

# Who is in? Who is out?

## Equity and Customary Community Forest Management in Meghalaya, India

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### ***Abstract***

*This paper explores equity in customary community forest management. The focus is whether customary community forest management is equitable. The paper explores this issue based on an extensive fieldwork conducted in the Khasi Hills District, India and by consulting secondary materials. The paper demonstrates that customs and traditions define the users, the users' participation, their role in decision-making, their inclusion and exclusion, and their rights of access and rights to use resources. The outcome from the study shows that equity needs to be considered in a context specific light.*

### **1. Introduction**

Meghalaya is located in the Northeast of India, occupying an area of 22,429 sq. km. According to the 2001 Census (Registrar General 2001), the total population of Meghalaya is 2,306,069 persons. The majority of the population is indigenous, with 85% living in the rural areas. The two major indigenous communities in the state are the Khasi-Jaintia and Garo; the rest comprised the Lalung, Hajong, Koch, Karbi and Biaste groups. These indigenous communities are provided special Constitutional status in India that allows social relationships, social interactions and authority within the community to be defined by customs and traditions (Nongkynrih 2001).

Often indigenous management systems are considered as having a more equitable system for distribution of benefits from forests and other natural resources (Furze *et al.* 1996, Nongbri 2003, Fitzpatrick 2005). However, in general, this assumption has not been critically explored. I will explore the issue of equity in customary community forest management by raising the question of what is equitable and inequitable. Section two presents a theoretical framework for examining political equity,

which forms the basis of this paper. This will be followed with a presentation of the background on traditional institutions, forest, traditional classification of forest and forest policy in Meghalaya. I will then provide an analysis of political equity in the management of community forest followed by the conclusion.

## 2. A Working Framework on Political Equity

There are two types of community forest management (Ascher 1995, Hunnam *et al.* 1996, Durst *et al.* 2005: 1-27). One type is community forest management that is guided and influenced by policies, acts or laws of the government. The second is community forest management which is governed by customary beliefs and practices and is under the control of traditional authorities (Weber *et al.* 2000). In terms of equity, much has been analyzed in the case of the former type, but less so in the latter. It is a theoretical problem I have encountered in the pursuit of studying and analyzing customary community forest management. To overcome this problem, I have drawn on the literature about community-based natural resource management facilitated by government to identify instrumental elements, such as the definition, concepts and approaches to analyzing equity. The purpose is to formulate, develop and promote the evolution of a working framework on political equity. A working framework is important to help an author maintain objectivity, especially if the author is also part of the community of which he/she is studying.

Defining equity is difficult and subjective, but according to Fisher and Malla, “The word equity has connotations of ‘fairness’ and ‘justice’, not necessarily of equality” (Fisher and Malla 1987: 4). We are then left with the question of what is fair. In the opinion of Fisher, “what is regarded as a ‘fair share’ varies according to different situations [and different cultures]” (Fisher 1989:17). Poteete agrees and argues that, “what is equitable cannot be divorced from the specific cultural contexts in which [rules] are made. Even within a single culture, different principles of equity apply in different circumstances” (Poteete 2004: 4). The definitions and explanations by Fisher and Malla and Poteete are accepted because it is applicable in the present case study.

According to Poteete, equity can be analyzed in two ways: political and economic (Poteete 2004). Poteete defines political equity as representation of the relevant groups, their participation in group activities, and their level of influence in decisions (2004: 13). The definition by Poteete (2004) stresses participation and decision-making as the basis of political equity, but other equally vital issues such as the organization of communities in terms of membership, authority, power, leadership, rules and regulations, customs and laws and membership rights also need to be considered and included.

