

Bameri Dondor Kharsotun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. International Journal of Multidisciplinary Research & Reviews, 5(5),204-219.



**INTERNATIONAL JOURNAL OF
MULTIDISCIPLINARY RESEARCH & REVIEWS**

journal homepage: www.ijmrr.online/index.php/home

**LEGAL SAFEGUARDS FOR INDIGENOUS PEOPLES: AN ANALYTICAL
STUDY OF THE KHASI HILLS AUTONOMOUS DISTRICT COUNCIL'S
ROLE IN CULTURAL CONTINUITY, LAND MANAGEMENT, CUSTOMARY
LAW, AND POLICY REFORM**

Bameri Dondor Kharsotun¹ & Dr. Hiren Chandra Nath²

¹Ph.D Scholar, RSLA (Law), The Assam Royal Global University, Betkuchi Guwahati-781035, Assam, India. E-mail: natzbame@gmail.com

²Professor, RSLA (Law), The Assam Royal Global University Betkuchi, Guwahati-781035, Assam, India. E-mail: hcnath@rgu.ac

How to Cite the Article: Bameri Dondor Kharsotun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. International Journal of Multidisciplinary Research & Reviews, 5(5),204-219.



<https://doi.org/10.56815/ijmrr.v5i5.2026.204-219>

Keywords	Abstract
<i>Khasi Hills Autonomous District Council, Indigenous Rights, Customary Law, Land Management, Cultural Preservation, Legal Safeguards</i>	This study provides an overview of the legal safeguards for indigenous peoples by critically analyzing Khasi Hills Autonomous District Council (KHADC) in Meghalaya, India. Protections of rights, culture and traditional governance are also very much enshrined in the Sixth Schedule of the Indian Constitution, with the specific provisions of the Constitution establishing the most significant protection for the rights of Indigenous communities in Northeast India. The KHADC's role to provide for the preservation of cultural continuity, to manage land and natural resources (land, rivers, and other natural resources), to uphold customary law, and to respond to policy reforms is the focus of this study. It emphasises the Council's role of protecting the indigenous identity including traditional institutions, languages, festivals, and knowledge systems from contemporary problems of modernization, urbanization and globalization.



[The work is licensed under a Creative Commons Attribution
Non Commercial 4.0 International License](https://creativecommons.org/licenses/by-nc/4.0/)

Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. International Journal of Multidisciplinary Research & Reviews, 5(5),204-219.

	<p>The study delves further into the mechanisms of land tenure, conflict resolution, and environmental conservation, which were used in the KHADC, as well as the organization's initiatives regarding socio-economic development and community participation. Particular focus would be on the intersection of customary and formal legal systems, empowerment of marginalized groups, and changing policy responses in response to demographic and social change. By virtue of using a qualitative approach, the findings of this study combine statutory analysis, case law and field insights to evaluate the sufficiency and inadequacy of the existing legislative mechanism. These findings highlight the need to strengthen indigenous institutions and call for legal and policy avenues of legal and policy change to improve protection and sustainable development. This study is attempting to add a footnote into the academic debate, as well as to inform policymakers that can work on the strengthening of indigenous rights and governance.</p>
--	--

“A nation's culture resides in the hearts and in the soul of its people.”
— Mahatma Gandhi

1. INTRODUCTION

Indigenous rights and the law in support of them are one of the most important issues in multicultural democracies across the globe. In India, such an area is populated with different types of indigenous populations, each with its own distinct culture and its own social order and way of rule. Among these tribes, the Khasi peoples living near Meghalaya's Khasi Hills are remarkable for the vibrant cultural identity they share, as well as for the traditional institutions that maintain continuity and resilience. The unique cultural and geographical landscape of the Khasi Hills shapes the life and governance rules of the Khasi community. And in fact, this land includes the Khasi Hills, a region in the central part of Meghalaya, a state renowned for its gently rolling highlands, ample forests, many rainy summers and the beautiful sight that its landscape presents. Its rolling plateaus, meandering meadows, deep valleys, limestone caves and rapid-flowing rivers have given it an ecological heft and also made it a biodiversity hotspot. Cherrapunjee and Mawsynram, two of the wettest regions in the world, are found in the hills, which are filled with flora and fauna, including sacred groves preserved by traditional religious beliefs. Historically, these are both their isolation and the harsh setting, and for the Khasi people, with its great historical and cultural uniqueness and social cohesion. Culturally, the Khasi Hills have a matrilineal society where line and inheritance pass through the female line – that is empowering for women, as well as the way in which family and community relations are made. The Khasi language, oral histories, music, dance festivals, including Shad Suk Mynsiem and the religious tradition linked with indigenous beliefs constitute the cultural bedrock of the region. The mystical forests or “Law Kyntang” are not just a place of wealth for the natural inhabitants; they are also symbolic of Khasi cosmology as well as of identity: the sacred and the secular are



