Land Relations in the Tribal Societies of Meghalaya: Changing Patterns of Land Use and Ownership

Deigracia Nongkynrih

Abstract
The system of land tenure and land ownership in Meghalaya is very complex, involving two authorities – the traditional and non-traditional institutions. The traditional institutions function on the basis of local customary laws and traditions – which have not yet been codified – and are based on customs and conventions practiced by the people from time immemorial. With the passage of time, and the adoption of the Constitution of India, the Sixth Schedule provided the framework for the establishment of the Autonomous District Councils in the tribal areas of India. Consequently, the Autonomous District Councils were established in the state of Meghalaya, which, along with the State now constitutes the non-traditional institutions to govern the land related matters. The paper finds that most of the people still prefer customary laws (under the guidance and authority of the traditional institutions) to continue, citing preservation of the indigenous culture and heritage as the primary reason. On the other hand, visible changes in land use has been observed, wherein people are going in for commercial farming with the jhum cultivation being replaced with settled cultivation.

I. Introduction

With the attainment of Independence, the “outlying limb” of North East India (NEI) was almost separated from the rest of the country by East Pakistan (now Bangladesh) (Cook, 1968: 444-448). As on 26th January 1950, NEI consisted of the state of Assam and the Union Territories of Tripura and Manipur. The Assam Reorganisation (Meghalaya) Act of 1969 accorded an autonomous status to the state of Meghalaya. The Act which came into effect on 2nd April 1970 enabled the creation of an Autonomous State of Meghalaya within the state of Assam. The introduction of the North-Eastern Areas (Reorganisation) Act on 30th December 1971 paved the way for the establishment of the states of Tripura and Manipur and the Union Territories of Mizoram and

Deigracia Nongkynrih (deigracianongkynrih@yahoo.com) is with the Department of Economics, North Eastern Hill University, Shillong.
Arunachal Pradesh (formerly the North East Frontier Agency) by the reorganisation of the state of Assam and conferred full statehood to the autonomous state of Meghalaya. Two districts of Assam viz., the United Khasi and Jaintia Hills and the Garo Hills were integrated to form the state of Meghalaya.

Meghalaya literally means ‘the abode of clouds’. It became a full-fledged state of the Indian Union on 21st January 1972. Meghalaya covers an area of approximately 300 kilometer in length and about 100 kilometer in breadth (22,429 sq. kms), and its altitude ranges from 170 meters to 1920 meters (Das et al., 2006). The state is bounded by Assam to the north and by Bangladesh to the south. Presently, there are eleven districts for administrative purposes. According to the Provisional Census figures of 2011, the population of Meghalaya is 2,964,007. Meghalaya is primarily a rural-agrarian economy with 79.9 per cent of the population residing in rural areas and around 65.8 per cent of the working population engaging in agricultural and allied activities. The state is also well endowed with rich natural and mineral resources such as coal, limestone, fireclay and phosphorite. Meghalaya has a large forest cover, rich biodiversity and numerous water bodies. Meghalaya 86 percent population belongs to scheduled tribes, the major tribes being the Khasis, Jaintias and the Garos. A brief presentation of the major tribes is given as follows:

**Khasi and Jaintia**

The term “Khasi” generally is used to describe a group consisting of the Khynriam, Pnar, Bhoi and War. The people who inhabit the Jaintia Hills are called the Synteng or the Pnar or simply Jaintia; the people who dwell in the upland of the central part of the state or the Khasi Hills are called the Khynriam. On the other hand, the people who reside in the deep valleys and hill-sides of the southern part of the state are called War, while those occupying the low-lying hills on the north are called the Bhoi. Over the years the term “Khasi” has come to be synonymous with those occupying the Khasi Hills of Meghalaya. There are not many differences among the tribes and they observe the matrilineal system and are exogamous in their way of life. The Khasi and the Jaintia are of common ethnic stock and social and cultural background (Nongbri, 2001; Cantlie, 2008; Gurdon, 2010).

The society is matrilineal and lineage is through the mother. This is however, not to say that there is no role of the father in the family– he is the head of the family and a ‘kni’ or maternal uncle in his sister’s house. His earnings before marriage remain part of his mother’s or sister’s and he cannot take away to his wife’s house; after marriage, his earnings become part of his wife’s household. Among the Jaintias, the practice differs to the extent that the son continues to remain a part of his mother’s or sister’s

---

1 These districts are– East Khasi Hills, West Khasi Hills, South-West Khasi Hills, Ri Bhoi, East Jaintia Hills, West Jaintia Hills, East Garo Hills, West Garo Hills, South Garo Hills, South-West Garo Hills and North Garo Hills districts.

2 Intermarriage takes place among different clans and intermarriage within the clan is not permitted and considered as incest.
family (before or after marriage) and all earnings are towards them. If a wife were to retain the property of her husband, she must vow to never remarry or the property will revert back to her husband’s family (Cantlie, 2008; Gurdon, 2010; Roy, 2012).

Garos

The Garos are a hilly tribe currently inhabiting the Garo Hills district of Meghalaya. It is bounded on the north and west by the district of Goalpara in Assam; on the south by the district of Mymensingh in Bangladesh; and on the east by the Khasi Hills. Historically, they inhabited the outermost end of the mountain promontory which runs out into the rice lands of Bengal. They were the first mountaineers with whom the people and rulers of Bengal came into contact with. The Garos may be roughly divided into the Plains Garo and the Hills Garo each inhabiting the district to which they owe their name to. The Plains Garos inhabit the plain areas like Mymensingh and it was believed that their ancestors crossed the Himalayas and settled in the plains at their foot; while the Hills Garos inhabit the hills of low elevation popularly known as the Tura range, rarely rising much above 2000 feet (Playfair, 1909).

