CHAPTER V

ANALYSIS OF HERBERT'S REPORT

Cautious that more problems might arise were the systems used in Cherra applied to other Syiemships, and in order to avoid the recurrence of disputes and to ensure uniformity of section on the part of the Government, the Government of India ordered an enquiry to be made by the then Deputy Commissioner, Khasi and Jaintia Hills, Captain D. Herbert regarding the custom prevailing in the matter of appointments to Syiemships in the Khari Hills. The purpose of the enquiry was to arrive at a decision as to the procedure it would adopt in future cases, since "it is obvious that in the past there have been discrepancies both in theory and practice."

Herbert's Report:

In compliance with these instructions, Captain Herbert made an enquiry on the system of succession prevailing in the fifteen Khari Syiemships. Herbert made extensive tours to each of the Khari states.


2. Ibid.
recorded evidence, received objections from Sviems, their relatives, members of the State Durbar and other prominent persons and reviewed statements of contesting parties. He made his recommendation at the end of each State's enquiry. Knowing that in almost every state there was several candidates for Sviems, Herbert then called upon each Sviem to summon his state durbar at the chief village of his state. This procedure made it possible for every person interested in the matter to attend the durbar. Thus, there was an effective check upon any attempt of the Sviems to misrepresent information.

Prior to Herbert's Report of 1903, the subject of succession in the Khasi Sviemships had been dealt with by W.J. Allen in his Report of 1858 on the Khasi and Jaintia Hills and Lieutenant Colonel W.S. Clarke in his letter No.1337, dated 15 October, 1878. Herbert considered neither Allen nor Clarke were able to go sufficiently into detail in making their enquiries and consequently the important variations of procedure which prevailed in the Khasi states were not brought to light. Both Allen and Clarke had laid down general principles for all states. Herbert's enquiries showed him that there were differences in principles and

3. Herbert, D. Succession to Sviemships in the Khasi States 4 February, 1903 p.1-3
procedures in almost every state and that no general rules would suit the circumstances of all the states.

In his report submitted to the Chief Commissioner of Assam on 4 February, 1903, Herbert arranged the Syliaisships in the order of their importance, the first of which was the Khyrim State. It is of interest to note that Herbert mentioned that it was a woman of the Mylliem Ngap clan, who brought Pah Syntiew, the ancestress of the royal dynasty of Shyllong Syliaisship, out of the Marai Cave, by enticing her with flowers.\(^4\) P.R.T. Gurdon, Hamlet Barseh and other prominent historians claimed that it was a man of the Mylliem Ngap clan\(^5\) and never a woman who brought Pah Syntiew out of the Marai Cave.

The Khyrim State was divided into six Sub-divisions, each of which is called a Raid. Each raid was governed by a durbar consisting of a Lyndooh and four Myntris. The thirty(30) members together with the Lyngskor of the state, who is from the Mylliem Ngap clan are the electors of the Syliais of Khyrim. In olden days, a Lyngskor and 6 Lyndoohs only constituted the electoral body. The rule of succession in the Khyrim Syliaisship differs from that prevailing in every other

---

4. Ibid. p.5
5. Gurdon, P.R.T. The Khasis p.70
   Barseh, H. History and Culture of the Khasi People p.66
Khali state. There is a Sviem-priestess called Kao Sviem Sad and the ruling Sviem descends from the Sviem-priestess. On the death of a Sviem, the Lyngskor proposes to the electors the name of the new Sviem. The electors then discuss the matter and endeavour to arrive at a unanimous decision. Any majority of the electors, however, was sufficient for the appointment of a Sviem. But in case where the electors were equally divided in favour of two or more candidates, the Deputy Commissioner appointed as Sviem the candidate having the best claim according to the order of succession. Herbert advised that, on the occurrence of a vacancy in the Khyrim Sviemship, the Deputy Commissioner was to call upon the electors to nominate the new Sviem. Any majority was sufficient for the appointment of a Sviem. Under no circumstances, he wrote, should an election be held. As in the case of Khyrim, in Mylliem, Nongstoin, Myriaw and Rambrai also, nomination should rest with the majority of the durbar or the electoral body.

