

# Customary Laws for Sustainable Community Development: Descriptive Analysis of the *Khasis* of Rural Meghalaya

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**Abstract**—Meghalaya has the unique distinction of having retained its customary laws and practices in traditional institutions. The *Dorbar Shnong* (Traditional Village Council) and the age old customary laws, that was practiced by the *Khasis* since ages are agents for sustainable livelihood and natural resource management. The paper explores these customary laws and practices relevant to agriculture and development of the *Khasi* ethnic group. Traditionally, when land and resources belonged to the community and clans, the *Dorbar* had the power to regulate the use of these resources. However, with the forces of moderisation and commercialization, the concept of privatization of resources started. There are many customary laws guided by traditional knowledge that the villagers have practiced since ages which contribute to sustainable and all round development in agriculture and natural resources. The main role of the *Dorbar* is to bring about development of the village and govern the villages according to the customary laws. They function as a participatory decision making body. It is now argued that many features of the traditional customary laws do not fit the modern times. The *Dorbar* also were not efficient enough to run the village with active people's participation or conserve the age old customary practices. It is no doubt that these institutions are the storehouse of solutions to many modern day problems. The need of the hour is certain reformatations in its functioning as well as capacity building of the people in general and headman in particular so as to enable them to meet the changing needs of the people and function in bureaucratic setting. It is then more a question of transforming these institutions. The traditional leaders need to show more leadership in matters related to agricultural innovations, empowerment and capacity building of women and the marginal and landless farmers and safeguarding the rights of the villagers through commercial exploitation of their traditional knowledge, using customary decision-making process and laws as far as possible.

## 1. INTRODUCTION

Meghalaya which literally means “the abode of clouds” is home to the *Khasis*, *Jaintias* and *Garos*, and also *Koch*, *Rabhas* and the *Bodos*. These communities have from time immemorial lived in close association and harmony with ‘Mother Nature’ deriving sustenance from her rich stock of resources. Over the years, these communities have accumulated their knowledge and experience in matters

regarding the sustainable utilisation of resources for development of one and all in the community. This indigenous knowledge is reflected in the customary laws which shape their society and day-to-day life. Meghalaya has the unique distinction of having retained its customary laws and practices in traditional institutions. Very few of the customary law systems exist in written form. The need is to sustain orally-transmitted customary laws through documentation efforts for wide dissemination. In the Vision 2030 document of Meghalaya [1], the is need for strengthening the traditional institutions of local governance and grass-root planning calibrated right from the village level. They further emphasized the need for strategic initiatives to accelerate growth, banish poverty, enhance human development and bring peace and prosperity to the people of the State in a sustained manner, without unsettling the traditional and cultural milieu in which they live. In the present context, the need is to understand how the members of the general public perceive their customary laws and traditional institutions and whether the customary laws are still relevant or need reforms.

## 2. MATERIAL AND METHOD

The study was conducted in Umsning Block of Ri-Bhoi district of Meghalaya. Four villages under this block viz., Umtham, Umtrew, Lumroman and Wahmyntiat were randomly selected. From each of these villages 30 respondents, representing equal number of male and female respondents were selected randomly. Thus a total of 120 respondents from across four villages were selected. For collection of customary laws exhaustive reviewing of available literature was done. Also Focus Group Discussion (FGD) and Participatory Rural Appraisal (PRA) exercises involving local elders and leaders were conducted in each of the villages. The laws pertaining to holistic community development were identified. A pre-tested structured interview schedule was administered to the selected respondents to understand their perception towards these traditions.

### 3. RESULTS AND DISCUSSION

The *Khasis* are the dominant group, constituting more than half (56.4 per cent) the total tribal population of the state. The Khasi tribes live in small village communities known as “*shnong*”. The control over a village is collectively exercised by a council of elders of the village called the “*Dorbar Shnong*” (Village Council). The traditional political system of the Khasis basically functions at three levels viz. Village (*Shnong*), Cluster of villages (*Raid*) and State (*Hima*).

In *Khasi* community, village has its autonomy of management and control on the inhabitants and its natural resources [2]. Also, *Dorbar Shnong*, seems to be most important in the politics affecting the day to day administration and the lives of the common people and it is around these councils that life of the community is organized [3].

Every village has its *Dorbor Shnong* which is presided over by the *Rangbah Shnong* or the village headman who is elected to his office by the adult male inhabitants of the village. The village council is a composition of adult male members or '*Rangbah*' from every domestic group residing in the village. Every '*Rangbah*' inducted in the village council is a life-member [2]. The *Rangbah Shnong* runs the village administration following the local customs and traditions as well as rules and regulations as legislated by the *Dorbor*. The power and authority of the *Dorbor Shnong* was derived from the tradition of autonomy and traditional practices which had the force of laws [4].