A meaningful understanding and analysis of political equity needs to be placed in the context of community, another term which has many meanings. A community has its own values, norms, rules or customs which define social relationships, actor’s actions and also maintains its collectivity. According to Kenny, community “refers to

a group of people who share a common identity, such as geographical location, class or ethnic background, or who share a special interest, such as common concern about the destruction of rainforests” (Kenny 2002: 9). Poteete (2004) suggests that though community cannot be ignored, it also cannot be generalized. The assumption that a ‘community is a homogenous group’ is a general assumption. Heterogeneity exists in communities and realities of social hierarchy, or social divisions determine equity and perceptions of fairness (Furze *et al.* 1996: 9, Poteete 2004). Another perspective highlights the roles of rights and institutions (e.g. the state) that govern and determine the rights of members in determining equity outcomes (Johnson and Forsyth 2002). A community therefore has norms, customs, values and social divisions that regulate its function.

It is these functions within a community that determine who can participate and who cannot. Agarwal’s arguments on participation demonstrate that institutions in the form of formal bodies operating at the local level shape the nature and type of participation of women (Agarwal 2001). Participation, according to Agarwal (2001) is “determined by rules, norms, and perceptions, in addition to the endowments and attributes of those affected” (1623-1624).

Both Agarwal (2001) and Poteete (2004) agree that participation does not ensure equity, because as Agarwal puts it, ”participation is not the panacea many assume. There are limits to what participation alone (even if interactive) can achieve in terms of equity and efficiency, given pre-existing socioeconomic inequalities, and relations of power” (Agarwal 2001: 1625). Poteete adds that “[I]nclusion in the general membership does not guarantee representation in executive bodies or equitable influence over decision –making” (Poteete 2004: 15).

From the works of the authors discussed above, we can select and identify the main instrumental elements as: authority and power, access and rights, and participation and decision-making (Agarwal 2001, Johnson and Forsyth 2002, Poteete 2004). Each of the elements are used and applied as interdependent parts, which holistically form a framework of political equity (Table 1). The elements are not absolute, but provide the basis for this paper, against which the case study will be tested.

**Table 1: Framework of Political Equity**

Element	Operational Aspect
Authority and Power	What is the structure and function of authority? What is its legitimacy? What power does it exercise?
Rights	Who defines rights? Who enjoys the rights? Who benefits from these rights?
Participation and Decision making	Who can participate and at what level? Who makes decisions for whom?

This political equity framework is applied to a case study in Meghalaya, India. In the Khasi hills the local administrative units are the traditional institutions. One of the traditional institutions commonly found is known as the *Hima*, a territorial and political unit of several villages. Under the *Hima* there are villages which function as autonomous units. This traditional institution manages and controls its own territory according to customs and traditions (Nongkynrih 2001).

The study was conducted in *Hima* Mawphlang, a traditional institution of the Khasi-Jaintia (referred to in this paper as Khasi). *Hima* Mawphlang is about 25 km southeast of Shillong (the state capital of Meghalaya). The traditional institution is a cluster of 16 villages, which are multi-clan in character but mono-ethnic in composition (both are majority Khasi populations), and with multiple religious persuasions. From the point of modern-bureaucratic administration, the *Hima* falls under the East Khasi Hills District of Meghalaya and under the Khasi Hills Autonomous District Council (KHADC) which confirms the election and succession of Chiefs and headmen and the protection of traditional customs and practices.

I conducted the field investigation as part of a project of the International Centre for Integrated Mountain Development (ICIMOD), Nepal. The *Hima* Mawphlang was selected as the area of the study primarily due to it being the only area with a traditional institution that has codified customary beliefs and practices.

Both primary data and secondary data were collected by the author. Semi-structured interviews were conducted with men and women, including separate focus group discussions with women, a series of discussions with the Chief and his councils of ministers as well as separate discussions with the village headmen and members of the council. Subsequent visits and interactions took place between 2003 and 2004 with the Chief and the council of ministers. Secondary data from published materials was used to support primary data collected in *Hima* Mawphlang in 2002.

### 3. Background

Meghalaya (meaning abode of the clouds) is found in the North East of India (Figure 1), and falls under provisions of the Sixth Schedule of the Indian Constitution. The state follows a three-tiered system of political administration (Box 1).

The power and authority of the Legislative Assembly as granted by the Constitution of India is above the Autonomous District Councils (ADCs). The ADCs are given the authority over the traditional institutions in matters related with appointment and succession of chiefs and headmen, and other matters (KHADC 1959). The members of the Legislative Assembly and ADCs are elected, and their roles and functions are separated. In contrast, the traditional institutions are hereditary and function according to local customs and traditions.