With regard to Cherra, a Sviem is succeeded by the eldest of his brothers and first cousins failing which by the eldest of his nephew. Herihip gives prima-facie but not absolute claim to succession because the

---
first or any heir may be disqualified from succeeding for any good reason. An heir apparent used to be recognized at Cherra, but he had no special claim as such to succeed to the Sviemship. The power of nominating a new Sviem was vested in the Khadarkur (twelve clans). For Cherra, Herbert followed the precedent that had been created by the succession of Roba Singh. Though it was resolved that the procedure of popular election, "is contrary to the custom of the state", Herbert recommended that if the durbar was not unanimous or if reasonable objections were lodged against their nomination, an election by the adult males of the state was to be held.

In Nongspung, the old practice was that, Sviems of Nongspung were appointed by five Lyngdohs, who had to be unanimous. The five Lyngdohs had no power to disqualify the first heir to the Sviemship. If the Sviem was unable to perform his duties, the five Lyngdohs were to appoint a Regent from the Sviem's family. The Regent need not succeed to the Sviemship on the death of a Sviem. Heirship in this state gave absolute claim to succession. Herbert recommended that if the

8. Ibid. pp.48-49
five Lyngdohs were not unanimous, a new Syiem should be elected by the adult males of the state.

Heirship in Nongsohphoh State gave no claim to succeed, because the people of the state voted and selected any member of the 'White' or 'Black' Syiem's family for the Syiemship. No heir apparent was recognized in this state. Herbert suggested that the claim of the "Black Syiem" family be disallowed as there was no reliable evidence to support their claim. The one fact that Ram Singh was appointed contrary to the custom of the state could not establish the family's claim. Herbert considered it undesirable that two separate Syiem's families would continue to lay claim to the Syiemship. This created a division of the people of the state, adding to the disorder. 9

In the four states of Nongspung, Nongsohphoh, Mawiang and Shival, Herbert advocated that a popular election should only be held if the electoral body failed to agree upon a nomination. According to the old rule of succession in the Nongkhlaw State, a council of five Myntris had the exclusive right to nominate the Syiem of Nongkhlaw. But the appointment to the Syiemship

---

9. Ibid. pp.57-60
of Nongkhlaw on two consecutive occasions in 1874 of Hajon Singh and in 1876 that of Kine Singh were made by the people in a popular election. Despite precedents of popular elections, Herbert suggested a reversal to the old custom of succession of the state not only of Nongkhlaw, but also of Maharam, Mawsynram and Malai Sohmat.\(^{10}\)

The principal points to which Herbert drew his attention were: 1. The course which was followed by hereditary succession or the order of relationship which led to succession. 2. Whether if heirship was recognized it gave absolute or *prima-facie* claims. 3. Whether any procedure was recognized for the examination and confirmation of claims to succession. 4. If election was followed, who were the electors and whether they had powers to select as well as to veto a candidate.\(^{11}\)

**Reservation of Chief Commissioner:**

The Report was with the Chief Commissioner of Assam for more than a month. It enabled the Chief Commissioner, J.B. Fuller to acquaint himself better with the complexities of the problem at hand. Herbert's superior inturn wrote to the Government of India proposing that Herbert's Report be accepted with some

---

\(^{10}\) A.S.R., F.D.P. Report on the Succession to Siemships in the Khasi Hills. From Secretary to Chief Commissioner of Assam to Secretary, Government of India. 22 April, 1903
reservations. He was not ready to accept it as final, as he considered, however painstaking the enquiry was, it had not covered all the facts in each case. Moreover, the Chief Commissioner emphasised "an authoritative statement of the precise line of succession is the less required in as much as the succession to the Siemships is selected by an electoral body with powers to disqualify heirs upon certain customary grounds".  

