

“A Study to Understand the Inclusion and Exclusion of Khasi Women In Local Durbar (Administration)”

Author Name: Raynold Nongdhar

[LLM and LL.B from North Eastern Hill University (NEHU)]

Abstract

The Khasi's have a traditional political institution known as the Dorbar which acts as the framework and structure of the administration, governing and adjudication in a community or village. Generally considered as a male dominated institute based on certain tradition, customary laws and practices. Hence, women are not allowed to participate in this governing process of the Dorbar. The study aims to give insight on why the Dorbar Shnong as a governing body continues to exclude women from the administrative process and look upon the various aspects towards women which deems them unworthy or unethical to be involve in the male centric institution of the Dorbar. The main idea behind the research is to understand the negligence of women from the Dorbar even though the Khasi are considered to be a matrilineal society. The study examined an in-depth study from the perspective of various Headman and peoples within the Khasi Hills and how they view the participation of women in the Dorbar. The study is keen upon giving a clear understanding of how different administrative body of the Dorbar deals with the concept of women being involve in the Dorbar, how women can contribute in the local governing process of the Dorbar and gives a wider understanding of the existence of gender roles within the Khasi society especially in the context of the Dorbar. The study found that different traditional councils or Dorbar have their own views and opinion regarding women participation in the Dorbar, not many by some Dorbar do include women in governing process however that are not given any political power or authority in the Dorbar. Their main role here is just providing opinion on certain issues. Some Dorbar even allow women to participate in times of electing of a new Headman but many Dorbar still continues to exclude women from this practice. The Dorbar being an evolved concept of administration in which changes are made depending on the emergences of need and requirement for change and this is still not the case in present Khasi society. Most Dorbar and the generally public still do not recognized the importance of women in such institute thus widening the gap for women participation to be completely acceptable in Khasi Society.

Keywords: Dorbar, Khasi Women, Village.

Introduction

Women are considered to be caretakers of the children and elders. They play a vital role in supporting the households and communities in order to improve the overall wellbeing. A girl is considered a women when she reaches 18 years of age however different societies and culture have different laws of womanhood. In Khasi society women are respected with dignity and are held in a high position within their family and clan. The Khasi women is the custodian of the family and the youngest daughter inherits the ancestral property and takes up the responsibility of looking after her parents. The matrilineal society also known as matriliney often refers to a group of individuals adhering to a kinship system in which the lineage is

generally traced to a common female ancestral line. The children often takes the last name of their mother and in a matrilineal society the land or property is often handed down to the daughter. Khasi society is generally known for being a matrilineal society which lays significant importance to cultural and customary principles of the Khasi Society. These principles often includes the gender roles of men and women in Khasi society. Understanding the gender roles between the Khasi men and women in a 'Durbar Shnong' is the primary objective of the research. The 'Durbar Shnong' are traditional councils in a village whom is led by a Headman or 'Rangbah Shnong' with the aid of his ministers of elders or 'Tymmen San' along with the adult males members of the village to discuss and make decisions relating to the well-being of the village. The exclusion of women from the traditional councils or 'Dorbar Shnong' is the main focus of the study. The exclusion of women from the 'Durbar Shnong' is because in the olden days or 'Longshuwa Mynshuwa' the Khasi men are generally the one who would go in battle to protect their land and villages and the women protects the family. This is the reason as to why the Khasi women are not allowed in the Durbar as it believe that politics and administration of the village is the domain of the men. In present there are a number of Durbar who are beginning to allow women in the administrative process of the traditional councils. The Khasi women who is always held and respected with dignity is empowered even more and considered as equal in both the family and in administrative council as well. However, this is not the case in every village in the Khasi Hills majority of the Durbar still continue to exclude women form the traditional councils. Most of the Durbar which allows women are usually in the urban area of the Khasi Hills and the Durbar who do not allow are the usually found in the rural or remote areas of the Khasi Hills.

Statement of the Problem

The exclusion of Khasi Women from the Local Administration is one of the indicators which shows that khasi Society is not considered women to be at par with Men . The exclusion of women brings many questions whether customary law which is protect under Sixth Schedule can supersede Fundamental Rights. This bring the major problem in the issues like Gender Base equality.

Scope and Objective of the Study

The current work presents the status of Khasi Women in the Local Administration. The study highlights the term 'Exclusion of Khasi Women' which means Women were never allowed to participate in a local governing institution (the Durbar Shnong), banned by the Head man, also known as the Rangbah Shnong. The status and rights of Khasi Women under the 'Sixth Schedule' and The Khasi Hills Autonomous District Council (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act 2007 does not recognised the equal rights of Khasi women in the election process of Local Headman. The study takes into account the study of laws and rules which recognized and prescribed the rights of the women. The study encompasses the violation of women rights by the 6th Schedule and The Khasi Hills Autonomous District Council (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act 2007.

