitution.

In the case of the Village Durbars (Councils), the Census report of 1961 (united Khasi-Jaintia Hills) remarked “the present powers of the Durbars under the District Councils has greatly been reduced in comparison with its powers under the Chiefs.”22 If the District Councils could interfere in the village affairs, it was more so in the case of the Durbar Raids. The same Census report was again very clear on this point when it added that the part of the Durbar Raid is played by the District Councils. Precisely, because of these facts, the Dolois in Jaintia Hills were under the control of District Councils as per the Sixth Schedule provisions. But most of the Dolois did not like to part with the powers, which they had enjoyed under the British, and some even treated the District Councils with disdain.

Moreover, on many occasions, there have been tussles between the traditional elite represented by the Chiefs and Headmen and the modern political elite of popular elected representatives. On one pretext or another, the Chiefs and Headmen might be suspended or even dismissed by the District Council on charges like insubordination and mal-practices. At one point of time the District Council even suggested to the State government not to correspond with the traditional chiefs directly23. It is therefore obvious that such actions taken by the District Councils created much resentment among the traditional institutions.

One of the reasons of the enduring public resentment in the state is the indifference to the traditional institutions. It is tenable that while

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23 Ibid.
the traditional institutions were independently functioning, some new administrative system was introduced, and thus, the people especially the tribal heads are confounded. Because, this new administrative system takes away virtually all the freedoms they have. This also caused some sort of power struggle between the so-called saviors, the ADCs and the traditional institutions.

In this regard some people have claimed that the Instrument of Accession has not been respected thereby creating a constitutional anomaly. This Instrument of Accession is not just a mere document, but it is a historical commitment especially on the part of the Indian Government. But the hopes and trust of the Khasi States was belied, even no mention was made at the time when the Indian Constitution was framed. It is therefore more than fifty years that the Khasi States and other traditional administrative institutions in Meghalaya have been left in a state of limbo, their powers and whatever functions they have managed to retain since they did not sign the instrument of merger were being eroded. Till today these institutions have been kept out of the economic map of India. The political hegemony in the State and the Center have failed in their duties to recognize the fact that there can never be any economic development and advancement if the people and the traditional administrative functionaries are not fully involved and their confidence not taken into account. This is the very reason that Meghalaya even after thirty years of existence as a separate State could

24This Instrument of Accession was signed by the Khasi States with the suzerain power in New Delhi and was accepted by the Governor General of India on 17 August 1948. Even on 21 Nov. 1949 Muhammad Saadulah, member of the Constituent Assembly and Premier of Assam during 1939-45 had with uncanny foresight cautioned against such a lapse during the third reading of the Draft Constitution of India. He said, "Sir, the Khasi Hills have been regulated to the Sixth Schedule, for which Nicholas Roy is very thankful, but there is a Constitutional anomaly. Although the CA is not to find a remedy for that; yet I may sound a note of warning that this small district of Khasi Hills embraced 25 native states, most of which had treaty rights with the suzerain power in Delhi. They were asked to join the Indian dominion in 1947. The Instrument of Accession accompanied by an annexed Agreement was executed by these chiefs and they were accepted by the central Government." Cited in Sumar Sing Sawian, 'A forgotten national commitment' Shillong times, 10 July 2004. Also see for details White Paper on Indian State- Government of India, Ministry of States, Revised Edition, 1950, Appendix XXV pp. 215-216.
not utilize economic development opportunities especially in the rural areas."\textsuperscript{25}

The traditional institutions are also demanding direct funding and constitutional recognition.\textsuperscript{26} Even a delegation comprising the Federation of Khasi States, the Council of Doloi, and Sirdars met the then Union DONER (Development of North East Region) Minister, P.R Kyndiah. They submitted a memorandum seeking the Union Minister's intervention to address, what it claims, the "Constitutional Anomaly" and the annexation agreement signed between the federation of Khasi States and the government of India on August 17, 1948. The anomaly, according to the delegation, has created "confusion and conflicts" among the Khasi people. The delegation demanded that the Traditional Institutions should be recognized, and their status to function as indigenous institutions be preserve constitutionally.\textsuperscript{27} One significant aspect of this demand by the Traditional Institution is that though these institutes were once decision makers on all matters in their respective elakas\textsuperscript{28}, they are not given any power under the new system of administration in which for everything these traditional institutions have to depend on the ADCs. It has been even argued that the continuing one-upmanship has resulted in Meghalaya not getting the huge benefits of Panchayati Raj which in just a few years has changed the face of rural India, giving more power to the people by promoting actual local self-governance.\textsuperscript{29}

Given the acrimonious power struggle going on between the Autonomous District Councils and the Traditional institutions, in the present system of administration, it will be little impractical to think of

\textsuperscript{25}Sawain, op.cit
\textsuperscript{26}This was expressed in a meeting of traditional Heads of the State in Shillong, \textit{The Meghalayan Guardian}, 28 August 2004.
\textsuperscript{27}\textit{The Meghalayan Guardian}, 12 August 2004.
\textsuperscript{28}Elakas are the territorial extent within the jurisdiction of a village head.
\textsuperscript{29}Panchayati Raj system is not working in Meghalaya. Many even think that there is no need of the Panchayati Raj system in the State as the District Councils and the Traditional Institutions are enough to cater the needs of the people at the grassroots level. See D.D Lapang 'No Need of Panchayati Raj in Meghalaya', \textit{The Sentinel}, 1 Aug., 2004.
bestowing the District Council with more power because this may further neglecting the role of traditional institutions. We need to think whether District Councils needed to be given more power, or Traditional Institutions be strengthen in order to preserve the indigenous system of democracy.

