DEMAND FOR CONSTITUTIONAL RECOGNITION

The United Khasi-Jaiñtia Hills Autonomous District Council legislated on a number of subjects under provisions of the Sixth Schedule. These legislations affected the position and administration of the Khasi traditional heads, *ki Syiem, ki Lyngdoh, ki Sirdar* who till 1950 had been vested with new administrative and legal responsibilities, a result of implementing the provisions of the Instrument of Accession. The effect of the principal legislations such as the United Khasi-Jaiñtia Hills Autonomous District (Management and Control of Markets) Act, 1953 and the United Khasi-Jaiñtia Hills District (Trading by Non-Tribals) Regulation, 1954 did not bring to the forefront the strain in the Autonomous District Council-*Syiem* relations compared to the United Khasi-Jaiñtia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959. This is partly because pending litigation in the courts slowed down the

---

1 With the formation of Meghalaya and subsequently, the renaming of bifurcated districts as the Khasi Hills District and the Jaiñtia Hills District in 1973, the respective District Councils came to be named as the Khasi Hills Autonomous District Council and the Jaiñtia Hills Autonomous District Council.
procedure of applying these Acts, Regulations and Rules and partly because the Khasi Hills Autonomous District Council itself was not capable of implementing them. Traditional heads often bypassed the authority of the Khasi Hills Autonomous District Council and such instances went unnoticed or firm measures were not taken to address these irregularities. The principal legislation that gained the attention of the public was the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959. This legislation brought to the forefront the clash of authority, interests and objectives between the KHADC and the traditional heads and also brought to the fore the power play of politics. In exercising paragraph 6 of this Act, the KHADC suspended traditional heads of a number of Khasi principalities, *ki Hima* Khasi through various orders and defended its actions on the basis of conditions laid down in the said Act. The traditional heads and their Councils resisted these attempts citing various instances of customary law and most often knocked on the doors of justice as the final arbiter to this often seen ‘tug-of-war’. The immediate result of litigation was the interim stay order which permitted the reinstatement of the suspended *Syiem* pending an enquiry.
In a recent development the full fledged Syiem of Mylliem, Latho Manik Syiem who was appointed Syiem only on February 23rd, 2007 was suspended by the KHADC on January 6th, 2009 for “alleged financial management and arbitrary style of functioning”\(^2\). The suspended Syiem filed a petition in the Shillong Bench of the Gauhati High Court against his suspension. In its order on January 9th, 2009 the Court stayed the suspension order passed by the KHADC and directed that Latho Manik Syiem be reinstated as the Syiem. Another affect of suspension is the appointment of an ‘Acting’ Syiem by the KHADC which became a common practice. The traditional administrative heads and the Dorbars of the various Khasi states were against this practice which was alien to customary law. This practice denied the Khasi state the installation of a full-fledged Syiem as litigation would carry on for many years and this caretaker traditional head, the Acting Syiem, would also continue for an indefinite period of time. This tussle for supremacy further deteriorated the relations between the KHADC and the Syiem and his Dorbar. The relevance of these traditional political institutions was also questioned as they declined to accommodate themselves to changes that have taken place in society. They failed to fit into any ‘development

package' announced by the Central Government or even the state government as their structure was rigid and their composition gender-biased. Thus, when development schemes were implemented in various parts of the district, these traditional political institutions were never a component of the participatory model of such schemes. Realizing that their grasp over the community and their relevance to the society were slowly slipping away, these traditional political institutions sought to revive their place amidst this avalanche of political change that had taken place in the Khasi Hills since 1950.

In a very candid admission, the Syiem of Khyrim, Balajied S. Syiem during an interview in 1998 admitted that some traditional heads have been responsible for harming the society due to their usurpation of power. He was however confident that traditional political institutions can also contribute towards a better, modern society. To him, the Instrument of Accession was very much alive. It is a source of social strength through which traditional political institutions can petition for their rights which had been taken away. This interview marks a bold admission by the Syiem of the inability of traditional institutions to harmoniously co-exist with the Khasi Hills.

