

## **The Impact of Khasi Hills Autonomous District Council on the Traditional Institution of Myllem State**

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**ABSTRACT:** This paper is an attempt to highlight the working of the tribal Autonomous District Council of Khasi Hills and to examine its relation with one of the Khasi States in Meghalaya called Hima Myllem or Myllem State. Like any other Khasi States, Hima Myllem too falls within the jurisdiction of the Khasi Hills Autonomous District Council. Therefore all Acts, Rules and Regulation introduced by the District Council apply to the Myllem State as well.

The Colonial power which was removed in 1947, after India's independence, was replaced by the District Council. Most of the powers and positions which were enjoyed by the Khasi Chiefs and their traditional institutions during the Colonial period were gradually reduced as a result of the various Acts, Rules and Regulations implemented by the District Council. This had a major impact on the traditional institutions of Khasi States including Hima Myllem. Hence, there is a need to examine the role of District Council and its relation with that of Myllem State.

This paper is based on an ongoing doctoral research and its content is extracted from actual chapters of the research.

**KEYWORDS:** Myllem State (Hima Myllem), Chief (Syiem), Sixth Schedule, Autonomous District Council, Acts, Rules and Regulations.

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Date of Submission: 03-11-2018

Date of acceptance: 17-11-2018

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### **I. INTRODUCTION**

Khasi traditional institutions have been in existence long before the advent of Colonial rulers. However, the traditional institutions of the Khasi society, which is indigenous in origin, had major impact during the Colonial and post-Colonial periods. Major changes were brought into the traditional institutions of the Khasis which affected the powers and functions of the traditional Khasi Chiefs. Prior to the Colonial period, all Khasi States called Hima functioned under the administrative control of a Chief called Syiems, Lyngdoh, Wahadars and Sirdars. However, after India's independence the Autonomous District Council was established in Khasi Hills through the application of the provisions of the Sixth Schedule to the Constitution of India and this led to significant developments in the administration of Khasi States. The immediate impact was that the powers and functions of the traditional Chiefs were placed under the administration of the District Council. Thus, the present study attempts to examine the relationship between the Khasi Autonomous District Council and the traditional Chiefs of Myllem State.

### **II. THE SETTING UP OF THE AUTONOMOUS DISTRICT COUNCIL**

Before the introduction of the Constitution of India in 1950, the administration in Khasi States was under the charged of Deputy Commissioners as Political Officers under the Governor of Assam. Under the suggestion of the Bordoloi Sub-Committee, both the United Khasi-Jaintia Hills Districts were brought under the Sixth Schedule which resulted in the formation of the Autonomous District Council in 1952. Further, under the provision of the Sixth Schedule to the Constitution of India, the Constitution Assembly of India gave special powers to the tribal areas of Meghalaya by introducing a new form of government called the District Council. The primary purpose was to provide the tribal people with a simple form of administration so that they could safeguard their own customs, traditions, culture and to provide them with maximum autonomy in the management of their tribal affairs. when the Indian Constitution came into force on 26<sup>th</sup> January, 1950 the Khasi and Jaintia Hills Districts were designated as autonomous districts and were empowered to establish their own Autonomous District Councils and their jurisdiction should cover the entire geographical areas of Khasi and Jaintia Hills. Thus for the first time all Khasi States were brought together under one administration called the United Khasi- Jaintia Hills Autonomous District Council.

Under the provision of the Sixth Schedule to the Constitution of India, the District Council was empowered with certain legislative, executive and administrative powers for the betterment of the people such as:

1. Allotment of land; appointment and succession of Chiefs or Headmen; establishment of village or town committees or councils; social customs, etc.;
2. Establish schools, dispensaries, markets, etc.;
3. To impose and collect land revenue, taxes whether on roads or markets in the Chieftainships, etc.;
4. To set up Village courts, District Council courts and Subordinate District Council courts for the administration of justice.

Hence, when the United Khasi-Jaintia Hills Autonomous District Council was created on 27<sup>th</sup> June, 1952, it passed a number of Acts, Rules and Regulations which had a direct impact on the powers and functions of the Chiefs.

### **III. THE RELATIONSHIP BETWEEN THE CHIEF OF MYLLEM STATE AND THE KHASI HILLS AUTONOMOUS DISTRICT COUNCIL**

Since the establishment of the District Council within the Khasi Hills many changes have taken place in the relationship between the Khasi Chiefs and the District Council. These changes are clearly seen in the case of the traditional Chief of Myllem State. The District Council appears not only to be far more alien to the traditional institutions of Myllem State but the powers and functions of the Chief have been threatened due to the existence of the Council in the area.

Hima Myllem is one of the Khasi State or Hima with a Chief or Syiem as its administrative head. The State comprised of eighteen communes called Raids. Each of the Raids is governed by a Council called Dorbar Raid headed by an administrative head called Syiem Raid, Lyngdoh Raid and Bongthe Raid. Thus, when the United Khasi- Jaintia Hills Autonomous District Council was formed all the communes and villages falling within the ambit of Myllem State were brought under the judicial administration of the District Council. As per paragraph 3(1) (g) of the Sixth Schedule to the Constitution of India the District Council passed a number of acts, rules and regulations which had a direct impact on the powers and functions of the Chief of Myllem.