In normal course of things, the *Dorbor* meets at least once a year and can also meet more often depending on the need. The *Dorbor* functions on the principle of collective decision-making. Nowadays the '*Dorbar Shnong*' has a body of persons elected by it to form an executive committee, a secretary of the village to maintain records and a treasurer to maintain accounts. There are quite a number of villages, which have sub-committees relating to water supply, health, and committees is to make it function effectively and to be able to achieve better results. The '*Rangbah Shnong*' alone cannot manage the growing needs and demands of the village [2]. The functions and roles of a *Dorbor Shnong* are:

**i) Formulation and implementation of rules and regulations:** The *Dorbar* formulates rules and regulations regarding use of natural resources and general conduct of the village life. Those violating rules are liable to be punished.

**ii) Maintaining law and order:** It is the duty of the *Dorbor* to address and tackle issues of drunkenness and brawls, drugs, gambling, theft etc.

**iii) Settling of village level disputes:** The *Dorbor* also functions as a judiciary body for settling of intra-village disputes regarding land, properties etc.

**iv) Development of village infrastructure:** In the old-set up, the *Dorbor* can levy contributions, duties from householders

within its jurisdiction to meet expenses like construction of roads, bridges [4]. Even today, the *Dorbor* take the responsibility for development of the village in terms of construction of schools, community halls, pucca roads etc. The *Dorbor* liaises with various Government Departments, NGOs etc. in implementation of rural development programmes.

**v) Management of Natural and Common Property Resources like land, forest, water bodies etc:** In Meghalaya, substantial forest areas are under the unclassified category and owned by private individuals, clans, village councils etc. [5]. It is the responsibilities of the traditional council to look after sustainable utilization of the forest and at the same time meet the day to day livelihood need of the dependents. It is the responsibility of the *Dorbor* to make laws to stop indiscriminate and unnecessary hunting and fishing. Some *Dorbors* discourage the use of chemical fertilizers and pesticides in agricultural lands irrespective of whether it is *Ri-Raid* (community land) or *Ri-Kynti* (private land). It is reported that indigenous community institutions like the Mawphlang Lyngdohship - have successfully introduced measures such as social fencing, regulating fuelwood harvesting and grazing, using smoke-less *chullahs* or stoves, switching to higher value stall-fed livestock, controlling forest fires by laying down fire lines in ten meter patches outside the forests and banning mining at nearby quarries [6].

With privatization of the common resources like land and forest, the power of the *Dorbor* has been reduced to a great extent. When the traditional leaders were restricted to exercise their power, degradation of natural resource base occurred [7]. As the only grassroot level governing body, these institutions need to be empowered to handle indiscriminate use of resources within its jurisdiction area, even in private properties.

**vi) Organising social and religious rituals and functions:** The *Dorbor*, in absence of religious leaders in the village also performs the role of priest in religious rituals. It should also initiate and plan organizing of festivals, feast and functions within the village. With the conversion of the local people to Christianity, the Church have taken over the *Dorbor* in religious activities. Also, traditional customary festivals and functions have started to lose their significance.

**vii) Taking care of the poor and needy:** The duties, taxes and fines collected by the *Dorbor* are used to help families with misfortunes like failure of crops, house destroyed calamities like wind, fire etc [4]. Some *Dorbor* also levies contributions from households to help families with sick members or to meet funeral expenses. Any kind of mistreatment or misconduct towards women, children and aged are given strict punishment.

**viii) General maintenance of the village:** The practice of *Pynkhuid Shnong* (cleaning the village) is done in many villages where at least one male member of each household are required taking part. This is usually followed by a

community feast. To keep the village clean, stone walls are erected to keep the pigs confined to a particular corner [4]. In many villages, villagers are encouraged to burn the garbage and use the ash as manure in crop fields. Littering of waste and garbage are strictly prohibited.

**ix) Miscellaneous activities:** Besides the above roles, the *Dorbor* also is the authority for sanction of residential certificate, documents of identity for opening a bank account and such requirements.

By custom the *Dorbor* had to function on the basis of collective decision making, but respondents in the study area were largely dissatisfied with its functioning saying that it lacks transparency in decision making. In certain instances, the respondents reported to not having been consulted.

Some of the traditional customary laws of the *Khasis* important for sustainable development of rural community are described below:

**i) Land for agriculture and livelihood:** Land is central to traditional Khasi life [8]. According to *Khasi* tradition, no family should be without a plot of land [9]. Cultivation in the allotted lands was undertaken with family labour primarily for self-consumption. In case of *Ri-Raid* (community land), *jhum* cultivators could not claim ownership and transferable rights over the lands, however their fruit of labour were not denied. Absentee landlordism, tenancy and landlessness were unknown in the traditional Khasi society [8]. With the popularization of new technologies HYVs, horticulture and chemical fertilizers, the villagers are encouraged to opt for these, which are only possible for those who can invest labour and capital, converting the *Ri-Riad* to *Ri-Kynti* (private land). Such changes in landholding pattern no doubt benefit relatively well-off people, but they adversely affect the households with limited means. These lead to many *jhum* farmers losing control over the lands they were earlier cultivating.

