CHAPTER V

CONCLUSION

A critical examination of the demand for constitutional recognition of the Khasi states would not be complete if the views of representatives of these states and of public figures are not ascertained. The Syiem of the principal Khasi states of Khyrim and Mylliem have been associated with various phases of this demand since 1999. They have turned to their people and through referendums have secured their approval to move for this demand. They have petitioned the Government of India and the Government of Meghalaya to recognize their demands which fell short of their expectations. Similarly, these Syiems have also made use of various platforms to mobilize public opinion in their favour. To understand this demand for constitutional recognition, it was important to meet these Syiems as well as members of their Dorbars to elicit their opinion. Similarly, it was also important to elicit the opinions of leading public figures to understand their views on this demand for constitutional recognition and whether the traditional political institutions are administratively equipped to execute this demand if it is approved. Hence, it was necessary to interview a number of
respondents to gather information on a number of issues pertaining to this demand for constitutional recognition of the Khasi states.

To understand the present status and functioning of the two Himas, Khyrim and Mylliem, a number of visits were undertaken to the offices of the Syiems located at Smit, East Khasi Hills and Mawkhar, Shillong, respectively. An unstructured interview schedule was prepared and information was recorded from the respondents who included the Syiem and important functionaries of his executive council. In the course of the interview, a number of questions were further spontaneously formulated and the information provided thereafter enriched the discussions as well as the interview. To elicit the views of a number of respondents on issues relevant to traditional political institutions today and to the demand for constitutional recognition of the Khasi states, a structured interview schedule was employed. Ten pre-determined, sequenced questions were prepared for the interviews conducted for this research study. The respondents were chosen as they were associated directly with the traditional political institutions; some are present government officials while others are retired, but have been associated with traditional institutions; a number of respondents are presently members of the Khasi Hills Autonomous District Council while
some were former members; other respondents include social workers and scholars who have been consistently observing the functioning of these traditional political institutions. The questions sought basic information from the respondents. Secondly, these questions sought the opinions of the respondents on issues pertinent to traditional political institutions. All the respondents interviewed were of the opinion that traditional political institutions should be allowed to continue. In addition to the reasons provided in the structured interview schedule, the respondents also observed that:

a) these traditional political institutions are a pure form of direct democracy having ancient roots;

b) these traditional political institutions are based on consensus and referendum where the practice of open voting, by the raising of hands, is still practiced;

c) these traditional political institutions should be allowed to continue as the spirit of indigenous nationalism is still alive. This spirit is the strength of the people, it can act as a reserve political system in case of a constitutional crisis in the community;
d) these traditional political institutions are based more on issues of ethics and not on political ideology. The Khasi people are comfortable to allow traditional political institutions to continue but the people themselves are not confident of their ability to function effectively;

e) these traditional political institutions have undergone tremendous trials and witnessed constitutional changes with the passage of time.

Most of the respondents were aware of the relationship between the traditional political institutions and the KHADC. They noted that the relationship was governed by the provisions of the Sixth Schedule of the Constitution of India and the purpose of establishing the ADCs was to protect and to preserve the traditions and practices of the tribal communities. However, some noted that there is a difference in the functioning of these two authorities. The traditional political institutions function on the basis of *ka Riti*, a body of rules, regulations and guidelines- an unwritten constitution embodying all facets of Khasi culture and society which have grown out of past usages and practices, whereas the KHADC functions in accordance with the provisions of the Sixth Schedule. The role of the KHADC was to be that
of a regulatory authority with the objective of codifying customary practices. In course of time, the KHADC abdicated this role shifting its focus to electoral politics and the demand for the statehood of Meghalaya. In the process, the relevance of the traditional political institutions was further relegated to the background.