The Garos, like the Khasis and Jaintias, also follow the matrilineal system. However, when it comes to marriage, proposals must always come from the woman and not the man. A man may marry as many women as he like, but usually it is limited to three; though for him to remarry, he must obtain the permission of his earlier wives. Originally, the Garos were divided into three katchis or exogamous septs or clans, namely, Momin, Marak, and Sangma. With time, there has been new addition to these clans and new clans like the Arengs, Ebang and Shira have been named as exogamous independent groups. Among the Garos, great importance is attached to this practice and marriage within the same clan is taboo. The children belong to their mother’s clan or “motherhood”. The motherhood or “machong” (Ma meaning mother and Chong or Chong.a meaning a heap or group) was originally a family unit whose members are descended from a common mother or ancestress. Descent in motherhood must naturally be in the mother’s line, and a child belongs to the mother’s machong, and not to that of the father, whose family is barely recognised (Playfair, 1909; Sangma, 2012).

This exploratory paper tries to understand the pattern of land relation and the changes that have taken place, among the major tribal groups of Meghalaya in recent times. Specifically, it looks into:

(i) The land ownership pattern and the role of customary law and traditional institutions
(ii) The legislative measures and the institutional arrangements that have been enacted by the state of Meghalaya with regards to the protection of land rights of the tribal people such as the Transfer of Land Act
(iii) The change in land relations and community control of resources among the tribal societies
(iv) The changes in land use and the variations in the cropping pattern.
In addition to the available literature, the paper tries to analyse the changes taking place in the tribal societies of Meghalaya from the information gathered through Focused Group Discussions (FGDs) with the tribal communities in Meghalaya, namely, the Khasis, Jaintias and the Garos. Besides the FGDs, the study has also depended on consultations with local academics, and community leaders.

The author has visited the villages - Umthli (Laitkroh Block-East Khasi Hills district); - Mawkriah (Mylliem Block – East Khasi Hills district); Tyrshang (Thadlaskein Block – Jaintia Hills district); and Mawkynrong (Umsning Block – Ri Bhoi district); Edenbari (Rongram Block – West Garo Hills district) and Mawkangi (Umling Block – Ri Bhoi district) to understand the changes.

Section II of the paper focuses on land relations wherein the patterns of land ownership and forest lands are discussed in sections A and B, respectively. Section III discusses the institutional arrangement of land - which comprises of the traditional institutions (Section A) and the non-traditional institutions (Section B). Section IV tries to present the findings from field visits on the changes of land use and ownerships that have taken place in the society. Section V is the conclusion of the paper.

II. Land relations in Meghalaya

A. Pattern of land ownership

The pattern of land ownership plays an important role in land use and agricultural development and planning. For a better understanding of land ownership, related laws gives an insight into the problems faced by our present day society (Tiwari and Shahi, 1995). The basic concept of land ownership and tenure deals with the interrelated network of rights, duties, privileges, immunities and capacity to have and hold land for certain uses by individuals and groups within a society (Hoebel and Frost, 1976; Devis, 1978). Traditionally, land ownership in the tribal societies of Meghalaya is primarily governed in accordance with the customary laws and practices of the people. Over the years, many changes have occurred with respect to the pattern of landholding. However, the principle of transmission of rights of ownership has not undergone much change and has largely remained the same (Nongbri, 2001).

Meghalaya, as stated earlier, is chiefly a matrilineal society where the system of inheritance is through the female member of the household – either through the youngest daughter or a female relation. As such, landed property and its ownership are mostly vested with the female members of the household. The pattern of land ownership among the tribes of Meghalaya is traditionally very similar. The pattern of land ownership and its management is however rather a complex issue of discussion due to the interplay of various players ranging from the owners to the role of the traditional institutions. The pattern of land ownership amongst the Garo, Jaintia and Khasi is discussed below.
Land ownership in Garo society

In the Garo Hills, land is subject to the ordinary laws of inheritance, and really belongs to the wife of the nokma or traditional village chief or headman of a Garo village. Traditionally, a nokma is always looked upon as the owner of the lands of his village, who derived his rights through his wife, even though she is never considered unless it is found convenient that her name should be mentioned in litigation. A woman is merely the vehicle by which property descends from one generation to another. Hence, matriarchy in the strict sense of the word does not exist among the Garos. He, however, is always thought of and spoken of as the proprietor. Land may be, and frequently is, sold by a nokma, but can only be so disposed of with the permission of his wife and her machong or motherhood (Playfair, 1909; Sangma, 2012).

All the inhabitants of a village are entitled to cultivate whatever land they require, and may cultivate wherever they choose within the village boundary. A stranger who comes into the village to settle, is also permitted to take up land, but he must give a small present or quit-rent called hawil to the nokma. This quit-rent may be levied in two ways, either as a payment in money when a stranger first takes up his residence in a village, or as an annual rent. The first form is usual in the case of single individuals and the latter when a whole hamlet migrates to a new site on the land of another village, and it is feared that its inhabitants may set up a claim to be an independent village. The quit-rent may also be paid in kind, in the shape of rice, fowls, liquor (Playfair, 1909).

Land ownership in Jaintia society

Land in the Jaintia Hills is basically classified into two types, namely, Hali land and High land. The Hali lands are the permanently cultivated terraced wet rice land and were of two kinds: the difference being in the method of irrigation; one where water was brought from the streams and the other which depended on rainfall for water. The Hali lands comprise of the Raj land, Service land, Village Puja land, Private land and Patta land.