---

3 Grassroots Voices, October 26 – November 1, 1998, pp. 5 & 7.
Autonomous District Council and a call to delve back into history and to the Instrument of Accession which had defined the status of the Khasi states. It set the tone for a series of events in the following years which aimed at reviving the significance of the Khasi states and the Federation of Khasi States and significantly, the demand for constitutional recognition of these traditional political institutions. The simmering undercurrent of discord that was visible for decades finally overflowed into the public arena when heads of other traditional political institutions boldly joined in this chorus demanding for political recognition. This demand for constitutional recognition was mobilized principally by the Syiem of Khyrim, the Syiem of Mylliem and their respective councils, *ki Dorbar*. The Syiems of these two principal Khasi states turned back to their people, *ki khun ki hajar*, through referendums seeking their opinion whether traditional practices and customs peculiar to this race of people should continue or be done away with? The Syiems and their Dorbars needed a catalyst to kindle this demand before the public. They found this catalyst in John F. Kharshiing, a social activist, who did not hesitate to take up this demand for constitutional recognition of the Khasi states. His involvement with these traditional political institutions in various capacities, over the next few years, witnessed an intense debate.
between them and the KHADC. The response to retain these traditional practices and customs was encouraging. The Khasi states also questioned the Government of India's failure to honour clauses of the Instrument of Accession when it instead approved the establishment of the Autonomous District Council. This step spelt the death knell of these traditional political institutions for it created new fiefdoms for members of the Autonomous District Councils.

To elicit the opinion of its residents on issues affecting traditions and culture, Hima Mylliem convened a popular Assembly, *ka Dorbar Hima* on December 12th, 2000. This extraordinary Assembly witnessed the attendance of a large gathering of traditional heads, elders and residents of the component units (villages and communes) which made up the Hima. The Assembly discussed and unanimously endorsed a number of resolutions:

a) the need to preserve the age old customs, usages and traditional institutions of the Khasi race;

b) the need to modify these customs, usages and traditional institutions in the context of changes that are taking place in Khasi society;
c) the need to seek constitutional recognition for and protection of the Khasi traditional institutions;

d) the establishment to a Steering Committee which would be empowered to draft and submit a memorandum to the National Commission to Review the Working of the Constitution to achieve legal recognition of the Khasi traditional institutions\(^4\).

Earlier on August 28\(^{th}\), 1999, *Hima* Khyrim had convened a State Council, *ka Dorbar Hima* to discuss various issues related to the *Hima*. The members present at this *Dorbar* which included the *Syiem*, the *Lyngskor*, the *Lyngdohs* and *Myntris* along with the residents of their respective communes and invitees, unanimously approved the decision to demand for constitutional recognition of the Khasi states. These endorsements of both *Hima* Khyrim and Mylliem received an impetus with the Government of India setting up the National Commission to Review the Working of the Constitution under the Chairpersonship of Justice M.N. Venkatachaliah.

DRAFT PROPOSAL FOR AMENDMENT OF THE SIXTH SCHEDULE

The enactment of the 73rd and 74th Amendments to the Constitution of India in 1993 delegated a substantial degree of financial and administrative autonomy to local bodies across the country. This delegation of autonomy was not shared by local bodies that came under the purview of the Sixth Schedule. To bring about parity in the powers, functions and responsibilities mandated to institutions under the third tier of governance, the Ministry of Home Affairs, Government of India showed its inclination to review various provisions of the Sixth Schedule. In 1999, a proposal to amend the Sixth Schedule was initiated by the Ministry of Home Affairs, Government of India. The rationale behind this proposal to amend the Sixth Schedule was premised on five issues:

a) the mandatory creation of Village Councils;

b) devolution of powers from the state governments to the District Councils and to Village Councils;

c) the setting up of State Finance Commissions to mandatorily provide for devolution of funds;
d) dissolution provisions for protection from dissolution;

e) reservation of seats for women and universal adult franchise

A draft proposal was prepared and sent to the concerned state
governments and District Councils to elicit their views. The three
Autonomous District Councils of Meghalaya held a meeting at Jowai, Jaintia
Hills on July 16th, 1999 to examine and to discuss the various provisions of
the said proposal and to offer suggestions on the proposed amendments.
Some of recommended amendments, relevant to the existence and
functioning of the traditional political institutions of the Khasi, Jaintia and
Garo communities, invited observations and comments from these ADCs.

a) The proposed draft suggested the creation of Village Councils and
Municipal Councils for areas within an autonomous district. The
Autonomous District Councils of Meghalaya pointed out that there are
only a few urban areas where Municipal Councils may be considered
(Jowai, Mairang, Nongstoin and Nongpoh). Other villages are too

---

5 Minutes of Meeting held on 23.07.99 at 11:00A.M. at New Delhi to discuss proposals
regarding Amendment of VI Schedule etc., pp.5-6.
small and too distantly separated to be considered for the purpose of setting up Municipal Councils.