The supreme Court in 1960 in a case of disputes between T. Cajee, Chief Executive Member, United Khasi-Jaintia Hills Autonomous District Council and (Vs) U Jormanik Syiem, Syiem of Mylliem observed that “the position, after coming into force of the Constitution was that the Chiefs lost whatever ruling or administrative powers they had with the merger of these twenty-five (25) States with Assam, and the Governance of these States was to be carried on according to the provisions of the Sixth Schedule”.30 Paradoxically, this new development is a threat to the traditional institutions and whatever may be the democratic practices of the people. It may even be said that with the dawn of the independence and especially with the setting up of the District Councils, the period of an “erosion of democracy” in the area begins.

It may be further stated that as mentioned earlier, the Khasi Hills Autonomous District Council in its amendment to the Principal Act (Act of 1959) on appointment and succession of Chiefs and Headmen, 1980, went even to the extent of passing an Act debarring the Chiefs, Deputy Chiefs and Acting Chiefs in taking any part in politics and elections to the parliament, or State or District Council elections. This is another way of control enforced by the District Council over the traditional Chiefs.

Recently, the executive committee of the Khasi Hills Autonomous District Council passed an order of removal of the Syiem of Mylliem and subsequently followed by the removal of the Syiem of Maharam and Mawsynram. It was only after much public criticism that the Khasi Hills Autonomous District Council authorities came out with a clarification

that the Syiem of Mylliem has been “suspended and not removed”, as there were serious charges against him. Immediately the Syiem of Mylliem moves the High Court challenging the District Council’s order. The honorable High Court’s order went in favor of the Syiem and he immediately took over the administration of the Elaka. The important point to be noted here is not whether the Syiem or other Chief is “suspended or removed,” but how far such action has affected the traditional process and customary laws of the land. Secondly, whether such action of the Autonomous District Council is indicative of the deviation from the traditional customary practices?

This action of the Executive Committee of the District Council has given rise to such comments by a local scholar, who observed “the removal of a Syiem duly elected through traditionally accepted variant democratic process without following or respect to accepted usages and process of tradition and customary laws, respected even by an alien ruler, raise a vital question as to whether the Sixth Schedule of the Indian Constitution works through a channel to preserve or destroy Khasi identity and culture through the preservation of Khasi traditional institutions, such as the Syiemship that form an integral part of Khasi traditional polity.... While democracy is booming everywhere, autocracy has come to stay in the Autonomous District Councils under the cover of the Sixth Schedule aided and abetted by the governor whose assent to those bills passed by the Autonomous District Council is an integral part of the legal game.”31 After the honorable High Court quashed the order of the Khasi Hills Autonomous District Council in terminating the service of the Syiem of Mylliem in 1990, majority of the people of the Syiemship celebrated with joy not because of the victory of the Syiem as an individual, but more as a victory of an institution and traditional Khasi polity against the Autonomous District Councils.

31 Lapang, op.cit.
With regard to the legislative performance of the three District Councils in Meghalaya, in so far as the legislation enacted by the Councils, the performance was not very satisfactory. This is so because since their inception the Council has been able to exercise their legislative powers only in some matters relating to the succession and appointment of Chiefs and Headmen, management and control of the forest and trading by non-tribal people. Even in these matters the District Councils could not effectively implement their Acts. For instance, the KHADC has not been able to appoint any Syiem without difficulties. The appointment made by the District Council was always the appointment of the acting Syiem and not a regular Syiem.

Corruption is another ill that infects the ADCs. Let's just look at the rights of the non-tribal traders to carry on trade. It can be said that there have been a lot of irregularities in issuing trading licenses. For example, in Khasi Hills in 1986-87, 1,452 non-tribal traders were carrying on trade without valid trading licenses from the KHADC and later on, these were detected by the enforcement staff of the Council. Moreover, in the Jaintia Hills, the JHADC had issued more than 400 numbers of trading licenses to non-tribal traders; but from the available information there appears to be quite a number of non-tribal traders (both local and from outside the district) carrying on business in Benami. Similarly, in Garo Hills, the provisions of the regulation are enforced with the assistance of the Superintendent of Trade Licensing sanctioned by the Government for strengthening the machinery of enforcement. But the GHADC (Garo Hills Autonomous District Council) confronted with the problem of payment of salaries to the officers because of inadequacy and irregular release of Government Grants.32

On the other hand, no conscious measures have been undertaken by the District Council to codify any of the social customs. In Khasi Hills,

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the position of the chiefs and their functions remained undefined. There has already been a sense of frustration among the members of the public that the District Councils which were established to provide the people with an opportunity to manage their own affairs have not been acting according to the spirit of the Constitution and may be considered not only as redundant but also expensive institutions after the establishment of a hill State. They have practically no machinery to enforce their laws and order. For example, the Village Court set up by the District Councils has no means to compel the attendance of an accused before it. With the existence of the Autonomous District Councils, the trust seems to be more on legislation rather than codification. Since the customary laws are not codified and uniformly interpreted, the introduction of a uniform system of justice seems to be very difficult.

Altogether, a lot of controversy is going on today as to the relevance of the Sixth Schedule in Meghalaya. Many have a feeling that the Sixth Schedule is no longer relevant. It is even felt that the presence of the District Council is a superfluous burden on the State. Many have expressed their dissatisfaction. That was perhaps the result of the failure of the District Councils to promote the development of the areas under their jurisdiction. Many critics have entertained certain doubts about the role and function of District Councils with regards to rural development and upliftment of the tribal people.

**Tradition- Modernity Interface: A Source of Insecurity**

As mentioned earlier, it is still hard to answer the question “why ADCs are still continuing after the tribals are given a separate state carved out of the erstwhile composite state of Assam? However, one can understand from the fact of diverse communities existing in the “tribal state”, that this may be best way of accommodating diversity within the state. If distinct groups are given some sort of self-rule within the larger state then the possibility of conflicts may be reduced.
We have already studied the limits of the existing scheme of institutional arrangement in the state. It is not surprising, therefore, that ethnic conflict is still perpetuating in Meghalaya. The imposition of certain power on the people in the form of Sixth Schedule and the failure of these institutions in meeting the purpose of their establishment breed a kind of interface between tradition and modernity.