- The Raj land comprised of the property of the erstwhile Syiem/Rajas (meaning Kings) of Jaintia Hills (formerly Jaintiapur) and with the abolition of the institution of Syiemship by the British they became the property of the Government which were then leased to private individuals in accordance with the customary practices of the Jaintias. However, the occupancy rights of such lands would cease after three years if they remained unattended (Roy, 2012).
- Service land included lands that was given rent free to the Dolois, Pators, Chiefs and other officials as remuneration for the ‘services’ provided by them to the British who carry on the administration of the area. They were not paid but allowed to hold this piece of land in recognition of their services.
- Village Puja land consists of the lands held by the Lyngdohs or the Dolois who performs the pujas (worship) of the doloiship. These lands were set apart
entirely in each village for the purpose of worship. These lands are revenue free lands and the Lyngdohs or the Dolois can lease these lands and use the revenue from these lands for their own upkeep. The occupants of the Village Puja land had to annually either present sacrificial animals or objects or make payment in cash.

- Private land comprises of lands held by private individuals and can be transferred, mortgaged and sold or otherwise, at the will of the owners.
- Patta land or lease land encompass lands that were allotted or transferred to individuals or institutions by the British during their administration, whose power has now been substituted by the Autonomous District Councils. With respect to Patta land or lease land, the Autonomous District Councils’ power has been limited to only paddy fields as the settlement of building sites has been discontinued by them. For instance in War Jaintia, orange, paan (betel leaf) and areca nut ‘gardens’ are held as private property. The boundaries of the ‘gardens’ have been demarcated by means of boundary stones or stone cairns or trees on the boundary lines or by natural boundaries like streams or rivulets.

The High lands, on the other hand, are all lands not under hali or permanent terraced cultivation. High lands were divided into two: private lands held like hali private lands and unclaimed lands or government wastelands. The high lands, being in private possession, can be bought, sold, mortgaged and inherited at the will of the owners (See for instance: Karna, 1987; Sharma, 2004; Cantlie, 2008; Meghalaya State Development Report, 2008-09; Tiwari, 2012).

**Land ownership in Khasi society**

In the Khasi Hills, landed property is classified under two main heads — Ri Raid and Ri Kynti.

The Ri Raid (Ri meaning land and Raid meaning community) is generally community owned land or ‘public’ land wherein no individual has propriety right over it. The Raid lands have no boundary stones and are the land which is for the use of the people of the village or villages. The care of such land is under the Village council and the Syiem who has the authority to allot the land for use and occupancy to individuals. The clans, on the other hand, also have heritable and transferable right as well as propriety right over the lands. This is because most of the Ri Raid is owned by the clans who have then ‘gifted’ the lands to the community. Ri Raid lands are the lands set apart for community over which no persons have proprietary, heritable or transferable rights except the right to use and occupy as long as one occupies and use the land for purposes such as construction of houses or for cultivation. For an ordinary house,
including its kper (garden) not much land is required; for cultivation purposes land not more than can be cultivated is taken. An individual/occupant, who has been given a portion of the Ri Raid and has developed it, has the right to sell or reclaim the expenditure incurred for any improvements made on the land when it passes on or is transferred to another person. The individual may sell the produce from the land but cannot sell the land as such. The occupant has the right to sell the house and the site and garden or paddy field or grove attached to the land. However, the sale does not extend to anything more than his/her right of occupancy. In the event of the Ri Raid land being unutilised by the owner, its ownership rights revert back to the community (Roy, 2012).

The Ri-Raid comprise of –

- **Ri Shnong**: is a land which is a part of the village (Shnong) where villages are situated. The villagers can use these lands for cultivation but possess only occupancy rights and cannot transfer them.
- **Ri Lyngdoh**: is a land that has been set aside for the support of the Lyngdohs or priests of the State who performs religious rites or ceremonies.
- **Ri Bam Syiem**: is a land set apart for the clans of the ruling chiefs.
- **Ri Bamlang**: is a community land set aside for use by the community.
- **Ri Leh Mukotduma**: is a land acquired through litigation (Mukotduma).
- **Ri Aiti Mon Sngewbha or Ri Nongmei-Nongpa**: is a land that has been donated or gifted willingly (Aiti Mon Sngewbha) by the owners for use by the public.
- **Ri Raphlang-Ri Bamduh**: is a barren land which any citizen has the right to use.
- **Ri Diengsai-diengjin**: is a forest area that is covered with vegetation between the uplands and low lying areas of the lands.
- **Ri Samla**: is a land acquired by an unmarried person (Samla) who has the right to dispose off as he/she likes.
- **Ri Umsnam**: is a land acquired through wars.

The Ri Kynti (Ri meaning land and Kynti meaning possession) are private lands which are in ‘absolute possession’ by the owners. The owners can sell, mortgage, lease and dispose off their lands in any manner they deem fit. They are heritable and transferable at will. These lands are demarcated by boundary stones and landmarks (locally termed as ‘Mawpud’). In certain cases, the Syiem, Sordar or Village Councils have no right over these lands. In case they decide to sell, mortgage or transfer such lands, they must do so with the consent of the owners, shnong (locality) or raid (community) who have the authority and powers vested in them according to the customary laws and practices (Cantlie, 2008-09).

The different classes of Ri Kynti lands are –

- **Ri Nongtymmen**: is a land that has been inherited from generation to generation. It is a land of ancestry.
● **Ri Maw**: is a land that has been acquired through purchase or through the right of apportionment.

● **Ri Seng and Ri Khain**: is an undivided family owned land.

● **Ri Khurid**: is also a land that has been purchased or bought (Khurid coming from the Hindi word), over which the purchaser has the proprietary, heritable and transferable right over the land.

● **Ri Bitor**: is a land that has been acquired on receipt of ceremonial bottle of liquor.