b) Another proposal suggested that one-third of the total number of seats in each Council (Autonomous District, Regional, Municipal or Village) shall be reserved for women. The Autonomous District Councils observed that this proposal may not be applied to Meghalaya as the status of tribal women in the society is equal to that of men where inheritance of wealth and property and the clan's name or title flows to and from the female. This proposed amendment of reservation may thus be construed as tribal women occupying an inferior position to tribal men, when they actually enjoy wide latitude of equality and freedom. Moreover, in the social structure both at the middle and village level, office is held on the basis of election or as per customs, traditions and practices.

c) It was proposed that the Governor shall by rule provide for making such grant-in-aid to the District/Regional Councils and Municipal/Village Councils from the Consolidated Fund of the State. This proposal according to the Autonomous District Councils may not be practical as the State itself is constrained for funds.
d) The Autonomous District Councils of Meghalaya strongly pleaded that suitable and appropriate amendments and provisions under Article 275 and Article 280\(^6\) of the Constitution of India be made to provide funds to ADCs by way of subventing their resources both for their administrative cost and to undertake development works as per competency of the Councils under provisions of the Sixth Schedule\(^7\).

e) Other proposals in the draft suggested:

i) all members of the Village Councils shall be elected on the basis of adult suffrage;

ii) every Village Council shall continue for five years from the date appointed for its first meeting and no longer;

iii) the superintendence, direction and control of the preparation of electoral rolls for and the conduct of all elections to all Councils in the Sixth Schedule shall be vested in the State Election Commission.

---

\(^6\) Article 275 relates to Grants from the Union to certain states while Article 280 relates to the Finance Commission and its duties.

\(^7\) Background Notes on The Sixth Schedule to the Constitution of India and the Proposed Amendments, 1999, Proposal submitted by the ADCs of Meghalaya at the meeting held on 23.7.99 in New Delhi to discuss proposals regarding amendment of VI Schedule, pp.6-7.
Commission constituted under Article 243 of the Constitution of India;

iv) the Governor of the State shall endow by rule every Council with such powers and authority as may be deemed necessary to enable them to function as institutions of self government. Such rules shall contain provisions for the devolution of powers and responsibilities upon the said Councils subject to certain conditions in respect of a) preparation of plans for economic development and social justice; b) implementation of schemes for the economic development and social justice as may be entrusted to them including those in relation to matters listed in the Eleventh Schedule of the Constitution of India.

In their comments to these proposed amendments the Autonomous District Councils of Meghalaya noted that a perplexing situation is sure to arise “as the new proposals appear to impinge upon tribal customs, traditions and culture and on the functioning of their vibrant democratic set ups and other traditional institutions of Syiemships, Lyngdohships, Wahadadarships, Sirdarships, the Doloiships, Nokmaships along with the traditional Village
Councils or Durbars. They further noted that "the new proposals, it is feared, may also tend to circumscribe and marginalize the Council's powers and potentiality and the effectiveness of the Council as originally provided by the Hon’ble framers of the Constitution when, 50 years ago, the Tribes deposited their trust for their welfare and progress under the aegis of the benign and able hands of the central government".

A crucial meeting was convened by the Ministry of Home Affairs at New Delhi on July 23rd, 1999 to discuss the draft proposal for amending the Sixth Schedule. The meeting was attended by senior government officials of the central government as well as officials of some states of North-East India such as Assam, Meghalaya and Mizoram, members of District Councils from the states of Assam, Meghalaya, Mizoram and Tripura and also by a Member of Parliament (Rajya Sabha). The Principal Secretary, District Council Affairs, Government of Meghalaya in his observations at the meeting pointed out that the Khasi village society has a vibrant system and constituting the village council (as proposed in the amendment to the Sixth Schedule) under any statute may perhaps be in conflict to that indigenous

---

8 Background Notes on The Sixth Schedule to the Constitution of India and the Proposed Amendments: op.cit., p.3.
9 Ibid.
system and is not likely to succeed. After a detailed discussion on relevant issues and an exchange of observations, the meeting concluded with the following summary:

a) The proposal of amendment to the Sixth Schedule does not provide for dilution of existing powers delegated to the Councils but provides for supplementary powers which have been provided to District Councils/Panchayats/ Municipalities under 73rd/74th Amendment.

b) The Ministry could recommend direct grant from the Planning Commission and respective Ministries to the concerned ADCs/Autonomous Councils.

c) The representatives of the ADCs/Autonomous Councils shall discuss among themselves to formulate concrete views with respect to the proposals for amendments to the Sixth Schedule. The C.E.M. North Cachar Hills was chosen as Convener for the said group.

d) A recommendation could be made for constituting a High Level Task Group consisting of MPs and other experts to give recommendations
for the said amendment of the Sixth Schedule after the re-constitution of the Lok Sabha\textsuperscript{10}.