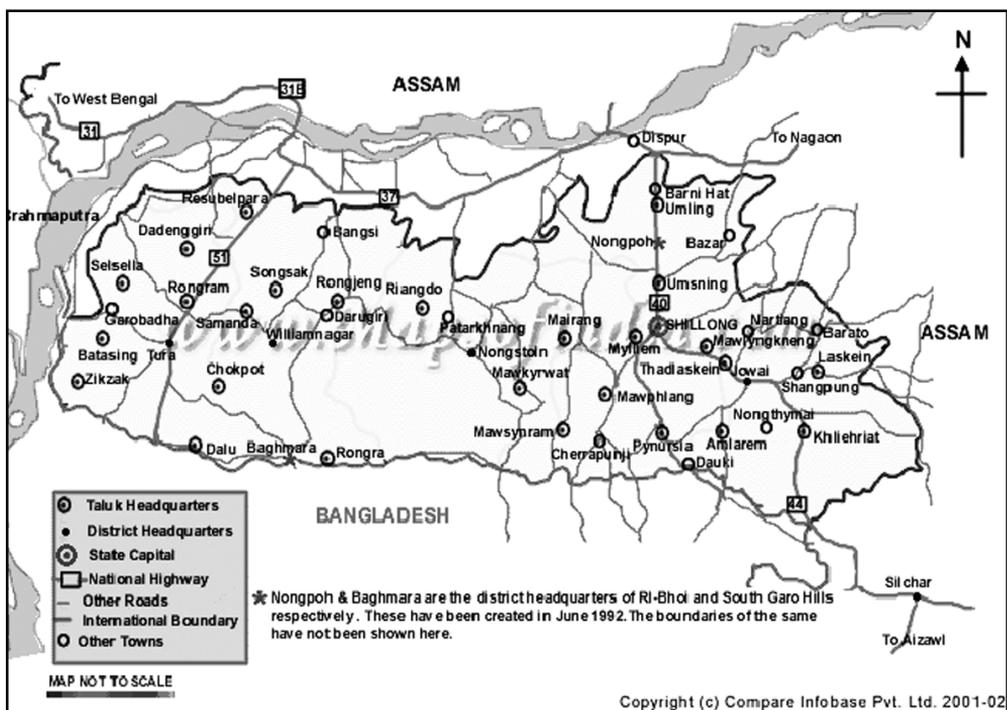


Figure 1: Map of Meghalaya

### Box 1: Three Types of Political Administration in Meghalaya

1. Meghalaya Legislative Assembly, the Government and its various departments
2. Three Autonomous District Councils (Khasi, Jaintia and Garo)
3. Traditional Institutions, each having their own territorial unit, comprising several villages. Each village has its own territory and is represented by a headman selected from among male adults

### 3.1. Forests in Meghalaya

Meghalaya is rich in a variety of forests. According to the government of Meghalaya, forestlands are separated into three broad categories: 1) Reserve Forests or National Parks, which are under the direct control and management of the state government. Such forestland falls within the ambit of Union or State laws; 2) Green Block Forests, District Council Reserve Forests and Unclassed Forests and are directly controlled and managed by the Autonomous District Councils; and 3) Forestlands that are either owned privately (by clans, domestic groups, individuals or organizations) or under the control and management of the traditional institutions (*Hima*) (KHADC 1958). The size of each of these classified forestlands according to government statistics (in hectares, (ha)) show that in 1998-99, the total Reserve Forest was 71,270 ha; Protected Forest was 15,410 ha (excluding the protected forest under District

Council); National Park was 26,740 ha; and the Unclassed Forest was 850,300 ha. The total area under forest is 949,550 ha (Government of Meghalaya 2000: 38).

## 4. Study Results

### 4.1. Traditional Classification of Forests

Across the territory of the *Hima* there are many forests (*Khlan*). They are separated into several types (Box 2), each type is meant for specific purposes of management and use.