● **Ri Dakhol**: is a land that has been obtained by the right of occupation.

● **Ri Shyieng**: is a portion of land that has been given to the khadduh (youngest daughter) of a clan or family for meeting the expenses on performance of religious rites and ceremonies.

● **Ri Phniang**: is a part of land of Ri Kur or Ri Nongtymmen that has been given to female members who acts as custodian and assists in the preparation of religious ceremonies or for looking after them in times of troubles.

● **Ri lapduh**: is a land of a family or clan that has become extinct which is kept as Ri Raid or Ri Bam Syiem.

● **Ri Lyngdoh**: is a land that belongs to the Lyngdoh or the priestly clan.

● **Ri Syiem**: is a land set apart for the maintenance of the Syiem’s clan.

● **Ri Shiak**: is a land that has been acquired by the husband and the wife which is given to the Kur (clan).

Another class of private land is termed as the **Ri Kur** (*Kur* meaning clan). The **Ri Kur** or the clan lands were originally owned by families, when population was sparse. As the members of the family increased and clan were formed, the lands became the landed property of the clans. Such clan lands are properly demarcated by stone boundary marks (locally termed as ‘Mawbri’). The caretaker/manager of the clan lands is the kni who is the maternal uncle of the khadduh or youngest daughter of the main family or branch of the clan. The house of the khadduh (also termed as *iing khadduh* or the last house) is the place for performing all the religious ceremonies of the clan and is also called the *iing seng*. All members of the clan are entitled to a portion of the share in the produce in any of the clan land – either in cash or kind. However, land that is held by the clan that cannot be divided or alienated without the consent of the ‘dorbar’ of the whole clan commonly termed as clan gathering (Cantlie, 2008; Gurdon, 2010; Roy, 2012).

**B. Forest lands in Meghalaya**

Meghalaya has an estimated forest area of 9,506 sq. km of which less than one per cent is under the control of the State Forest Department. The rest are under the direct or indirect control of the Khasi Hills, Jaintia Hills and Garo Hills Autonomous District Councils’. About 88 per cent of the forests are under the control of the communities. Most of the forest lands are also under the direct control of private individuals. There are 24 reserve forests and 5 protected forests in the state which are controlled and managed by the government (Tiwari and Tripathi, 1996). The forests of Meghalaya can be broadly classified as follows:
● **Law Ri Kynti**: These forests belong to private individuals or clan or joint clans, which are raised or inherited by them. Some individuals and clans may own forests located outside their village. Private forests are generally small in size, and are owned and managed by individuals. These forests are used according to the requirement and wishes of the owner.

● **Law Kur**: Some forest lands are also owned and managed by clans, wherein all members of the clan are entitled to a share of the benefits which are derived from the forests. However, access to the clan forest and collection of forest products are permitted only for households belonging to the particular clan. Clans, just like individuals, may own forests located outside their village.

● **Law Raid**: These forests are looked after by the heads of the Raid (traditional institutions comprising of a cluster of villages) and are under the management of the local administrative heads.

● **Law Lyngdoh, Law Kyntang, Law Niam**: These forests are set apart for religious purposes (Niam) and are managed by the Lyngdoh (priest), or any another person who is responsible for the religious ceremonies of the particular village, in accordance with the customary practices. They are also termed as Sacred (Kyntang) groves. Sacred forests are mostly primary forest and are well preserved, often in their pristine state and are rich in biodiversity.

● **Law Adong and Law Shnong**: These are the forest lands set apart as catchment areas for use by the community or village (Shnong) that may be decided by the Durbar. These forests are either under the control of a particular village or under the control of a Raid. They are usually small and are reserved particularly for the families in the village and on occasions for the village as a whole. There is no restriction on the collection and extraction of fruits and vegetable from these forests, but they must be done without harming the well-being of the forest. The ‘Sordar’ or headman with the help of the village Durbar manages and protects these forests.

● **Law Balang**: These are basically church (Balang) forests. The main purpose of these forests is for cremation and burial of dead bodies. These forests are usually gifted by private individuals or clans to the church or at times bought by the Church. The church manages and regulates the use and access to the forest resources.

● **Law Ri Sumar**: These are forests belonging to the individual, clan or joint clan which are either, grown or inherited by any of the individual, clan or joint clan.

● **Champe**: These are regeneration forests found in Garo Hills. These forests are managed by the Nokma and felling of trees is not allowed from such forests.

● **Wa, Grin**: These are bamboo reserves found in Garo Hills and are managed by the Nokma. The villagers have full access to the bamboo reserve and collect the bamboos for genuine needs such as the construction of houses or temporary sheds (See for instance: Nongbri, 2001; Kumar, 2008; Meghalaya State Development Report, 2008-09; Sarma, 2010).

---

5 The word ‘Law’ in Khasi is a short form of the word Khlaw meaning forest.
With the establishment of state control over some forest lands, new classes of forests have emerged. This process has brought large tracts of forests lands under state control through a system of reservation (Nongbri, 2001:1895). There are three kinds of forests under the jurisdiction of the District Councils: (i) unclassed state forests, which are under the direct control of district councils; (ii) Clan/community forests and (iii) Private forests. However, the control of the District Councils on the second and third categories of forests is limited only to the collection of royalty on the timber exported by the owners; outside their own area of trade (Gassah, 1980). There are also types of lands which are declared as forest lands according to the United Khasi-Jaintia Hills Autonomous District (Management and Control of Forest) Act, 1958. They include the following:

- Protected forest: are forests declared protected by the District Council for the growth of trees for the benefit of local inhabitants.
- Green blocks: These forests belong to an individual family or clan or joint clans and grow on Raid lands and are protected for aesthetic beauty and water supply of the urban areas.
- Reserve forests: are forests declared so by the executive committees of the District Councils. In these forests human settlement and felling of trees or cutting of branches are prohibited. Such forests are under the control of the State Forest Department.
- Unclassed forests: are mostly private forests over which local self-government has some control. They are mostly on the hill slopes and are used by local inhabitants for jhum cultivation. They are ‘unclassed’ simply because these forests, before the commencement of the Constitution of India, they are under the direction and control of the government. They also include any other forests not classified in any of the above (Sarma, 2010).