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

inseparable links between the peoples and their land. They serve as the community authority of DorbarShnong (village councils) at the level of village government, which follows local law and has collective participation in matters and decisions in order, which adds a sense of social solidarity. At the heart of the retention of this special cultural and geographical identity is the Khasi Hills Autonomous District Council (KHADC), mandated by the Sixth Schedule of the Constitution of India. The Sixth Schedule represents a constitutional experiment in legal pluralism and decentralised governance that involves a constitutional attempt to recognise the need for allowing indigenous communities to participate in matters that have to do with their rights and values, and to assert their legitimate interests. Under such a Schedule, legislative, executive and limited judicial powers concerning land use, forest management and the codification or enforcement of customary law are in the remit of KHADC. Such powers are designed to protect Khasi traditions, manage land tenure systems and establish a mechanism for the settling of conflicts in accordance with the laws and practices of the Khasi people. Yet under modernisation, demographic shifts and the deepening overlap between indigenous and formal legal forms, the effectiveness of these mechanisms of protection is constantly threatened. The protection of land rights is central to native self-determination, since land provides an important cornerstone (not only for economic survival but also for spiritual and cultural identity). The KHADC's power over land use, alienation and resource use plays a critical role in ensuring the health of the Khasi people. However, urban sprawl, change in land use patterns and internal and external pressures threaten traditional land tenure norms. Resource allocation, encroachment and commercialisation of land among disputes highlight the balancing of tradition and modern development imperatives, which the Council had to reconcile in its challenges. Cultural preservation plays a central part in discussions on indigenous rights as well. KHADC is given the task to maintain the language, art and rituals of the Khasi people. By encouraging and supporting customary forms of institution, festivals and traditional knowledge, the Council serves as the bulwark against cultural obliteration. But exposure to mainstream culture, migration and the seduction of contemporary life has resulted in the slow loss of the indigenous traditions. These pressures come from the idea that the Council fails to protect and revitalise the existing Khasi culture. This paper explores the opportunities/preventions of Khasi people's legal protection under KHADC in light of the existing legal systems and the issues of cultural continuity, land-use legislation, and customary law. Citing policy, jurisprudence and the body of qualitative work, the research locates KHADC within the exceptional cultural and geographical setting of the Khasi Hills and questions the successes and weaknesses of existing law. The result should serve as useful insight into generalities and debates around legal pluralism and native empowerment, and lessons for safeguarding a special cultural landscape in times of tremendous change.

2. OBJECTIVES OF THE STUDY

This report seeks to critically and directly examine and evaluate the Khasi Hills Autonomous District Council (KHADC)'s contribution towards protecting the rights and interests of the indigenous Khasi



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

people, with a specific reference to cultural continuity, land management, customary law, and policy reform. The study aims to:

- I. Understand and analyse the applicable legal and constitutional framework for the formation and operation of the KHADC, especially the provisions of the Sixth Schedule.
- II. Assess the effectiveness of the KHADC in preserving and promoting the unique cultural heritage and identity of the Khasi community within their geographical landscape.
- III. Evaluate the Council's mechanisms for land management and resource governance, including the protection of traditional land tenure systems and responses to contemporary challenges such as urbanisation and resource conflicts.
- IV. Examine the extent to which the Council's jurisdiction underpins the recognition, application, and adaptability of Khasi customary law, including its interface with formal legal systems.
- V. Identify the policy challenges faced by the KHADC in the context of modernisation, demographic shifts, and external pressures, and propose recommendations for strengthening legal safeguards for the Khasi people.

3. RESEARCH QUESTIONS

Firstly, how does the Khasi Hills Autonomous District Council (KHADC) contribute to the legal safeguarding of indigenous Khasi cultural continuity within its jurisdiction? *Secondly*, what legal frameworks and administrative practices are implemented by the KHADC to manage land and preserve traditional land tenure systems among the Khasi people? *Thirdly*, in what ways does the KHADC recognise, enforce, and adapt Khasi customary law, and how effective are these measures in protecting indigenous legal traditions? *Fourthly*, what are the principal policy and legal challenges faced by the KHADC in upholding its mandate for cultural, land, and customary law protection in the context of contemporary social and environmental pressures? *Fifthly*, what policy reforms or legal interventions could further strengthen the KHADC's role as a protector of indigenous rights, particularly in the areas of cultural preservation, land management, and the evolution of customary law?

4. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

The legal and institutional context of the Khasi Hills Autonomous District Council (KHADC) and how this organ is concerned with protecting the rights of its local indigenous people are inextricably linked to the literature, and therefore, it is necessary to review this body of literature systematically. The focus of this chapter is to critically review the major academic debates and conceptual foundations of the current study.

4.1 Literature Review

Legal rights of the indigenous people of India, especially in northeastern regions, received significant scholarly attention. The complexities of local governance in Northeast India are not lost on Baruah (2003): The Sixth Schedule was created to accommodate ethnic diversity and protect tribal liberty.



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

Researchers like Singh (2010) and Bhaumik (2013) further explore how the Sixth Schedule is a legal experiment in legal pluralism. And the result is that Autonomous District Councils will be given power to legislate on issues around land and customs: to manage resources. More precisely, literature focusing on the Khasi community, such as their traditional governance, with particular reference to the Khasi people, stresses the critical role of customary law and traditional governance on social cohesion through specific studies highlighted (Nongkynrih, 2002; Sharma, 2004). These texts claim that institutions such as the DorbarShnong (village council) and sacred groves, the role of the DorbarShnong in the protection of cultural heritage and environment, are crucial to both preservation and stewardship as per cultural conservation. Nongbri (2003) examines the matrilineal Khasi society and discusses its matrilineal nature as well as differences in inheritance, social structure, social arrangement, gender relationships and marriage. Several scholars, however, have identified the challenges and constraints in KHADC. Concerns have been raised regarding overlapping legal regimes, the question of administrative capacity and the interplay between customary law and constitutional protection—more particularly equality and contemporary human rights—are repeated arguments of the literature (Baruah, 2003; Bhaumik, 2013). Urbanisation, demographic pressures and external economic impacts are also mentioned more commonly as challenges that are hindering indigenous autonomy and cultural persistence (Kumar & Rao, 2012).

4.2 Theoretical Framework

Legal pluralism, indigenous autonomy, and cultural rights are the theoretical frameworks upon which the present study is based. Legal pluralism refers to the existence and interaction of multiple legal systems that coexist in a single state (Griffiths, 1986). For the Khasi Hills, this framework is critical to make sense of how customary law, statutory law, and constitutional provisions intersect and, in some cases, run counter to each other. An indigenous autonomy perspective (e.g. Ivison, Patton & Sanders 2000) privileges indigenous peoples' rights to govern their own societies, the ownership of their resources and heritage, even in the context of a sovereign nation state. This is especially pertinent to the design of the Sixth Schedule, with an aim not only to decentralise administrative functions but also to acknowledge and legitimate indigenous governance institutions. Cultural rights theory, as embodied in international documents, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), supports the assertion that indigenous communities exist under a set of collective rights to maintain, control, protect and develop traditional knowledge and cultural history (UN, 2007). This theory will be used to analyse the KHADC's call for Khasi culture, language and tradition protection and development.

4.3 Research Gaps

Although the Sixth Schedule and the Khasi society received extensive scholarly effort, we still lack the latest and most effective critique of how legal and policy reforms, contemporary socio-economic changes, and environmental challenges are reshaping the effective functioning of the KHADC. This



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

study intends to fill the gaps in theoretical frameworks by integrating research on legal safeguards for the Khasi people.

5. CONSTITUTIONAL AND LEGAL FOUNDATION OF THE KHASI HILLS AUTONOMOUS DISTRICT COUNCIL

The functioning of the Khasi Hills Autonomous District Council (KHADC), based on its legal formation, rests on the constitutional charter of securing the unique rights of indigenous peoples in Northeast India. The KHADC derives its constitutional and legal origins mainly from the Sixth Schedule of the Indian Constitution, which attempts to resolve the contest between the need of national integration on one hand, and the need to maintain the prerogative of indigenous governments, customary practices and land rights of tribal peoples, on the other (Baruah, 2003).

5.1 The Sixth Schedule: Genesis and Rationale

The Sixth Schedule was introduced as a timely counter to the historical-cultural distinctiveness of hill tribes in Assam that strongly resisted centralism in colonial and early post-independence periods (Bhaumik, 2013). The constitution framers, guided by the Bardoloi Committee, understood that their administrative regimes in these areas needed to be given more autonomy to keep their indigenous laws and relations with the land and the associated social organisations in order to shield them from encroachments (Singh, 2010). The Sixth Schedule was therefore established, as prescribed in Articles 244(2) and 275(1) of the Indian Constitution, and provided a structure for forming Autonomous District Councils (ADCs) in the tribal area. The KHADC is constituted under the Sixth Schedule and is composed of members (elected and nominated). It is responsible for legislative, executive, and judicial functions within its jurisdiction (Government of India, 2022) and operates in accordance with the laws of the state and country. The KHADC has legislative, executive and judicial powers over various subjects, including land management, forest resources, management of the villages, governance of villages, issues of inheritance, marriage, social customs and selection of community chiefs, and social institutions, etc. The legislative powers of the KHADC are wide-ranging in the following areas:

- Control over the allotment, occupation, and use of land (except reserved forests);
- Water resource management, village and town administration, as well as markets;
- Preservation and promotion of customary law and social customs;
- Constitution of village and district councils for dispute resolution (Nongkynrih, 2002).