The proposed amendments to the Sixth Schedule were intended to streamline the functioning of Autonomous District Councils in accordance with local self government bodies both in the urban and rural areas under the 73\textsuperscript{rd} and 74\textsuperscript{th} Amendments. The suggestions and views expressed at this crucial meeting were never carried forward. The Autonomous District Councils and the traditional political institutions under them continue to function as before amidst challenging adversity.

\textbf{NATIONAL COMMISSION TO REVIEW THE WORKING OF THE CONSTITUTION}

The National Commission to Review the Working of the Constitution (hereafter NCRWC) was set up vide Government Resolution No. A-45012(2)/98 – Admn.III (L.A) dated February 22\textsuperscript{nd}, 2000. This exercise was undertaken to review the Constitution of India which had operated for more than 50 years and to make suitable recommendations for any possible

\textsuperscript{10}Minutes of Meeting held on 23.07.99 at 11:00A.M. at New Delhi to discuss proposals regarding Amendment of VI Schedule etc.: op.cit., p.6.
changes. The Terms of Reference of this Commission were to examine, "in the light of the experience of the past 50 years, as to how best the Constitution can respond to the changing needs of efficient, smooth and effective system of governance and socio-economic development of modern India within the framework of Parliamentary democracy and to recommend changes, if any, that are required in the provisions of the Constitution without interfering with its basic structure or feature". To enable the NCRWC to carry out its work, ten Advisory Panels were set up to examine ten broad themes under the Constitution of India. The tenth Advisory Panel was constituted under the chairpersonship of L.C.Jain to examine issues related to "Decentralisation and Devolution: Empowerment and Strengthening of Panchayati Raj Institutions". This Advisory Panel prepared a Consultation Paper, "Empowering and Strengthening of Panchayati Raj Institutions/Autonomous District Councils/ Traditional Tribal Governing Institutions in North East India" on the basis of inputs it had compiled and collated from memoranda submitted by state governments and various organizations and from interviews and fieldwork conducted. The National Commission to Review the Working of the Constitution completed its task.

---

11 Accessed through http://lawmin.nic.in/ncrwcfinalreport/v2b1-1.htm, p.1, on 24.10.08.
after three extensions. It submitted its two volume report to the Law Ministry on March 31st, 2002.

The Steering Committee of *Hima Mylliem* submitted a memorandum to this Advisory Panel on “Decentralisation and Devolution: Empowerment and Strengthening of Panchayati Raj Institutions”. This memorandum also endorsed by the other Khasi states, sought constitutional recognition and protection of the traditional political institutions of the Khasi race. It noted that the inclusion of the Khasi states within the framework of the Indian Union “was glaringly violative of the true and underlying spirit of the Instrument of Accession and was not consistent with the provisions of Section 290-A of the Government of India Act, 1935”\(^\text{12}\). The memorandum further noted that a remedy to this constitutional anomaly can be found by giving due recognition and affording protection to traditional institutions under the Constitution of India. The memorandum placed before the Advisory Panel two issues for consideration:

a) to initiate constitutional measures aimed at restoring and preserving the traditional status and powers of the traditional institutions by a suitable constitutional amendment;

\(^{12}\) http://ncrwc.nic.in/vsncrwc/panel64.htm - op.cit., p.60.
b) that, the constitutional amendment will define the legislative, administrative and judicial jurisdiction of the Khasi traditional chiefs in *Dorbar* in accordance with the customs and usages practiced and respected by the Khasis since time immemorial.¹³

The memorandum proposed the incorporation of the Thirteenth Schedule, Article 244(3)¹⁴ as an amendment to the Constitution of India. This proposed constitutional amendment shall apply to the Khasi states, *ki Hima* Khasi, in the State of Meghalaya. It suggested:

a) the establishment of a Federal Council of all the Khasi principalities;

b) the Federal Council shall comprise of ruling administrative heads of the Khasi principalities as well as nominated members;

---

¹³ Memorandum Seeking Constitutional Recognition And Protection Of The Traditional Institutions Of The Khasi Race, submitted by the Steering Committee, Durbar *Hima* Mylliem to the Union Government, dated February 28th, 2001, accessed through http://ncrwc.nic.in/vsnacrwc/panel64.htm, p.61, on 25.12.03.

