

CHAPTER-IV

The Nokma and the Village Councils and their role in village governance: Traditional and Contemporary

The word *Nokma* in simple literal term means “A rich man”. A wealthy person, who commands dignity and respect in a Garo village and in a Garo society, is called the “*Nokma*” But here, *Nokma* means the head of a Garo clan, who exercises political power over his people and his territorial possessions known as *A'king*. *Nokma* is the chief, a leader of a group of Garo people living in a definite territorial boundary. *Nokma* is actually the female inheritress in a clan-based Garo matrilineal society. But her authorities are exercised through her husband, who is designated and empowered as the *Nokma* by the *Chras*. Thus *Nokma* is generally, the person who marries a female inheritress and female *Nokma* who possesses *A'king*.

In an *A'king* of a Garo *Nokma*, there may be a single village or a number of villages, all of which are under the administration and governance of the concerned *Nokma*. Every single individual and the number of families and the villages together remain under the control and the *Nokma* under whose *A'king* they have been living. His command is to be obeyed and orders executed. The *A'king Nokma* administers upon his villagers through mutual discussions with his wife who was the *de jure Nokma* of the *A'king* and his *Chras* (the maternal uncles and the close relatives of the female *Nokma*). Since time immemorial, the institution of *Nokma* has been continuing in much the same way as before. Earlier, the youngest daughter of the *Nokma* was designated as *Nokna* (heiress) and when married called *Nokkrom*. In the traditional Garo society, it was the popular and customary practice on the part of the Garos that the *Nokna* marries only her father's nephew (the son of her mother's elder brother or younger brother). The *Nokna*

was not allowed to get married with a person belonging to another *Chatchi* or another *Mahari* other than the next kin of her father. The married couple was called *Nokkrom* meaning, fixed, which can no longer be moved or displaced from as that of the boulder placed on the burial place of the dead. The Garo had the custom of placing a boulder on the burial place of the dead and as the practice had its deep rooted belief that nobody has the right to shift to or displace this particular boulder to any place. If someone, intentionally shifts it, it is believed that he or she is sure to invite the nature's wrath. Either he or she would be bitten by tiger or mauled by an elephant as nature's punishment. *Nokma's* Son-in-law who was *Nokma's* own nephew and who had once been designated as *Nokkrom*, can by no means and under any circumstance, be driven away from the house of *Nokma* and his established relationship with his father in-laws family can never simply be stripped off or broken.¹ *Nokma* alone can not arbitrarily exercise his powers and functions. In reality, he can only execute the decisions of his *Chras* and the wife's *Maharies* (relatives). Without his wife's consent and empowerment by his *Chras*, his lone decisions stand null and void when the question of legality crops up.

The Institution of Nokma:

Each Garo village community is an autonomous political unit. Each village has a *Nokma* as its head. The *Nokma* holds his office and performs duties and responsibilities for and on behalf of his wife's *Mahari*. The office of the *Nokma* is hereditary through the 'Nok' institution. The office of the *Nokma* has the intrinsic importance from the point of the village organization through which the basic network of the entire Garo society is woven. In fact the *Nokma* plays the leading role as the central figure in the village activities, and externally represents the village. However, the position of the *Nokma* is very delicate. As a matter of fact, the *Nokma* cannot be compared to a chief who exercises

¹ Awensing R. Sangma: *Atchu Ambini Poedorang*, p 39; Also see *Wangalani Bimik* by the same author, pp 31-32.

his political authority with various social and economic representative of the village without having any distinguished authority.²

The *Nokma's* position becomes clear when we consider the characteristics of the Garo social structure, associated with the 'Nok' institution. Though every *nok* is independent, the function of the *nok* is always backed by all the members of the two lineages in moiety relation. No 'nok' can develop a social solidarity and special status from others.

From the economic point of view also, the *Nokma's* status is also equal to that of others. The *A'king* which belongs to the *Nokma's* wife, is actually held in common by all the inhabitants of the village. The *A'king* is possessed by the *Nokma's* wife only in name. The *A'king* land cannot be sold or mortgaged by the *Nokma*, parts of *A'king* land are distributed for cultivation on rotation basis. Size of the plot allotted to a household depends on the number of members. The share of the *Nokma's* family is also allotted on the same principle. Sometimes the *Nokma's* family is found to be poorer than the others. Their series of political and economic changes occurred since the British rule, had affected the status and position of the *Nokma*. The *Nokma's* expenses are higher than others as he has to perform some duties like entertaining and providing shelter to visitors having no relatives in the village. Festival, funeral and marriage ceremonies are conducted in his presence and the *Nokma* has to offer extra meals and drinks to the people.

Nokma's Power and Position in the traditional A'chik Society:

Before Garo Hills was subjugated and brought under the British rule, the Garo *Nokmas* and their subjects living under their respective *A'kings* were independent. They were not subjected to any external control nor were they subjected for payment of any

² M.S.Sangma: "The Institution of Nokmanship in Garo Hills" an article published in *Tribal Institution of Meghalaya* by S.K Chattapadhyya (ed.) (1985) pp 257-279.

form of tax. They lived independently within their respective territorial boundaries known as *A'king*. This *A'king* was collectively owned by a clan through their *Nokma* who normally, is the husband of the *Nokna* (Inheritress), the actual *Nokma* of the *A'king*. Thus before the annexation of Garo Hills, *Nokma* was the sovereign of the area. He received habitual obedience from the people of village and rendered no obedience to a like superior.³

In course of time, the British government authorities introduced the offices of *Laskars*, *Mouzadar*, *Jotdar*, *Zimmadar*, *Kanungo* etc. which were not there in the Garo traditional system of self governance. By the introduction of these new batches of governing officers, the *Nokma's* powers, position and his status were greatly undermined and reduced. Before the introduction of these offices, the Garo *Nokma* exercised exclusive rights concerning the political, social, judicial, religious, revenue matters over his people living within his *A'king*.

Kinds of Nokma:

The institution of *Nokma* is as old as the first settlement of Garos in the Garo Hills. It is believed that the Garos have entered the Garo Hills in different batches from different directions. Each of these batches consisted of either a clan or sub-clan. They found uninhabited tracts of vast mountainous regions and settled down in different area. The person who led the clan, in settling down in a particular area of the Garo Hills, was regarded as *Nokma* of that particular clan. Thus *Nokma* was the leader or Headman. In the earlier stage of their settlement in the Garo Hills, there evolved various types of *Nokmas*, namely the *Challang Nokma*, the *Gamni Nokma*, the *Miteni Nokma* and *A'king Nokma*. In the plain portion of Garo Hills especially in the *Mouza* No. 6 and *Mouza* No. 7, though there are no *A'king Nokmas*, prominent person in village locality is elected as the *Nokma*. But this *Nokma* possess no *A'king* and therefore does not exercise any political power

³ V. Venkata Rao, Barrister Pakem and Niru Hazarika (ed): *A Century of Government and Politics in North East India*, Volume II (Meghalaya) 1874-1983, p 72.

over his people and his territorial jurisdiction. His main works are mostly related to social welfare, village development, public relations activities within his locality. Such *Nokmas* are also called *Gaonbura*.⁴ The kinds of *Nokmas* which have been evolved throughout the ages and have been so far noticed in the Garo society, are mentioned below.

1. **The *Challang Nokma*:** A man who is regarded as more talented and wiser, physically stronger in comparison to others in the clan and is capable of settling disputes among the clan members and can lead the people to fight against their enemies is known as the *Challang Nokma*.
2. **The *Gamni Nokma*:** A person who is rich and possesses vast material wealth and command respect from the people because of his wealth is known as *Gamni Nokma*.
3. **The *Gana Nokma*:** One can become a *Gana Nokma* by celebrating the *Gana* festival. *Gana* ceremony is a ceremony of offering feast. The *Gana Nokma* is also very rich man of the village. In order to gain social recognition as *Nokma* he has to perform the *Gana* ceremony. In the *Gana* ceremony, he has to offer a feast to his villagers. As a symbol of *Nokmanship* he has to wear a thick metal ring called '*Jaksil*' round his elbow.
4. **The *Miteni Nokma*:** *Miteni Nokma* is the *Nokma* of the spirit. The term *Mite* means spirit, both good and evil. *Miteni Nokmas* have faith on different deities. They use to worship the deities by offering sacrifice. It is generally believed that if no sacrifice is offered to the particular deity of one's belief and no feast is offered to the people once in one or two years period, something unfortunate may happen in his family. Those who perform sacrifices are called *Miteni Nokma*.

⁴ *Nokma, Uni Kamrang aro Gadang*: 3rd Edition (October 2018), Published by Council of Nokmas, Hqtrs Tura, p 5.