Thus, one possible answer to the question "why continuing ethnic conflict" is the interface between modernization and the traditions with no preparation. This kind of interface is more clearly seen in issues like land relation. Most tribes in the region run their civil affairs according to their community based customary law but the individual based land law of the country is superimposed on them. Because of the disruption it has caused in their lives, one of the demands of many tribes is recognition of their customary law. Even when customary law is recognized, the elite among them tend to interpret it in their own favor. For example, the Sixth Schedule was meant to be a protective measure but it has not been always gone in favor of the community, especially women. The Garos of Meghalaya who come under the Sixth Schedule have experienced a changeover to commercial corps and individual ownership that goes against women and leads to class formation. First it exacerbates the conflict against the "outsiders", who the local people felt were controlling their economy, alienating their livelihood and were attacking their culture.

Secondly, it may become one of the reasons of conflicts among tribal communities within the state. Again, we can take the same example of the Garos in Meghalaya. Of importance is the extent of landlessness among the Garos who were till recently community

ownership dependent matrilineal tribe. When the rubber plantation was introduced among them, the Rubber Board and the financial bodies insisted on individual pattas as preconditions for loans and subsidies. Patta ownership was usually understood as male. It has started a move away from the community to the individual male ownership. Today individual ownership is a fact and male ownership has become a demand of middle class men. Thus, even where the Sixth Schedule recognizes community ownership, the administrative system goes by individual values and set in motion processes that can weaken the tribe. This again resulted in shortages. This shortage forces them to compete among different tribes for the scarce resources. One of its results is hardened identities and exclusive claims over the resources of an area. Each community rewrites its history to declare itself the original inhabitants of a given region, as such the sole claimants to its resources. The Garos are demanding formation of a Garoland comprising all Garo inhabited areas inside and outside Meghalaya including the areas in the Khasi Hills. This has been the biggest bone of contention between the Khasis and the Garos.

This tradition-modernity interface is also seen in the political arena. The difference is visibly seen in the nature of leadership of these two institutions itself. According to the traditional concept of society, leadership patterns are usually rigid and strictly ascriptive. In the case of Khasi and Jaintia Hills, though the society is by tradition a casteless and classless society, the traditional pattern of authority and leadership structure as provided through the traditional institutions was almost the same ascriptive one found elsewhere in India. Thus, in Traditional Institutions leadership was vested in persons belonging to certain original clan or clans (kurs). However, in modern democratic institutions, leadership is provided not by the head of Traditional Institutions but by the educated elite of the society. Modernization has given rise to the emergence of the new political elite in the Khasi-Jaintia society too. But
when all is said and done, the fact remains that the Khasi-Jaintia society has neither been able to entirely discard their traditional institutions nor totally absorb new ideas. At most, their society lies somewhere between transitions from tradition to modernity, which may sometimes be called the "modernity of tradition".\textsuperscript{34} As the Khasi-Jaintia society has not been able to entirely discard their traditional institutions, the same continued to function side by side with the modern institutions. It is in this respect that the tradition-modernity dichotomy comes to the picture.

Since in the previous chapter I have already mentioned some of the traditional institutions which still have importance in the lives of tribal people, it will be enough to say here that the tribal society, including that of Khasi-Jaintia society, had its deep-rooted tribal institutions since time immemorial. However, these pristine institutions have to face severe stress and strains at the oncoming forces of new administrative set-up and the modernization processes. With the advent of such political modernization and development and the emergence of the new institutions in the area, many changes had taken place. At the same time such new developments have had affected the power and functions of the traditional chiefs and institutions. The immediate effect is that the power and functions of these institutions are taken away and put under the control and supervision of the District Councils. This is another blow which was actually first started during the British rule on those institutions and Chiefs who have had the privilege of serving and supervising the administration of their own people according to the tradition, custom and usages of the land.

Neglecting the Marginals: Another Institutional Loophole

One of the reasons why the present existing provisions cannot address the issue of ethnic diversity in the state, over and above the points

\textsuperscript{34}L.S. Gassah, opcit. p. 207.
already mentioned, is that the arrangements take into account the voice of only few majority groups in the region. The fates of the smaller groups are left undecided. The nature of the ethnic relation in the state has been presented in such a manner that the state inhabits only three communities. However the state is the home of nearly 21 communities including those of smaller tribal communities and the groups, which are broadly included within the larger fold of each major groups viz., the khasi, the Jaintia and the Garo; the immigrant communities, etc. That means the state has other ethnic communities, which are different from the three major communities in terms of culture and language. Rabha, Hajong, Koch, Man, Dalu, Banai and Biatte are other important ethnic groups in the state. The present institutional system does not consider these smaller but distinct tribes as important and consequently marginalized in its policy.

If we are to classify these groups in the line of what some multicultural theorists like Will Kymlicka did in the case of western and eastern European countries, it is very difficult to put these ethnic groups in any of the provided category of ethno cultural groups. These groups claim to be original settlers of the region. But, they cannot be identified as national minorities for national minorities are those groups that formed complete and functional societies on their historic homeland prior to being incorporated into a larger state.35 Again, these groups can not properly be classified as immigrants. The reason is that these groups have been there in the state since long before the creation of the state itself and they have attachment to the land as much as the so called indigenous ethnic groups of the state do. If we identify the immigrants on the basis of mere change or shift of residence regardless of the time of

35Will Kymlicka, 2002, Western Political Theory and Ethnic Relations in Eastern Europe, Oxford University Press, Oxford, p. 29. I will try to explain the concept in detail in the next chapter when I analyze the nature of ethnic conflicts in Manipur. This classification of ethnic groups is important as their demands are closely related with the category of the group.
their arrival, then perhaps many major ethnic groups in the state are to be identified as immigrants.