¹⁴ This proposed Thirteenth Schedule, Article 244(3) was later modified by its proponents to include Part II – provisions relating to traditional political institutions of the Garo community and Part III - provisions relating to traditional political institutions of the Jaintia community.
c) the Federal Council shall exercise legislative, executive and judicial functions, it shall be the custodian of customary practices, of the traditional institutions and their rights over land, forest, water, natural resources and excise;

d) no acts of either the Parliament or the State legislature or of the District Council shall apply to the Khasi states without the consent of the Federal Council if such acts affect customary practices, traditional institutions and their rights over land, forest, water natural resources and excise;

e) the establishment of a Federal Fund from central assistance and other modes of income generation\(^\text{15}\).

The memorandum further clarified that the Federal Council shall be a transitory body and it shall evolve a mechanism to exercise its functions during the transitional period.

\(^{15}\)Memorandum Seeking Constitutional Recognition And Protection Of The Traditional Institutions Of The Khasi Race. accessed through http://ncrwc.nic.in/vsncrwc/panel64.htm - op.cit., p.64, on 25.12.03.
The Consultation Paper, “Empowering and Strengthening of Panchayati Raj Institutions/Autonomous District Councils/ Traditional Tribal Governing Institutions in North East India” noted that a core issue concerning decentralization and devolution of powers in the case of Meghalaya was the demand by traditional institutions for constitutional recognition. The failure of the Autonomous District Councils to effectively safeguard and develop tribal interests also provides further legitimacy to traditional bodies for vocalizing their demands. It noted that the main problem confronting traditional institutions and the Autonomous District Councils were the twin issues of power and financial resources. Presently, the existing powers and functions of traditional bodies are extremely limited and their access to resource allocation is severely poor. In examining this demand for constitutional recognition by the traditional institutions certain issues need to be considered:

a) there has to be a proper co-ordination or adjustment between traditional practices and usages with changes that have occurred in Khasi society;
b) the issue of representation needs to be seriously reconsidered as it presently has a limited participation of women and excludes non-tribals from the decision making process of the State;

c) accountability and transparency of funds generated should be entrusted to authorities such as the Comptroller General and Auditor-General of Accounts to prevent misuse.  

The Consultation Paper put forward a formulated structure of governance for the State of Meghalaya. It suggested the establishment of an intermediary tier under the existing Autonomous District Councils. This first tier of self-governance will be created for a village or group of villages. It will comprise of elected persons from the traditional systems of administration and from existing village councils with not more than fifteen persons at each village unit. Those amenities which affect village communities should be in the hands of the village level system. The amended Autonomous District Councils would form the second tier of governance. The number of seats in the Autonomous District Councils will be increased to forty of which five seats will be reserved for traditional heads in the respective Autonomous District Councils and five seats for

16 http://ncrwc.nic.in/vsncrwc/panel64.htm - op. cit., pp.57-58.
nomination of women and non-tribals. Larger issues and subjects will fall under the purview of the Autonomous District Councils. A Finance Commission should also be set up to enable Autonomous District Councils avail the benefits of the 73rd Amendment Act. The state legislature will be the third tier of governance, an overall supervisor and policy making body that constitutionally delegates powers to local governing bodies but is not associated with their daily administration. In attempting to address the concern of creating an enabling and participative environment for traditional institutions within the present politico-legal set up, the Consultation Paper noted that the situation needs to be assessed realistically. Provisions for decentralization in any form should always take into account the need for decentralization and gender justice. Compromises will have to be struck by all sides with a great deal of flexibility and vision for the sake of the immediate and the future\textsuperscript{17}.

These suggestions made by the Advisory Panel on “Decentralisation and Devolution: Empowerment and Strengthening of Panchayati Raj Institutions” with specific reference to the traditional institutions of the

Khasi Hills did not find favor with the traditional heads. The latter questioned the suggestion of creating a three tier system of governance which placed them as the first tier under the authority of the Autonomous District Council. Secondly, they were averse to the suggestion of nominating five members to the Autonomous District Council from among the traditional heads of the Khasi states. Such suggestions they felt overlooked the real issues confronting traditional institutions which had all along been averse to the very creation of the Autonomous District Council and which functioned as partyless institutions. The 'historical wrong' meted to them and to the people could not be corrected through the suggestions of the Advisory Panel. Taking a rigid stand, the Federation of Khasi States opposed the recommendations of the NCRWC while reiterating that they desired nothing short of the proposed Thirteenth Schedule to the Constitution of India. They affirmed that the Federal Council envisioned in this proposed Thirteenth Schedule would function as a non-political and partyless legislative body. The Federation of Khasi States further reiterated that it would actively pursue the Central Government to recognize their legitimate demands. The views contained in the NCRWC Report which were submitted to the Government of India (Law Ministry) were never carried forward. The
traditional political institutions of Meghalaya took different measures to ensure that their united voice demanding constitutional recognition was heard at various platforms.