The information as given by Herbert seemed to him, to indicate that succession was originally controlled by a small electoral body constituted by the heads (Lyngdohs) of certain priestly clans. There had been a distinct tendency towards the broadening of the elective bases. In the State of Khyrim, the number of the electoral body had been greatly increased by the inclusion of the representative headmen of certain dominant but not priestly clans. Herbert found the people generally adverse to popular elections and anxious for a restoration of the old customs or nomination in the first instance by certain constitutional electors. But during the last forty years "popular elections have been held in no less than 13 of the 15 states".

12. Ibid.
"There can be no question" therefore emphasized the Chief Commissioner, "that popular elections have been in many states an innovation which is hardly in accord with public sentiment, and that in very many cases the voters have done no more than confirm the selection of a special electoral body".13 It was at the same time clear, he said that the idea of popular election was one which the people were quite familiar.

The Chief Commissioner, Sir J.B. Fuller generally accepted the suggestions made by Herbert, but added that in all cases of dispute over succession, where the electors were equally divided, Government should decide as to which candidate had the strongest claim. As the method of regulating succession was undergoing evolution, the Chief Commissioner considered it undesirable to stereotype for all time the arrangement which then found favour in a particular state, but permission was to be given for modification of the procedure if changes were desired by a very large majority.14 He cautioned that, "Government should ..., always reserve to itself a right of refusing to accept a person as Siem whose appointment would be undesirable for any serious reason".

Fresh enquiries:

The Government of India accepted the Chief

13. Ibid.
14. Ibid.
Commissioner's proposal based on Colonel Herbert's Report. As there was, however, some doubts about the correct constitution of the electoral body in the Cherra State, a fresh enquiry to clear up that doubt, was ordered by the Government of India on July 1903. Captain D. Herbert, who had by then been transferred, was not in a position to make a renewed enquiry into the Cherra succession usages. His successor as Deputy Commissioner, Khasi and Jaintia Hills, Major P.R.T. Gurdon, held a durbar at Cherrapunjee in November, 1903, and in this gathering, the Syiem and his durbar apprised Gurdon of the existence of manhood suffrage in the Cherra State. Gurdon, however, had grave doubts as to the correctness of his finding. So, he held another durbar on 3 February, 1905, at which the Syiem, his Myntris, some members of the Khadarkur and some 150 to 200 of the people were present, and Gurdon observed that this "gathering was a representative one". In that durbar, a great change had occurred in the people's opinion. "They no longer spoke of manhood suffrage and boys of 12 years of age and upwards

15. S.D.C.R. Cherra Miscellaneous File 1919. From A.W. Dentith, Deputy Commissioner, Khasi and Jaintia Hills to the Commissioner, Surma Valley & Hill District, 15 October, 1919

possessing votes for the election of Sijem but they
mentioned 'Sirdars' and 'elders'. The Sirdars and
elders were men elected by the village durbar or by
durbars of certain groups of villages, who possessed
the right to vote at the election of a Sijem. Gurdon
reported that the Sijemship of Cherra was divided
into six divisions, some of which comprised a consi-
derable number of villages and some a small number of
villages. These six divisions were (1) Cherra or
Sohra comprising of 8 villages, (2) Ki Sankur or 5
tribes comprising of 17 villages, (3) Khadar Shnong
comprising of 38 villages, (4) Ki Saw Shnong comprising
of 5 villages, (5) Ki Khadhyrrew Shnong or 16 villages
comprising of 7 villages and (6) Ryngud, Laitiam and
Nongsteng. As was reported, there were altogether 53
representative elders.

It should be noted here that Roba Singh
owed his position to the paidbah or people that at the
time of the durbar held in November, 1903, Chandra
Singh's numerous petitions to the Government of India,
to the Secretary of State and to Parliament had not
been disposed. It was probably thought that the enquiries
Gurdon was making were with a view to holding fresh

17. Ibid.
18. Ibid.
election in which case it would be to the interest of Roba Singh and his adherents to try to cause the Government to adhere to the system of election.