It is worth mentioning that groups like khynriam, which speak a distinct language of Mon-Khmer and have adopted Roman Script for writing;36 the culturally and racially distinct group Lyngam; the Rabha that speak a language that belong to the Bodo group of languages of the Assam-Burmese branch of Tibeto-Burman linguistic group; and Hajong are some of the important tribal communities in the state. Though numerically small, they are culturally and linguistically distinct communities.37

Now, the question is that why do the institutional arrangements in the state take into consideration only those numerically larger groups sidelining the smaller ones. Promoting peace in a multicultural society will be accomplished only when the recognition is granted to all the communities and the respective cultural needs. Lack of recognition to these groups may augment the space of tension in the region. The smaller tribal communities may not assert their claims for the time being but the history of ethnic relation in the region clearly shows that they will sooner or later claim their separate existence as distinct ethnic groups.

One of the very important issues in Meghalaya is the issue of immigrants and immigration. This issue should be taken very seriously as the influx and settlement of the immigrant communities is one of the major problems that broaden the vicinity of ethnic conflicts in the state.

37The larger groups like the Khasi, the Jaintias and the Garos are in fact conglomerates of different tribal groups. For example in general the lyngam people are listed as a part of the larger Khasi tribe and have reserved status but in reality, the lyngams are a distinct group of people both racially and culturally. Similarly, Khasi is a general name given to various tribes and sub tribes that inhabit the Khasi and the Jaintia Hills. This group includes communities such as Amwis, Lynggams, Bhois, Wars, Khynriams, and Pnar or Synteng. See also People of India: Meghalaya, Vol.xxxii, General editor K.S. Singh, Anthropological Survey of India, Seagull Books, Calcutta 1994.
Insecurity: The Real Culprit

Unsatisfactory functioning of the State machinery and the failure of the Sixth Schedule cannot confiscate the insecurity, which has been in the minds of tribals about losing their customary way of life and freedom from outsiders’ control of their socio-politico and economic milieu. Putting fuel to the fire, the interface between the tradition and modernity augments the feeling of uncertainty about the future of their culture and tradition. This feeling of insecurity and uncertainty not only plant a deep sense of revulsion in tribals at the influx of outsiders, it also fuel inter-tribal conflict in the state.

When their culture and traditional values are under threat, and there are pressures on demography and economic resources, the echelon of competition among the groups swells. This is what happening in Meghalaya. Their problem is not only about “protection from outsiders” but also an assortment of defending themselves from other groups within the state.

There is a stiff competition not only among the three major communities but also among various smaller tribes inhabiting the state. In such a state of affairs these communities cannot see anything beyond their own groups. Forget about conflict and competition between Khasi and Garo which are entirely diverse from each other in terms of culture as well as demography, even the so called “brothers”, Khasi and Jaintias are in arms against each other (consider my example on job reservation).

Thus, the most important objective (of yielding a sense of security for their cultural values) is not yet achieved within the existing scheme of institutional arrangement. Without transmitting this sense of security to the tribals, the hope of edifying peace in the state will be just a far cry.

Politics: the Catalyst

Yes, there are differences between various tribal communities in the state. The condition is further exacerbated by the failure of the existing
autonomy scheme being applied in Meghalaya. However, the situation in
the state could have been much different had politicians not played the
spoilsport.

Even in the case of so infamous MBOSE (Meghalaya Board of
Secondary Education), the matter could have been handled without so
much difficulty. A minor technical problem in MBOSE resulted into a cry
for the very bifurcation of Meghalaya itself. The issue got linked to the
political integrity of the state. The location of the MBOSE and its officials
or for that matter, the required revamping and strengthening of its staff
was equated with the ethnic prestige of one Meghalayan tribe or other.
Here the possibility of manipulative and despicable political
brinkmanship cannot be ruled out. Even some have openly condemned
political parties for all these mess. “Such shortsighted politics must be
condemned by all sane citizens of the sstate. What is so intellectually
upsetting and morally offending is the fact that such a call emanates
from persons and political parties who should know better.”38 Thus, even
in this case which could have been solved without much hue and cry,
but for the politicking by vested interests who have now needlessly
politicized the entire issue.

One can gather three very important points from the whole
account. First, these tribal people in the then composite state of Assam
needed a separate state of Hill Tribes to put an end to the step-motherly
attitude and the linguistic intolerance of the Assam Congress; and the
maladministration and corruption in the Government. A large section of
the tribal people did not want to be included in Assam at all. But in the
hope that their economic interest would be well protected and their tribal
way of life will be safeguarded, they agreed to be part of the composite
state of Assam thanks to the effort of some tribal leaders like Nicholas
Roy. It was really difficult for the tribals to protect their economic as well

38Toki Blah, ‘Cracks on a Crumbling Edifice’, The Shillong Times, 18 August 2005. Also see Patricia
as cultural interest in a large state like the erstwhile Assam even though they were having ADCs. In that system of administration in Assam, the domination of Assamese politicians was an established and galling fact. Thus, it is the constant fear of domination by the Assamese and the consequent disintegration and de-tribalization haunt the minds of most Khasi. For instance, the move for imposing the Assamese language made the sensitive suspicious hill men panicky, which prompted them, especially the Khasi, to give all-out support to their own political parties, particularly the APHLC.