Further, the current work makes an attempt to:-

- Identify the plight of the Khasi Women under the existing laws.

- Evaluate the 6th Schedule and The Khasi Hills Autonomous District Council (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act 2007
- Study the role of judiciary in protecting the Khasi women rights.

Research Methodology

The current research work applies the method of doctrinal and empirical research. It borrowed helps from both primary and secondary sources with reference to the subject matter. The research have been referred to primary sources such as the Indian Constitution and KHADC ACT, of 2007 etc. and the secondary sources includes offline and online books, journals, articles, reports, court ruling, newspaper, etc. on the subject . Besides these, various sources from internet with reference to the subject also have been consulted.

Historical Background

The ancient Khasis were possibly one of the groups of people who moved to this area from another place. They have physical characteristics that suggest they are Mongoloid. But their eyes don't have the usual shape that people of Mongoloid descent often have, which suggests that they were a mix of different racial backgrounds. Maybe, a long time ago, the first people of South-East Asia mixed with people who came from Western and South China. The tools they used, like hoes and stone tools, along with their language strongly suggest that they came from Southeast Asia to the place they are at now. Their language is a type of Mon-Khmer dialects and is seen as a part of Austric languages. In India, the Mundas, Santhals, Hos, and others speak Austric languages. The Khasi language group is called 'Mon-Khmer' because it comes from the Mons in South Burma and South-West Thailand, and the Khmer in Cambodia. The Mon-Khmer languages include Khasi, Nicobarese, Palaung, and Was in Burma, and Sakai and Samang in Malaya.¹

The Khasis may have moved to the Khasi and Jainti Hills from Southeast Asia through Burma, or directly from Burma. In Manipur as well, there are Khasi Megaliths and other similar structures. Things were discovered. Some scientists believe that Manipur was a place where the Khasis from Burma passed through when they were moving to a new location. If there is no radiocarbon dating, we cannot determine anything about the time period that these stone evidences belong to.²

Instead, they mixed with the Pro-Australoids in Assam or possibly in the hills where they live now. We cannot say for sure if the Khasis were immigrants without proper evidence and analysis from experts in different fields such as ethnology, anthropology, linguistics, and archaeology. Their stories suggest that there are two possibilities. They were in an area called Greater Assam before the Ahoms and Tais came, and even before the Aryans came in the 4th Century A. D. The rivers, mountains, and other important places always have names in the Khasi language. Monoliths and Cromlechs were discovered in places like Noakhali, Demoria, Sonapur, Beltola, Rani-gudam, and Palasbari. In the Assam Valley, there are signs that suggest Khasi people settled there a long time ago.

Migration to Assam:

According to Several Authors, they first migrate to Assam from the east through the Patkai mountains. The Khasi people's ancestors were originally associated with the Mekong River and consider it their important relative.

¹ Ramamoorthy Gopalakrishnan, "Meghalaya, Land and People" (Omsons Publications, Edn 1, 1995)

² IBID

Their first home was located in the upper part of the Mekong River in Yunnan. They used to live there with their Austro-Asiatic relatives. They think that around 300 BC-69 AD, their relatives separated into two or more groups and started moving. One group went west and became the Khasi people, while the rest went southwards.³

Migration to the Khasi and Jaintia hills:

They first lived around the region of southern banks of the Brahmaputra River basin before being forced to migrate to the hills by Tai Ahom and also Indo-Aryan Mogul people in the 15th century AD.

The Tai Ahom dominated the Brahmaputra River basin whereas the Mogul people dominated present-day Sylhet region of Bangladesh.

Culture:

Khasis are a vibrant tribe. They are one of those matrilineal societies where lineage and kinship flow from the female line. Khasi woman not the man, is the one who passes on the family name to progeny. She also inherits and assumes custodianship of the legacy and clan of her parents. And if she is the youngest daughter, her husband comes and stays in her house.⁴

Constitutional Provision

Introduction

The idea of equality between genders is stated in the beginning of the Indian Constitution (Preamble), as well as in laws and policies throughout the document (Fundamental Rights and Directive Principles of State Policy). In addition to giving women equal rights, the Indian Constitution allows the government to take special actions to help women more. In a democratic society, our laws, policies, plans, and programs have focused on helping women grow and succeed in different areas.