Overall, it is evident that a majority of the forests are both owned and managed by the people or communities; the exception being that under the Sixth Schedule, they are under the regulatory authority of the District Councils.

III. Institutional arrangements on land

The issues related to land ownership, management and transfer involve different layers of authority, making it a complex subject of discussion. The issues can be broadly classified and looked from two institutional perspectives – the traditional and non-traditional institutions of authority.

A. Traditional institutions

All the three major tribes of Meghalaya continue to have their own customary laws, traditions and practices to govern their land resources.

The traditional Khari institutions have a three-tier structure – at the highest level is the
Hima (State) headed by a central authority – known by different names in different parts of the Khasi hills (such as Syiem, Lyngdoh, Sordar or Wahadar). The central authority looks after the administration and welfare within the territorial limits and bounds of the State as a whole. The Syiem is assisted in matters of governance by the Dorbar Raid (commune council) comprising a group of villages – the composition of the Dorbar Raid varies from state to state. Ordinarily, they consist of the Bakhraws (aristocratic clans) including the Lyngdoh (priestly class), Basan (“Superintendent of Village marts” or elder), Myntri (ministers), Lyngskor (Gurdon, 2010). The rights, duties and role of these functionaries are, however, not clearly defined. The Dorbar Raid takes care of disputes between the villages (Giri, 1998). At the lowest tier, which is the primary unit of traditional organisation, is the Dorbar Shnong (Village or local council, which is the smallest council of people at the village level). The administration of the village council is under the direction and supervision of a Rangbah Shnong (Village Headman). The Dorbar Shnong looks after the welfare of the villagers and supervises customary practices at the village level. Jaintia Hills was originally known as ‘Ka Ri ki Khadar Doloi’ (Land of the Twelve Chiefs). In ancient days, Jaintia Hills was ruled by the twelve Doloi (Chiefs) who had their own Elaka (Province) with administrative powers to govern their province. Like the Khasis, the Jaintias also have a three-tier system of administration and governance. The chief of the Jaintia Syiemship is known as Raja or Pator (King). As stated earlier, the Doloi who was assigned their own Elaka formed the middle tier. The Elaka was administered by the Elaka Dorbar. The Doloi is assisted by the Basan (elder) who, like the Doloi, is elected for life term. At the lowest rung of the hierarchy is the Chnong (village) headed by the Waheh Chnong (village headman), the powers and functions of which are similar to the Rangbah Shnong in the Khasi set up (Karna, 1987; Gassah, 1998; Sharma, 2004; Gurdon, 2010).

In the Garo Hills, the institution of Nokma and the Village Council are the two traditional institutions. However, of four Nokmas – Gamni Nokma, Gana Nokma, Kamal Nokma, A’King Nokma – only the A’King Nokma enjoys political power and authority to govern. The A’King Nokma is the head of the clan and the custodian of the A’King land. Traditionally, the institution of Nokma is the pivot of the village organisation around which the basic network of the entire society was interwoven. The Nokma does not enjoy autocratic power as all the decisions are taken at a joint assembly of the village elders constituting the Village Council (Karna, 1987; Sangma, 2012).

The narrations indicate that the traditional institutions and authorities comprising of the Village Councils and Chiefs or Syiems operates on the basis of the customary laws and practices of the people since time immemorial. However, these traditional authorities have no constitutional power whatsoever and are functioning on customary laws, practices and traditions based on the goodwill of the people. Therefore, any judgement passed by them on issues – related to land or otherwise – is technically not binding in a Court of law.

---

6 The areas of Khasi Hills were (and some are still) under the control and jurisdiction of different kings i.e ‘sytims’ their ‘territories’ are also referred to as states.
B. Non-traditional institutions

The Autonomous District Councils (ADC) was established under the Sixth Schedule of the Constitution of India (Articles 244(2) and 275(1)). There are, at present, three ADCs in the state of Meghalaya, viz., Khasi, Jaintia and Garo Hills Autonomous District Councils. The ADCs are constitutional bodies having the power and authority whereby all laws, rules and regulations made by them shall “have the force of law” (paragraph 11 of the Schedule). The ADC has the right to constitute village councils or courts for the trial of suits and cases between the parties all of whom belong to Scheduled Tribes within their own jurisdiction and may appoint suitable persons to be members of such village councils or presiding officers of such courts, and may also appoint such officers as may be necessary for the administration of the laws made under paragraph 3 of the Schedule and act as courts of appeal from the decisions made by village councils. As per paragraph 8 of the Schedule, the ADC also has the power to assess and collect revenue in respect of all lands within the district except those lands which are in the areas under the authority of regional councils, if any, in accordance with the standard followed by the state government. It also has the power to levy and collect taxes on lands and buildings, and tolls from persons, falling within their jurisdiction.

The ADCs also has the power to make laws on matters such as inheritance of property, marriage and divorce as well as on social custom. It may be noted here that while there are provisions under the Schedule for the codification of customary laws, till date it has not been done.

While the traditional institutions (by customary practices and conventions), have the authority to preside over land ownership/disputes or such related matters, their decisions are however, not fully binding as per law as they are non-constitutional authorities and are accountable to the ADCs and are under their regulation.