The indifferent attitude of the leaders of Assam towards the hill people was not only shown in the question of language. It appeared on many scenes. This approach of indifference towards the tribals could be clearly observed if we carefully analyze the Constituent Assembly Debates when Shri Rohini Kumar Choudhury (Assam General) remarked "we want to assimilate the tribal people. We were not given that opportunity so far. The tribal people, however, much they like (?) had not the opportunity of assimilation... If you want to keep them separate, they will combine with Tibet, with Burma, they will never combine with the rest of India..."39

Reacting sharply on this ethnocentric remark, Rev. J.J.M Nichols Roy said among other things "To say that the culture of these people (tribal) must be swallowed by another culture unless it is a better culture, and unless it be a process of gradual evolution, is rather very surprising to any one who wants to build up India as a nation and bring all the people together."40

On the one hand different ethnic groups in the state want their traditional institutions to be recognized, which they consider would authentically reproduce their nostalgia for 'self-rule' and 'sovereign legitimacy', and on the other hand, within the institutional arrangement

39 Constituent Assembly of India Debates, vol. IX. Lok Sabha Secretariat, Delhi 1943, p. 1015
40 Ibid., p.1021
of the Sixth Schedule the traditional institutions have little freedom and autonomy. Consequentially in the 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 autonomous institutions. It is quite understandable from the linguistic policy of the Assam Government that even though the tribal districts are given the status of being ADCs, which in fact are under the control of the state Government, the interest of the tribal people are not well protected. Some of the most important objectives of the formation of the APHLC was to take effective steps against the Assam Government’s “attempt to destroy the hill tribal customs and ways of life, the exploitation of Hill’s natural and mineral resources for the benefit of the plain people, and above all, the ignoble humiliation of being second class citizens in the land of their (hill people’s) birth; to protect the hill people’s racial and cultural identities as guaranteed by the Indian Constitution; to demand for the formation of a separate Hill State in which all the hill people would be able to work out their destiny as free citizens of India.”41 And thus, the tribes felt that the provisions of the Sixth Schedule were not adequate to meet their aspirations and desire to manage their own affairs and to safeguard their interest.

Secondly, it is not clear to us why two ‘different communities’ viz., the Khasi and the Garo, were together granted a separate state called Meghalaya? Both the communities are claiming that they are different ethnic groups and are belong to different geographical expanses even though they are in the geo-political region called the Northeast. The only similarity is that they happened to be part of the erstwhile composite state of Assam. On what basis are they clubbed together? To me it was neither linguistic (Khasis speak a Monkhmer language; Garos speak a

41Mathur, op. cit., p. 117.
Tibeto-Burmese Language)\textsuperscript{42} nor ethnic (though it seems to be ethnic). This is also clear from what had been mentioned in the original The Assam Re-Organization (Meghalaya Act, 1969), that it even provided the separate options to the Mikhir Hills Autonomous District and the North Cachar Hills Autonomous District to become part of Meghalaya.\textsuperscript{43} It is not on the basis of geographical closeness too because in the hilly region, these two territories are quite apart. There is no proper connecting road between the two regions. If one wants to go to the other region it should be via Gauhati, the major city of Assam from which Meghalaya had been separated. Even the Sub-Committee, which was constituted to look into the matters relating to the tribal and ‘excluded areas’ of Assam, submitted its report without visiting Garo Hills District and the Jawai sub-division of the Khasi Hills District on account of “bad weather and difficult communications”.\textsuperscript{44} Even as regards the degree of development and education, they were quite different.\textsuperscript{45}

However, one can imagine that all the tribals have one similar goal, that is to protect them from exploitation by the people of the plains on account of the latter’s superior organization, education and experience in business. In addition to these points, there is a question of preserving their ways of life and language and method of cultivation etc. and the common feeling among the tribals that there could be adequate protection in these matters only by transferring the government of the area entirely into the hands of the hill people themselves. But leaders on both the sides, Union Government and the tribals themselves forget to think on such an important point concerning the mechanism to accommodate diversity within the so-called tribal state. Didn’t they see any possible future inter-ethnic conflict in the new state?

\textsuperscript{42}Hansaria, op. cit., p. 220. Also see B. Shiva Rao, (ed.), The Framing of India’s Constitution, Selected Document, Vol. III.
\textsuperscript{43}ibid. p. 410.
\textsuperscript{44}ibid. p. 220. Also see Rao, op.cit.
\textsuperscript{45}This was clearly mentioned in the Bordoloi Sub Committee Report on the North East Frontier (Assam) Tribal and Excluded Areas.
The movement of the hill leaders, especially from the Khasi-Jaintia Hills and the Garo hills, to forge unity and solidarity among the hill peoples towards the formation of a separate state with a view to protecting and indicating their rights and privileges against the ugly and unwelcome face of the chauvinistic “Assamization” campaign which was positively harmful and humiliating to tribal culture was very strong. And the leaders were fighting for the separate state on the ground of meeting the needs of an imagined homogeneous tribal people and solving their problems in a better way than what was being done by the existing heterogeneous state of Assam. With that and the smallness of the size of the population, the three groups - the Khasi, the Jaintias and the Garos came together to demand for a common state.

The EITU was formed to take up matters affecting “common interest” of all the tribal leaders and to urge the Government of India to bring together all the hill people of Eastern India under one administration. EITU swept the polls in 1957 on the Hill State issue and became part of the coalition Government in the Assam Assembly. The EITU-Congress coalition did not work well. Hitches were created and intensified and the situation reached the point of explosion in 1960 when the Assamese dominated State government pushed through a bill in the Legislature to declare Assamese as the official language of the state.

Finally, jurisdiction and composition of the ADCs also have its own limitations. It is said that ADCs will promote and protect the culture of “the tribal” community. Looking at the provisions of the Sixth Schedule to the Constitution it seems that each ADC is created for a particular community. However in reality there are many cultural groups under the jurisdiction of a particular ADC. This is because of the fact that its authority is based on territory rather than community. For example, Khasi Hills’ Autonomous District Council has authority over any tribal group residing within this particular geographical territory. The criteria
of territory rather than community led to the disintegration of Khasi-Jaintia Hills Autonomous District Council.