#### Box 2: Traditional Classification of *Khlaw Adong*

(i) ***Ka Khlaw Nongkynrib:***

This forest is protected and reserved only for community service needs. It is from this forest that trees are cut and felled for construction of schools, youth clubhouses, footbridges, and similar projects. It can also be used in emergency cases.

(ii) ***Ka Khlaw-Adong Kseb-Mawngap:***

This forest is used only for cutting of timber for construction of houses and for other community-based constructions.

(iii) ***Ka Khlaw-Adong Wab-Lwai:***

Only selected species of trees are permitted to be cut from this forest and then only in extreme situations (i.e., if there are no full grown trees available in any of the above named forests that can be felled for construction of a house). The *Hima*, only after careful examination and consideration, will decide whether trees may be used in these situations.

(iv) ***Ka Khlaw-Kor-Um Kharai-Masi:***

This forest is kept apart as the catchment area for spring water and serves as the source of water supply for the *Hima*. The entire zone is restricted to human and cattle entry.

(v) ***Ka Khlaw-Dymmiew-Blab:***

The trees in this forest are completely protected and cannot be felled for any purposes. Only full grown grasses, small wild trees and weeds on the outer ring of the forest are permitted for harvest and use.

(vi) ***Ka Khlaw Adong Wab-Sein-Iong:***

In this forest trees can be felled only for making coffins and the preparation of the cremating ground. Only five out of the sixteen villages are given access to fell trees and only for above purposes. Additionally the villages are responsible for conservation and protection. Each village has to get formal permission from the *Hima* before felling any trees.

(vii) ***Ka Khlaw Adong-Kyiem:***

Only grasses are permitted to be harvested from this forest.

(viii) ***Ka Khlaw Adong Shnong Jathang:***

This forest is located in Jathang village, which has been given the role to protect and conserve it. The residents of the village enjoy only the right to cut trees for cremation purposes and only with the permission from the village headman. In case the residents or the village council needs to cut trees from the forest for any other purposes, the headman must consult and seek permission from the *Hima*.

Source: Codified Rules and Regulations of Hima Mawphlang, 1982

According to the information provided by the elders of the *Hima*, prior to 1982 administration was conducted by local customs and traditions. Since it was not written down, interpretation of the customs varied, sometimes resulting in uncertainty and confusion about the regulations of community. The outcome led to indiscriminate use of forests. The danger of forest depletion led to the codification of customary rules and regulations, with subsequent ratification by the council of the *Hima* in 1982 and by the Khasi Hills Autonomous District Councils (KHADC) the same year.

The codified rules and regulations of 1982 stipulated in very clear terms the conditions the access and use of community forests. The terms and conditions deal specifically with two types of community forest. The *Khlaw Adong* (community protected forest) (Box 3), and *Khlaw Raid* (community forest). Normally the penalty for violators is US\$ 2, but the *Hima* also has flexibility and can punish the user depending on the nature and gravity of actions committed.

### **Box 3: Regulations on Access and Use of *Khlaw Adong***

- (i) No trees can be uprooted or cut from the protected forests. Any person found in violation is liable for punishment and penalty.
- (ii) Every resident of the *Hima* is responsible for protecting the forest, and can take necessary action against anyone breaking the law.
- (iii) It is illegal to set the forests on fire and culprits will be severely punished.
- (iv) It is illegal to use the lands located on the fringes of the protected forests for any type of cultivation or to cut any tree from such areas.
- (v) The full grown grasses inside the protected forests cannot be cut without the prior permission of the Chief and ministers.

*Source: Codified Rules and Regulations of Hima Mawphlang, 1982*

The second type of community forest is known as *Khlaw Raid*. Such forests are partially protected and access and rights to users are restricted. The rules and regulations are different from the protected forest (Box 4). The government of Meghalaya exerts minimal control over this forest because the greater autonomy in management of the forest lies with traditional institutions, clans and individuals (Darloug 2004). In December 1996, the Supreme Court of India banned timber logging and commercialization with the intention to control the large scale, indiscriminate felling of trees (Nongbri 2003:163). Currently, the forest department is trying to introduce Joint Forest Management in the State by creating a dialogue with traditional institutions. There is also an emerging debate on the draft Forest Bill for many tribal areas in the country.