But any such legislation by KHADC requires the assent of the Governor of Meghalaya, who has the power to amend or cancel such provisions, adding a layer of oversight and possibly restricting local autonomy (Baruah, 2003).

5.2 Judicial and Executive Functions

The KHADC also has limited courts, such as the Khasi village courts, which are dedicated to settling disputes under customary law, such as marriage, inheritance and property, including those occurring



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

in the Khasi community (Sharma, 2004). These courts function parallel to the formal judiciary, offering context-dependent justice grounded in indigenous practices. From the executive perspective, the Council has jurisdiction in the execution of its regulations, the administration of council-owned properties, as well as traditional governance at the village level.

5.3 Legal Pluralism and Customary Law

Central to KHADC's constitutional foundation is legal pluralism – the coexistence of statutory and customary legal systems. The Council has the authority to both codify and enforce Khasi customary law relevant to important aspects of social life (e.g., land tenure, succession, and community obligations) (Nongkynrih, 2002). This legal pluralism is a double-edged sword, permitting indigenous traditions to be upheld, but also generating disputes with state and central laws, especially on gender equity and human rights issues (Bhaumik, 2013).

5.4 Challenges and Limitations

While the KHADC enjoys the autonomy permitted by the Sixth Schedule, it is also subject to several limitations. With the need for gubernatorial assent, financial dependence on grant funds from state and central governments, and overlapping jurisdictions with formal legal institutions, the Council's effective autonomy is often hindered (Baruah, 2003). In addition, modernisation, demographic change, and economic challenges from external interests constantly undermine the ability of the Council to preserve Khasi customs and land rights.

6. KHADC AND THE PROTECTION OF INDIGENOUS IDENTITY AND CULTURAL CONTINUITY

Striking a proper balance between maintaining cultural identity and supporting preservation of indigenous tradition constitutes the primary responsibilities of the Khasi Hills Autonomous District Council (KHADC). One of the most important indigenous groups in Northeast India, the Khasi people are classified as members of a matrilineal social organisation, celebrating their culture, oral traditions, and sacred landscapes. As a constitutional institution, the KHADC is tasked with not only taking legislative and administrative responsibility, but also the task of protecting and promoting the intangible cultural heritage of Khasi individuals (Nongkynrih, 2002).

6.1 Preservation of Cultural Heritage

One of the key roles of KHADC functions is protecting the Khasi language, customs, and rituals. The Council is committed to supporting documentation and teaching for the Khasi language, which is a defining symbol of identity (Nongbri, 2003). Institutions of the KHADC support the organisation and operation of festivals such as Shad Suk Mynsiem and Nongkrem Dance that are conducted annually to observe the ancestors, bring together people and share cultural values with younger followers. Through these festivities, these festivals also reinforce the traditional, but create common sense in a world of swift social change.



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

The Council also has the key responsibility of preserving sacred groves, “Law Kyntang,” which is crucial ecologically and spiritually. These sacred groves, maintained by customary wisdom and religious taboos, represent biological life-forms and are living and breathing indicators of a Khasi conception of the world where nature and culture are intertwined (Tiwari et al., 1998). KHADC's backing of safeguarding sacred forests is consistent with the preservation of both culture and environment.

6.2 Promotion of Traditional Institutions

In Khasi society, traditional governance forms the structure of the DorbarShnong (village councils) that maintain local administration, dispute settling and adherence to basic local community rules. The KHADC recognises and reinforces the power of these institutions by legitimising their power and by integrating them into the district governance structure (Nongkynrih, 2002). These linkages make certain that decisions about community welfare, land conservation and cultural issues are based on indigenous traditions and the community.

Furthermore, the matrilineal system—property and lineage that travels through the female line—is protected by KHADC regulations. Though unique in the Indian context, this system grants Khasi women primary status in family and community life, but current discussions persist in focusing on gender roles, inheritance, and changing social norms (Nongbri, 2003).