5. **The A'king Nokma:** This is the most common type of *Nokma* in the Garo Hills. The *A'king Nokma* is commonly known as *Nokma*.
6. **Songni Nokma:** *Songni Nokma* is the selected or nominated leader of a Garo village lying mostly in the plain belts of Garo Hills. This *Nokma* is chosen or selected by the villagers in a village assembly for a term of one or two years. He is called by the neighbouring non-Garo people as *Gaonbura*, the word very commonly used by the villagers in Assam. The *Songni Nokma* is the person who convenes village folks for a meeting, discusses with them regarding the maintenance of law and order, village development activities, framing of rules and regulations for regulating the lives of the people in the village; informs and convenes the villagers during death of a person for conducting rituals and dispose of the dead etc. The *Songni Nokma* does not possess any proprietary right on land nor performs any rituals during celebrations of festivities like that of the *Kamal Nokma* and the *A'king Nokma*. He is a mere figurehead to co-ordinate the various socio-economic activities in the village with assistance by his Secretary and other village elders.

Under *A'king Nokma*, there are different categories of *Nokmas* who administer, look after and exercise powers similar to that of the highest or Head *A'king Nokma*. Examples of such *Nokmas* are *Ajoma Nokma*, *Ajikse Nokma*, *A'matte Nokma*, *Jamadal Nokma*, *A'milam Nokma* etc.

A'king is a conjoined of two Garo words viz: *A'a* and *King*. *A'a* means Land; *King* means *Biking* or Cell. *A'king* means *A'a Biking* or *A'biking* or in a shortened form *A'king*. *A'king* means the cell of the *A'chik* people or the place where the Garos lived and found

themselves protected like those insects having cells.⁵ Another version says that *A'king* is a derivative of the word *A'kanga* which means “A claimed Land” Here mention may be made from Prof. Milton Sangma’s article “*The Institution of Nokmaship in the Garo Hills*” where he writes “The term *A'king* comes from the word *A'kanga* which means a claimed land.” *A'king* means an area of land to which a man holds title.⁶

The whole of Garo Hills is divided into many clearly defined areas known as *A'king*. Each *A'king* land belongs to a particular *Ma'chong* which is the joint property of the whole *Ma'chong*. The British Government recognized 1500 *A'king* lands.⁷

Each of this *A'king*s was placed under the guardianship of custodian cum supervisor, whom the Garos called *Nokma* or *A'king Nokma*. The Garo Hills District Council Act. No.1 of 1960 defines ‘*A'king*’ as “Any land held by a clan or *Ma'chong* under the custody of the head of the clan or *Ma'chong* called *Nokma*, recognized as such by the District Council”. The Garo Hills District Council Act. No.1 of 1959 also defines *A'king Nokma* as “the head of the clan or *Ma'chong*, who holds any land as custodian on behalf of a clan or *Ma'chong*”⁸

Prof. Milton S. Sangma however emphasizes that the *A'king Nokma* is not the proprietor of the land, but the representative of the woman who is the senior most female member of the clan. And as such the *Nokma* is merely the custodian of the land.⁹ The property is transmitted to the next generation like any other household property through the ordinary law of inheritance i.e. from mother to daughter. Sangma further says that in the absence of a daughter, the nearest female relative of the *Nokma*, the office of the

⁵ As told by Shri Sailang R. Marak, Tura, dated 21st^h July 2019.

⁶ Chakrabarti, S.B and Baruah G. (ed), “*The Institution of Nokmaship in Garo Hills-Some Observations*” an article published in *Hill Societies: Their Modernisation* edited by Dr. M.S Sangma (1995) p 77.

⁷ The Garo Hills Autonomous District Council Acts Rules and Regulations with Amendments, Second Edition 2007, pp 191-193.

⁸ M.S Sangma (ed): *Hill Societies: Their Modernisation*, (1995) p 260.

⁹ M.S.Sangma: *History and Culture of the Garos*, Reprinted, July 2012, p 61.

Nokma's wife is adopted as heiress. After the death of *Nokma*, the office of the *Nokma* is succeeded by the husband of the heiress.¹⁰

In the earlier times *Nokmaship* goes from the father-in-law to the son-in-law (of the heiress daughters). The system has undergone a change, now a days the *Chra* and the *Mahari* together have the authority to select a rightful person with decision and his name is send to the District Council for approval. It is the revenue officer of the District Council who gives the formal approval.

Of the five types of *Nokmas* found in the traditional Garo society of earlier times four had lost their importance and disappeared. *A'king Nokmas* are still there. At present there are 1557 *Nokmas* in the whole of the Garo Hills, of which 221 *Nokmas* are under East Garo Hills district.¹¹

The *A'king* and its types: As already mentioned that an *A'king* is a landed territorial possession of a Garo clan, being owned since time immemorial over which, the members of the clan exercise exclusive collective rights through their elected head called *Nokma*. Usually, *Nokma*, is always, a man, the husband of the *Nokna* (*Female Inheritress*), who belongs to another clan. As, the husband and the wife, always belong to two different clans according to Garo customary practices. Persons belonging to the same clan or *Mahari*, are strictly prohibited and the marriage always takes place between the two marrying partners from the two different *Maharies*. Therefore, *Nokma* always belongs to a different clan who is a *Paa-Gachi* (Husbands of elder sisters) of the members of the clan with whom he establishes his blood relations through marriage with one of their *Noa-Namchik* (Sisters or female relatives) and *Ma'a-No* (Mother and her relatives)

¹⁰ *Ibid*, p 63.

¹¹ *Nokma: Uni Kamrang aro Gadang*, (3rd Edition, October 2018), Published by Council of Nokmas, Hqtrs. Tura, p 26.

Nokma's A'king has its varieties. Depending on how the land had been acquired or possessed, the *A'king's* name and the ownership rights also change. Few varieties of *A'king* can be brought here for a brief discussion.

A'joma A'king: Large and collective territorial possession, having individual *Nokmas* for each *A'king*, is known as *A'joma*. Above each individual *A'king*s possessed by each individual *Nokma*, there is a single and collective name for the entire *A'king*s. Sadolbra *A'king*, Selbalgre *A'king* located under Rongram Development Block; Rongjeng *A'king* located under Rongjeng Development Block are some of the examples of *A'joma A'king*. As per the record of the GHADC dated 11th August 1929, The Rongjeng *A'joma A'king* has five *Nokmas*. They were Josing *Nokma*, Singan *Nokma*, Joran *Nokma*, Benaram *Nokma* and Chengnal *Nokma*. Since long past, they owned their respective *A'king*s and practiced *jhum* cultivation in their *A'king*s. Similarly, Selbalgre *A'king* is also an *A'joma* and possessed jointly by Janggin Sangma, the first *Nokma*; Goram Sangma, the second *Nokma* and Jasing Chambugong Marak, the third *Nokma*. The *A'king*s of the first and the second *Nokma* belong to the *Chambugong Mahari* while the third *A'king* was owned by the *Manda Mahari*. A Garo man by the name Ganggagua, founded the Selbalgre *A'king* and he named the village Selbalgre which is still in existence till date. In the beginning Ganggagua lived at a place called Chipangmesel and founded his *A'king*. He then shifted to a village called Chandalbret. Later, he left the place and settled down at the vicinity of Selbal stream. Thus he gave the name Selbalgre for reason of the settlement being so closed to the Selbal stream.¹²

A'mate A'king: For purposes of settlement and livelihood, certain Garo *Nokmas* allocate a stretch of land within his *A'king*. This offer is sometimes made purely on temporary basis and the assignee has no right to permanently own it for him. The *A'king Nokma* has

¹² *Nokma: Uni Kamrang aro Gadang*, Published by Council of Nokmas, Hqtrs. Tura, 3rd Edition (2018) pp 4-5.

the right to reclaim it whenever, he or she wishes to do so. In certain cases, the offer is made to a person through consent and discussion with the female *Nokma* and her *Chras* for an individual male relative. In such a case, the individual assignee has the full right over the land allocated and to establish his ownership over that land. He becomes the sole owner of that very land and himself became the *Nokma*. Thus he establishes a new *A'king* and became a new *Nokma* over his acquired land. Rongronggiri IV -50 (15) *A'king*, which was the *A'king* of Toja *Nokma*, has the *A'matte A'king*s of Niman *Nokma*, which was an *A'matte A'king* of *Snal Ma'chong*. Songgitalgiri was the *A'matte A'king* of Ronja *Nokma* and the *A'king* is owned by *Gabil Ganjak Ma'chong*. Banjing *Nokma* belonging to *Napak Ma'chong* owned three *A'matte A'king*s within the *A'king* of Toja *Nokma*. There was one *A'matte A'king* owned by Joram *Nokma* of Rongbalugiri lying within the *A'king* of Toja *Nokma*. Therefore, within the *A'king* of Toja *Nokma* of Rongronggiri No. IV-50 (15), there were altogether, six *A'matte A'king*s owned by different *A'matte Nokma*s.¹³ Similarly, the Chima *A'king* IV-53, lying in the North Garo Hills District, is also an *A'matte A'king*. Jotindra Ch. Momin, *mouzadar*, during his time bought this *A'king* from one female Garo *Nokma* by the name Dingji of Kentra village during 1926-1927. Jotindra belonged to *Cheran Mahari* and he got married with a Garo lady named Kuntolini Me'cheng Sangma, who belonged to *Me'cheng Mahari*. Thus, the *A'king* bought by Jotindra Ch. Momin,¹⁴ has become the property of his wife and family according to Garo customary right and traditional practices and the said *A'king* had been the *A'king* of *Me'cheng Clan*. The *A'king* is still under the custody of *Me'cheng Mahari* and is being looked after by a widow female *Nokma* and the youngest daughter of Jotindra Ch. Momin and inheritress Ms Hanna Me'cheng Sangma.