The persistence of these traditional bodies especially in the Khasi Hills with the demand for constitutional recognition drew the attention of their counterparts in both the Jaintia Hills and the Garo Hills to make a similar demand. The inclination of the Central Government to take note of these demands through the observations made by NCRWC, through the correspondences between the Ministry of Home Affairs, Government of India, the Ministry of Development of North Eastern Region (DoNER), Government of India with the State government of Meghalaya, the KHADC and the office of Hima Mylliem and Hima Khyrim, necessitated the traditional political institutions to work together especially in those areas of common concern and interest. Thus, the traditional administrative heads of the Khasi Hills comprising of ki Syiem, ki Lyngdoh, ki Sirdar and the traditional administrative heads of the Jaintia Hills comprising of ki Doloi, and one Sirdar of Elaka Saipung came together under an organization, Assembly of Hyniewtrep Nations, ka Dorbar ki Nongsynshar ka Ri Hyniewtrep, while the traditional administrative heads of the Garo hills
comprising of Nokmas, came together under an organization, Council of Nokmas. These organizations received an impetus to carry forward their demands under the patronage accorded to them by the then Member of Parliament (Rajya Sabha) Robert Kharshiing. His concern for these traditional political institutions of Meghalaya and his considered initiative, saw the emergence of the Rajya Sabha Grassroots Democracy Advisory Council (hereafter RSGDAC) as a platform activating democracy at the grassroots.

RAJYA SABHA GRASSROOTS DEMOCRACY ADVISORY COUNCIL

Another effort taken to present a united stand before the centre on the various issues affecting traditional political institutions in Meghalaya was the formation of the Rajya Sabha Grassroots Democracy Advisory Council on June 17th, 2003. This Council initiated by the then Member of Parliament (Rajya Sabha) Robert Kharshiing brought together the traditional heads of the Khasi, Jaintia and Garo communities under a common platform. This initiative was novel in so far as no such effort had earlier been initiated to bring together this vast array of traditional bodies with a view to present a
united stand in pressing forward their demands for constitutional recognition. The Rajya Sabha Grassroots Democracy Advisory Council headed by Robert Kharshiing as Chairman comprised of collective organizations which represented traditional political institutions of the three major communities, the Khasi, the Jaintia and the Garo. These included the Assembly of Hynniewtrep Nations and the Council of Nokmas. Through the Member of Parliament Local Area Development Scheme (MPLADS) funds Robert Kharshiing allocated financial assistance to the traditional political institutions of the three communities for development activities. During the period 2002-2003 an amount of Rs 5 lacs (rupees five lacs) was earmarked for Hima Mylliem. This amount was to be spent in supporting the construction of the offices, dorbar halls of the various administrative heads, ki Syiem Raid, of the different communes, ki Raid, which make up the Hima.

In addition to allocating certain funds to these traditional institutions, Robert Kharshiing also suggested to the State government of Meghalaya the setting up a Traditional Institution Advisory Council which would have representation from the Khasi, the Jaintia and the Garo communities. This body would examine issues related to direct funding and would seek the

---

assistance of government departments to prepare an integrated project development report for traditional political institutions which would be submitted to the central government for approval and sanction. Pending concurrence of the State government, the RSGDAC set up a 12 member executive body of the Traditional Institution Advisory Council to activate its proposal. This body comprised of Robert Kharshiing as the Chairman, John F. Kharshiing as General Secretary, Laborious M. Syiem, former ‘Acting’ Syiem of Mylliem as Vice-Chairman and Balajied S. Syiem, Syiem of Khyrim as Treasurer amongst other members.