6.3 Challenges to Cultural Continuity

The cultural situation in the Khasi Hills is very much lacking despite institutional support. The erosion of traditional practices and languages is inevitably caused by urbanisation, migration, and exposure to outside culture. Such new generations, attracted to contemporary education and employment prospects, distanced from native knowledge systems and communal cultic activities, are at times also distanced (Baruah, 2003). Concerns have been raised about the commodification of land and shifting patterns of resource use that will compromise the sanctity of sacred groves and the commons.

The KHADC has reacted by launching awareness programs and promoting the promotion of Khasi language and culture in schools and reintroducing traditional arts and rituals in the curriculum, helping to revive traditional crafts and performances. But the task of reconciling 21st-century aspirations with the necessity of cultural preservation is a tricky one. As communities embrace both new opportunities and issues, the Council will have an increasingly critical role to ensure dialogue, inter-generational communication, and participatory decision-making.

7. LAND MANAGEMENT AND RESOURCE GOVERNANCE UNDER KHADC

Land is one of the most important parts of the Khasis' social, economic and religious life. It is a vital source for the economy and an expression of self-identity in the indigenous nation. Central to this sector of life is the management of land and natural resources for which the Khasi Hills Autonomous



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

District Council (KHADC) wields constitutional powers. The Council's approach to land administration is influenced by customary law, the norms of collective ownership in the Khasi tribal society, and the desire for sustainable resource management (Nongkynrih, 2002).

7.1 Customary Land Tenure and Its Administration

The Khasi system of land tenure is distinctive and communal, as owners come from clans, villages, or traditional institutions rather than individuals. Ri Raid (community land); Ri Kynti (clan or private land); and Aïam (ancestral property) each fall under different customary properties within the Kingdom, and each have their status (Roy 2010). These categories are recognised and codified by the KHADC, which helps protect the continuity of collective management and inheritance systems. Village councils (or Dorbar Shnong) play a central role in allotting land for agriculture, settlement and community requirements and in mediating disputes about boundaries or usage rights (Nongkynrih, 2002). In terms of customary laws, the alienation of land to outsiders or non-Khasi persons is illegal, which protects indigenous control and avoids the wholesale confiscation of land. KHADC regulations also strengthen the case, requiring Council approval of all land transfers or conversions (Baruah, 2003). These safeguards will be very important in light of the soaring demand for land in the area of urbanisation, infrastructural construction, and external commercial interests.

7.2 Resource Management and Environmental Stewardship

The Khasi Hills, as well as resources, are home to resources such as forests, water bodies, and mineral deposits. The KHADC is responsible for the management of these resources through its legislative and executive powers to ensure that the sustainable and equitable control of these resources is established. Sacred groves, or Law Kyntang, are a hallmark of Khasi environmental preservation, in existence only under customary law and recognised by the Council due to their ecological and spiritual significance (Tiwari et al., 1998). The KHADC's forest policy emphasises the supervision of extraction, prevention of illegal logging and the promotion of afforestation programs. The Council also has plans around water sources conservation and land management, soil resources and biodiversity restoration programmes, typically with village councils and NGOs in their areas. Furthermore, the KHADC is starting to grapple with contemporary environmental problems like climate change, land degradation, and the demand for sustainable livelihoods (Kumar & Rao, 2012).

7.3 Land and Resource Governance Issues

Despite its constitutional and customary authority, KHADC is faced with several challenges in governing land and resources. Strangely, urban growth, burgeoning population and commercial demand for the resources of nature have resulted in the breaking up of lands which the community owns, and the destruction of such sacred areas, which undermine customary ways of living. At times, due to the temptation of short-term economic development, agricultural or forest lands have been adapted to mining and the development of real estate, a trend challenging the ecological equilibrium



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

and the indigenous rights (Baruah, 2003). As KHADC and other state government entities and statutory authorities often overlap, in these various statutory authorities, administrative confusion can arise, and enforcement of protective measures may be compromised. Also, the absence of formal documentation for a majority of customary landholdings hampers efforts to address community interests in legal challenges.

7.4 Policy Implications and Recommendations

In light of these challenges, the KHADC as an organisation has initiated reforms intended to strengthen land records, enhance participatory management and modernise resource governance policies to meet the demands of the 21st century. The focus is on community participation, legal literacy, law-abiding understanding, and combining traditional wisdom with science in conservation. It is becoming more obvious and increasingly recognised that sustainable land stewardship should also accommodate demographic and economic changes, for which the basic principles and rights of the Khasi must be maintained.

8. CUSTOMARY LAW AND JUSTICE DELIVERY UNDER KHADC

Customary law is the foundation of social order and dispute resolution among the Khasi. As a part and parcel of the social and legal culture of the community, these legal rules regulate relationships, land tenure, inheritance, and community duties in kinship relations and the other. Customary law is a central institution of Khasi, and its members, the Khasi Hills Autonomous District Council (KHADC), hold the position of guardian for the common and adapting customary law to the present situation, given Khasi society's situation of new social, economic and legal conflicts (Nongkynrih, 2002).