#### Box 4: Regulations on Access and Use of *Khlaw Raid*

- (i) The boundary lands adjacent to the community forests demarcated by the *Hima* cannot be used for any type of cultivation.
- (ii) It is illegal to set community forests on fire and such actions are punishable.
- (iii) Every permanent resident is permitted to collect dried branches and twigs for domestic fuelwood. But a person can collect only once a day. If a person is found to have collected more than once in a day, the person is fined US\$ 1. The permission to collect firewood does not give the right to users to cut or fell trees.
- (iv) It is permitted to collect wild grown grasses from the forest, but it is banned to use the spade to dig the grasses from the forests. The collected grass can be used for one's need or can be sold within the *Hima* only. It is illegal to commercialize forest products outside the *Hima*.
- (v) Only residents of the *Hima* are allowed to fell trees for construction of houses, and they must first gain permission from the *Hima*. However, it is not permissible to cut trees for fencing or for the construction of piggery sheds.
- (vi) It is punishable by the law of the *Hima* for any person to cut or fell trees for commercial purposes.
- (vii) The chopping of branches or cutting of leaves from the trees is considered an illegal action. Such actions are punishable by the *Hima*.
- (viii) The grazing of cattle in the open fields of the *Hima* is stipulated as follows: From the months of March to November, cattle have to be kept inside sheds or grazed under supervision of the owners of the cattle. During this period it is not permitted to graze animals in the paddy fields or forests, and the caretaker of the cattle should be above the age of twelve years. From the months November to February the cattle can be let loose to graze in the open fields.

Source: Codified Rules and Regulations of *Hima Mawphlang*, 1982

## 4.2. The Community

The Khasi are a matrilineal society, with property handed down through women and people taking the clan name of their mother. Without the clan identity, both male and female members in a real or abstract sense, are *persona non-grata* in the society. Another part of clan identity comes from the place of residence of the domestic group (*iing*). The residents are divided into two groups, those from the *Hima* and those from outside.

As per the customary practices, the *Trai-Hima* are the only allowed users of the community forests. They are the permanent residents of the constituent villages of *Hima*. These permanent residents belong to the domestic groups living in any of the 16 villages. The other category of persons living in the *Hima* is referred to as the *Bar-Hima*. These are non-permanent residents living in the *Hima* either because of being employed in government offices or working as daily wage laborers, and do not enjoy equal rights in the use of the community forests.

A third category of non-permanent residents are non-Khasi, locally referred to as *Dkhar*. This classification of foreigners provides them with restrictive and limited rights. This group of people are accepted in the *Hima* if they are performing a particular

task or job, but the customs and law of the State clearly do not provide them with the right to buy land and their permanent residence in *Hima* is not accepted. They can live temporarily to complete a job or task and are then compelled to leave.

#### **4.3. The Authority and Power Structure of *Hima* Mawphlang**

The traditional institution of the *Hima* is based on customs and traditions. Customary beliefs and practices legitimize the twelve clans' political positions and their status as distinct from other clans. The *Lyngdob-Mawphlang* clan is the provider of the Representative Head known as the *Lyngdob* (Chief) of the *Hima*. He represents the *Hima* in all its functions and duties. Additionally, four *Myntris* (ministers) are appointed to assist the Chief.

At the *Hima* level, the political organization is divided into 1) the Chief and the Councils of ministers, who are the political administrators, and 2) the Council of the *Hima*, comprising the 16 village headmen, representative adult males, the chief and the ministers. According to the customary beliefs and practices, the Council of the *Hima* is the highest authority. Participation of women, young people and non-permanent residents in the council of *Hima* is not permitted.

The everyday political administration of the *Hima* lies with the Chief and the Council of ministers. They oversee and are responsible for the maintenance of law and order, organizing the annual festival, settling intra-village boundary disputes, interacting with government departments, implementing government schemes and organizing the annual council meetings. Additionally they submit an annual report that includes audited statement of accounts, and the status of management and control of community lands and forests. However, they are required to report to the Council of the *Hima* and seek its approval in matters concerning land, forests and many other important issues.