Preamble

The Preamble of the Indian Constitution run as follows:

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a (SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC) and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the (unity and integrity of the nation);

IN OUR CONSTITUENT ASSEMBLY this Twenty Sixth Day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

³ East Asia Blog, Available at: <http://eastasiaorigin.blogspot.com/2020/06/ethnic-origin-of-palaung.html> (last visited on 8/07/2023)

⁴ Zizira Chillibreeze Available at: <https://www.zizira.com/blogs/people-and-process/in-a-patriarchal-world-meghalayas-khasi-women-keep-their-own-identity>.

The idea of treating men and women equally is talked about in the beginning of the Indian Constitution ie The Preamble. The constitution gives women equal rights and allows the government to take steps to help women even more.

In a democratic system, our laws, policies, plans, and programs have focused on helping women progress in various areas.

India has agreed to and followed many international agreements and documents that promise to protect women's rights to be equal with men.

Fundamental Rights (Part III)

Article 14 - Equality Before Law: This rule means that everyone is treated the same under the law.

Article 15(1) and (2) say that the country cannot treat its citizens differently based on their religion, race, caste, sex, place of birth, and other reasons.

Article 15 (3) grants the government the power to create specific rules and support systems for women and children.

Article 21 gives everyone the right to live and have personal freedom. It strongly emphasizes the importance of protecting, maintaining, and honoring the dignity of women.

Article 23 of the Constitution says that it is not allowed to force people, especially women and children, into being bought or sold or to make them beg or do other types of forced work. If someone breaks this law, they will be punished as outlined by the law.

Directive Principles of State Policy (PART IV)

Article 39(a) – The State must direct its policy towards ensuring that all citizens of India, men and women equally, the right to an adequate means of livelihood

Article 39(d)- The State must look to secure equal pay for equal work for both men and women

Article 39 A – This article says that justice should be provided on basis of equality of opportunity and there shall be provisions for free legal aid for all. It also says that justice shall not be denied to anyone irrespective of their economic or other disabilities.

Article 42 – The State must look to secure just and humane conditions of work and maternity relief.

Article 46 – The State shall promote, ensure and look into with special care the educational and economic interests of the weaker sections of the society, particularly the Scheduled Castes and the Scheduled Tribes, and shall also protect them from social injustice and all forms of exploitation.

The D.P.S.P under the Indian constitution reflects the government's belief that India is a democratic well-being state. This policy provides for equal employment rights, equal pay for equal work, adequate means for a dignified and decent life for men and women, which is guaranteed by the D.P.S.P Part iv of the constitution

Fundamental Duties (PART IV-A)

Article 51(A) (e) – This fundamental duty aims to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women.

Sixth Schedule to the Indian Constitution

The Sixth Schedule allows for governing certain tribal areas independently. The management of a self-governing region will be given to a District Council and in a local government, within a governing body. These Councils are endowed with legislative, judicial, executive and financial powers. Most councils have around 30 members. The group consists of several members, including a few members who were chosen specifically for their role. These constitutionally mandated Councils oversee the traditional bodies of the local tribes such as the Syiemships and Dorbars of the Khasi hills of Meghalaya.⁵

Article 244 of the Indian Constitution deals with the administration of Scheduled Areas and Tribal Areas through two Schedules. Provisions of the Fifth Schedule apply to the administration and control of the Scheduled Areas and Scheduled Tribes in states other than Assam, Meghalaya, Tripura and Mizoram, while provisions of the Sixth Schedule apply to the Tribal Areas of these four states. These two schedules have a history dating back to the colonial days of the 19th Century, when the colonial empire gradually expanded into the areas inhabited mostly by the scheduled tribes, who resented such encroachments upon their land by the administration. The Forest Acts of 1878 and 1927 effectively dispossessed the tribals of their traditional rights over forest land. Their anger led to numerous rebellions against the British by the tribals of Bastar, Kukis, Nagas, Santhals and many others. The colonial administration subsequently enacted various laws to protect tribal land and not to interfere too much in their traditional autonomy and self-governance traditions. A large number of areas predominantly inhabited by tribals were brought under the purview of the Scheduled Districts Act of 1874; under the Government of India Act 1935 and the Government of India (Excluded and Partially Excluded Areas) Order 1936, these areas were designated as Partially Excluded/ Excluded Areas for the purpose of general administration. Following Independence, these areas were brought under the Fifth and Sixth Schedules respectively, and referred to as Scheduled Areas for the purpose of preserving the autonomy, culture and for ensuring economic empowerment of the tribes.