In the present era, the process of conversion of *Ri-Kynti* land into family land appears to have already completed among the *Khasis*. Many of the *Ri-Riad* and clan lands are almost privatized [8]. The growth of population and decline of common lands is forcing the poor peasants and *jhumias* to become tenants or work as casual labourers in agriculture and mines.

**ii) Agricultural Activities:** The *Khasis* have a high regard and respect for the soil which feed them and their children. Some festivals and dances are held before the sowing season or after harvesting, to thank God for a bountiful harvest. Rice is the main crop of the *Khasis* and traditionally every household were allotted a plot of land for *jhum* cultivation of rice, mostly for sustenance. With change in land market scenario and increase in the importance of money, privatization of land started having a negative impact on the relatively poor sections. Rich become richer and poor become landless

tenants or agricultural wage labourers. Diversification of cultivation to commercial crops also started.

### **iii) Conservation of biodiversity and natural resource management:**

**Forest rules:** The intrinsic linkage between the forest and livelihood of the entire rural population can hardly be undermined. They look upon the forest as the ultimate storehouse of wealth, a source of immediate help at difficult times. Forest products such as tubers, rhizome, succulent shoots, fruits and mushrooms have provided the villagers with an alternative source of day to day livelihood [5] besides supplementing their basic requirements of food [10].

Important feature of the forest system of the *Khasis* is the Sacred Forests. The *Khasis* belief that in these forests, one cannot cut any trees or branches and if they do, illness and misfortune will befall him [6]. Contrary to various acts and laws passed by the Government bodies, the traditional institutions have been forceful and effective till recently in managing the forest under its jurisdiction following customary laws [5]. In Wahmyntiat village, the villagers are allowed to use the forest wood anytime they like, but with a purpose. But those who haphazardly chop off forest trees are liable to be fined. While in Umtrew village felling of trees is completely banned, use of the forest resource is restricted except for collecting firewood. The Government of Meghalaya report [5] listed the restrictions for forest management imposed under the customary laws by the village *Dorbor* of Tangmang community. No one can enter the forest without the permission of the *Dorbor*. Felling of trees is allowed only for community works. Fuel wood collection is allowed only by hand for bonafide domestic use. Extraction of NTFPs is allowed for personal consumption. Hunting inside the community forest is not allowed. Violators of the restrictions and miscreants are heavily fined.

**Management of water resources:** Dirtying of common water resources like streams, ponds, lake is strictly prohibited. Traditionally, the upstream of rivers are used for drinking purpose and downstream for washing.

**Hunting and fishing:** Hunting and fishing were the prime traditional source of livelihood apart from agriculture. One can hunt and fish to meet one's basic needs but indiscriminate hunting is prohibited. In the present age, with the dwindling forest area and reduced wildlife, strict rules are required regarding hunting. But it is reported that in some villages people often engage in hunting spree in the name of tradition. Fishing from community water sources is strictly regulated.

**iv) Livestock rearing:** Traditionally, it is rare to find households without any pigs or poultry. They are mostly used as buffer for livelihood and food security in times when crop fails or there is urgent need to meet certain household needs. Rearing of livestock on a large scale for income generation was largely absent. Nowadays, it is not uncommon to find households having large livestock farms. Livestock like cows,

goats etc are not allowed to graze freely in all the surveyed villages. Owners should take the responsibility to take care that their animals and birds do not cause harm to standing crops or litter around the village areas.

**v) Market rules:** Market plays an important role in the social, economic and political life of the people. The Khasis have eight days week which is based on the market days. The names of the days are places where the principal markets are held in the Khasi and Jaintia hills. These markets functions once a week, i.e., one day each week for each market. As a custom, farmers restrain from engaging in any farm operation on their respective market day (*sngi iew*).

In the olden days, just before the harvesting season of rice crop, people were not allowed to sell any new stock of rice, indigenous fruits, dry fish, betel nut, etc in the market because the local people usually believed that it is not wise to sell new stock before the harvesting season or the harvest may be bad. These markets have never been shut down or closed due to village or raid related tribulation and are also not allowed to do so in the future except for State welfare related activities like bandh, curfew, road blockade etc.

People in need for space for setting up a stall during the market days should seek permission from the *Raid*, which will be allotted to the individual on a temporary basis under certain conditions that if the person does not utilize the space allotted to him/ her within 3 months, then the space will be allotted to some other person who is in need of it. Rs. 10 is collected from every stall in the market on every market day. This money collected goes to the fund of the *Raid* and also to the fund of the *Hima* on a 50-50 ratio. This rate has been decided by a joint committee of the *Raid* and the *Hima*, and this rate can be renewed whenever seemed necessary.