The role of the *Hima* has become increasingly important as all issues concerning land and forests are under its authority. The process of decision-making is governed and guided by the 1982 codification of customary beliefs and practices, but in most cases the opinions of the Chief and the Council of ministers count more than the views and opinions of members of the Council. This is dependent, however, on whether their opinions are within the codified rules and regulations. The Chief and the Council of ministers seek, deliberate and make decisions. However, the Council of the *Hima* has the power and authority to veto decisions and can impeach the Chief and the Council of ministers when they misuse or exercise their authority beyond what is defined in the rules and regulations.

#### **4.4. The Rights to Access and Use Community Forests**

The permanent residents of the *Hima* enjoy rights to access and use the community forests and other common property resources. They can collect fuel wood, cut trees for construction of houses, collect wild vegetables, orchids and medicinal herbs and quarry sand and stones from permitted sites. The non-permanent residents are allowed only to collect wild vegetables from the community forest and to use the

water sources only for drinking and washing.

The inclusion or exclusion of residents has many justifications. First, at the larger level of collectivity, the rule of matrilineal descent from a Khasi mother determines whether the individual belongs to the same indigenous community. This identity goes right to the level of social relationships between two persons. By not being born of a Khasi mother, and not carrying her clan name, a person is a foreigner, and automatically is excluded in rights to own land or use the forest. Secondly, at the level of *Hima*, if a person is a Khasi, but has migrated from another area, that individual cannot participate in the decision making institutions, and do not enjoy rights to access and use the forests. Women and young people are also excluded from participating in *Hima* decision making. Within the *Hima* the right to occupy the political offices of the Chief and ministers is reserved only for adult males from the twelve founding clans, other clans are excluded.

#### 4.5. Perceptions on Participation and Decision-Making

There are two types of perceptions gathered from the field. One is the perception of residents of the *Hima* Mawphlang, and the second is the perceptions of Khasi people in general on traditional institutions. When I asked the non-permanent residents about their participation, they reply that “it is a common practice and we do not have any problem because in our *Hima* and village the same applies to residents coming from another *Hima* or village.” The same practice is common among the indigenous communities of Meghalaya in general, and the Khasi in particular.

The same question was posed to a group of women about their participation in the council, they replied, “it is a practice that has been there since time immemorial and we do not want to change, but let it be in the same way.” The women said that they are more concerned with managing their domestic groups, because as a matrilineal society, women must shoulder these responsibilities. They stated that they are faced with and are compounded by additional problems like early marriage of children, drunkenness of adult male members, no alternative employment for young children and that the income generated cannot meet the expenses incurred in the management of the family. Unlike their male counterparts, the women feel that they must spend more time at work than at leisure. The pressure they have to face in sustaining the livelihoods of the domestic groups and caring the members of the domestic groups are daily burdens that are heavy to carry.

On being asked whether they (women) would like to be active participant so that they can voice their problems at the council meetings, they replied that “most of these issues we discuss with our brothers, maternal uncles and husband before the meetings, and we request them to deliberate and take necessary steps.” They also stated that the *Hima* is finding ways and means to solve the problems they have highlighted by taking up the issues with relevant government departments and political leaders.

Decision-making in the *Hima* is vested in the hands of the adult male members

of permanent residence. When one of the headmen was asked about community forest management, he stated, “before the codification of the 1982 Rules and Regulations, village councils enjoyed more autonomy and could make their own decisions. But after the codification, the autonomy of the village council has been taken over by the *Hima*. Our role in forest management is today defined by the *Hima*, and we have to act accordingly.”

I discussed the issue of the 1982 Codified rules and regulations with the Council members of the *Hima* and asked them how they felt about the rules and regulations. The members requested the Chief to speak. After he spoke, I asked them again how they felt, and their opinions were similar to that of the Chief. “The rules and regulations framed by our elders benefit the *Hima* and its people, and it is also a mechanism to conserve, protect and to serve the interests of the present and the future generations.”