Though no criteria were specified in the Constitution to bring in any area under these schedules, a specific set of criteria has evolved over a period of time which includes the preponderance of tribal population, the under-developed nature of the area and low economic standard of their tribal inhabitants, who are collectively identified as Scheduled Tribes (ST) under Article 342 of the Constitution. Scheduled Areas have been notified in ten states - Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana. However, not all tribal areas in the country are covered by these schedules - tribal habitats in Kerala, Tamil Nadu, Karnataka, West Bengal, Uttar Pradesh and Jammu & Kashmir are not covered either by the Fifth or the Sixth Schedule.

The Sixth Schedule had its origin in the Cabinet Mission of 1946 that had suggested constitution of an 'Advisory Committee on the Rights of Citizens, Minorities, Tribals and Excluded Areas', which was formed by the Constituent Assembly, and which appointed a Sub-Committee under the chairmanship of Gopinath Bordoloi. It had made wide-ranging recommendations including the constitution of Regional Councils and Autonomous District Councils (ADCs) with specific powers to administer these areas, allocation of certain taxes and financial powers to these councils and only tribal representation from these areas to the state legislature. These generated angry debates in the Constituent Assembly, with members from Assam warning that such an arrangement was "the surest method of inviting chaos, anarchy and disorder throughout the length and breadth of this country"; some even going a step ahead and pointing to the seeds of separatism inherent in this scheme. But buoyed by the staunch support of Dr. Ambedkar, who compared the situation of the tribals of Assam to those of the Red Indians in USA whose habits and manners of life were so distinct that it would be dangerous to bring them at one shot within the ambit of the laws enacted for the majority, Bordoloi Committee recommendations were adopted by the Constituent Assembly and became the Sixth Schedule to the Constitution.

There are currently 10 ADCs in the northeast as envisaged in the Sixth Schedule – three each in Assam, Meghalaya and Mizoram and one in Tripura. The ADCs and the Regional Councils are empowered to

⁵ http://www.asthabharati.org/Dia_Oct04/R.N.Pras.htm

make laws in respect of areas under their jurisdiction, which cover allotment, occupation and use of land for agricultural and non-agricultural purposes, management of forest, control of jhumming or other forms of shifting cultivation, establishment of town councils or village councils, inheritance of property, preservation social customs, etc. The ADCs are like miniature states having specific powers and responsibilities in respect of all the three arms of government: legislature, executive and judiciary. They have the powers to collect land revenues and certain other taxes within their districts like taxes on professions, trade and calling, etc., and to control money lending as well as trading by the non-tribals.

Paragraph 3 of the Sixth Schedule is deal with Powers of the Councils and Regional Councils to Make laws.-

Paragraph 3 of the Sixth Schedule empowers the ADCs to make laws on their respective customary practices like establishment of village committess or councils, management of any forest, inheritance of property, marriage and divorce, regulation of the practice of jhum cultivation, the apppointment or succession of chief or headman etc.

Paragraph 3(1) (g) empowers the KHADC or ADCs to make rule or laws with regards the appointment or succession of Chief or headman. From this specific paragraph the KHADC make a Law called the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act, 2007. This act was passed by the Khasi Hills Autonomous District Council on the 29th October, 2007, and received the assent from the Governor of Meghalaya on 5th April, 2008 . It Published in the Meghalaya Gazette on 9th April , 2008.

THE KHASI HILLS AUTONOMOUS DISTRICT (APPOINTMENT AND SUCCESSION OF SYIEM, DEPUTY SYIEM, ELECTORS AND RANGBAH SHNONG OF MYLLIEM SYIEMSHIP) ACT, 2007.

This Act shall applies to the whole of the Myllem Syiemship territory.

Section 2 of this Act define various term like:

- ❖ Rangbah Shnong - “Rangbah Shnong” means a traditional elected head of a village or an urban locality under the administrative control and territorial jurisdiction of Myllem Syiemship who belongs to a Khasi community.
- ❖ Adult - “Adult” means a person who is not less than eighteen years of age.
- ❖ Durbar Hima - “Durbar Hima” means the General Durbar of Myllem Syiemship comprising of the Syiem, the Deputy Syiem, the Basan, the Myntri, the Lyngdoh, the Syiem Raid, the Lyngdoh Raid, the Longsan, the Rangbah Shnong alongwith the elders/representatives of villages and urban localities and ki khun ki hajar of the Hima, as may be summoned by the Executive Durbar at least once a year and to be presided by the Syiem and in his absence by the Deputy Syiem. In the event of any emergency, the Durbar Hima may be convened as deem necessary.
- ❖ Elector - “Elector” means an indigenous Khasi male adult of the Hima who as per customs holds office as the Basan, the Myntri and the Lyngdoh duly appointed and recognized by the Syiem and his Executive Durbar and approved by the Executive Committee who is eligible to elect the Syiem under the prevailing custom of Myllem Syiemship.