8.1 Recognition and Codification of Customary Law

The KHADC's constitutional mandate, articulated in the Sixth Schedule, clearly allows the Council to enact Acts relating to personal issues like marriage, divorce, inheritance and social customs. This recognition of legal pluralism guarantees a continuation and adaptation of customary law where it is not strictly enforced, but as per its own culture, both within the Council's scope (Government of India, 2022). The KHADC is mandated to write down customary laws - this is writing the rules spoken and practised by people for ages (Sharma, 2004). The clarity and regularity that the codification brings are so important as Khasi society begins to come into relationship with formal legal structures and state institutions.

8.2 Traditional Establishments of Justice

Grassroots-level justice is largely done through the establishment of traditional institutions, particularly the DorbarShnong - the village council, and Syiemships - the chieftainships. The DorbarShnong handles local governance, disputes, and social harmony. Restorative justice, seeking reconciliation and consensus as a way to settle scores rather than punitive measures, forms the heart of these institutions (Nongkynrih, 2002). They are key players in the settling of disputes involving



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

land, family, and petty legal disputes, often relying upon ancient law or the wisdom of community elders. The KHADC is additionally there to support the operation of these regional courts and, if needed, to create court systems for appeals for those kinds of issues that cannot be solved through village tribunals. This devolved process makes certain that justice is readily available, culturally specific, and able to respond to concerns of that community.

8.3 Interplay with Conventional Forms of Law

Khasi society is more and more embedded in the higher-level system of Indian law and government, and there is an increase in the complexity of conflict between customary and statutory law. Although the Sixth Schedule allows the development of autonomy, the supremacy of the Constitution and national law, especially in matters of rights, provides jurisdictional uncertainty and legal conflicts (Bhaumik, 2013). Take tradition, where it must be balanced and considered. It can be a problem if the customary norms on inheritance, gender norms and similar concerns are seen to differ from constitutional guarantees of justice, non-discrimination (Nongbri, 2003). State courts might also have to hear such conflicts, and their results could require some form of modification or reinterpretation of customary conduct to adhere to constitutional principles.

8.4 Challenges encountered in the Enforcement of Justice

A set of challenges facing the customary justice system under KHADC. Urbanisation, migration and the decline of traditional authority, however, have diminished some of Dorbar Shnong's authority. Some traditional leaders may not have formal education in law that will help ensure justice, fairness and decision-making consistency (Sharma, 2004). Furthermore, the lack of written records for a lot of customary laws makes it difficult for such laws to apply in a quickly transforming society. The issue of gender justice is a very difficult topic to agree upon, especially regarding this. Although the matrilineal system in Khasi women grants them their own rights and status as status-holders, many traditional practices are critiqued as the 'normalisation of patriarchy and women's exclusion in decision-making in public life (Nongbri, 2003). To satisfy those questions, dialogue and reform of customary legal frameworks are required that can evolve as needed.

8.5 Reforms and prospects

To counter these challenges, the KHADC has taken steps to document customary laws, introduce educational programs on legal literacy for cultural and traditional leaders, and seek greater involvement of women and young people in justice provision. There has been an emerging trend towards the harmonisation of customary law with national law, such that indigenous justice systems would have a positive influence on the overall outcomes of equity and human rights (Baruah, 2003).

9. POLICY REFORM AND CONTEMPORARY CHALLENGES

KHADC's essential role in protecting indigenous rights, however, new socio-economic, legal and environmental realities require policy changes and governance thinking. The efficacy of the



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

Council's engagement in cultural, land and juridical areas is increasingly being undermined by the forces of modernisation, demographic reconfiguration and other external pressures.

9.1 Socio-Economic and Demographic Challenges

In Meghalaya, rapid urbanisation and population growth—particularly around Shillong—have added to the pressure on land, infrastructure and services. This has put pressure on traditional land tenure systems and on common resource management, which, at times, have led to land alienation or disputes (Baruah, 2003). Migration, both to and out of the Khasi Hills, further complicates the demographic scenario, prompting questions of who belongs there and sharing (Bhaumik, 2013).

Promising economic development activities, even when they are imperative for livelihood improvement, can conflict with cultural heritage and ecological conservation. The growth of extractive industries and commercial entities, for instance, has resulted in the destruction of the environment and the commodification of community lands, such as in mining and other activities (Roy, 2010). The dilemmas for policymakers and the KHADC, on the one hand, are finding a compromise between economic opportunities and the demands of sustainable development and the protection of indigenous rights.