The first Act introduced by the District Council which marked the first interference of the Council within the traditional institutions of Myllem State is the Act called The United Khasi- Jaintia Hills Autonomous District (Elections from the twenty three Clans of Raid San Shnong Myllem Syiemship) Act, 1957. According to this Act, the District Council legislates that all twenty three clans of the Raid San Shnong namely (1) Kharbuki; (2) Kharlor; (3) Partuh Nongsap; (4) Kharbteng; (5) Kur War Sadew; (6) Rumnong- Sohsla; (7) War Khongsit; (8) Syndor; (9) Shanpru; (10) Kharsati; (11) Kharpan; (12) Mawshai; (13) Rapsang Sanshnong; (14) Lyngdoh Nongumlong; (15) Bhoi Tron; (16) Lyngdoh Nongkseh; (17) Kharbudnah; (18) Lyngdoh Sadew; (19) Kharumlong; (20) Pathaw Lar- iew; (21) Pator Nongumlong; (22) Nongneng; and (23) Langbnang, shall be eligible to participate in the election of the Chief of Myllem State. Prior to this Act and according to British reports submitted by Captain Herbert in 1903, the electoral body of Myllem State consisted only of - five Myntris (Ministers of State), eleven Metabors (Elders), along with the Basan (Elders) of Nongkseh and Nongumlong clans; the head of the Sun clan of Marbisu Villlage, Rapsang clan of Markhan Village, Majaw clan of Mawshanlang Village, and eight other clan from Masar Village. However, the Village of Markhan and Mawshanlang later fell extinct and it was said that the Rapsang and Majaw clans had migrated to other villages. After the Anglo-Khasi War, the clan Sun of Marbisu Village became British subjects while the eight clans of Masar village became part of the Khyrim State (another Khasi State). The report of Captain Herbert shows that the twenty three clans as mentioned above were not electors of Myllem State but only became electors when the District Council regulate the Act 1957 and give the twenty five clans the right to elect the Chief of Myllem State. Thus, as a result of this the traditional customary practice of the Myllem State in terms of election and appointment of the Chief and his Ministers were modified by the District Council when the twenty three clans of Raid San Shnong were included in the electoral college of Myllem State.

The Second Act which had a major impact on the Chief of Myllem was the Act called United Khasi- Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959. The Act brought the Myllem Chiefs and his Council, along with all the administrative heads of political units called Rangbah Raid and Rangbah Shnong (Village Headmen) under the control and supervision of the District Council making them as its subordinate officials. Furthermore, the Act transferred the power of election and confirmation of a Chief from the Deputy Commissioner under the British administration to the new founded Council i.e., the United Khasi-Jaintia Hills Autonomous District Council. The Act received the assent of the Governor of Assam on 16<sup>th</sup> October, 1959 and was published in the Assam Gazette on 28<sup>th</sup> October, 1959. The Act not only gave provisions for the elections and appointment of Chiefs and Headmen of the State but also empowered the District Council to give confirmation in the form of Sanad to the newly elected Chiefs and to administer and settle any disputes regarding election of Chiefs, Myntries (Minister of the State), etc. Moreover,

the 1959 Act introduced two fundamental changes from the traditional customary practices of the people, i.e., the appointment of Deputy Chief and an Acting Chief of the State. The Act was further improved and a new Act called the Khasi Hill Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllichem Syiemship) Act was introduced in 2007. Both the Acts i.e., Act 1959 and Act 2007 stated that the appointment and successions of Myllichem Chief and Headmen shall be confirmed by the District Council under terms and conditions as provided in the Act. Some of the terms and conditions contain in the Act are as follows:

- Qualifications for the Office of the Chief, Deputy Chief, Acting Chief, Ministers and official of the State such as the administrative heads of various political units;
- Election or Appointment and Succession of the Chief, Deputy Chief, Acting Chief, Ministers and official of the State such as the administrative heads of various political units;
- Term of the Office of the Chief, Deputy Chief, Ministers and official of the State such as the administrative heads of various political units;

Moreover, as per the provision of the Act, the District Council also debarred the Chief, Deputy Chief, Acting Chief, Ministers and official of the State from participating in any demonstration or to resort to any form of strike in connection with any matter pertaining to their conditions of service. Similarly, they should not associate themselves with any political party or organisation which takes part in any political activities. The Act also clearly stated that the Chief can be removed and suspended by the District Council at any time. For example according to the terms of the Appointment and Succession Act, the Chief can be removed or suspended from the office if -

- he violates any of the terms and conditions of his appointment or Sanad; or
- if has lost the confidence of the majority of his electors; or
- has been conducting himself in a manner derogatory to his office or which may undermine the authority of the Executive Committee; or
- if he is found to be mentally unfit or incapable to carry out the administration of the Hima due to ill health, old age or habitual drunkenness; or
- if he violates any customary right and practices of the State; or
- if he has been convicted of any offence involving moral turpitude.