Herbert in his Report on Cherra, stated that the electors were "the male adults of the state who are represented on the state durbar by the Myntras of the 12 clans and representative elders". He went on, "if the durbars are not unanimous or if reasonable objections are lodged against their nomination, an election by the adult males of the state should be held at Cherra".19 "Now", Gurdon observed "a popular election is just what Major Herbert has deprecated" .... as .... 10 "it is not perhaps to be expected that any Khasi electoral durbar will nowadays be unanimous, therefore .... there must be an appeal to the people in each case".20

Gurdon considered 'popular election to be wrong not only because such elections were opposed to Government policy, but also because they were contrary to Khasi customs. He, therefore, recommended that Major Herbert's Report concerning a general election in this state be cancelled and that the election of Syiem was to be left to the electoral

Durbar of 53 members, Colonel Gurdon's Report was approved by the local administration.

In retrospect:

Looking back, the British control over the Khasi Hills over more than a century, brought about a number of changes in the socio-economic and political life of the Khasi people. Politically and administratively, the British Government had effected drastic changes in the powers and functions of the Syllem. To be more precise, the Syllem lost their old age freedom of dispensation among the Khasi population. The overall impact of the British rule was that although the Syllem and his Myntria and other officials remained in their offices, they were divested of their real power which was vested in the Deputy Commissioner of the District.

Conversion to Christianity created intricate problems of succession to some Syllemships. This is seen in the case of Cherra succession dispute of 1875 in which two candidates Borsing and Hajon Manik put forward their claims on the death of Ram Sing. With regard to their candidature, Borsing by direct descent

21. Ibid.

22. S.D.C.R. Letter No.1035J, dated 9 March, 1905 from the Secretary to the Chief Commissioner of Assam to the Deputy Commissioner, Khasi and Jaintia Hills.
had a right to succeed to Sviemship, but the representatives of the Khadarkur as well as the people at large took objection to him as he was a christian convert, and instead elected Hajon Manik a distant cousin of the deceased Ram Sing. Traditionally, the power of electing a Sviem was vested in the Khadarkur only, but in this case the people's view had to be taken into consideration and they had the last say in objecting to Borsing's claim. The traditional pattern of succession to Sviemship in Cherra was seriously eroded, thus leading to even popular election which was unknown before.

Further, our enquiry shows that no two states had similar custom of succession. Each had and continued to have a unique form of succession such a nephew of Sviem Sad succeeding to Khyrim Sviemship, the composition of electoral durbars varying from 72 in Maharam to 53 in Khyrim, 12 in Cherra and 6 in Mawiang. Our enquiry also shows that the British flouted customs and traditions whenever it suited them. Usually, when there were more than one claimant to the vacant Sviemship, an election used to be held to settle the matter, but in the succession dispute of 1897 at Nongstoi, Mon was confirmed Sviem inspite of a challenge from Suwan, who also claimed the office.
In this case, the Deputy Commissioner was not prepared to recommend the appointment of Suwan, who may have received the majority of votes if an election was to be held. Instead the Deputy Commissioner confirmed the election of Mon, who, the British might have been under the impression, would serve British interest in the Khasi states.

We also find that the British themselves were not clear of the succession rules. There was disagreement between the various levels of authority for instance, disagreement between the Supreme Court and the Court of Directors in the Nongkhaw succession dispute of 1856, between the Chief Commissioner and the Deputy Commissioner in the Mylliem succession dispute of 1896. The problem really emerged in the Cherra case of 1901-1902.

Each Khasi state even today has its own customs and traditions. If the Khasi states have to each interpret their own custom and without reference to "higher bodies" succession dispute might not occur. But these succession disputes have been allowed to occur for a century under British rule and independent India because the Khasi states are not left to themselves the interpretation and execution of their custom but have to refer it to higher bodies such as, the Government and today the District Council.