Section 16 of this Act deals with the Election and Confirmation of the Rangbah Shnong:

This Particular Section is deals specifically with the election process of Rangbah Shnong in the entire Myllem Syiemship Territory.

Sub-Section 3 of Section 16 specified that A Rangbah Shnong shall be elected only by the recognized Khasi male adults who are the permanent residents of the village or urban locality concerned.

This Sub-Section 3 of Section 16 is barring the women to take part in the election process of Rangbah Shnong .

Judicial Approach

Aneeta Synrem v. State of Meghalaya & Others (WP (C) No. 252/2018)

Facts of the Case:

Aneeta Synrem, a resident of Pynthorumkhrah, Shillong, filed a petition with the High Court of Meghalaya on July 31, 2018. The petition was heard on August 2, 2018. The petitioner alleges that Section 16(3) of the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act, 2007, unfairly restricts women from voting for the local administration's headman (Rangbah Shnong).

The writ petition was admitted but has remained unresolved since 2018. On October 13, 2022, the court directed KHADC to submit a written statement expressing its stance on the matter.

On December 13, 2022, KHADC shared their opinion, stating that progress has been made to involve women in the electoral process. Therefore, the council requests additional time to gather the perspectives of all stakeholders regarding this matter.

Issues:

1. Whether Customary Law can supersede Fundamental Rights.
2. Whether Section 16 (3) of the KHADC, Appointment of Rangbah Shnong Act of 2007, contradicts Part III of the Indian Constitution.

Held:

In this case, the Meghalaya High Court held that the petitioner contends that specific laws hinder the participation and application of women for significant positions in the Local Durbar. The Khasi Hills Autonomous District Council acknowledged that societal changes are occurring. Still, it noted that women in many rural areas are not inclined to assume essential roles despite their desire to participate in elections.

The court recognised the sensitivity of the issue. It noted that the Sixth Schedule of the Constitution mandates the continuation of old traditions and customs. The District Council is empowered to handle most legal matters, except for grave offences, within their own courts. While the Sixth Schedule is an exception to the overarching law, it does not suspend the fundamental rights guaranteed to Indian citizens by the Constitution. The court emphasised that gender equality is integral to the Constitution and extends to all Indian citizens. It further stated that the tribal population in the State is not antiquated but emphasised that changes should originate from within the community rather than being imposed. The court expressed its expectation that the leaders of the Council will utilise the substantial progress and development the State has achieved to foster a society that aligns with such progress and promotes prosperity. The District Council elections are scheduled for 2024. The newly elected representatives should address the negative aspects of existing traditions, particularly those that exclude specific individuals or are unfair based on gender.

Decision:

The High Court of Meghalaya has determined that it is the responsibility of the District Council and the society at large to effectuate the necessary changes in order to address the issue. The court does not intend to modify Khasi customs that impede women's participation in elections or candidacy.

Comments on the Judgment:

In the Meghalaya High Court's decision in this instant case, it appeared that the Court did not effectively uphold the principle of gender equality, which is not only a crucial component of the Indian Constitution but a fundamental human right. The court declined to deem Section 16(3) of the KHADC unconstitutional, ignoring the fact that women are half of the population of every society and entitled to fundamental human rights, including the right to vote, and thereby perpetuated the restriction of women's rights. They expressed a desire for changes to originate from within the KHADC, and society itself is an erroneous opinion as it is evident from the practices that even after 75 years of independence, women are deprived of their fundamental right to vote to date.

Section 16(3) of the Appointment of Rangbah Shnong Act, 2007, prevents women from participating in the electoral process for Rangbah Shnong. This provision contravenes fundamental rights such as Articles 14, 15, 19, and 21 of the Constitution of India. The court's decision lacks the strength to safeguard women's fundamental rights. The court should have struck down the specific provision and upheld the principles of fundamental freedoms.

In this case, it is clear and evident that traditional laws supersede the fundamental rights of humans because the court was reluctant to invalidate a specific discriminatory provision of law, knowing the fact fully well that the instant provision is violative of the basic fundamental right of women. Not only this, the court delegated the power to the KHADC to handle the issue until the creation of the new council in 2024