A'jikse A'king: Sometimes, family members from among the Garos made an endowment to their son, a plot of land by way of parting out of their *A'king*. In the event of his death,

¹³ *Nokma: Uni Kamrang aro Gadang*, 3rd Edition (2018), Published by Council of Nokmas, pp 12-18.

¹⁴ Rozario M. Sangma: *Jotindra Cheran Momin* (1896-1978), p 22.

if the widow of the deceased remarry another man without the consent of the members of her deceased family and the clan and without clearing the *A'kim* bond, then the members of the deceased family have the right to take back the land given as gift. But, sometimes, the members of the deceased family, did not take the land back to themselves and it is jointly managed and possessed. Such an *A'king* is called the *A'jikse* or *Sari A'king*. Jamdamgiri II-15 (38) *A'king*, is an example of *A'jikse A'king*. Father in law of Gilaseng Sangma, a resident of Cholongpara, purchased this *A'king* from Jibon *Nokma* of Goripara, for Rs 300/- and four pieces of *Rang* (metal gong).¹⁵

Jamadal A'king: *Jamadal A'king* had its origin out of the *jhum* cultivation a person or a family practiced on land. On a No Man's land, possibly when the Garos had just entered into Garo Hills, the early Garo people cultivated *jhum* by occupying certain extensive plots of land on the hills. In the long run, they permanently owned tracts of land and called such landed possession as *Jamadal A'king*. *Jamadal* is a small rest house temporarily constructed in the *jhum* fields by a Garo *jhumer*. Hence the name *Jamadal A'king*. *Bikonggre A'king* lying under Dadenggre Development Block; *Adugiri A'king* and *Gondenggiri A'king* are some of the examples of *Jamadal A'king*.¹⁶

¹⁵ *Nokma: Uni Kamrang aro Gadang*, 3rd Edition (2018), Published by Council of Nokmas, p 19.

¹⁶ *Ibid*, p 21.

TABLE VIII

List of *A'chik Ma'chongs* (Garo Maharies) having *A'kinglands* under the Garo Hills Autonomous District Council (GHADC)

1. A'dima	38. Gabil	76. Nengklang
2. A'gitok	39. Gagra	77. Nengwa
3. Ajim	40. Gandim	78. Nengkola
4. Ajong	41. Gandi	79. Nokrek
5. A'mebang	42. Gara	80. Nopi
6. Am'pang	43. Garey	81. Norek
7. Areng	44. Guri	82. Nongrura
8. A'we	45. Ginneng	83. Nongbak
9. Baji	46. Gingte	84. Pakre
10. Baringgre	47. Jambal	85. Panto
11. Barim	48. Jengcham	86. Pira
12. Bokda	49. Juri	87. Raksam
13. Bolwari	50. Koknal	88. Rangsa
14. Boldak	51. Koksi	89. Rechil
15. Chada	52. Kongkal	90. Reking
16. Chambugong	53. Kubi	91. Rema
17. Chambil	54. Maikun	92. Rongma
18. Cheran	55. Maji	93. Rongmuthu
19. Chicham	56. Manda	94. Rongsime
20. Chisik	57. Mankin	95. Roku
21. Chisim	58. Mangsang	96. Ruga
22. Dagal	59. Mantang	97. Ruram
23. Dalbot	60. Me'cheng	98. Samin
24. Dandali	61. Me'gonggare	99. Sampal
25. Dajel	62. Me'gam	100. Sintang
26. Danggo	63. Mekin	101. Sko
27. Dangsui	64. Mikka	102. Snal
28. Daret	65. Mingkrak	103. Simsang
29. Dawa	66. Mongsrang	104. Songsak
30. Debra	67. Morja	105. Tebi
31. Deu	68. Mrong	106. Te'bronggre
32. Dewajong	69. Mri	107. Te'gite
33. Do'kime	70. Napak	108. Toju
34. Dokati	71. Nagringgre	109. Wa'sra
35. Domba	72. Nengchong	110. Wa'tesa
36. Do'po	73. Nengsrang	
37. Drong	74. Nengminja	
	75. Nengkra	

The Garo *Ma'chongs* whose *A'king*s are not found recorded in the list of *Nokma A'king*s under Garo Hills Autonomous District Council (GHADC) are *Bangonggre, Banjol, Do'kongsi, Jongsike, Konchikol, Mrenda, Nangjaldong, Oksike, Rimsu, Saka, Wa'tre, Impil* and *Uram*.

Source: List of *Nokma A'king* Lands under GHADC upto 2016. Office of the GHADC, Land & Revenue Branch, Tura.

Position and duties of A'king Nokma:

The *A'king Nokma*, being the head of the *Ma'chong* and the custodian and guardian of the *A'king* Land, on behalf of the *Ma'chong* (motherhood), along with her husband, has the following main duties and responsibilities:

- i) To look after the welfare of his *A'king* land and people within his/her *A'king* land.
- ii) To protect and preserve the *A'king* land and pass it on to the next generation through the Custodian of *Nokkrom* or Heiress;
- iii) To prevent wanton destruction of forests and other mineral resources and maintain an ecological balance within the *A'king*;
- iv) To work in the interests of the *Ma'chong* and all other bonafide residents within the *A'king* land;
- v) To maintain peace and amity amongst her subjects within the *A'king* Land;
- vi) To maintain cordial relationship with the neighbouring *A'king* Land;
- vii) To regulate the distribution of plots of *A'king* Land for *jhum* cultivation, etc. for the bonafide residents of her *A'king*s who want to come and settle down in his *A'king*.
- viii) To allot in consultation with the *Chras* and the *Mahari*, any plot of the *A'king* Land to the people of the *A'king* land to the people of other *A'king*s who want to come and settle down in his *A'king* Land

- ix) To give or allot any portion of *A'king* land with the approval of the *Chras* and the *Mahari*, for the purpose of plantations, horticulture and other forms of permanent cultivation, setting up factories, or for any purpose to any individual and Non- Governmental Organizations on lease basis subjects to the provisions of the Meghalaya Land Transfer Act, 1972 and recommend the same to the District Council for issuance of *Patta*.
- x) To certify the bonafide of the residents of the *A'king*.
- xi) To report and co-operate with the concerned authorities all crimes, violent death, suicide, serious accidents and epidemic occurring in the *A'king*.¹⁷

1. Social powers and functions:

The *Nokma*, being the head of the *Ma'chong* (motherhood) and the *A'king* has various social obligations and functions:

- a) As the head of the *Ma'chong* and the *A'king* land, the *Nokmas* represent the *A'king* land and its people for all purposes.
- b) The *Nokma* is the pivot of the village organization within the *A'king* land and plays a leading role in the village developmental and other activities.
- c) All cases of unnatural death and occurrences of crimes are reported to the *A'king Nokma* by the villagers within the *A'king* land and it is the social responsibility of the *Nokma* to attend them.
- d) The Customary laws and usages endow some privileges to a *Songsarik* (pagan) *Nokma*, breach of which is taken as tantamount to usurpation and insolence to the *Nokma*, for which, he will have to pay a *Dai* (fine) of Rs 60/- for defamation.

¹⁷ Julius L.R Marak: *Garo Customary Laws, Traditions and Practices*, Revised and Enlarged Edition: Tura 2015, pp 327 –347.

2. **Custodian and guardian of A'king:** (Judicial Powers)

- a) The *Nokma* being the head of the *Ma'chong* settling within her *A'king*, he/she has full responsibility to settle disputes at the grass-root level within the *A'king* land amicably.
- b) The *Nokma* will hear the cases of persons in respect of petty crimes, such as theft, injury to the property, house trespass, offense of any kind and clash and bring about amicable settlement with the help of the village elders in accordance with customary laws, traditions and usages.
- c) In case of disputes which cannot be settled amicably, the *Nokma* may advise the party in the interest to approach the Village Court established by law.
- d) The *Nokma* may impose a *Dai* of Rs. 60/- for destruction of the original *A'king* boundary marks or stone pillars or trees etc of *A'king* boundaries.