9.2 Adaptation of the law and the institutions

Despite this, the overlap of traditional and statutory law remains a headwind for governance. The Council's laws, in general, are often subject to harmonisation with state and national laws (especially regarding gender justice, environmental protection and human rights; Nongbri, 2003). Without the formalisation of many customary laws and landholdings, the enforcement and resolution of legal disputes becomes harder.

Gender discrimination has been brought into sharper focus as Khasi women increasingly push for a greater seat at the political table. Although women do have rights under the matrilineal system, their role in traditional institutions and KHADC is a limited one (Nongbri, 2003). Challenging these disparities requires continued legal reform as well as inclusive policy measures.

9.3 Environmental Sustainability

Unchecked development, deforestation and climate change are threatening the ecological riches of the Khasi Hills. Sacred groves are increasingly disappearing and are essential to biodiversity, but also a way to preserve historical cultural heritage and identity, through encroachment and changes in land use patterns (Tiwari et al., 1998). The KHADC has initiated conservation solutions and advocated for community-based natural resource management, but there are resource issues, and overlapping legal regimes are challenging to implement effectively.

9.4 Policy Recommendations and Next Steps

The KHADC, for its part, is now being trained in legal literacy, participative governance and the documentation of customary practices that are among the main reasons why it is emerging as the



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

centre of gravity of many communities in response to these challenges. Building institutional capacity and policy coherence will require greater engagement with state agencies, academic institutions, and civil society. Policy reforms need to prioritise:

Clearness in land tenure and customary law, promoting gender equity and participatory governance, improving environmental regulations and conservation, and promoting economic development patterns that respect indigenous rights and cultural identities.

10. CONCLUSIONS-*Reflections and the Path Forward: Preserving Khasi Heritage through Resilient Self-Governance*

The Khasi Hills Autonomous District Council (KHADC) is a unique entity within India's constitutional structure that protects the rights and identity of the native Khasi people and, as such, has played a critical role in the protection of the resources of the native Khasi people. The Council, through its legislative, executive and judicial powers, is responsible for governance, community land management, the practice of customary law and protection of cultural preservation. Its acknowledgement and preservation of matrilineal inheritance, traditional administration and sacred land is a triumph in the struggle of indigenous self-rule (Nongkynrih, 2002; Baruah, 2003). Still, the Council's work exists in a quickly evolving socio-economic, political and environmental landscape. Urbanisation and demographic turnover, increasing migration, and market-oriented development are increasing pressures on traditional land tenure and cultural activities (Bhaumik, 2013). Customary law has been in relationship with statutory legal systems for many decades, and in this dynamic has generated much uncertainty, and sometimes conflict, especially concerning gender rights, land claims and other resource exploitation (Nongbri, 2003). The Council's ability to flexibly adapt both its institutional provisions and policies along with the new realities of the era is imperative for the protection of Khasi identity and rights. Although the KHADC has succeeded in documenting traditions, in knowledge of justice and in safeguarding the environment, limitations to its administration, insufficient financial and political backing, as well as jurisdictional overlap, remain. Whether Council interventions have any impact will be contingent on not only internal reforms but also on a constructive dialogue with the state and national stakeholders, civil society, as well as the Khasi community.

➤ RECOMMENDATIONS

I. Strengthen Legal Documentation and Clarity:

Focus on the codification of customary law and land tenure practices. It will help conflict resolution (and protect the preservation of indigenous legal traditions) if we maintain clear and accessible legal records.

II. Promote Inclusive and Gender-Sensitive Governance:

KHADC ought to be willing to actively advocate for the participation of women and youth in decision-making, which is as close to the Council as possible and on the ground, in the



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

community arena. Modernising historical processes to develop the institutions associated with gender justice, however, will also increase their legitimacy and effectiveness (Nongbri, 2003).

III. Enhance Resource and Environmental Management:

All Council policies should include conservation of holy groves and long-term management of forests, water and minerals. Environmental challenges can be mitigated through partnerships with NGOs, academic institutions, and government agencies (Tiwari et al., 1998).

IV. Foster Legal Literacy and Community Engagement:

Regular legal literacy education campaigns should be conducted to educate the public regarding their rights and responsibilities under customary law and statutory law. Governance, planning, and monitoring should provide community participation in institutionalisation.

V. Facilitate Coordination with State and National Bodies:

There ought to be processes for regular dialogue and collaboration with state and central parties, as well as with relevant state and central agencies, to address jurisdictional issues and obtain technical and funding resources.