Garo Hills Autonomous District Council also faces similar problems. Other indigenous tribal groups in the Garo Hills have started claiming that their cultural distinctiveness has not been recognized. In a memorandum submitted to the Union Tribal Affairs Minister, the All India Hajong Welfare Association mentioned that “with the Garos having the Laskar system, the Khasis the Syiem system, and the Jaintias having the Doloi System, the Hajongs are seeking the position and power enjoyed by the Gaonburas... the Hajongs expressed shock that there is no reservation of posts or services in favor of the indigenous Hajongs of Meghalaya who are also the first inhabitants of the state along with the Khasis, Jaintias and the Garos”. 46

Why civil society need to come out in the street to protect the indigenous communities when they have a special body to safeguard them? Why student bodies need to carry out raids over migrants and check the influx? Whose job is this? Is this political system able to find some manner in which power is exercised in utilizing the state’s economic and social resources for development?

The political system in Meghalaya, and there is reason to believe that this applies to all other Northeast states, has been perpetuated on the belief and assumption that politics is an end in itself. If resources at all have been utilized, they have been utilized for the benefit of a privilege few rather than for the good of the masses. Public service is seen more and more as a lucrative business venture than a calling. Political parties prefer candidates with the ability to invest to win, never mind how the investor manages his returns. The criteria of ability, commitment and integrity are usually given short thrift. The outcome of such policies has

46The Shillong Times, 29, January, 2003. The Laskar system, the Syiemship, the Doloi are the Traditional institutions which the ADCs are supposed to preserve. So is Gaonburas, traditional institute of the Hajongs who are settled in the Garo Hills of Meghalaya.
often resulted in the emergence of leaders who neither have the capability nor the desire to exercise their power for the good of the state and its people. Once, a student leader during my fieldwork told me that getting elected to the ADCs is the first step towards becoming MLA. People feel that the sole aim of members of ADCs is to climb up the political ladder and development of the public never bothers them and this shows the real aim of a politician fighting for the ADC election. Instead of working sincerely towards bringing a sense of security among the people who think that their identity, culture and natural resources are under threat of exploitation, which in turn has given rise to wide scale resentment, politicians are building close proximity with the underground groups and become part of the extortion and kidnapping dramas.47 “The sad thing is that the councils appear least concerned about protecting the cultures and traditions of the indigenous people. Instead the ADCs are being used by their members as training grounds for political gains. A classic case is the Jaintia Hills Autonomous District Council. It is yet to complete the process of framing proper and relevant customary laws of the Pnar people.”48 ADCs turn into mere political spring boards for members.

The ADC has many roles to play in order to safeguard the tribal ways of life. It has to see whether the economic interest of the tribals is properly protected through the issuing of trading license to the non-tribes. However, there are charges against functioning of these institutions. It is claimed that the very purpose of the Sixth Schedule of the Indian Constitution, which call for protection of tribal interest was defeated at the alter of corruption and bribery. “The KHADC has to stop issuing or renewing of “trading license” failing which we will go for drastic

47Such cases of politicians–underground nexus have been reported by media quite often. For a special case in this regard see Hindustan Times, 26 Jan.2004. This report also shows the findings of a study of history of the District Councils which shows that most of the members of the state legislative Assembly had their political training on the floor of the ADCs.
action" were the words of some organizations of the tribal people in the state. It is also mentioned that as per the agreement reached among the organization, FKJGP (Federation of Khasi, Jaintia and Garo People) KHADC and Syiem of Mylliem in 1990, only 524 genuine non-tribal traders were allowed to operate their business in Iewduh. However, this agreement was not respected by both the KHADC and Syiem of Mylliem and trading licenses are being issued in open violation of the agreement.

This case of trading license is just the tip of the iceberg. There are many such cases of complaint against the ADCs in the state. As mentioned earlier, different system of administration had been applied over the people who otherwise have many things in common. This separation of the people through different system of administration continued till the eve of independence. Then again, after independence these ‘different people’ were put together under single District Council called United Khasi-Jaintia Hills District Council. This is the first reason for which the Jaintias started agitations since 1957 for a separate District Council. Here began the politics of number and competition not merely on the basis of cultural domination but on better administration and opportunities. However this had been presented in such a way that anything short of separate District Council would hamper their cultural identity. In a memorandum submitted in 1957 by the representatives of the District Council and others from Jowai Sub-Division to the then

49 ‘The Management and Control of Market Act 1953’ and ‘the Management and Control of Market Rules 1957’ brought all the market of the district under the control of the Executive Committee of the ADC. Again, ‘Trading by Non-Tribals Regulation Act 1954’ provides the Khasis and other tribals freedom to carry on wholesale or retail business without a license while the non-tribals are required to obtain license from the District Council for carrying on such business. This Act aims to check the excessive exploitation of the tribals by merchants and traders from the plains. This Act also induced many Khasi to start new business ventures.

50 This was reported in Shillong Times, 25 August 2004. In the same report it is mentioned that the media persons, who were present during a raid, witnessed the failure of the KHADC to strictly enforce trading license rules. Hundreds of non-tribal shopkeepers inspected during the raid did not even have valid trading license and some of them even expressed surprise about the need for the license. Certain members of the KHADC Enforcement Wing were indulging in "monthly extortion" from traders having no license.
Union Home Minister, Pt. G.B. Pant it is clearly mentioned that “we have come to the conclusion that nothing short of separate District Council would solve our problem and that such separate District Council is quite possible and feasible.... Last but not the least we beg to express our feelings that in case the authority does not find it proper to grant us a separate District Council of our own, we would prefer to be served from the District and even centrally administered as otherwise there is genuine fear that our race as distinct people with age old culture and custom would gradually disappear as a result of domination by the majority of the U.K. and J. Hills District Council as at present constituted.”

**Playing Ethnic Cards: Manipulating Group identity**

Now we need to discuss the reasons behind these ethnic conflicts, demands for separate state and autonomy by various groups in the state from a different angle. Many militant groups in the state are having ceasefire agreement with the Center in the hope of getting their demands for separate state or administrative units on ethnic lines. Now, the question is that whether these sort of demands (if fulfilled) will be capable enough to resolve the ethnic crisis in the state. Whose interest are they fighting for? Do the leaders have the legitimacy at all? When the groups are having separate administrative units and cultural autonomy provided through the ADCs and the tribes exist in separate geographical areas, what is the real reason for such demands?