3. **Economic Powers:**

The *Nokma*, being the custodian and guardian on behalf of the *Ma'chong*, exercises some economic powers. The following are some of the major economic powers:

- i) *A'wil* fees (Land tax) on any land within an *A'king* jhummed by any person other than a permanent resident thereof but who has been permitted to *jhum* by the *Nokma* at the rate of Rs. 60/- per annum.
- ii) *A'wil* Fees from the family or person other than a permanent resident of the *A'king* who has been permitted by the *Nokma* to settle down in the *A'king*, at the rate of Rs. 50/- per family or person.
- iii) Besides the above the *Nokma* can levy tax on timbers, bamboos, minerals and all other forest products in addition to forest royalty assessed on such timbers and other forest produces extracted from the *A'king* at the rate fixed by the District Council or govt. or any Corporate body.

Rights and Privileges of the Nokma:

By tradition, *Nokma* enjoys certain rights and privileges. The following are the main rights and privileges of *Nokma*:

1: Performance of Gana Ceremony:

Gana ceremony is performed by any rich man of the village by giving sumptuous feasts liberally to all the people after which he wears an elbow ring, which is symbolic of being able to achieve the status of *Nokma*. But no relative of *A'king Nokma* living within his *A'king* land can perform *Gana* ceremony without his consent.

2: Possession of Nagra or a special Drum:

Nagra is a special drum much larger than other drums. It is made of earth ware pot covered with cowhides. It is believed to have been endowed with supernatural powers. Special sacrifices are required before making it and is beaten only to call the people to assemble at the *Nokma*'s house when he calls them for feast or on some special occasions like funerals, meetings etc. The *Nagra* is regarded as a sacred possession and can be had only by *A'king Nokma*.

3: Performance of A'songtata Ceremony:

A plot of land is fixed at the outskirts of village where sacrificial stones are erected. It is called *A'song* or *Kosi*. At this mound of stone is looked upon with considerable reverence and a sacrifice is offered there in order to drive off dangers to village community from sickness, animals etc.

Status of Nokma in Society:

The *A'king Nokma* occupies a high place in the Garo society. The office of *Nokma* has an intrinsic importance from the point of the Garo organization. It is the pivot of the village organization through which the basic network of the entire society is woven. In

fact, the *Nokma* plays the leading role as the central figure in the village activities and externally represents the village.

Economic status of Nokma:

The *A'king Nokma's* economic status is basically equal to that of others. Though the *A'king* land belongs to the wife of the *Nokma*, it is actually held in common by the inhabitants of the village. Every member of the village has the right to cultivate the village land. The possession of the *A'king* land is simply represented by the *Nokma's* wife; but managed by the *Nokma*. As a rule, no portion of the *A'king* land can be sold or mortgaged by the *Nokma*. The village land is divided into several parts on the basis of annual rotation of *jhum* cultivation.¹⁸

Nokmas and the Constitution of India:

The British Government realized the need for recognizing the *Nokmas* and their *A'kings*. Therefore, attempts were made to regularize the offices of the *Nokmas* by registering them systematically with the Deputy Commissioner with their genealogy tree (GT), maps and description of boundaries. Lieutenant George David Walker, while serving as the Deputy Commissioner of Garo Hills District during 1923-29, started preparing the maps of each of the *A'kings* held by the respective Garo *Nokmas* with descriptions of the boundaries along with genealogical table of the succeeding *Nokmas*.¹⁹

The Deputy Commissioner also undertook to settle disputes regarding boundaries between *A'kings*, succession and inheritance. Even allegations against *Nokmas* by the clan members were looked into.

¹⁸ Julius L.R Marak: *Garo Customary Laws Traditions and Practices*, Revised and Enlarged Edition, 2015, Tura, pp 327 – 347.

¹⁹ *Nokma: Uni Kamrang aro Gadang*, 3rd Edition (2018), Published by Council of Nokmas, p 26.

In matters of administration the *Nokmas* were placed under the *Laskers* and *Sardars*. A *Laskar* was in charge of an *Elaka*, which includes about 40 to 50 *A'kings*. The *Laskers* were to report offences and crimes within his jurisdiction to the DC.²⁰

Nokmas were used by the British Government to arrange *Begals* (Unpaid Labour) to the touring officials and government servants such as the vaccinators.

From 26th January 1950, the Constitution of India came into force. The Constitution of India is not a gift of the British Parliament; it is ordained by the people of India without any outside interference through their representatives in the Constituent Assembly which was contemplated to determine the political future of India. Pt. J Nehru expressed the philosophy underlying the Constitution through the Objectives Resolution which was adopted by the Constituent Assembly on 22nd January 1947. The Objectives reflected the broad perspectives, wisdom and noble ideas of the leaders of the country and representatives of the people in the Constituent Assembly. In the light of this Objectives Resolution the Constitution of India was prepared in 1949. Those Objectives formed the basis of the Constitution. Besides the guarantee of the equality in justice, economic and political, freedom of expression, belief, etc, one important Objective Resolution is relevant to us. It is the 6th Resolution which reads: "Wherein adequate safeguard shall be provided for minorities, backward and tribal areas and depressed and other backward classes"

Thus, one of the outstanding features of our Constitution is its provision for solving the peculiar problems of the vast, multicultural, multi-ethnic, multilingual country. The Constitution provided scope to solve the unique problems of India, for instance, there is one entire part (Part XVI) relating to Scheduled Castes and Tribes (SC & ST) and Other Backward Classes (OBC). Provision was made in the Constitution for amendments. Thus even after the inauguration of the Constitution, special provisions were inserted e.g Articles 371, 371- 1, to meet the regional problems and demands in

²⁰ M.S.Sangma: *History and Culture of the Garos*, p 71.

some States such as Nagaland, Assam, Manipur, Andhra Pradesh, Maharashtra, Gujarat, Sikkim and Mizoram, etc.

The Constitution provides for the appointment of a Commissions to report on the administration of the Scheduled Areas and the welfare of the Schedule Tribes in the States. The President may appoint such Commission at any time, but the appointment of the Commission at the end of ten years from the commencement of the Constitution is obligatory { Article 339 (1) }

The tribal areas of Assam, Meghalaya, Tripura and Mizoram are specified in the table apprehended to the 6th Schedule (Para 20) of the Constitution, which underwent several amendments.

Since the creation of the States of Nagaland, Meghalaya under the amendment of 1972, 1984 and 1988, the table, originally in two parts, now includes in 4 parts.

TABLE [Under Para 20 of the Sixth Schedule as stands today]

Part I – I

1. North Cachar District
2. Karbi Anglong District.

Part II

1. Khasi Hills District
2. Jaintia Hills District
3. Garo Hills District.

Part II A

Tripura Tribal Areas District.

Part III

1. Chakma District
2. Mara District
3. Lai District.

These tribal areas are to be administered as autonomous districts. Those districts are not outside the executive authority of the State concerned; but provisions are made for the creation of District Councils and Regional Councils, for the exercise of certain legislative and judicial functions. These Councils are primarily representative bodies and they have the power of making laws in certain specified fields, such as management of forests other than reserved forests, inheritance of property, marriage and social customs. The Governor may confer on them the power to try certain suits or offences. These Councils have the power to assess and collect land revenue and to impose certain specific taxes. The Bills passed by these Councils become law when the Governor gives his assent. The Councils shall also possess judicial powers, civil and criminal, subject to the jurisdiction of the High Court as the Governor from time to time specifies.

As already discussed in chapter 2, the 6th Schedule provides provisions as to the administration of Tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram. Some of the provisions relevant to the present paper are as follows:

Section 2 of the 6th Schedule, provides for the Constitution of District Councils and Regional Councils. Section 3, defines the powers of the District Councils and Regional Councils to make laws. Some the provisions are quoted below:

The District Council for an autonomous district in respect of all areas within the district except those which are under the authority of Regional Councils, if any within the district shall have power to make laws with respect to:

- a) The allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest, for the purposes of agriculture or grazing or for

residential or other non-agricultural purpose likely to promote the interest of the inhabitant of any village or town;

- b) The management of any forest not being a reserved forest;
- c) The use of any canal or water –course for the purpose of agriculture;
- d) The regulation of the practice of *jhum* or shifting cultivation;
- e) The establishment of village or town committees or councils and their powers;
- f) Any other matter relating to village or town administration, including village or town police and public health and sanitation;
- g) The appointment or succession of Chiefs or Headmen;
- h) Inheritance of property;
- i) Marriage and divorce;
- j) Social customs.²¹

The Constitutional position of the Garo Nokmas in the Garo Hills Autonomous District Council (GHADC):

The Sixth Schedule provisions to the Constitution of India did not clearly spell out the status and position of the *Nokma*. The matter had been left to be decided by the concerned District Autonomous Council. As stated above, sub-para (g) of Paragraph 3 of the Sixth Schedule empowered the Autonomous District Council with powers to regulate “the appointment or succession of Chiefs or Headmen” The GHADC enacted a law regarding transfer of land, which applies to all the inhabitants of Garo Hills, including the *Nokma*. In exercise of powers conferred in sub-para (a) of the 3rd Para of the 6th Schedule that deal with regard to the use of land in the interest of the inhabitants, the GHADC had enacted the Act IV of 1955 called Garo Hills District (Transfer of Land) Act 1955, which became law on 21.8.1955. In matters of transfer of land, this Act in its para 3 states as follows:

²¹ Justice B.L. Hansaria: *Sixth Schedule to the Constitution*, Appendix 67: Sixth Schedule to the Constitution as exists today, pp 613-614.