Notwithstanding the power and authority extended to the ADCs by the Constitution, in the matters as mentioned earlier, they are however, bounded by paragraph 12(A) of the Schedule. This paragraph gives onus to the State laws over that of the laws made by the ADC. It states that if any law made by the ADC is repugnant to any provision of a law made by the State Legislature, then the formers’ will be void and the State law will prevail.

After the attainment of statehood, the Government of Meghalaya enacted a number of Acts related to land laws. The most important among these are The Meghalaya Transfer of Land (Regulation) Act, 1971 and The Cadastral Survey and Preparation of Records of Rights Act, 1980. The Revenue and Disaster Management Department oversees the land in the state and maintains the land records. However, it is important to note that lands in the state of Meghalaya has not been surveyed, hence, no records-of-rights exists. The Meghalaya Land Survey and Records Preparation Act, 1980 provides for a cadastral survey of lands and the preparation of land records in the state. The Act was
amended in 1991 to enable the ADCs to undertake the cadastral survey with the financial and technical assistance of the State government. This Act was severely criticized on the grounds that it was an attempt by the government to impinge on the rights of the people in matters related to land (Lyngdoh, 1997).

Now the transfer of land in Meghalaya is basically subjected to “The Meghalaya Transfer of Land (Regulation) Act, 1971”. The Act states that no land (includes immovable property of every description and any rights in or over such property) in Meghalaya can be transferred (means the conveyance of land of one person to another and includes gift, sale, exchange mortgage, lease, surrender or any other mode of transfer) by a tribal [a person belonging to any of the Scheduled Tribe pertaining to Meghalaya and as specified in the Constitution (Scheduled Tribes) Order 1950, as amended from time to time and, for the purpose of this Act which also include the Rabhas, Kacharis and Koches resident of Meghalaya] to a non-tribal or by a nontribal to another non-tribal except with the previous sanction of the competent authority [an authority appointed by the Government of Meghalaya through an official notification in the Official Gazette of Meghalaya, Section 3 sub-section (1) of the Act]. Any transfer of land that is made against the provisions of the Act, shall be void and cannot be enforceable in any Court of law (Section 3 sub-section (3) of the Act). Further, Section 8 clause (A) of the Act, states that land belonging to a tribal cannot be sold in execution of any decree or Court order or any other order passed by a Court/any other authority to any non-tribal except with the prior authority and permission of a competent authority.

In cases where transfer of land cannot be made due to reasons such as: “no tribal is willing to purchase the land on the terms offered by the seller or that the market value”, then the jurisdiction shall apply to the Deputy Commissioner of the District concerned. In such a situation, the Deputy Commissioner can, by order, take over the land on payment of compensation and the land shall thereupon vest in the State Government free from all encumbrances (Section 4 clause A).

Transfer of land from a tribal to a non-tribal or by a non-tribal to another non-tribal can be regarded as valid provided that has been done before the passing of the Act and after the commencement of the Constitution. Nonetheless, for the transfer to be complete, the land must have been registered within two (2) years from the commencement of the Act, or as stated otherwise by the Government of Meghalaya. The transfer of land to a non-tribal does not impinge to the provisions of the Act in case where land is required for religious purpose such as a place of worship or as burial or cremation ground; or is meant for promoting the interests of the tribal in the field of education or industry (clause (e) or clause (f) of sub-section (I) of Section 4).

If a person is found to possess land other than in accordance with the provisions of the Act, the competent authority has the authority to evict such person from that land and restore it to the original transferor or successor on refund of the actual consideration to the transferee of any person claiming through him; in case the original transferor or
successor refuses or fails to refund the actual consideration to the transferee or any person claiming through him, the land shall be disposed of in a manner prescribed by the competent authority (Section 8 sub-section 2 and 3).

Exemption from this Act is also made under section 11 for the following: (a) Any transfer of land as security for any loan granted by such Banking Company, Co-operative Society or other credit institution as the Government of Meghalaya may, by notification, specify that such transfer does not occur towards a non-tribal except with the previous sanction of the competent authority; (b) the letting out on rent of any building standing on land; (c) any transfer of land to, or in favour of, Government or District Council; (d) any transfer of land to, or in favour of, (i) any company, corporation, society (including co-operative society),autonomous body or association, wholly or substantially owned and controlled or managed by the Government and which the Government of Meghalaya may, by notification, specify in this behalf; (ii) a Municipal corporation, municipality or, town committee constituted under any law.

This brief presentation on the traditional and non-traditional institutions in the state of Meghalaya, points to the fact that most of them are in place with the sole objective of protecting the land rights and ownership of the tribal people in the state, and whose powers and functions do appear to overlap. Notwithstanding the provisioning there are also the changes that have taken place in the tribal society in the issues related to land. Section IV of this paper shall try to capture these.

IV. Field evidences on the nature of changes

This section is based on information derived from field visits to the villages mentioned in section I of the paper. The sub-section A discusses the land use and the nature of changes in the villages. Sub-section B indicates the nature of changes in land ownership.

A. Changes in land use

More than 80 per cent of the people in Meghalaya depend on agriculture for their livelihood. Nair (1986) observed that land in Meghalaya is severely underutilized, with only 8.2 per cent of the land under cultivation; cultivable waste is 2.6 times of the area sown. Historically, the hill tribes of this region practice two main types of cultivation – shifting or jhum cultivation and terrace cultivation. Of the two, shifting or jhum cultivation has remained the predominant method of cultivation. Burman (1970), remarked that jhum cultivation has the least capacity in terms of population per square

---

7 Under this method, a piece of land is ‘slash and burnt’ and used for cultivation for one year and is then left fallow for a number of years before it is being used for cultivation again. This process of cultivating is repeated and a different piece of land is cultivated every year which is subsequently left fallow (Burmon, 1977).