Many people even call these outfits gangs. These outfits have little support from the people at large. Regarding a bandh called by an outfit called Retrieval of Indigenous Unified Front (RIUF) one author wrote “.... Meghalaya police arrested seven members of the gang, including top members of the outfit and whatever weaponry they had and nipped their wild intentions in the bud. People in the Meghalaya were very happy with this positive development and were all set to celebrate Independence Day
without any inhibitions when all of a sudden HNLC, through the local media, called for a boycott of the Independence Day last Saturday. This was, of course, not totally unexpected. The HNLC has never had any ideology. They were a group of armed men who survive on extortion by intimidation, violence and murder. They have survived mainly because people in Meghalaya are still unduly emotional about their ethnic identity and secondly because they are in the grip of an irrational fear of being swamped by the outsiders. It is also said that these militant organizations survive because of the fact that they are ‘beast fed’ by the local politicians. In the 90s when militants announced their arrival, the population was dumbstruck with fear. People spoke in hushed tones almost as if they were referring to the legendary phantom that could make his appearance out of nowhere. Even there was a mystical image attached to the name Hynniewtrep Achic Liberation Council (HALC).

Thus, many people who are leading organizations in the state are using card of ethnic identity and their diminishing culture. But the question is that do these ethnic groups, who already have separate ADCs, need further separation? Why the population, which despite having a state of their own carved out of Assam in 1972, still felt cheated and dissatisfied. Sometimes it is said that the Khasis were delusional in thinking that a separate state ruled by the tribal elite would solve all of their problems. The truth was that problems are still there: ethnic conflicts, unemployment and each year more and more people were dipping below the poverty line. "The problem was not being with Assam, although imposition of the Assamese language did add to the legitimacy of the demand for a separate tribal state. The problem was that the new breed of politicians who took over had no vision for the state and its people. They nurtured personal ambitions which were fulfilled

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immediately upon their becoming elected representatives and holding the post of ministers”.  

The tribes were brought together on the demand for statehood when the Khasi evangelist leader, Revernd J.J.M Nichols Roy, was campaigning for the sixth schedule in 1946, 25 years before the birth of Meghalaya. He wrote, “The Garos destiny was linked to the Khasi and Jaintia Hills, which were contiguous area. To separate the Garo Hills will set back the hands of the clock of progress.” So when Meghalaya was carved out of Assam, it comprises the Khasi Hills and Jaintia Hills, as also the Garo Hills.

If it was tribal versus non-tribal in the previous decades, today’s politics is governed by the divide between Khasi and Garo. Right from the issue of “quota system” which is the cause of much inter-tribal heartburn to the chain of protest in the Khasi and the Garo Hills over bifurcation or relocating the education board, the politician in the state left nothing without pouncing upon and this resulted in the two tribes voicing demands for separate states. It is true that manipulating group identity is easy when leaders exaggerate need and anxieties.

It is at such times that a leader’s role can be crucial. What Vamik Volkan, emeritus Professor of Psychology at the University of Virginia, said is well applied here? He wrote, “A strong leader reinforces a group’s symptoms and may encourage the followers to make attempts at progression”. With some leaders in the state championing the Statehood crusade, long suffering citizens of Meghalaya are now speaking of the dearth of statesmen and visionaries who can steer them out of the crisis. “Since 1979 the fear psychosis of being swamped by outsiders has been the instrument of choice used by politicians in Meghalaya. But even thirty years hence we have obstinately refused to

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52Mukhim, op.cit.
54Mukhim, op.cit.
change. Even today it is easy to dupe us with sophistry. Like the monkey that digs at its own wounds we seem to have specialized in creating this climate of insecurity. It may be because insecurity has itself become our great need. It is easier to blame the phantoms for our own lack of enterprise and initiative, than to face facts.

It is true that the demand for a separate state springs from a desire for recognition. Sociologists and behavioral scientists agree on the hypothesis that the central motive behind such action is self-gratification. Feeling of inadequacy is invariably channeled into an exercise in scapegoating, blaming others for one’s real or imagined shortcomings. As a result, the Khasi and Garo Hills have become a divided world of “us” and “them”. Scapegoating is a convenient tool for most politicians, especially those in the wilderness. In the past decades, the scapegoat was the non-tribal.

The scenario has shifted to tribal versus tribal now. The rumblings can be felt everywhere in the state. The Union Minister of State for Programme Implementation, Oscar Fernandes, on a visit to Shillong to look into the crisis once said that the demand of bifurcation of Meghalaya “did not reflect the aspirations of the people”.

**Equal Concern: A Missing Value**

So far we have been discussing some of the very important aspects of ethnic relation and institutional arrangement made to pacify the existing

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57 For example, during the incident of MBOSE, many people wrote about the politicization of the issue beyond the limit. Such issues have been exploited by aspiring politicians and those in the thick of politics. But academicians fail to fathom the rationale behind the demand for another secretary for the MBOSE office here in Shillong, the state capital as such there are the principal Secretary, Education; the Commissioner and Secretary, Education who is also ex-officio Chairman, BOSE, besides Director, Education, and they are all based in Shillong whereas the existing MBOSE office at Tura is in Charge of the Assistant Director and the Secretary. All policy decisions pertaining to the functioning of MBOSE taken in Shillong as the Minister-in-charge Education is also based here. In the given situation, another secretary for the MBOSE office here in Shillong will hardly serve any purpose.
conflict among various groups. Yet there is one more feature of the problem.

Every State, which inhabits multiple number of ethnic groups within its boundary, tends to produce various sorts of conflict among them. Some may be in the form of majority-minority conflict and in some context it may be in the form of inter-minority tussle; but the tendency of ethnic conflict in such conditions remained virtually universal.