“No land within the district shall be sold, mortgaged, leased, bartered, gifted or otherwise transferred by a tribal to a non-tribal or by a non-tribal to another non-tribal except with prior sanction of the Executive Committee”.²²

In 1958, GHADC passed the Act The Garo Hills Autonomous District Council (Social Customs and Usages) Validating Act, 1958, which became law on 22. 1. 1959. Sub para 8 of Para 4 of this act defines “*Nokma*” as the head of a clan or *Ma'chong* who holds any land as a custodian on behalf of a clan or *Ma'chong*. Para 7 of this act states “The succession to the *Nokmaship* of any *A'king* shall be recognized in accordance with such social customs or customary practices as was followed prevalent in that behalf before the commencement of the Constitution, except that the powers which were exercised by the Deputy Commissioner before the commencement of the Constitution shall hereafter be exercised by the Revenue Member of the District Council” Para 8 (1) mentions “Wherever a vacancy occurs in the office of a *Nokma* of any *A'king* or these arises any dispute in the matter of succession of *Nokmaship* of any *A'king* or any dispute with regard to any matter relating to or connected with any *A'king* and the boundaries thereof, the matter shall be referred, in the first instance, to the revenue Member for disposal in accordance with the customary practice and the usages of the Garos”²³

Nokma’s Powers and Functions under the GHADC:

With the formation of the GHADC, independent functioning and exercise of power which have been bestowed upon him by traditions and customary usages, the power, position and status of the Garo *Nokmas* have undergone a sea change. The Sixth Schedule of the Indian Constitution does not specify the role, powers and functions of the traditional heads of the tribal communities. These are left for the respective District Councils to be defined through their local acts, rules and regulations. Though Garo Hills

²² The GHADC Acts, Rules & Regulations, GHADC, Tura, 2007, p 107.

²³ The GHADC Acts, Rules & Regulations, GHADC, Tura,2007, pp 191 – 192.

Autonomous District (Social Customs and Usages) Validating Act, 1958, in its Para 4, sub para 8, recognized *Nokma* as the head of a clan or *Ma'chong* who holds any land as a custodian on behalf of a clan or *Ma'chong*, he has to accept the verdict of the Revenue Member of the GHADC in the event of settlement of dispute on boundary issues of his *A'king*. It means his status or position can be reduced or completely smashed and his powers and functions too seized by the District Council. If he is not satisfied with the verdict of the Revenue member, then he can appeal to the Chief Executive Member of the GHADC within 60 days from the date of the order. All these mean, the *Nokma* is not independent in his position and status. Though traditionally he resolved this kind of disputes in consultation with his wife and with *Chras*, under the GHADC, this power had been given to the elected member of the Council.

In Garo Hills, the land belong to the individual Garo clans or *Ma'chongs*. This land is the *A'king* or *A'king Gore*, which the *Nokma* looks after on behalf of his wife who is the actual *Nokma* and her *Ma'chong*. But after the formation of the GHADC, their powers have been cut down, regulated and their activities in their *A'kings*, controlled. The GHADC authorities without informing the *Nokmas*, have been giving permissions to supply *Sal'wa* (broom), *Wa'a* (bamboo), *Bol* (trees), *Ro'ong* (stones and boulders), *Rong'srek* (chips) etc.²⁴ For all these, the *Nokmas* are not being paid *A'wil* fee also, which they are supposed to be paid as per provision given under section 5 of the Garo Hills District (*A'wil* Fees) Act, 1960 (No. 1 of 1960) ²⁵

The Village Council:

To provide for the constitution and development of local self-government in the rural areas of the Garo Hills Autonomous District Council, the Garo Hills District (Constitution of Village Council) Act, 1958 was enacted which received the Governor's

²⁴ *Nokma: Uni Kamrang aro Gadang*, 3rd Edition (2018), Published by Council of Nokmas, p 52.

²⁵ The Garo Hills Autonomous District Council: Acts, Rules and Regulations with Amendments, Second Edition, July 2007, p 194.

assent on 3rd April 1958. It was officially published on the Assam Gazette, dated the 9th April 1958. By this act, it is aimed at establishing and developing local self government in the rural areas and to make better provision for rural administration, reconstruction and development as self-sufficient units. Under this act, the District Council shall, by notification in the Official Gazette, declare a *Laskar's Elaka* or any other rural area to be a Village.

Constitution of Village Councils:

(1) There shall be constituted a Village Council for each village or group of villages. (2) The list of villages falling within the jurisdiction of a particular Village Council shall also be published in the Official Gazette.

Composition of Village Councils:

(1) The Village Council for each village or group of villages shall consist of not less than six and not more than ten village elders, half of whom shall be nominated by the Executive Committee and the other half-elected on the basis of adult suffrage; provided that if the District Council in any case so directs, all the Members of a particular Village Council may be appointed by the Executive Committee for such period as may be specified.

(2) The Village Councils so constituted shall be deemed to be the Village Councils for the constitution of Village Courts under the Garo Hills Autonomous District (Administration of Justice) Rules, 1953; provided that the Village Councils so constituted shall be deemed to be the Village Councils for the constitution of Village Court under the Garo Hills Autonomous District (Administration of Justice) Rules, 1953;

(3) The Lasker of the village, who has been recognized as such by District Council under Rule 4 (2) (a) of the Garo Hills Autonomous District (Administration of Justice)

Rules, 1953, or who may be appointed as such the Executive Committee, shall be Ex-officio Member of the Village Council.²⁶

Area of the Village:

1) The area of the village shall, as defined under section 2 (9) of this Act, comprise the entire area of the Lasker's *Elaka*. The District Council is empowered to

- a) Increase the area of any village; or
- b) Diminish the area of any village; or
- c) Unite two or more villages or parts thereof so as to form one village; or
- d) Define or re-demarcate the boundaries of any village:

Provided further no action shall be taken by the District Council under this Section without first ascertaining the opinion of the village Representatives, the *Lasker* and the *A'king Nokmas* concerned.

2) The territorial jurisdiction of the village in the non-*Lasker Elaka* shall be such as may be declared and notified by the District Council under Section -3 (1) of the Act.

For purpose of election to the GHADC, the Executive Committee of the Garo Hills Autonomous District Council is authorized to make rules with regard to the following matters: a) delimitation of territorial constituencies for the purposes of election to the village Councils ; b) the qualifications for voting at such elections and the preparation of electoral rolls thereof; c) the qualifications for being elected at such elections as members of such Councils; d) the term of office of Members of such Councils; e) any other matter relating to or connected with the elections or nominations to such Councils; f) the procedure and the conduct of business in the Village Councils; g) the appointment of staff of the Village Council. The rules framed by the Executive

²⁶ The GHADC Acts, Rules & Regulations, GHADC, Tura, 2007, pp. 181.

Committee under sub-section (1) of this Section shall have the force of law on publication in the Official Gazette.²⁷

Powers and functions of Village Councils:

Subject to such rules as may be prescribed in this behalf by the Executive Committee, the Village Councils may exercise all or any of the following functions:

1. Cleaning and lighting of village roads and paths;
2. Sanitation and conservancy of the Village Areas and the prevention of public nuisance therein;
3. Construction, maintenance and improvement of public wells and tanks for the supply of water to the public for drinking, washing and bathing purpose;
4. The taking of curative and preventive measures in respect of an epidemic;
5. The opening and regulating of burial and cremation grounds for the dead bodies of human beings and regulating places for disposal of dead animals and other offensive matters;
6. Construction and maintenance of places for the storage of cow dung, oil cake and other manures and regulating their collection, removal and disposal;
7. Maintenance of records relating to population census, other than Union census, cattle census, spinning wheel and handloom census;
8. Construction, maintenance and improvement of village communications, drains and water ways;
9. Control of village grazing grounds, the location of *Bathans (Cattle Pound)* within the village;

²⁷ The GHADC Acts, Rules & Regulations, GHADC, Tura, 2007, p 182.