8 It is generally carried out on flat or gently sloping land where water is easily available or can be retained by terracing. Cultivation in terraced fields is a type of wet land cultivation (Burmon, 1977:64).
kilometer it can support, compared to other forms of cultivation. In the absence of
more settled ways of cultivation in the hill areas because of peculiar topographical
factor jhum cultivation continues to remain the main agricultural practice of the hill
people (Das, 2006: 4913). Terrace cultivation, on the other hand, return higher yield
than that of jhum cultivation. However, the main difficulty associated with this type of
cultivation is the availability of flat or gently sloping land. In cases where water is
available, people often convert the adjoining land into paddy fields by flattening,
tERRacing and irrigating them (Burman, 1970:194-5).

The method of cultivation influences the type of crops grown. For most communities,
rice remained one of the principal food crops grown, followed by maize (corn). Other
crops such as ginger, potatoes, pulses and chillies, fruits such as pineapple and orange
are also grown widely. By far the most important crop grown in the Garo Hills is rice
which is grown in the forest clearings. Among the northern divisions of the tribe millet
is an important crop, and is often planted on newly cleared land in preference to rice;
but in the south, this grain is not so much eaten, and rice is planted in the first season.
With both millet and rice, in the first year, it is the custom to sow a number of other
grains and vegetables, such as maize, chillies, melons and pumpkins. The Garos also
grow a limited quantity of yams, job’s tears, sweet potatoes, ginger and indigo. In the
second year, only rice is grown. In a few villages orange trees have been planted.
Playfair (1909) noted that several attempts were made to grow potatoes, but though the
plants have always grown well at first, they never produced satisfactory tubers. Next
to rice, the most important crop cultivated is cotton, which is done in most parts of the
Garo Hills. However, three sub-tribes of Garos- the Atongs, the Ganchings and the
Duals, do not plant cotton, owing to the superstition that it is unlucky to do so.
Geographically, the cultivation of lac is almost entirely confined to a portion of the
hills having the following boundaries: north-Goalpara district; south-Someswari river;
est-Khasi hills and west-Jinari River (Playfair, 1909:45-47). The Khasi community
grows a number of crops during different seasons of the year (Nongkynrih, 2002).
Most of the crops (millet, sweet potato, potato, ginger, areca nut, betel leaves, paddy,
pepper, broom) vegetables and fruits (Job’s tears, radish, chilly, cabbage, carrot, orange,
banana, pineapple) grown are largely seasonal in character.

It is evident that over the years, the pattern of cultivation and land use had undergone
a series of change. A number of factors have been identified to be responsible for such
transformation. Shifting or Jhum cultivation used to dominate the pattern of cultivation
in the land abundant villages, but though still practised it has decreased substantially.
For instance, production of ginger is still carried out through shifting cultivation in
Mawkynrong village (Ri-Bhoi district), though not in the same magnitude as in the
past. With the elapse of time, a growing population constricted the forest lands for
human habitations leaving less land for practising shifting cultivation. Moreover, this
type of cultivation causes the productivity of land to decrease over the years leading

---

9 The inhabitants of the hills were driven into different directions by new comers into the land (For
further details see Playfair, 1909: 21-22)
it to be replaced by settled or sedentary cultivation. Further, environmental concerns such as deforestation due to the incessant practice of jhuming has substantially reduced the forest cover initiating the Government to also enact rules and regulations prohibiting such practices. This initiative also has the cooperation of the village headman. However, terrace and wet cultivation is still a common practice in almost all of the villages visited for the. For example, in the Sung Valley (Tyrshang, Jaintia Hills district), cultivation of paddy (terrace cultivation) has remained as it was in the past where fertilisers and pesticides are (still) not used owing to the fertility of the soil.

With respect to the cropping pattern: earlier, people used to cultivate only for their own subsistence; the need for better income and improved standard of living has led to a shift from subsistence to commercial cropping. Gradually, cash crops have replaced subsistence farming as it yields more profit. People now possess better knowledge compared to that of the past. Embracing new ideas of growing different types of crops coupled with the increase in the level of technological, market, and investment know-how and the use of fertilisers and manures inducing to change the cropping pattern from single to multiple cropping. Traditional methods (though still applied in some cases like Tyrshang in Jaintia Hills and Mawkynrong in Ri-Bhoi) have been replaced by more scientific methods like the use of power tillers to make their agricultural tasks easier. The other reason has also been attributed to the decreasing availability of manpower as the younger generation are not drawn in towards agriculture and the increase in the number of out-migrations. The villages are now experiencing scarcity of working force to work in the fields.