When we look at the problem, it is comprehensible that cultural mis-recognition or non-recognition which itself is a hurdle in the creation of 'equal citizenship', is one of the biggest cause of tension in any given multiethnic state. And it is this that was happening in the erstwhile composite state of Assam. This cultural misrecognition led not only to demeaning interpretation of the minority culture but also to domination of majority community over the minorities, which in turn led to the material exploitation of the minorities. This was the primary concern for the hill tribal communities struggling to have territorial autonomy. The force of cultural misrecognition was so strong that even the culturally different groups combined to fight for a common territory. They have a common interest in the protection of tribal culture and their economy from the 'majority domination'. Thus, regardless of their internal differences these tribals' common demand was recognition of their customary laws and protection from the plain people. This was perhaps the most important reason for the tribes to come together to demand for a common state.

Now, two important values of multicultural policies have been more or less fulfilled by granting autonomy to the minorities - first, in the form of ADCs and later by creating a separate tribal state. It is, in fact a model of recognition of the values of cultures of minority communities. Very interestingly, the three 'major' communities in Meghalaya are given, within their tribal state, separate autonomy by retaining ADCs. This is again some sort of territorial autonomy but of lesser degree. This is
perhaps the best option in the minds of the leaders at that time for promoting the principle of "survival of culture".

Again, by creating a separate state, even though it is given as "tribal state", it tries to preserve the basic democratic values of liberal polity. Thus, it also takes care of another principle of multicultural policies namely, basic democratic values.

Of the three important principles (I explained these principles in the first Chapter) which need to be taken care of whenever we form multicultural policies viz., survival of cultures; promotion of basic democratic value and the equality of treatment, the first two principles have been more or less met within the framework of the existing institutional arrangement.

However, the last few decades have witnessed a resurgence of ethnic turmoil in the state. One of the reasons for continuing ethnic conflict in the state is the lack of equal concern among the three groups. This creates some sort of disparity between the groups. The best example of this state of affair is the case of reservation policy that maintains the formula 40:40:20.

One may ask 'when all the groups are given their own space of survival and autonomy to practice and preserve their customs, why the question of the lack of equal concern be raised?' But there is in fact an 'invisible line of tension'. This happens because of the lack of synchronization or cooperation between the groups. This invisible line of tension also creates space for the self-seeking leaders to politicize small matters often leading to conflicts.

Let us, for a moment, go to a hypothetical situation in which all the three major communities in the state are given equal share of everything; equal reservation on the basis of either population or cutting across sizes; secretariat of MBOSE (Meghalaya Board of Secondary Education) to all District Head Quarters, but within the single state of
Meghalaya. Can we be sure that there will be no further conflict in the state on ethnic line?

Even in such situation there will be no certainty of peace. On the one hand there is the possibility of political manipulation of any situation. Look at on what basis Jaintias demand 30:30:30:10 point reservation; on what basis the Garos want to retain the existing 40:40:20 point and on what basis the Khasis want 50% for Khasi and Jaintia combine.

When different groups are located within a single territory, there is always a tendency of conflict. Even if ADCs work properly for the protection of cultural practices of indigenous ethnic groups, that won't be enough when it comes to the maintenance of ethnic relation in the particular territory. For that we need certain other mechanism to deal with such conflicts. As mentioned earlier, most of the civil societies are organized on the basis of ethnicity. This again adds fuel to the fire. They are pitted against each other. Now the major question is not about the promotion of ethnic culture or the strengthening of each ethnic group that has been doing through the institution of ADCs. The point is to create atmosphere of equilibrium among these groups. That equilibrium cannot be created through territorial based autonomy or by dividing the existing state further.

This lack of synchronization or cooperation again generates misunderstanding between the groups, which often leads to conflict. Tribal groups in the state often thought of being dominated by the other because of mere geographical locations. However, this is not the case. But it happens because of the lack of synchronization or cooperation and misunderstanding between the groups. The case of MBOSE well illustrates this.

Therefore, besides the existing institutions in the state which take care of the basic democratic values of a liberal society and the value of
the 'survival of culture', there should be one more institution through which 'equal concern' of all the communities can be taken care of.

**Concluding Remark**

The causes of ethnic conflict in the state are manifold. Amongst many such causes three can be mentioned here. Firstly, it is the feeling of insecurity on the part of the tribal communities in the state due to which they not only have a trepidation of culturally, economically and demographically swamped by the outsiders, but also a space of mistrust between the tribals themselves has been shaped. Secondly, it is the self-centered leaders or the politicians who are playing major roles in the continuance of ethnic tension in the state. Third ethnic conflicts are still haunting the state as the existing institutional arrangements are having loopholes. We have seen that there are problems with the kind of existing institutional arrangement in Meghalaya. These arrangements neither resolve the ethnic problems nor address the issue of diversity adequately.

Thus, culture plays a very important role in the social and political life of communities and individuals alike. Disrespect for one's culture may steer to conflict and violence. As it is important for every community, its values should be protected and even promoted.

Yet again, simply respecting or promoting cultures of different groups cannot bring peace in a state, where multiple numbers of ethnic groups exist. And even respecting or promoting cultures of all communities is difficult task when politics play spoilsports. In a State that is more or less uni-lingual or uni-ethnic like that of Tamil Nadu, the chances of self oriented politicians playing ethnic card for gaining popularity or election victory may not be so strong. However, in a multiethnic state like Meghalaya, this kind of politics plays a major role.

Altogether then, the present institutional arrangement in the state has certain limitation due to which peace cannot be heaved in the state. However, before coming to the question of alternative institutional
arrangement we need to study the case of Manipur, whether the same causes in Meghalaya steer of ethnic conflict in the state: do we still need to apply the same scheme of administration in the Manipur for promoting peace? These questions will form central premise of analysis in the next chapter.