The respondents who supported the suggestion to strengthen the relation between the traditional political institutions and the KHADC, made a number of observations:

a) there is need to codify those customs and usages of traditional political institutions that are constitutionally valid;

b) the relation between traditional political institutions and the KHADC needs a complete review;

c) it is important to refer to the Constitution of India and to re-examine the spirit of the Sixth Schedule in the context of the Directive Principles of State Policy and the 73rd Amendment Act. This is the tripod on which the relation between the traditional political institutions and the KHADC can be strengthened, through a symbiotic amalgamation of the spirit enshrined in the above mentioned chapters;
d) the relation can be strengthened through constitutional amendments which are healthy and mutually beneficial;

e) the relation should not be imposed by the KHADC on the traditional political institutions. Grievances of the traditional political institutions should be genuinely addressed;

f) ADCs should perform their functions mandated under the Sixth Schedule. Judicial powers of the traditional political institutions should be strengthened so that cases are efficiently settled at their level. This would reduce the burden of the courts of the Additional District Magistrates and Magistrates.

g) The political system will be healthy if both traditional political institutions and KHADC could co-exist. If not, traditional political institutions should be preserved for they have evolved in tune with our political requirements.

The respondents who did not support this suggestion to strengthen the relation between the traditional political institutions and the KHADC, made the following comments:
a) the KHADC has eroded the administrative powers of the traditional political institutions and taken over the legislative powers;

b) the ADCs are no longer relevant especially after the formation of the State of Meghalaya;

c) an alternative political arrangement is to be found if a Federal Council or an Upper House of the Meghalaya Legislature is created with representation from traditional political institutions.

In answering the question whether the Autonomous District Councils in Meghalaya should be abolished or continued, the respondents who agreed that they should be abolished made the following observations:

a) if the ADCs in Meghalaya are abolished the Government should entrust a specific department to deal with traditional political institutions;

b) all powers should be vested with traditional political institutions by amending the related constitutional provisions;

c) the concept of ADC was introduced to give extra protection to Scheduled Tribes in a non-tribal majority state, that is, composite
Assam. Tribal dominated states like Meghalaya do not need such protection any longer;

d) the present structure of the ADCs does not meet the aspirations of the traditional political institutions. Traditional political institutions have no political space. Various Acts, Rules and Regulations of the KHADC reveal the extent to which ADCs have undermined the traditional political institutions.

The respondents who felt that the ADCs in Meghalaya should be continued made the following observations:

a) the ultimate decision on whether ADCs should be continued or abolished should be taken by the citizens themselves;

b) the continuance of the ADCs would depend upon their ability to fulfill the intended objectives;

c) ADCs in Meghalaya need their powers to be enhanced if they are to function effectively;

d) ADCs ought to observe the provisions of the Sixth Schedule in letter and spirit;
e) the existence of both the State government and the ADCs leads to duplication of work. Further, there has been leakage of revenues from the ADCs. These issues need to be urgently addressed. ADCs in Meghalaya may be continued only if they are more transparent and accountable in their functioning:

f) ADCs must make grassroots democracy more vibrant through effective administration. They must engage traditional political institutions in a participatory mode of development.

In response to the question whether the respondents support the Khasi traditional political institutions' demand for constitutional recognition, a majority of respondents answered in the affirmative. They observed that traditional political institutions should be provided adequate safeguards from the negative effects of electoral politics. Members of the ADCs should not politically interfere with the administration and functioning of these traditional political institutions.

The respondents who did not support this demand observed that the Khasi traditional political institutions are already recognized through the operation of the Sixth Schedule. Traditional political institutions and the
ADCs should work under the present set up mandated by the Sixth Schedule. There is immense scope for experimentation to improve their relations, which has not been explored. Even the suggestion of a ‘tripod’, a symbiotic amalgamation of the spirit underlying the three areas, has not been examined.

A majority of the respondents suggested that the Khasi traditional political institutions’ demand for constitutional recognition should be fulfilled by including special provisions in the Constitution of India, by making provision for direct funding for development projects in the respective areas of these traditional political institutions and by creating an Upper House in the Meghalaya Legislature. The following observations and suggestions were also made:

a) traditional political institutions are recognized by the Constitution of India through the Sixth Schedule. Capacity building of traditional political institutions will enable them to effectively exercise their functions;

b) constitutional provisions empowering traditional political institutions should be considered by amending the 73rd Amendment Act;
c) traditional political institutions should be given legal recognition by the Government of Meghalaya through an Act of the State. Alternatively, traditional political institutions could be a part of the local administrative system under the direct control of the Government;

d) direct funding could be made applicable only if traditional political institutions build people institutions which reflect the spirit of the 73rd Amendment. Capacity building is a necessary pre-condition to ensure functional and vibrant traditional political institutions;