10. The relief of the poor, of the sick, or victims of famine, flood or other calamity;
11. Regulating the places of slaughter of animals;
12. Controlling and maintaining buildings, institutions or property belonging to or vested in them or which may be transferred to them for management ;
13. Regulating the construction of new buildings or houses or the extension or alteration of any such existing ones;
14. Primary Education;
15. Opening and regulating co-operative societies and model villages;
16. Anti-malarial and anti-*kalaazar* measures and enforcement of vaccinations;
17. Registration of births and deaths and maintenance of registers for the purpose;
18. Promotion and encouragement of cottage industries and improvement of agricultural stock and maintenance of model farms;
19. Prevention of cattle mortality and improvement of breeding;
20. Maternity and child welfare;
21. Supplying local information as required to the District Council or the State Government or any other authority;
22. Anything necessary for the preservation of public health and for improving the sanitation, conservancy or drainage of the village area and any other measures of public utility calculated to promote the moral and material wellbeing of the village areas and bring about communal harmony therein;
23. Planting and maintaining trees at the sites of public places and village roads and paths;
24. Establishment of public radio sets for the benefit of the village population;
25. Construction and maintenance of rest houses;

26. Construction and maintenance of libraries, reading rooms, social and cultural clubs or other places of recreation and games;
27. The popularization of indigenous sports, folk dances, folk music and organization and celebration of Nation and other local festivals;
28. Destruction of stray dogs;
29. Disposal of unclaimed cattle;
30. The removal of encroachment of village roads, public places and property vested in the Village Councils;
31. Any other functions and powers as may be delegated by the District Council from time to time.²⁸

Taxation power of the Village Councils:

The Village Council shall have power to levy and collect all or any of the following taxes within its areas.

- a) Taxes for the maintenance of Village Primary Schools established by it;
- b) Taxes for the maintenance of village rest house constructed by it;
- c) Taxes for the maintenance of public wells and tanks and other sources of water supply constructed by it or transferred to it for maintenance;
- d) Lighting tax for lighting the Village roads and paths;
- e) Taxes for conducting anti-malarial services and other schemes of social service for the improvement of public health and sanitation in the Village.

The Village Council shall not be competent to levy and collect any of the taxes specified in the sub-section (1) of this section without the prior approval of the Executive Committee.²⁹

²⁸ The GHADC Acts, Rules & Regulations, GHADC, Tura, 2007, pp. 182-184.

²⁹ The GHADC Acts, Rules & Regulations, GHADC, Tura, 2007, p 184.

Village administration Fund:

(1) The District Council shall establish and maintain a Fund to be called “The Village Administration Fund” and there shall be placed to the credit thereof: i) Such contribution from the District Council as may be made to this Fund; ii) Such contributions from State and Central Governments, if any; iii) Contribution from other sources. The District council shall place at the credit of the Village Administration Fund the following items of revenue:

- 1) Cattle pounds
- 2) Ferries
- 3) Local rates
- 4) Temporary residents toll
- 5) Carts, cycles and boats tax, other than the taxes on the vehicles mechanically propelled.
- 6) Any other sums which may be assigned to it by the District Council.³⁰

Village Fund:

(1) There shall be constituted for each Village a Village Fund to which shall be credited all moneys received by the Village Council in the course of the administration of such Village in accordance with the rules as may be prescribed by the Executive Committee in this behalf.

2) Subject to prior publication in the Official Gazette the Executive Committees may frame rules for the management of the Village Fund and the rules so framed may prescribe the procedure to be followed in respect of the payment of money into the said Fund, the withdrawal of money therefrom, the custody of moneys therefrom, custody of money therein and any other matter connected with or ancillary to the matters aforesaid.³¹

³⁰ *Ibid*, p 184.

³¹ The GHADC Acts, Rules & Regulations, GHADC, Tura,2007, pp. 183-184.

The Village Fund shall be utilized by the Village Council to meet charges in connection with its duties under this Act. The Executive Committee may make rules not inconsistent with the provisions of this Act for carrying out the purposes of this Act and the rules made shall come into force immediately on publication in the Official Gazette. The Executive Committee and all or any officers empowered by the Executive Committee in this behalf shall have general power of inspection and control over the performance of the administration duties of any Village Council and to supervise, check, inspect and verify the accounts of any Village Council.³²

VILLAGE COURT

Constitution of Courts:

There shall be three classes of Courts, as specified below, in the areas within the Garo Hills Autonomous district, to be constituted by the District Council for the trial of suits and cases between the parties all of whom belong to a Schedule Tribe or Tribes within such areas, other than suits and cases which the provisions of sub-para (1) 5 of the Sixth Schedule to the Constitution apply. The three classes of courts are

- 1) Village Courts
- 2) Subordinate District Council Courts
- 3) District Council Court

Village Court:

Each Village Court shall ordinarily consists of:

- a) The *Lasker* of the Village or in the case of a Non-*Lasker* Village, a member of the Village Council nominated by the District Council.

³² *Ibid*, p 185.

- b) Two members of the Village Council who shall be elected by the Council by a majority of votes.

Provided that the District Council may, whenever it deems necessary, appoint three persons from amongst the members of the Village Council to sit as a Bench of the Village Court for the trial of any particular class or classes of suits and cases. Provided further that until such time a Village Council or Courts is or are constituted under this rule, the *Lasker* of a Village, either recognized or appointed as such by the District Council, shall exercise the powers of a Village Court under these rules. The *Lasker* of the Village, and in case of a Non-*Lasker* Village the member nominated by the District Council, shall ordinarily be ex-officio President of the Village Court.

Provided that the case of a *Lasker* Village, the District Council may, whenever it deems necessary, nominate a person other than the *Lasker* of the Village, as the President of the Village court and in such event the *Lasker* shall not be a member of the Village Court.

The Jurisdiction of a Village Court shall extend to the hearing and trial of suits and cases arising within the territorial limits of the village. There shall be a Secretary to the Village Court to be appointed by the Executive Committee of the District Council in consultation with the Village Court and District Council Court. The tenure of the office of the members of a Village Court, except the Ex-officio member, shall be a coterminous with the tenure of the office of the members of the Village Council. But retiring members shall be eligible for re-election. In the event of the dissolution of a Village Council, the members of the Village Court under that Council, shall continue to be members of the Court, until new members are elected, in accordance with these rules.

Powers of Village Courts:

A Village Court shall try suits and cases of the following nature in which both the parties belong to a Schedule tribe or tribes resident within its jurisdiction:

- a) cases of civil and miscellaneous nature falling within the purview of village or tribal laws and customs;
- b) criminal cases falling within the purview of tribal laws and customs and offences of petty nature, such as petty theft and pilfering, mischief and trespass of petty nature, simple assault and hurt, affront and affray of whatever kind, drunken or disorderly brawling, public nuisance and simple cases of whatever kind, drunken or disorderly brawling, public nuisance and simple cases of wrongful restrain:

Critical Assessment of the Role of the Nokmas and the Village Council:

In the independent traditional Garo society, the *Nokma* enjoyed a high status and respectable position; and exercised wide ranging powers encompassing executive, legislative, judiciary, financial, religious matters. within the jurisdiction of his own *A'king*. During ancient time, each *Nokmas* and their respective *A'king*s were independent of each other. There had been reported cases of rivalries among the *Nokmas* due to their head hunting exercises and in connection with boundary disputes. In the head hunting excursions into the plains, the *Nokmas* themselves were grossly involved and engaged in the habit of inter clan feuds. In all these activities, the *Nokma* played the lead and pivotal role among his people in his village or in the locality. Assisted by his followers or groups of people in the village, he decides and executes, frames rules and regulations for village administration; and implement it upon the people living within his *A'king*; adjudicate cases involving both civil and criminal nature; and performs rituals during religious ceremonies. In him combined all the powers of administration within his *A'king*. But, in exercising all these powers, his *Chras* and the village elders were always consulted.

Under Garo traditional system, the procedure of administration of criminal justice for the afflictions or damages, was through an act of *Bobil Dinga* or *Jakbikpila* (Revenge) for the crime committed by an individual offender or a group of criminal offender. In

Playfair's book "*The Garos*" there is a passing reference from Gomme's "*Ethnology in Folklore*" about the nature and the way the dispute between two opposite parties belonging to the Garo tribe was finally resolved. The story was as follows. "Upon a quarrel ensuing, both parties plant a tree bearing a sour fruit, and make a solemn vow that they will avail themselves of the first opportunity that offers, to eat its fruits with the juice of his antagonist's head. The party who eventually succeeds in revenging himself upon his antagonist, cuts off his head, summons his friends, with whom he boils the head along with the fruit of the tree and portions out the mixed juice to them and drinks of it himself. The tree is then cut down and feud is at an end"³³ However, the primitive system of administration of criminal justice through *Bobil Dinga* or *Jakbikpila* have been replaced by more democratic adjudicating systems like that of *Melaa* or *Bichal Kaa* (Village Assembly) and *Dai Gama* (Fine or payment of compensation). In all these, the activities are led, supervised, coordinated and regulated by and in the presence of the Nokma.

In course of time, his status, position and powers had been curbed and restricted because of the impositions of administrative rules and regulations by the governing authorities and external powers. The *Zamindars* exercised a dominant powers upon them in the beginning followed by the British authorities who were deputed to their areas for controlling the situations. The British brought them to a complete domination and brought their inhabited areas under their occupation. The *Nokma*'s position and powers under their rule, had been reduced to a great extent. They introduced the posts of *Laskar*, *Sardar*, *mouzadar*, *Zimmadar*, etc. as a result, their position, status and powers had been largely curtailed. Let us examine in brief about how gradually their powers had been undermined and reduced.