Cultivation of paddy is decreasing over the years, since the people are taking up plantation crops. Areca nut (commonly known as betel nut) and cashew nuts, besides paddy constitute the main cash crops for the people in the Garo Hills of Meghalaya. However, owing to the 'higher returns' yielded by rubber most of the families are gradually shifting from their current crop (mostly paddy and areca nut) towards rubber plantation (mono crop). Fruits (water melon, banana, pineapple) also constitute a major cash crop and fetch a good income for some. Large scale plantation of pineapple and bananas has been undertaken by the people. Vegetables such as cabbage, cauliflower, eggplants, coriander, chilly, ginger, maize, yam, lemon, pumpkins, mushroom, beans, millets, potato, etc are grown. Unlike other parts of the Garo Hills, cashew nuts are not grown here in Edenbari village of West Garo Hills district due to unfavourable soil conditions. Beetle leaf is the only cash crop that is grown all throughout the year. The villagers desire to practice cultivation of a variety of vegetable for domestic as well as market use and have gradually put them into practice. In the villages surveyed, it can be gauged that there has been a shift in cultivation. For instance, from paddy cultivation towards ginger, broom sticks and bamboo (Mawkang village, Ri-Bhoi district); horticulture has replaced most of the traditional agricultural practices in Mawkriah in East Khasi Hills district; tomato cultivation on a large scale is carried out in Tyrshang village in the Jaintia Hills district. Such instances reflect the changing dynamics of cultivation in the state of Meghalaya.
Settled cultivation also faces challenges from changes in climate – irregularities in rainfall and scarcity of water, labour scarcity and pest infestation and subsequent low productivity. Low returns from agriculture as well as non-availability of cultivable land pushed many villagers to remain in a persistent state of poverty. Fragmentation in the landholding, due to increasing family members and division between brothers and sisters has also been a major hindrance in terms of returns and productivity. These factors also force the farmers to be dependent on the use of fertilisers. This however is not affordable to many villagers. Moreover, financial assistance by way of government schemes and subsidies has a limited reach. In some cases, the Agricultural Department of the Government provide crop seeds, fertilisers and manures at subsidised rates but farmers accounted that they have to procure them from contractors at high price. The delivery and implementation of State supported schemes and initiative also appear to vary. For instance, in villages like Mawkriah a few families which are taking up horticulture are given a lot of incentives like the provision of poly-houses and seedlings, which is not so in case of other farmers. This way, agriculture is also getting vulnerable without any strategies from the government to help the poor villagers. In some cases the villagers are moved by the concept of ‘Eco Tourism’ and they have adopted the strategy of ‘Clean and Green Village’ (Umthli village, East Khasi Hills district) as an alternative to agriculture.

B. Land ownership

To the question of land ownership, it could be ascertained from that people still prefer the customary laws over that of and traditional institutions. They do not want to undermine the role of the Village Headman through the implementation of other laws. The villagers prefer customary ownership of land because according to them this type of ownership provides them better and easy governance. Further, people argue that with the continual existence of customary laws their traditions would be protected. It was also stated that the prevalence of strong customary laws would protect tribal land from any form of interference – government or otherwise.

In some cases change in the pattern of ownership is evident. Lands which were earlier owned by communities has now been transferred to individuals. This was also the same for forests lands, though in some cases they have continued to remain under the control of the communities (Tyrshang village, Jaintia Hills district). For instance, in Laitkroh village (East Khasi Hills district), clan ownership of land is no more prevalent now. Earlier, the land was owned by clan, it was distributed to the individuals who in turn had the right to claim ownership over the land and register it with the authorities. However, with the passage of time, the village ‘Dorbar’ purchased such land from the clan and converted it into community land. The village ‘Dorbar’ has the power and authority to keep a check on the land and distribute it among the people. At present the nature of such ownership is community as well as individual. It was also observed that land titles are in the name of the individuals with no registration and the nature of ownership is of a permanent type. This was found in Mawkynrong village (Ri Bhoi district) where the Lyngdoh of ‘Raid Bhoi Lasa’ would provide the necessary document
and *patta* at a minimal amount to the people who are purchasing land for residing in the village. When questioned about legalities the villagers prefer to govern their land under possession, the headman stated that land related issue are governed by the the *Lyngdoh* of ‘Raid Bhoi Lasa’. It was also found that individuals who purchased land would then get it registered at the District Council.

In all the villages that have been visited, no evidence of land being sold to non-tribals or other agencies was found. While land transactions have been made for the past 10 to 15 years (in almost all cases) the transactions were mostly among the people from within the village or from the towns, all belonging to the tribal communities. In most of the villages, land has been sold for the purpose of house construction; and in some cases the prevalence of poverty often causes individuals to sell off their lands.

**V. Conclusion**

As stated earlier, the main objective of the paper was to ascertain the changes in land use pattern among the major tribes of Meghalaya and the system of laws and institutions governing the ownership of these lands. It has been observed that while the laws and institutions governing land and its ownership is a very complex issue, indeed the core remains that traditional institutions are still a preferred choice of the people. While commenting on the issue of land transfer, it was noted that during the past no transfer has ever taken place towards non-tribals in the study villages. Transfer of land has largely remained localised, wherein land transactions including its sale, purchase or leased, has only occurred among the tribes of the state. This pattern has remained even till today. A growing population and the resultant need for housing requires that agricultural land is now traded for housing units with the only difference being that city dwellers would go in for purchase of land from the village folks. Poverty is another factor that has contributed towards such observations. This has resulted in smaller land holdings affecting the changes in terms of land use. Owing to the growth in population and gradually vanishing forests and agricultural lands, the customary practice of *jhum* or shifting cultivation has declined drastically and has been replaced with settled cultivation. However, there are evidences of the increasing dependence on commercial or cash crops in agriculture for the reason of increasing monetary benefits with the traditional single cropping pattern being substituted by multiple cropping. Another point of concern is the gradual decline in the number of young people opting for agriculture as a means of livelihood. From the discussions, it has been pointed out that owing to low monetary returns from agriculture young people from the villages are searching for alternative means of livelihood which are relatively accruing higher returns. This causes a number of outmigration away from the rural to the urban sectors. To stem the tide, and ensure higher productivity in agriculture, development of rural non farm sector appears to be the need. Further to ensure higher productivity of agriculture land and arrest the decline of the involvement of people and land use changes certain pro-active measures, such as training for the farmers and research and development to look into the viability of the soil conditions and the type of produce would go a long way.
References
Karna M N (1987) Land Relations in North-East India, People’s Publishing House, New Delhi
Meghalaya State Development Report (2008-09) Planning Department, Government of Meghalaya
Playfair A (1909) The Garos, William Clowes and Sons Limited, London