e) the KHADC should provide financial assistance to traditional political institutions as this provision has all along been absent;

f) creation of an Upper House could be an option;

g) there is need to maintain a close link with the Ministry of Home Affairs, Government of India especially the section in charge of the North-East India. The Ministry can advise traditional political institutions on issues that may be brought before the floor of Parliament;
h) reservation of seats in the KHADC may be considered if political parties are debarred from being associated with the ADCs. A further improvement on the model adopted by the Khasi States Constitution Making Dorbar in 1948 could be considered with special reference to constituency and electoral demarcation.

CONCLUDING OBSERVATIONS

The Khasi states today continue to exist amidst adversity. The heightened activities which they witnessed between 1946 and 1950 and which accorded them legal recognition, were short lived. The new administrative machinery introduced through the Sixth Schedule of the Constitution of India favoured a new emerging leadership which was conditioned by electoral politics and adult franchise. This pattern of exercising political rights was more favourable to the citizens of the state. As a consequence, traditional leadership with its emphasis on selective, clan based, partyless representation was relegated to the background of legal and administrative activity. Further, the sustained Hill State movement which encouraged the development of a new leadership and the party system did
not provide the traditional political institutions a platform to address their concerns. As the decades passed after the inauguration of the Constitution of India, the political and legal recognition that was accorded to these traditional political institutions through the Instrument of Accession, and subsequent orders of the Government of Assam, were gradually withdrawn. On the other hand, the social recognition accorded to them continues but is visible more in the interior parts of their states than in urban areas, which have come under jurisdiction of new administrative authorities.

It was only in the late 1990s that the Khasi states once again questioned their legal status under the Constitution of India. They contended that the clauses of the Instrument of Accession under which they acceded to the then Dominion of India, were never honoured after 1950. Instead, the Sixth Schedule that was put in place never accorded the appropriate legal and political recognition which was expected. In demanding for constitutional recognition, the Khasi states not only made a bold admission of the lacuna in the constitutional arrangements that were arrived at in 1950, but were also willing to openly challenge their subordinate position under the Sixth Schedule thereby inviting the displeasure of the KHADC. This demand for constitutional recognition principally advocated by the Syiem of
Khyrim and Mylliem and also supported by their respective Dorbars and the residents of the Hima sought to generate as much public opinion as possible. In the process, John F. Kharshiiing a social worker, has been instrumental in disseminating the cause of the Khasi states especially in the interior areas, as spokesperson of the Federation of Khasi States and also of the Assembly of Hynniewtrep Nations. Through the years that followed this demand was raised at the various memoranda submitted to the National Commission to Review the Working of the Constitution, to the Government of India, to Members of Parliament from Meghalaya and also to Chief Ministers of Meghalaya. This demand for constitutional recognition was also raised at the platforms of the two Peoples' Assemblies held at Smit in 2004 and at Mawphlang in 2007, respectively. The former Member of Parliament (Rajya Sabha) Robert Kharshiing was also sympathetic to the cause of the traditional political institutions of Meghalaya. It was under his initiative that the traditional political institutions of the Khasi, Jaiñtia and the Garo people came together for the first time to seek constitutional recognition.

The relevance of these traditional political institutions has declined. They were not given an opportunity as well as a responsibility to function as vibrant, grassroot democratic institutions. Their steadfast grasp to tradition
has made them rigid and unsuitable to effectively function in a modern representative democracy. Neither the KHADC nor the Government of Meghalaya has seriously considered the Khasi states’ demand for constitutional recognition which is accompanied by a number of legal and financial considerations. To be considered viable institutions which engage development in a participatory mode at the grassroots, the Khasi states must be willing to accommodate healthy democratic practices, sound financial management and a transparent and accountable working environment. To ensure their relevance, a sustained capacity building exercise requires to be undertaken so that the administrative heads and their *dorbars* are made aware of the present political realities of democracy and the urgency with which they must accommodate these realities. Their continued existence in the utopia of an all encompassing and all embracing rigid traditions and custom which provide no opportunity for incorporating political changes will only see the further decline of even the waning social recognition and reverence that they still command.