Data Analysis

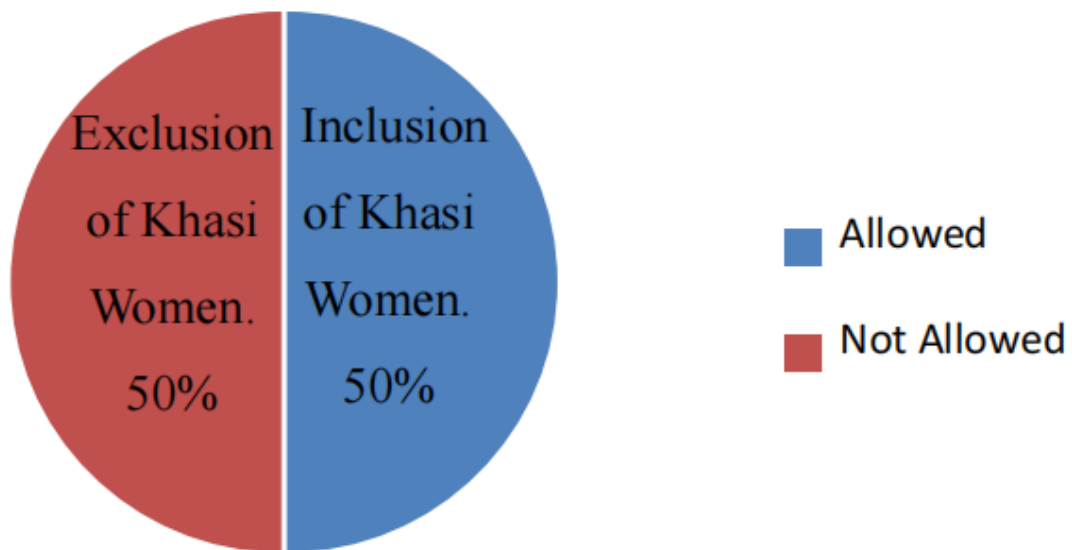
This chapter presents the data which the researcher has collected through the methods of Interview and Group Discussion. Using thematic analysis the research will analyze the qualitative data collected on the topic of understanding the inclusion and exclusion of women in the Traditional Councils/Dorbar Halls within the Khasi Matrilineal Society. The researcher has been able to acquire information from both the male member within the Dorbar using Interview, with the aim of identifying certain themes that may provide an understanding for the exclusion of women for the traditional councils or Dorbar through the following process of data analysis.

Inclusion and Exclusion of Khasi Women in Local Dorbar.

The researcher conducted a study in Eight Locality:

1. Mawlai Kynton Massar;
2. Mawroh;
3. Nonglum;
4. Mawiong Rim;
5. Mawdatbaki;
6. Umjaiur;
7. Nongkwar;
8. Syllaikariah.

Exclusion and Inclusion of Khasi Women



Participation of women in the Local Durbar Figure 4.1

Out of the Eight Locality, I found that at only Four Locality are allowed the Women to take part in the election process of local headman or Rangbah Shnong. The Durbar Shnong which included the women are: KyntonMassar, Mawroh , Nonglum and Mawiongrim and the Durbar Shnong which excluded the women are: Mawdatbaki, Umjaiur, Nongkwar, Syllaikariah.

Reason for exclusion of women from Traditional Council (view or opinion provided by the four Durbar why women are excluded from the Durbar)

- Each village have their own way of running the Dorbar;
- It is our way of tradition and culture;
- Since olden days the male are the ones who would go to war to protect the community for this reason most Dorbar have not include women in the Dorbar;
- Because in Khasi culture a Dorbar is considered sacred;
- Khasi's respects the Dorbar to an extend that they don't even allow individual with disabilities;
- If we must allow women in the Dorbar that means we as men also must have a right for the ancestral property to be inherit by the youngest daughter so that we can be truly consider as equals;
- we Khasi have given a lot of power to the women when it comes to the clan and property, the men have power only in the Dorbar and some occasion in the family and if this is taken by including women then we as Khasi men have lost all our power in the Khasi community.
- Even today when men are holding the power in the Dorbar it is still insufficient as our role as men in the society. And if this power is taken away then all our power as men would have been taken away from us, and our power in the Dorbar would eventually disappear into history;

- For a women to be able to take the duties of the Dorbar she would need to be older and not bound by her domestic activities and her duties towards her children that is the first reason and she won't be able to free up time to be involve in the Dorbar;
- A women would not be able to look after the community if she priorities her own household activities first;
- We Khasi have given a lot of power to the women when it comes to the clan and property, the men have power only in the Dorbar and some occasion in the family and if this is taken by including women then we as Khasi men have lost all our power;
- Women have a different role to play and that is primarily in the clan and the house;
- When we include women the Dorbar doesn't end and it exceed its estimated time for discussing an issue;
- Women often prolong the decision making of the Dorbar;
- Women can't maintain any confidentiality of topics discuss in the Dorbar;
- Women will be incapable to come forward as many issues in the community often requires the headman to go to police station and other law related issues and hence women would find this difficulty to accomplish;
- It not something acceptable for a women to come out in the middle of the night to fulfil the duties of the Durbar.