During the pre-British days, the Garo *Nokmas* enjoy independent status and their existence was not subjected to any external powers. The *A'king Nokma* exercised

³³ Major A. Playfair: *The Garos* (Second Reprint, 2011), p 87.

exclusive right and authority over other types of *Nokmas*. A rich man before performing *Gana* ceremony and ordain himself as the *Gana Nokma*, has to get permission from the *A'king Nokma*. In case he did not acquire prior permission from him, it was taken as trespassing against the *A'king Nokma*'s authority and power. Secondly, the *A'king Nokma* only can keep the *Kram* and not other *Nokmas*. Thus possession of *Kram* in his house symbolized his power and authority. The *A'songtata* ceremony can be performed only by the *A'king Nokma* and under his supervision and guidance, it can ceremoniously be observed within his *A'king*. The *Nokma* received and entertained guests in his house; adjudicated justice in cases of rape, divorce, theft, quarrel, boundary disputes etc. *Nokma* organized the team of defenders while depending their villages against the invaders and led the wars against enemies. *Nokma* was the chief adjudicator of justice. In the event of failure to settle dispute within the family or clan circle, the highest appeal lie to the *Nokma* who administered justice and his verdict was the final and binding. When two *Nokmas* had a dispute on some serious matters, the third party *Nokma* decides the case. And if the parties to the dispute agreed to settle, then they take oath by biting *mil'am* and the two were offered a cooked rice to each other as a gesture to end their enmity. In the event of the need of paying compensation to the aggrieved or the victim, the amount was shared and subscribed by the entire family and clan members.

David Scott proposed for the first time for introduction of the office of *Laskar* in Garo Hills in his Draft Regulation of 1819 for the administration of Garo Hills.³⁴ One *Laskar* was appointed for 10 or 12 *Nokmas*.³⁵ These *Laskars* were empowered with police, civil and judicial powers while *Sardars* were to report murders and other heinous crimes. All civil and criminal disputes which the *Laskars* and the *Sardars* were unable to settle, were left to be tried by a *Panchayat* either appointed by the Commissioner or

³⁴ M.S.Sangma: *History and Culture of the Garos*, p 67.

³⁵ *Ibid*, p 90.

chosen by the parties.³⁶ The powers and functions of *Laskars* have been clearly drawn up and legalized by the Schedules District Acts of 1874.³⁷ Creation of the offices of *Laskars* and *Sardars* was followed by the introduction of the office of *Mouzadars* both for the Hills and the Plains belts of Garo Hills. These posts were introduced in Garo Hills by Captain H.J.Peet, the Deputy Commissioner of Garo Hills for the purpose of assessing and collecting land revenues, house tax and other taxes from the people. In 1878, he appointed four Garos as the Hill *Mouzadars* for the Hill tracts. All of them were the Christians, educated by the American Missionaries.³⁸ In the same year, Capt. Peet created the office of *Mandal* for both the Hills and the Plains.³⁹ To supervise the works of the *Mandals*, a Supervisor called *Kanungo* was later appointed by the British Government. In 1865, Captain Morton introduced *Zimmadari* system in Garo Hills by transferring the police, civil and criminal powers from the *Laskars* and leaving only the revenue duties with them. However, this office was found inconvenient and as result, Captain Williamson, during his tenure as the Deputy Commissioner of Garo Hills, got it abolished by getting an approval from the government.⁴⁰

The creation of the various posts and appointment of the officers to man it, greatly reduced and undermined the powers, status and functions of the *Nokmas*. Their overall and independent functioning and exercises of powers had been put to halt and their position greatly reduced.

The Village Council:

Though the Garo Hills District (Constitution of Village Council) Act, 1958, was passed, it is not practically followed and implemented. There is provision for constitution of the Village Councils within the GHADC by holding regular elections at every five

³⁶ *Ibid*, p 67.

³⁷ *Ibid*, p 70.

³⁸ *Ibid*, p 85.

³⁹ *Ibid*, p 88.

⁴⁰ M.S.Sangma, *op cit*, p 90.

years. But from the records, it is known that elections were held only once in 1974 in this regard and after that the GHADC conducted no elections to this effect till date. By the year 1995, there was one Village Council for each *Laskar* area and there were 60 Village Councils and 62 *Laskars* in the three Districts of Garo Hills; 2 village councils are yet to be created for 2 *Laskar* areas.⁴¹ However, the number of the Village Council cum Court increased to 92 by 2019.⁴² These Village Councils exist only on papers and therefore, have failed to function its assigned duties and roles. As a result, the people have not been getting any benefit from it.

The Nokma Council and its Role:

When we study about the institution of *Nokmaship* its role and functioning in the rural governance, we can not overlook the role being played by the association of Garo *A'king Nokmas* named as the Council of Nokmas. The *Nokmas* of the whole of Garo Hills formed 'Council of *Nokmas*' in 1962 with its headquarter at Tura. After being appointed as a *Nokma*, one has to register his name in the Office of the Council of *Nokmas*. The Council organize meeting from time to time at different places of Garo Hills and discuss various issues concerning their problems. Only those *A'king Nokmas*, who had been ordained as head of the clan having *A'king* in their possession, are allowed to get their names registered under the Council of Nokmas. Other *Nokmas* such as *Challang Nokma*, *Gamni Nokma*, *Mite Nokma*, *Gana Nokma*, *Songni Nokma* etc. having no possession of *A'king* on their behalf or on behalf of their clan, are not necessarily be the members of this forum.

⁴¹ *Critical Assessment of the Garo Hills Autonomous District Council* an article by Sri Kshirode Marak, former Executive Secretary, GHADC. Also see *Power to People in Meghalaya*, an edited Seminar Volume by M.N.Karna, L.S.Gassah and C.J.Thomas, Regency Publications, New Delhi, (1997), p 149.

⁴² Information provided by the GHADC, Tura: Rural Administration Department. 2019. Detail list of Village Council-cum-Court along with the detail list of building is given in Appendix-I, pp 235-236.

Under Khasi Hills also, there are many Garo *Nokmas* with their *A'kings*. But they are not recognized by the Khasi Hills Autonomous District Council (KHADC). Though not constitutionally recognized, they have their own separate association called the Nokma Welfare Association (NWS), which was formed long back to work for their *A'kings* and protect their interests. About 36 *Nokmas* are said to have registered their names under this Association and through this body they have been unitedly working for the protection of their *A'kings* and promoting the interests of the A'chik people.⁴³

TABLE IX

Table below shows the number of A'kings, the number of A'king Nokmas and the registered A'king Nokmas under the Council of Nokmas.

<i>District in Garo Hills</i>	<i>Number of A'kings</i>	<i>Total number of Nokmas</i>	<i>Total number of Nokmas registered under Nokma Council</i>
East Garo Hills	216	276	230
South Garo Hills	370	386	261
West Garo Hills	734	873	749
Total	1320	1535	1240

Source: Nokma: Uni Kamrang aro Gadang, p 26, Published by Council of Nokmas, Hqtrs Tura (3rd Edition, 2018)

Aims and Objectives of the Council of Nokmas:

From the activities of the Council of Nokmas, it is known that the body is a platform organization which aims at bringing all the registered and recognized Garo *Nokmas* under

⁴³ As known from the field study and interview with Shri Alphons R. Sangma, member of the Nokma Welfare Association, Rengdim, Challang, West Khasi Hills. Date 18th May 2019.

the Garo Hills Autonomous District Council (GHADC) under one umbrella for a unified action; for protection and preservation of the *Nokma A'kings*; for continuation of the age old institution of the *Nokmaship*; to fight for the rights, status and privileges of the *Nokmas* and to regulate the successions to the posts of *Nokmas*; and to educate them with their duties and responsibilities towards their subjects in their localities, within his/her *A'king*. The body aims at strengthening the traditional institution of the *Nokmaship*; empower them with more powers in village administration and maintenance and to unitedly represent their grievances before the government authorities for redressal and to keep on those traditions centering the *Nokmaship* which is fast disappearing due to the various forces and compulsion acting on it.

The Council of *Nokmas* drew up certain duties and responsibilities and assigned them for the *Nokmas* under it to be performed in their respective territorial jurisdictions and localities. The assigned duties and responsibilities include the following:

1. To frame resolutions in consultation with the villagers with regard to the maintenance of law and order in their localities;
2. To maintain a record on the Family Tree of the *Nokmas*;⁴⁴
3. To upkeep, protect and preserve Village Reserved forest;
4. To maintain village roads and bridle paths in their areas;
5. To look for the persons came to their village from outside and to keep the person's name on record. An appropriate fine to be imposed on the person or persons in the event of fight, dispute, brawl perpetrated by them.
6. To regulate the keeping of domestic animals in their villages;
7. To regulate the use of forest and its produces;
8. To administer over and deal with such cases as theft, rape, minor crimes etc.