To raise awareness and participation of people in this demand for constitutional recognition, a People’s Assembly, ka Dorbar Ri, was organized by the RSGDAC on January 14th, 2004 at Smit, East Khasi Hills, the administrative headquarters of Hima Khyrim. This People’s Assembly hosted by Hima Khyrim and chaired by Robert Kharshiing witnessed the attendance of thousands of participants which included representatives of the state government, representatives of political parties, representatives of traditional institutions, invitees and the public at large. The People’s Assembly was a platform to reiterate the capabilities and relevance of traditional political institutions in a participatory and developmental
environment, widely disseminated through the media. The core issues discussed at this People’s Assembly were a reiteration of the demand for constitutional recognition and direct funding to schemes in areas under the traditional jurisdiction of these indigenous authorities. The People’s Assembly approved a 500 crores budget proposal to implement development schemes for traditional institutions. The expertise of Tata Consultancy Services (hereafter TCS) were sought to prepare an Integrated Development Project (hereafter IDP) for traditional political institutions in Meghalaya. The 93.43 crore report of the IDP was presented at the People’s Assembly to be executed over a span of five years. The report identified eight hundred villages across the seven districts of Meghalaya which would be the immediate beneficiaries of the IDP ‘pilot project’. Financial assistance would be provided to these identified villages for development activities and for contingency expenses. The report also suggested the establishment of a technical secretariat to provide technical support in implementing, supervising and monitoring schemes. The People’s Assembly authorized Robert Kharshiing to seek the intervention of the central government in securing financial assistance to implement the project.\footnote{The Shillong Times, January 15, 2004, p.1.} The IDP proposal
was submitted to the Ministry of Development of North Eastern Region, Government of India on January 30, 2004. Conceptualized and initiated by the Robert Kharshiing, this proposal envisaged the creation of a mechanism to obtain direct funding from the central government for traditional political institutions without the intervention of either the State government or the Autonomous District Councils. The Ministry of DoNER as well as the central government sought the views of the State government on the proposal forwarded by the RSGDAC but did not receive a favored response.

The RSGDAC convened a second People’s Assembly at Mawphlang, East Khasi Hills on October 6th, 2007. This Assembly which witnessed a larger gathering than the first, addressed the pending issues related to direct funding to traditional political institutions in the State. This Assembly held at a village internationally renowned for its sacred groves which have been preserved by the local community for centuries, gave importance to a discussion on issues related to environment and climate change. Under the auspices of the RSGDAC, this Assembly instituted a number of awards which were presented to various persons for their outstanding contributions. A global award was presented to Al Gore, former Vice President of the
United States of America, in recognition of his efforts to promote worldwide awareness on global warming through the documentary “An Inconvenient Truth”. Similarly, thirteen personalities of Meghalaya were honoured for their contributions in various fields. These included Balajied S. Syiem, the Syiem of Khyrim and N.K. Lyngdoh, the Lyngdoh of Mawphlang. A number of resolutions were moved at this second Dorbar Ri. These included:

a) a proposal to create a sixty member, non-political Upper House of the Meghalaya Legislature, the Meghalaya Legislative Council. This proposed non-political Legislative Council should comprise of representatives of traditional political institutions of the Khasi, Jaintia and Garo communities, women, youth and representatives of different professions.

b) a proposal to immediately bring in constitutional amendments and legislation to pave the way for empowerment, participation in development and direct funding from the centre for the unique

---

20 Al Gore did not personally attend this People’s Assembly but the award was accepted on his behalf.

indigenous tribal institutions of *Syiemships*, *Doloiships* and *Nokmaships* in the Khasi, Jaintia and Garo Hills of Meghalaya\(^2\).

c) a proposal to extend the National Rural Employment Guarantee Scheme to other districts of the State of Meghalaya, to enhance the minimum wages provided under this scheme from Rs 70 to Rs 200 in all hilly and mountainous states of India including Meghalaya, to include heads of traditional institutions of the Khasi, Jaintia and Garo in the monitoring process of the scheme and to provide them with an honorarium\(^3\).

The proposals initiated at the forum of the Rajya Sabha Grassroots Democracy Advisory Council did not make any progress after the term of Robert Kharshiing came to an end in March 2008. The initiatives moved through the People’s Assembly did not receive the focused attention of either the State government or the KHADC. These initiatives if concurred with would have a long term effect in undermining the administrative authority of both the State government and the KHADC especially in rural areas. With the expiry of the term of Robert Kharshiing as Member of


Parliament, Rajya Sabha, in 2008, members of the RSGDAC met at Shillong and resolved to constitute a new umbrella organization, the Grand Council of Chiefs of Meghalaya with the following members as office bearers: Chairman - Robert Kharshiing, General Secretary – John F. Kharshiing and Treasurer - Balajied S. Syiem, Syiem of Khyrim.