**vi) Gender issues:** Khasi society as it is well known is matrilineal, where lineage and inheritance is traced from the mother's side. The youngest daughter (*Khadduh*) inherits ancestral property. This inherent inequality prevailing due to birth-order preference, elder daughters find it difficult to access bank loans as they have no valid legal documents to provide as collateral. Even in the case of the *Khadduh*, their husband or even brothers/uncles usually decide the use of the property like the agricultural land [11]. In traditional Khasi society, women did have some control over property and productive resources like land. However with change in land relations [8] they are deprived of this advantage as men started possessing the lands. Women lose their right over their land forcing them to take up other petty vocations or live as ordinary housewives of wealthy men leaving productive work.

The Khasi tradition does not allow women to take part in the activities of the *Dorbor*. They play no role in the election of the Headman or when important village level decisions are to be made. In this era of gender equality and women empowerment, it is disheartening to see that women in this unique matrilineal society have no political powers. This

customs have other negative impacts as well. As reported by [11] since women have no role in traditional institutions and have never been included in this grassroot decision making body, it is no surprise that they are excluded from all intervention programmes. Some women in the study area had voiced their dissatisfaction on not allowing participating in *Dorbor* matters. In the present times, it is however reported that few *Dorbors* in the Shillong town now allow women to enter the *Dorbor* and take part in decision making.

**Perception towards the Dorbor Shnong:** The perception of the respondents towards the *Dorbor Shnong* of their respective villages was measured as the degree to which they feel the *Dorbor* exhibits efficiency in each of the selected item statements. The statements were a collection of the roles, responsibilities and task a *Dorbor* should obliged to as per many literatures reviewed as well as the contents of the draft of the Khasi Hills Autonomous District Council (Village Administration) Bill, 2012. The details of the findings are presented in the table 1.

Statements	Total Weighted Score	% Score
1. Community Participation & transparency in decision making	165	45.83
2. Exuding leadership role (vision & initiative)	193	53.61
3. Treating each and every villagers equally	200	55.56
4. Bringing justice to one and all villagers	242	67.22
5. Ability to settling intra-village disputes	241	66.94
6. Welfare of women, children and disabled	245	68.06
7. Governing the village in adherence with the customary laws ( <i>Ka Synshar, Ka Khadar, Ka Bishar</i> )	232	64.44
8. Preservation of customs, rituals and festivals	212	58.89
9. Protecting/promoting the establishment of <i>KhlawKyntang/ Lyngdoh/ Niam/ Adong/ Shnong</i>	210	58.33
10. Indiscriminate and judicious use of common property resources like forest and water bodies	228	63.33
11. Bringing about development, peace and prosperity in the village	219	60.83
12. Protecting life and property of the villagers	205	56.94
13. Creating village infrastructures like schools, health care, sanitation, roads, community hall etc	217	60.28
14. Regulate the adoption of new varieties, chemicals by individual farmers in his village	199	55.28

As per the percentage score of each of the statement items, the *Dorbor Shnong* was found most efficient in taking care of the welfare of women, children and disabled (68.06 %), brining justice to one and all villages (67.22%) and ability in settling intra-village disputes (66.94%). The items having least efficiency were community participation and transparency in decision making (45.83%) and exuding leadership role (53.61%).

The *Khasis* generally have high regard for their womenfolk. Any short of misbehaviour or ill treatment towards women, children, aged and the disabled by any insider or outsider is not tolerated. The culprit is strictly punished, the severity of which varies according to the intensity of their misdeed, which may range from imposing fine to social boycott. In this sense, the *Dorbor* has high efficiency in its judicial role of bringing justice and settling all sorts of disputes. However, transparency as regard to utilization of fund or other village level decision making, which is supposed to be a participatory process, seems to be largely diluted and corrupted in modern times.

#### 4. CONCLUSION

*Dorbar* is expected to function in accordance to the laws set by the tradition. They are the agents for enforcement of customary laws, which were set in such a manner that all were treated equally and that people judiciously utilize the natural resources on which they depend. But, it was when population was less and resources like land and forest used to belong to the community and clans. With time, people have moved away from many of these practices. Changes in land relations and commercialization of agriculture have left the *Dorbor* with limited control over private properties.

Weak enforcement, outdated regulations and insensitivity of farmers have weakened the system [12]. The demand for recognition and empowerment of the traditional institutions in part is linked to the poor performance of modern institutions of governance [13]. The leaders lack of education and appropriate skills to function in bureaucratic setting and hence could not protect the people from being exploited by the bureaucrats and the relatively well-offs [14]. The need of the hour is certain reformations in its functioning as well as capacity building of the people in general and headman in particular so as to enable them to meet the changing needs of the people and function in bureaucratic setting.

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