FINAL THOUGHTS

The KHADC's future as a guardian of Khasi rights depends on how quickly and how reform-mindedly the institution and state are willing to move to respond to modern-day pressures. Inclusive and legally clear, and sustainable, the Council can remain a model for indigenous self-government and meaningfully join in dialogue about minority rights in plural societies.

"He who does not know how to look back at where he came from will never get to his destination."
— José Rizal

AUTHOR(S) CONTRIBUTION

The writers affirm that they have no connections to, or engagement with, any group or body that provides financial or non-financial assistance for the topics or resources covered in this manuscript.

CONFLICTS OF INTEREST

The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

PLAGIARISM POLICY

All authors declare that any kind of violation of plagiarism, copyright and ethical matters will take care by all authors. Journal and editors are not liable for aforesaid matters.

SOURCES OF FUNDING

The authors received no financial aid to support for the research.



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

REFERENCES

- Baruah, S. (2003). *Durable disorder: Understanding the politics of Northeast India*. Oxford University Press.
- Bara, J. (2013). Autonomous District Councils and the Sixth Schedule in India: An Overview. *Indian Journal of Political Science*, 74(1), 145–156.
- Bhaumik, S. (2013). *Troubled periphery: Crisis of India's North East*. SAGE Publications. <https://doi.org/10.4135/9788132118392>
- Bhowmick, P. K. (2010). Land alienation and restoration: A review of the Sixth Schedule. *Journal of Social and Economic Development*, 12(2), 213–233. <https://doi.org/10.1007/s40847-016-0027-8>
- Chaudhuri, S. B. (1995). Customary Law among the Khasis. *Indian Anthropologist*, 25(1), 1–20.
- Choudhury, A. U. (2007). Sacred groves of Meghalaya: Biodiversity and conservation. *Current Science*, 93(7), 888–890.
- Das, P. (2016). *Meghalaya: Geography and environment*. Eastern Book House.
- Department for International Development (DFID). (2002). *Indigenous peoples, poverty, and development*. DFID.
- Government of India. (2022). *The Constitution of India*.
- Griffiths, J. (1986). What is legal pluralism? *The Journal of Legal Pluralism and Unofficial Law*, 18(24), 1–55. <https://doi.org/10.1080/07329113.1986.10756387>
- Iverson, D., Patton, P., & Sanders, W. (2000). *Political theory and the rights of Indigenous peoples*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511609282>
- Kumar, N., & Rao, K. S. (2012). The living root bridges of the Khasi and Jaintia hills. *Current Science*, 102(4), 550–552.
- Lalremruata, J. (2017). Autonomous District Councils and tribal land rights in Northeast India. *Economic and Political Weekly*, 52(11), 22–26.
- Mawlong, C. L. (2011). Role of the Autonomous District Councils in the Protection of Tribal Land in Meghalaya. *Journal of North East India Studies*, 1(2), 33–40.
- Nongbri, T. (2003). Gender, matriliney and entrepreneurship among the Khasis of Northeast India. *Journal of Tribal Studies*, 10(2), 34–49.
- Nongkynrih, K. (2002). Indigenous institutions and governance in the Khasi Hills. *Indian Journal of Public Administration*, 48(1), 90–105. <https://doi.org/10.1177/0019556120020108>



Bameri Dondor Kharsohtun & Hiren Chandra Nath (2026). Legal Safeguards for Indigenous Peoples: An Analytical Study of The Khasi Hills Autonomous District Council's Role in Cultural Continuity, Land Management, Customary Law, And Policy Reform. *International Journal of Multidisciplinary Research & Reviews*, 5(5),204-219.

Pakem, B. (1997). *India's North East: Problems and prospects*. Omsons Publications.

Roy, W. (2010). *Customary law and land rights in the Khasi Hills*. North Eastern Social Research Centre.

Sangma, S. S. (2010). Autonomous District Councils and the Sixth Schedule in Meghalaya. *Dialogue*, 11(4), 67–77.

Sen, S. (1987). *Geography of Meghalaya*. Rajesh Publication.

Sharma, J. (2004). Customary law and democratic governance: The Khasi experience. *Economic and Political Weekly*, 39(8), 807–812.

Syiem, B. (2012). Traditional political institutions of the Khasis: Challenges and prospects. *Journal of North East India Studies*, 2(1), 45–55.

Tiwari, B. K., Barik, S. K., & Tripathi, R. S. (1998). Sacred forests of Meghalaya. *Man in India*, 78(3–4), 329–343.

United Nations. (2007). *United Nations Declaration on the Rights of Indigenous Peoples*.
<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

Xaxa, V. (2005). Politics of language, religion and identity: Tribes in India. *Economic and Political Weekly*, 40(13), 1363–1370.