Reason for included women in the election process of Rangbah Shnong (View provided by the three durbar)

- Presently the Durbar plays an important role in implementing schemes and when they are implemented most of them are related to women empowerment that's why involving women in the Durbar would mean that we can directly move forward with the various women issues existing in the village which would be difficult it is only males are involve;
- In the olden days of running a Durbar there were no schemes but today that are literally hundreds of schemes that relate to women, youth and children that why we need women and they can benefit the Durbar a lot in this aspect;
- Women can give suggestions on a given agenda and work collectively for the betterment of the community;
- Women are more capable in thinking for the safety and well-being in the community and they are more capable in planning ahead in the future;
- Women can know more about the health and safety of the people in the community but we need to ask yourself if women can provide the time and effort of whether women can fulfil this task;
- They are the one that works for the cleanliness, safety and wellbeing of the community;
- The inclusion of women is good when considering the development of the village;
- Most issues that arises in the community are often dealt with by the Women's Group as women know better about things that can affect the community as a whole.

CONCLUSION

In concluding part the researcher can say that even though Khasi society is mainly viewed as a matrilineal society which gives upmost respect towards its women, the women in Khasi society are held in a high position and dignity but however it is not a matriarchy society where women are given the power to rule. Being a matrilineal society the women plays an important role in clan lineage in which the mother passes on her clan's title to her children and also the youngest daughter is bestowed with the ancestral property of her clan with the responsibility of looking after her parents when they grow old. Certain gender roles existing within the Khasi matrilineal society which results in the formation of a disguised patriarchy. Although women are believed to have power in the clan and family matters it is not fully true, in many occasions such as a funeral, marriage or family relations no final decision can be made without the opinion and acknowledgement of the maternal uncle or 'Kñi'. The Khasi's have a traditional concept of gender biasness and gender roles in which they believe men are more capable than women, women are generally considered to have only one trick and one power or 'Shibuit bad Shi-Bor' as it is known in

Khasi language and that the men have twelve trick and twelve power or 'Khat-Ar-Buit bad Khat-ArBor' as known in Khasi language. Therefore, even in a Khasi society which is believed to be a matrilineal society there is still some degree of patriarchy or inequality between the men and women.

Therefore, due to this concept of gender roles in the Khasi society women are not allowed to participate in the administrative, governing and adjudicative process of the Durbar. In which the Dorbar is considered as a male dominated and male centric institute defined by certain customary principles and tradition, norms and ethics which have existed since the times of the ancestors of the Khasi's till the present generation. There have been a lot of contradiction and debates about the negligence, prevention and exclusion of women participation in the Durbar with the Autonomous District Councils where under the Sixth Schedule of the Indian Constitution established certain laws and provision which concerns the rights and dignity of the Khasi's Women. Culturally and traditionally women are not allowed in the Durbar and even today many Durbars still followed this customary practice and continue to exclude women. However, the change in times and emerging new issues many Durbars have begun to recognized the importance of women participation and some locality women are allowed to take part but however this is not practice uniformly.

From the research work it was found that around 50% of the locality within the Mawlai Town Durbar are not allowing the women to participated in the local administration and in the election process of Rangbah Shnong. The reason they cited for barring the women to participate in the local durbar is that the customary practices of the Khasi is said so and allowed that. The office of Syiem Myllem is also encouraged them to still followed the customary practices. In the research conduct the researcher also found that there is a particular law which is back the practices which is an out-dated and not acceptable in this 21st century modern world. The KHADC, Appointment of Rangbah Shnong Act 2007 particularly Section 16 (3) is Unconstitutional and Arbitrary, because the particular Act is violated the basics rights of the women which granted by the Indian Constitution in Part III which is a fundamental Rights.

But However, which is a positive note to the women rights is that around almost 50% of the Durbar within the Mawlai Town Durbar are allowing the women to take part in the Durbar. But there is still a contradiction to the idea of women being able to participate in the Durbar because it is only 50%-50%. Although they agree that it is necessary and valuable to have women participate in the process but at the same time concern whether they will be able to perform the different roles and responsibilities of the Durbar. The fact that women are obligated to primarily focus first on their domestic activities is a strong factor that prevents women to give their time and efforts in the Durbar also many Headman and the general public are not ready to accept the idea of a female or women being the Head of the village since the roles of the Headman or any other role of the Durbar is based upon the willingness of the individual and people's trust in them to lead the village. This is the major difference as to why women find it easier to be involved in political roles and positions rather than being involve in a Dorbar since roles in politics is based upon certain written laws and regulation. This existing concept if gender roles between the Khasi men and women is a strong barriers which still continues to obstruct the path for women to be able to participate in the Durbar and even though some progress has been made towards women participation in the Durbar it is still difficult to say for sure for the people to completely accept women participation in the Durbar.