Thus, it was found that in 1960, as per the terms mentioned above, the District Council suspended Jormanik, Syiem of Hima Myllichem because he refused to accept the terms and conditions of the sanad introduced by the District Council stating the rules contained in the sanad were quite different from the ones given or introduced by the British before India's independence. This suggested that the succession of all Khasi Chiefs should follow the terms and conditions provided by the 1959 Act and any decision made by the Executive Committee of the District Council is to be considered final. So far the Autonomous District Council of Khasi Hills has always been successful in matters pertaining to the appointment or disputes of both the Chief and Acting Chief of Myllichem State. At present, the Chief of Myllichem is only an Acting Chief and not a regular Chief. Therefore, in this way and many other ways the implementation of this Act has had a tremendous impact on the position of the Chief of Myllichem and his Ministers and has affected the political relations between the traditional institutions of Myllichem State with that of the District Council.

Another Act that needs to be examined which has also brought about radical changes in the powers and functions of Myllichem Chief is the Act known as the United Khasi-Jaintia Hills Autonomous District (Management and Control of Markets) Act, 1957. The Act empowered the District Council with the right to levied taxes on various items entering the markets and to directly collect the revenue from the markets. Myllichem State has five traditional markets called Iew and they are Iewduh Shillong, Iew Umsning, Iew Mawlong, Iew Umroi and Iew Masi. The Iewduh Shillong and Iew Umsning are under the direct management of the Hima or State whereas Iew Mawlong falls under the management of a commune called raid Marngar, while Iew Umroi falls under raid Marbuh and Iew Masi under raid Nogtluh. The main revenue which the State of Myllichem derived was the toll (Khrong) which the State collects from the various markets and the Chief raised no excise revenue. According to the Management and Control of Markets Act, 1957 all markets of the Myllichem State shall be under the direct control of the District Council. Rate of tolls levied on the goods entering the market shall be fixed by the District Council from time to time. Moreover, Myllichem State has to pay 1/8<sup>th</sup> of its total revenue to the District Council. The Act also stated that no new markets should be setup without the permission of the District Council and that the District Council has the power to abolished any markets if found unsafe for the people.

From all the markets of Myllichem State the biggest one is the Iewduh Shillong which is one the traditional markets of the Myllichem State. Unlike other markets which open once or twice a week, Iewduh Shillong functions on a daily bases. Iewduh Shillong is not only the traditional market of the Myllichem State but

also one of the biggest markets of the Khasi and Jaintia Hills. It was established before the advent of Colonial rule in the Khasi Hills. However, when the English East India Company shifted its headquarter from Cherrapunji to Shillong in the 1860's it witnessed the start of migration of people from various places into Shillong. Eventually, many people from outside started flocking to Shillong for the purpose of seeking job connected with the new administration and especially for the purpose of business activity. Thus the presence of mixed population in Shillong led to the growth of trade and commerce in this tribal market called Iewduh. This resulted in the increase of revenue collected by the State. However, when the District Council implemented the 1957 Act all markets including Iewduh were brought under the direct management of the District Council. Since the main task of the District Council is to protect and preserve the local customs and traditions of the tribal people, therefore when the Chief of Myllem and his Ministers, driven by commercial motives, was found misusing his customary rights by sub-letting stalls owned by Khasi traders to non-Khasi traders along with various other matters, the District Council was forced to intervene in the affairs of the State relating to the traditional market of the Khasi called Iewduh. The ensuing disputes over the principal administration of the market finally necessitated the intervention of the Supreme Court and in 1969 it confirmed the authority of the District Council over Iewduh and weakened the traditional position of the Chief of Myllem over Iewduh. (C. Lyngdoh, 2009)

Thus, the Autonomous District Council of Khasi Hills through the support of the Sixth Schedule to the Constitution of India has been observed to have played a prominent role in the affairs of the State be it in the form of election of the Chief or matters relating to the markets of the State. However, to a large extent, its participation has led not only to the weakening of the position and status of the Chief but also to gradually reduce the powers and functions of the executive committee of Myllem State.

#### **IV. CONCLUSION**

To sum up, the different Acts, Rules and Regulations legislated by the Khasi Hills Autonomous District Council have resulted in the reduction of the power of the traditional Chiefs where the rights and responsibilities of the Khasi people as per the customary laws of the Khasis have been summarily ignored or overlooked. Moreover, the Autonomous District Council of Khasi Hills has reduced the status of the Chief from a ruler to a simple administrative head whose powers are no longer substantial or significant. The Chief is expected to be contented with whatever powers and functions left to him by the District Council as a tribal Chief. However, in spite of his limited powers he still continues to have the respect of the people and is still given an important role to play in the political administration of the State or Hima.

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Clara Bamon. "The Impact of Khasi Hills Autonomous District Council on the Traditional Institution of Myllem State." IOSR Journal Of Humanities And Social Science (IOSR-JHSS). vol. 23 no. 11, 2018, pp. 19-23.