⁴⁴ *Nokma: Uni Kamrang aro Gadang*, p 50. Published by Council of *Nokmas* (3rd Edition, 2018), Hqtrs Tura.

9. To prevent people catching fishes from the streams, rivers, natural ponds, lakes etc. by applying germicides, pesticides and other poisonous substances;
10. To assist agencies both government and private during implementation of various development schemes in the localities;
11. To upkeep the water sources, the water catchment areas, the natural environment etc;
12. To raise village fund and open savings account in the bank in the name of the village.⁴⁵

Activities of the Council of Nokmas since its revival in 2002:

Since *Nokmaship* is an age old traditional institution dating back to the time of occupation and migration into the uninhabited hills from the surrounding plains, it was presumed that a *Nokma*, once named and approved by the maternal and paternal relatives and registered in the GHADC, that both the *Nokma Me'chik* and her husband, designated as the *Nokma*, would automatically know their duties and responsibilities. The relation of a *Nokma* with GHADC ended with approval and registration; the authority had no advisory role.

First and foremost, the Council of Nokmas felt it necessary to instruct the Nokmas to decide the very basic issues, on how to run the administration and what policies to follow according to changing situations.

The primary issues pointed out by the Council of Nokmas (CoN) to the *Nokmas* are:

⁴⁵ *Nokma: Uni Kamrang aro Gadang*, pp 54-55. Published by Council of Nokmas (3rd Edition, 2018), Hqtrs Tura.

A *Nokma* would have to take decision on the portions of the *A'king* to be set aside for settlements, for forest reserves, for cultivation and identify areas for water source, springs and streams, and catchment areas.

Nokmas were instructed to do the following as a part of their duty.

1. To bring to the knowledge of the Council of Nokmas (CoN) those teachers who abstain from their duty and resort to corrupt practices.
2. To maintain and register of births and deaths, the number of households.
3. To observe whether the government supplies of rice were reaching the target, e.g. 10 kg of the rice per month for the aged, quotas of rice for the very poor and for those of the BPL level,
4. Whether the old age pension was reaching the target, whether the rice, etc, for the mid-day meal of the school were received.
5. The Nokmas are to prepare the plan and estimate for the National Rural Employment Guarantee Scheme (NREGS) and submit to the authorities.
6. The Nokmas are to oversee the development works- such as road, footpath construction, care of water resources and springs, encouragement to make plantations, orchards, such as betel nuts, cashew nuts, etc, and to take up gardening as well.
7. To be responsive to the authorities and checking infiltration from areas and borders.
8. To take part in the implementation of various schemes of both Central and the State Governments such as National Rural Health Mission, Disaster management etc.
9. To see that the PHE projects are taken up and implement, and toilets are constructed by every households.

Some demands and activities of the Council of Nokmas:

The Council of Nokmas urged the Home Minister Mani Shankar Ayer in their memorandum to change the terms '*approval*' for the word 'appointment' and to replace 'chiefs or headmen' by *Nokma, Syiem and Doloi*, mentioned in the sub-para (g) of Para 3 of the Sixth Schedule of the Constitution.

Presently, the number of *A'kings* and the *A'king Nokmas* in Garo Hills and those *Nokmas* who registered their names under the Council of Nokma stand as follows:

The Council of Nokmas also has put forwarded some of their demands before the Hon'ble State Government of Meghalaya. These demands included the following:

1. The *Nokmas* should be made members of the Block Development Committee, since they are acquainted with the requirement of the villages within their *A'king*.
2. Enhancement of daily wage from Rs 75/- for per day for which the State Government responded by raising it to Rs 100/- for labourers under NREGS.

One of the issues taken up by the Council of Nokmas is on environment awareness. Its concern for protection and upkeep of natural environment of Garo Hills is gaining ground by now. Garo Hills, till only a few decades back, was extremely rich in flora and fauna, but rampant hunting and destruction of habitat had reduced the varieties of deer, tiger, barking deer, bison and other wild animals and birds to near extinction. Destruction of forests has also led to extinction of plant species and disappearance in many areas. The Government's blanket ban on their destruction and declaration of particular animals as endangered species were not effective. However, when the awareness reaches grassroot level through the *Nokmas*, it is possible for the people to turn themselves into protectors. For instance, success could be seen as a result of the awareness effort made by Predikson, Nokma of Rongjeng *A'king* with regard to the

protection and preservation of the faunal species within his *A'king*. He asked his people not to kill animals and told them about the importance of preserving wild animals. His effort bore fruit as a result, barking deer population has increased in his *A'king*.

The Council of Nokmas (CoN) is vigilant to protect the land of *A'chiks* in Garo Hills. In 2009 it received an information that the *Nokma* of Wa'dagokgre had sold a large tract of land to the tune of several *bighas* to the Muslim. Since that area falls under the Plain *Mauzas*, no land can be sold or transferred to Non-Tribals under the Meghalaya Transfer of Land (Regulation) Act, 1971. Therefore the concerned *Nokma* and the buyers were summoned by the members of the Council of Nokmas. The Council of Nokmas compelled the *Nokma* of Wa'dagokgre to take the land back and refund the money. For this purpose it held a meeting of all the NGOs of Tura, which jointly decided that the sale of land is illegal and took a resolution that the *Nokma* concerned should return the money and take the land back.

The Council of Nokmas strongly opposed the recent proposal by the Atomic Energy Commission, Government of India for uranium mining at the Balpakram National Park (BNP) and submitted a memorandum to this effect.

Policy of the Council of Nokmas:

It follows the policy of cooperation with the Government and consequently is against any form of violence, agitation and confrontation. It advocates and practices cooperation with other NGOs. Its major concern is all round development of rural areas under each *Nokma A'king* especially on socio-economic, educational fields. Another important concern of the Council of Nokmas is the formal recognition by the government of India, and the amendment of Constitution to replace the term 'chief/headmen' in the article No 3 (g) of the Constitution with the indigenous terms, such as *Nokma*, *Siyem* and *Doloi*. To this effect the Council of Nokmas, submitted a memorandum to Shri Mani

Shankar Ayer, Union Minister, Department of North Eastern Region (DoNER) and *Panchayati Raj* on 29th January 2009.

In reassertion of the age old traditional institutions, it sought recognition, empowerment and giving deserved status to the *Nokmas*. It argued that the institution of the *Nokmas*, *Syiems* and *Dolois* are older than the statutory bodies like the police, village court, *Mauzadars*, *Laskers*, forest department etc, which haven been established by the British government, later adopted and added to by the Indian Government. The appointment of *Laskars*, Local magistrates, and *Sardars*, enforces of law, who are loyal to the government, diluted the power of *Nokmas*, and undermined the status and powers of the traditional chiefs.

Traditionally, the *Nokmas* had sole administrative and judicial powers. They were responsible for the territorial integrity of their *A'king*, and as such had to defend their *A'king*. They were responsible for the socio-economic welfare of the people; and as such were pivot of all religious ceremonies and functions, and those who practice the traditional indigenous religion, continue to be.

Through the memorandum, the Council of *Nokmas* informed the DONER Ministry about the measures to be taken up for development of Garo Hills, such as improvement of roads, introduction of railway, encouragement to small scale industries, floriculture and horticulture. In its concern for the border areas and the porous nature of the international boundary, it urged the government to erect India–Bangladesh Border fencing at the zero point so that the farmers are not deprived of cultivable lands, to take measure to put a stop infiltration and cross–border smuggling of goods and natural resources.

The *A'chik* settlers as a whole were politically independent till the occupation of the British. Each *A'king*, belonging to a *Ma'chong* or *Mahari*, or two or three *Maharis*, was responsible to maintain its own territorial integrity. In case of border disputes, more

often than not, bloody conflicts took place. As defenders of their *A'king*, it was the duty of the *Nokmas* and the *Matgriks* of each *A'king* to fight the 'encroachers' which often involved fratricidal killings. Having witnessed this frequent bloodshed in a small community, the British Government civil servants took the step of dividing the land into *mouzas*, determining the boundaries of each *A'king*, preparation of the Genealogical Tree of each *Nokma*, surveying and making the map, entrusted to a *Mauzadar*, and keeping the records. Each of these particulars is important, as it establishes beyond any ambiguity as to the ownership of the *A'king*. The boundaries are surveyed and recorded in detail; much of the boundaries follow the natural streams and trees stand as landmarks where *dhips* are erected. Many of the maps are approved and countersigned by G. D. walker.

The records of the British Government have been brought over to the GHADC as its jurisdiction extends over the land revenue. Since 1952, the year of the establishment of the GHADC, the records are with the Revenue Department and the Chief Executive Member (CEM) dealt with all the cases regarding *Nokmaship* such as succession and litigations till date.