The Judicial Approach in this matter is also negative, as it was held in the Case of **Aneeta Synrem** in this matter the court failed to uphold the Fundamental Rights of the Women.

Therefore, the study can provide a better understanding and implication for the inclusion and exclusion of women in the Dorbar and what needs to be done or what needs to change in order to form adjustment in the tradition governing process of the Dorbar to allow women to fully participate and take up roles and position in the Dorbar without being subjected to customary laws and tradition, stereotyping and gender biasness within the Khasi matrilineal society.

Suggestions:

For the Women:

- Women should perform and voice out their opinion more on issues related to the welfare and well-being of the community;
- Women should overcome the cultural and traditional barrier restricting their involvement in the Durbar;
- Women should be able to free up time in order to participate in the activities of the Durbar and should participate in the Durbar only if there are not obligated by their domestic activities;
- Women should accepts that certain roles could only be fulfilled only by male members of the Durbar in situation which concerns their safety and protection;
- They should take up roles and participate in the Durbar if people trust in their ability to work for the betterment of the community;
- Women should shed light upon society about the stereotyping and gender biasness in regards to their participation in the Durbar.

For the KHADC

- The Autonomous District Councils should emphasize more women participation at the grassroots level of the society that is at the village level through the participation of women in the Dorbar Shnong;
- The Autonomous District Councils should passed a law for the reservation of seats particularly for women to be able to take up Elective Committee (EC) roles in the Dorbar;
- The Khasi Hills Autonomous District Councils should start implementing the law since the Jaiñtia Hills Autonomous District Councils have already implemented one since 2015;
- The KHADC need to amend the KHADC, Appointment of Rangbah Shnong Act of 2007, particularly Section 16 (3) since it violates gender equality which is a Fundamental Rights.

For the Dorbar Shnong

- The Dorbar Shnong should recognise the capacity and capability of women and importantly how women can contribute in matters which are sensitive such as issues of divorce, family conflict, schemes relating to menstrual health and many more;
- The Dorbar Shnong should adjust to the change in time and perspective happening in present society and make necessary adjustment in defining an appointing certain roles to women so that it can lead to a more effective and efficient governing process;
- The Dorbar need to accept the involvement of women participation in the Dorbar and diverge certain power and authority to them but at the same time must try to sustain and maintain the cultural and traditional practises of the Dorbar.

BIBLIOGRAPHY

PRIMARY SOURCES:

I. ACT AND RULES

- CONSTITUTION OF INDIA
- Part III, Part IV, and Sixth Schedule
- The Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) act 2007.

SECONDARY SOURCES:

I. BOOKS:

- B.Mawrie, *Khasi Ethics* (Vendrame Institution and Publication)
- Dr. Charles Reuben Lyngdoh, *Khasi Democracy at Croosroads* (Published 2019)
- M.N. Karna, L.S. Gassah, C.J. Thomas, *Power to the People in Meghalaya* (New Delhi: Regency Publication Edn 1st . 1998)
- Ramamoorthy Gopalakrishnan, *Meghalaya, Land and People* (Omsons Publications, Edn 1st ,1995)
- R.S. Lyngdoh, *Government and Politics in Meghalaya*. (New Delhi; Sanchar Publishing House 1996)

II. Website/Journal/Articles

- East Asia Blog, Available at:
<http://eastasiaorigin.blogspot.com/2020/06/ethnic-origin-of-palaung.html> (last visited on 8/07/2023).
- R.N Prasad, *Sixth Schedule and Working of the District Councils in North-Eastern States*
http://www.asthabharati.org/Dia_Oct04/R.N.Pras.htm (last visited on 8/07/2023).
- Zizira Chillibreeze Available at:
<https://www.zizira.com/blogs/people-and-process/in-a-patriarchal-world-meghalayas-khasi-women-keep-their-own-identity> (Last Visited on 8/07/2023).
- B. Datta Ray, *Power to People in Meghalaya* (Sixth Schedule and the 73rd Amendment) Available at: http://www.vedamsbooks.com/product_detail_print.htm.
- D. Roy, *A Khasi Remebered: A Collection of his Writings on the Khasis*. (Published by Don Bosco Press Shillong, 2012)
- L. Devrani, *Customary Laws for Sustainable Community Development* (2019).