FEDERATION OF KHASI TRADITIONAL INSTITUTIONS

With the various events unfolding before the very sight and knowledge of the Autonomous District Councils of Meghalaya, the KHADC could no longer keep the issue of its relations with traditional political institutions away from public view and scrutiny. Sharp criticism of its inept handling of this issue which often necessitated the unwarranted intervention of the judiciary called for a rethink in its approach. The decades of confrontation and the willful exercise of Acts, Regulations and Rules had widened the rift between the legal and the traditional authorities, contrary to the very foundations on which the Autonomous District Councils were created. To re-establish and reaffirm its legal authority over the traditional political institutions, the KHADC assumed the path of negotiation and consensus. It convened a meeting of all traditional heads within its
jurisdiction on July 27th, 2004. Representatives of fifty three Khasi principalities, *ki Hima Khasi*, comprising of *ki Syiem, ki Lyngdoh, ki Myntri* and *ki Sirdar* attended this meeting. This meeting was convened to bridge the rift that had developed over decades between the KHADC and the traditional political institutions. At this meeting, in exercise of its powers conferred under paragraph 2(7)(a) of the Sixth Schedule the KHADC initiated the creation of a new collective body of traditional institutions present within its jurisdiction, the Federation of Khasi Traditional Institutions (hereafter FKTI). The creation of this new body for traditional political institutions was seen as a positive step in re-establishing cordial relations that, for decades, had been deficient. The creation of this body was also expected to facilitate the process of codification of customary law and thereby streamline the administration of these traditional political institutions. A number of ad-hoc office bearers were elected to enable this body to commence its work. These were, the Chairman – G. Mylliemngap (*Lyngskor of Hima Khyrim*), Vice-Chairman – Freeman Syiem (*Syiem of Hima Sohra*), General Secretary – P. Kharlukhi (*Myntri of Hima Mylliem*), Joint Secretary – Niandro Syiemiong (*Syiem of Hima Maharam*) and the Treasurer – P.S. Nianglang (Adviser, *Hima Nonglang*). The KHADC considered it expedient to facilitate
legislation which would create an amenable atmosphere for traditional political institutions in the three districts to co-operate with it. It formulated the Khasi Hills District (Constitution of The Federation of The Khasi Traditional Chiefs) Bill, 2006. This Bill if assented to by the Governor of Meghalaya, would pave the way for “the Constitution and Recognition of the Federation of the Khasi Traditional Chiefs in Khasi Hills Autonomous District and for maintaining a close relationship among them”\textsuperscript{24}. The Federation of the Khasi Traditional Chiefs (hereafter FKTC) would comprise of two bodies, a large assembly, the “House of Chiefs” and a small working council, the “Executive Council”. The House of the Chiefs is the larger body comprising of all the Chiefs, presently fifty three in number, who are members of the FKTC. It shall be the supreme policy and decision making body vested with certain powers normally associated with legislative bodies – electoral, budgetary and regulatory. The House of Chiefs shall hold a sitting at least once in a year. Such sittings shall be regulated by an elaborate code of conduct having strong remnants of tradition. The

Executive Council on the other hand is a smaller body comprising of eighteen members, nine of whom are designated office bearers with specific functions and responsibilities. The President shall be the head of the FKTC and he shall preside over both the House of Chiefs and the Executive Council. He shall instruct the General Secretary to convene a meeting of either the House of Chiefs or the Executive Council. On the advice of the Executive Council he may co-opt not more than three members to this body. The powers of the President may be exercised by any one of the three Vice Presidents in his absence. The General Secretary shall implement all policies and decisions of the Federation, prepare the annual general report of the Executive Council, manage all financial expenditures of the Federation and convene a meeting of the Executive Council or the House of Chiefs in consultation with the President. He shall be assisted by three Secretaries in executing his functions. The Treasurer shall be entrusted with all financial responsibilities of the Federation. The Executive Council shall be entrusted with a number of responsibilities - to implement decisions of the House of Chiefs, to assign portfolios to members of the Executive Council, to frame
rules for the effective functioning of the Federation, to prepare the budget of the Federation and to raise funds for the Federation\textsuperscript{25}.

Initiated by the KHADC and supported by the traditional political institutions, the FKTC Bill, 2006 was approved and passed by the KHADC at its winter session of 2006. The Bill in its imperfect form presently lies inconclusive. It remains to be seen how far reaching is this initiative of the KHADC in ushering a lasting, cordial relationship between both these authorities.

\textsuperscript{25} Federation of Khasi Traditional Chiefs Bill 2006 – op.cit., pp. 3-8.