The same question was raised with a group of women separately. One of the elderly women of the *Hima* said, “prior to the formulation of the rules and regulations, the richer domestic groups used to hire daily wage laborers to cut and collect domestic fuel wood from the community forests. They were able to collect more than what they needed, but a poor domestic group could not do so because they do not have the means. After the adoption and implementation of the rules and regulations all of us are permitted to collect only once a day.”

When discussing with the residents in general about the codification, they said it is one of the most important decisions taken by the elders of *Hima*. They felt that without rules, people would have exploited the community forests without any consideration for the future. The other significant aspect is the legitimacy of the political administration and management of community forests under the *Hima*. Everyone agreed the codification has streamlined the procedure of political administration of community forests.

However, in the last two decades the Khasi society has faced a number of challenges and as a result, serious debates about traditional institutions are being pursued in public. The challenges and debates are not only political in nature but are also rooted in the issue of equity. I would like to highlight four challenges being presented to traditional institutions.

First, the succession to political office of chieftainship is a major source of conflict among the domestic groups belonging to the same clan. The clan council is the body that selects an adult male from among themselves to assume and occupy the office. Due to internal conflicts, there is often more than one claimant to the position, and the Autonomous District Councils are not able to confirm anyone. The political vacuum at the chief’s office has led to confusion in the administration at the local level. In such situations the ADCs usually appoints an acting chief, who can be anyone, who is not necessarily from the particular clan (KHADC 1959). There have been serious allegations about acting chiefs misusing power and authority by permitting timber contractors to cut trees from the community forests and selling off community lands with rich mineral resources. This has resulted in conflicts between traditional

institutions and the ADCs on the succession and confirmation of chiefs, headmen and royalty rights.

Second, the case of *Hima* Mawphlang is exceptional because of the codified rules and regulations. However, there are cases where chiefs of other *Hima*, in collusion with some of the ministers and timber merchants, have converted large tracts of community forests into private property without the consent of the people of *Hima*. Such forestlands are registered in the revenue department of the government of Meghalaya. This has legitimized the conversion into private ownership. Personal benefits received by those who hold power in the traditional authority is a threat to the equity of the customary based community forestry (Khatar Shnong Socio Organisation 2004: 14-19).

Third, parliamentary politics and the induced development schemes of the nation-state are changing the political behavior of the people. Traditional institutions are based on customs and the decision-making process is based on consensus. The party-based politics of electing representatives to the Meghalaya Legislative Assembly (MLAs) and the Autonomous District Councils is creating divisions and political factionalism in traditional institutions. The former wields power over development programs, and the latter has control over traditional institutions. Both bodies are legal authorities and have tremendous influence over people in general and traditional institutions in particular. People are complaining that “leaders of traditional institutions, who are community leaders, have been politicized and their decisions are no longer fair and just because they give preference to supporters of their party. The outcome is such that the poor are increasingly becoming marginalized.” The influence of democratic power and authority is overwhelming and traditional institutions are being exploited as vote banks. It is also causing unscrupulous use of natural resources by the new emerging elites from the community (Nongkynrih 2005). People fear that the process is a potential threat, likely leading to more unfair outcomes.

Lastly, the majority of traditional institutions are effective in providing users with the rights to use community forests, but do not instill responsibility among users to replenish these forests. This is one of the major problems in the sustainability of the local environment (Khatar Shnong Socio Organisation 2004). Even in the case of *Hima* Mawphlang, it has only protected indiscriminate felling of trees, but has yet to define user’s responsibility in replenishing what they take.

These and other issues such as internal conflicts within *Hima*, uncontrolled access and use of community forests, lack of accountability and transparency in implementing development programs of the nation-state and participation of women in decision-making are being debated in public forums and meetings. There are two separate views on the issues of traditions and customs. Development based organizations and workers, intellectuals, women’s organizations and the general public argue that traditions and customs can be changed to adjust to the changes affecting the community at various levels. The changes propagated by this group are: traditional institutions must incorporate in their political system transparency and accountability; women must be active participants in decision-making bodies of traditional

institutions; and the right to use forests resources must be complimented with the responsibility to replenish them.

The second group is a forum of heads of traditional institutions, and their main agenda is the separation from ADCs, particularly from Khasi Hills. They are demanding that the government of India provide them with more political autonomy. Both groups have common ground on the issue of ownership and control of lands and forests, which is an understanding that it must not be surrendered to outsiders.

These different factors from within and outside are impacting traditional institutions. The outcome of such processes, as portrayed by Varughese and Ostrom, depends on “whether the institutions they design are consistent with principles underlying robust, long-living, self-governed systems” (2001: 763).

## 5. Analyzing the Political Equity Framework

Any one definition of community is difficult to define and apply. I agree with Poteete (2004), that communities are not homogenous groups and that within a community there are numerous social divisions. This certainly holds true for the Khasi. There are three social divisions in the community, determined by ethnicity, matrilineal descent and residential status:

- (i) A person who is a citizen from the same nation-state but different ethnic community and matrilineal ideology, is placed at the bottom of the social ladder.
- (ii) In the middle of the community social structure is a person of the same ethnic community and a follower of the matrilineal descent, but a migrant from another territory.
- (iii) At the top of the social ladder is a person of the same ethnic community, who is a follower of the matrilineal descent, and is permanently residing in the defined boundary of the traditional institution.

Even within these categories, not everyone is an equal member of the traditional institution. Only adult male members of category (iii) are active participants in the decision-making body. The active adult male participants of traditional institutions are heard and informed, but few occupy the political office in the traditional authority. Political rights and rights of access are governed by rules of kinship and identification with political territory and the dynamics of insider versus outsider. These different levels of participation, whether by choice or force, correspond to levels of participation as put forth by Agarwal and Poteete (Agarwal 2001, Poteete 2004). This hierarchy of participation illustrates different levels of inequity that are institutionalized within the Khasi community. Similarly, the principle of social division applies in the case of access and rights of users and inclusion or exclusion. It may be considered ‘fair’ for those in category (ii) and (iii), and unfair for those in category (i).

## 6. Conclusion

The analysis based on the working framework has provided an understanding of equity, and shows that equity is inseparable from ethnicity, rule of descent, status of residence, gender, authority and customary beliefs and practices. The framework also shows that equity is context specific.

The codified rules and regulations on customary beliefs and practices define and determine equity. Additionally, the Constitution of India has legitimized the customary beliefs and practices of the society, meaning that customary beliefs and practices are legal and recognizable. The customary method of applying the concept of equity differs from that of the nation-state as the codified rules and regulations clearly separate persons from among the same ethnic community and those from other ethnic backgrounds. The selective criteria used to determine the status of people carry along with them the rights of inclusion or exclusion.

The definitions of equity by Fisher and Malla and Poteete support the case study since, for the *Hima* Mawphlang community, what is considered 'fair share' in customary beliefs and practices defines what is equitable, even though by other definitions it is not. This is an internal arrangement and is accepted. Extending the argument further, the Khasi society in general, and the *Hima* in particular, rely on customary beliefs and practices, not the government of India or Meghalaya, to structure, define and regulate the rights of members of the society. Therefore, for the Khasi, customary beliefs and practices are considered just and fair.

But the challenges and the ensuing debates over traditional local institutions are a reflection that the traditional authority, which has provided the legitimacy to govern, control and manage the community, is under pressure from factors or forces within and from outside. These are impacts of parliamentary democracy, the internal demands of incorporating system of transparency and accountability and the inclusion of women in decision-making.

These factors have impacts on traditional institutions, but under these circumstances can they be sustained and continue in the future? "A self-organized resource governance system exists where actors, who are major appropriators of the resource, are involved over time in making and adapting rules within collective choice arenas regarding inclusion or exclusion of participants, appropriation, monitoring and sanctioning, and conflict resolution" (Varguese and Ostrom 2001: 748). The Khasi society is demanding that traditional institutions change and incorporate values of equity, transparency and accountability, and neutrality.

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