CHAPTER IV
DEPUTY COMMISSIONERS AND THE KHASI STATES

The Khasi Hills were broadly divided into two distinct portions - British areas and the non-British State-areas. After the Burmese war was over Assam was annexed to the East India Company. The British colonial aspirations in Assam paved the way for the colonial intervention in the Khasi Hills, which were nothing but a conglomeration of small Chiefships. The colonial designs of the British in the Khasi Hills received a set-back in 1829 when the Khasis raised a standard of rebellion with the ostensible object to drive out the English from the hills. The Khasi-insurrection lasted until 1833. Immediately afterwards the Khasi chiefs submitted to the suzerainty of the Company. The Government having no territorial design in these hills restored the chiefships to their former rulers. A smaller portion of Khasi Hills was kept under the possession of the Company. The restored Khasi-chiefships were 25 in number which were brought under the protection of the English in subsidiary alliances.

In 1835 the Khasi states were placed under the control of a Political Agency separating them from the superintendence of the Commissioner of Assam. The Jaintia Hills, soon after, were added to the Khasi Hills Political Agency. The Political
Agent continued to run the administration of the British possessions of Khasi-Jaintia Hills as well as the Khasi states in accordance with a special method of administration. The experiment being a failure, in 1854 the Political Agency was abolished and the British possessions of Khasi-Jaintia Hills became a district of the Assam commissionership. A Principal Assistant Commissioner of the Assam Commission who was soon designated as Deputy Commissioner became the District Officer of the new district. He was entrusted with the charge of the Khasi states as Political Officer. In the Khasi States there developed a new tradition of state-administration in the general framework of the British Political system in India. The Deputy commissioner had a distinctive role to play as Political Officer.

THE BRITISH POLITICAL SYSTEM IN INDIA

India consisted of two parts, British India and the territories of Native rulers, or to use more common phrase, Native states. The Parliament in the Interpretation Act of 1889 (52 and 53 Viet, cap 63, Sec. 18) had adopted the following definition:

The expression British India shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor General of India, or through any Governor or other officer subordinate to the Governor General of India. The expression India shall mean British India, together with any territories of any Native Prince or Chief under
the Suzerainty of Her Majesty, exercised through the Governor-General of India or through Governor or other officer subordinate to the Governor General of India.

There were 562 Indian States, covering an area of 60,000 square miles, with a population of nearly eighty millions, or about forty per cent of the total population of the Indian peninsula. In their importance, their geographical features, their economic and administrative conditions, they differed greatly. Yet despite all elements of diversity, there was one feature common to them all. No State was part of British India, or governed by its laws. They were governed by their own princes, under the suzerainty of the British Crown. The generally accepted view was that Sovereignty was divisible and that its attributes, such as the right to make war or peace, the right to foreign negotiations, the right to legislate, the right to administer civil and criminal justice, and so forth, were capable of division. The Sovereign who could have enjoyed all those rights was alone "Independent" and in India the accepted Suzerainty of the British crown involved a partition of the aggregate of such powers between the suzerain and the prince. Accordingly no ruler of a Native State could be described as 'Independent'.

The policy pursued by the Government of India in

3. The Imperial Gazetteer of India, Vol.1v, pp.60-61.
its relations with the Native princes had been modified at various times in order to adopt itself to the changing conditions of the Suzerain and protected powers. The enquiries of 1858 had revealed that seven-eighths of the 600 odds states with which the company's government was in actual or potential contact/ its relations were not and had never been defined. The foundation of the British political system was not rooted in the past. The administration of the country under the direct domination of the king Emperor owed much to former rulers of India/ and particularly to the genius of Akbar; but the protectorate was almost exclusively the creation of the British, and had been built up, like British India itself/ out of the ruins left by the Mughal empire. The Mughals aimed at dominion, not sovereignty and the Marathas evolved no policy what-so-ever.

At the outset, the policy of non-intervention was followed, and it was sought to avoid entangling alliances. The French hostilities and intrigues forced the East India Company into alliances and conflicts with the native princes/ when in the several chaos a native ruler expelled the merchants from Calcutta/ or the usurper of Mysore threatened to destroy Madras, there was only one course to pursue. Respect could only be ensured by adequate

5. TEIcedsrapgríaTnggaetter of India, Vol.IV, pp.68-70.
proof of superior power, but when the British, driven to hostilities, had beaten of the foe and secured the territories needed to supply the sinews of war and self-defence, they hoped to rest there. Accordingly they gave back Oudh after Buxar, to serve as a barrier against the Marathas; they restored Mysore to its legitimate Princes when Tipu Sultan was killed; and after the victory of Sitabadi (1817) they regranted Nagpur to the Bhonsia, just as, at a later date, the kingdom of Lahore was reconstituted after the First Sikh war. In short, during the first period of their connection with the Native states the British endeavoured as far as possible, to live within a ringfence. The treaties which they concluded with the native rulers were at that time made as if they were dealing with independent princes who were Sovereigns according to international law.

These treaties all had one peculiarity which marked them out from most of the documents familiar to the European diplomats. Most European treaties related to states not indeed of equal power, out of equal rank. They rarely ceded element of Sovereignty, territory might have been neutralised and guaranteed a succession might have been guaranteed, even in the case of Greece a constitution might have been guaranteed. But even in the last case which went near in principle the Indian treaties, the

6. Ibid., pp. 78-78.
7. Ibid.,
Sovereignty of the guaranteed constitution remained unimpaired. The nearest European parallel seemed to be offered by the treaties with Prussia concluded with other German States after defeating Austria in 1866. In fact, while European treaties had normally constituted a settlement of past question, the Indian treaties much more often had formed a point of departure, the first had generally recognised and defined existing conditions, while the second had by their very signature created a new situation. In form the relations between the company and the Indian states seemed to follow the international practice of Europe, but in substance they followed much more closely the lines of a constitutional development. This confusion of form and substance, of theory and practice, had produced many of the uncertainties and difficulties.

Again, the language of the treaties was often inconsistent; the Gaikward's treaty of 1817 regarding an exchange of territory with the Company spoke of the transfer 'in Sovereignty'. One might suppose from this that Gaikward enjoyed Sovereign Status in the Company's eyes. A letter from the Government of Bombay in 1841, even explicitly acknowledged the Gaikward to be 'Sole Sovereign of his territories'. But this view was scarcely reconcilable with the fact that the Company not only managed Gaikward's external relations, but also

9. Ibid.
10. Ibid.
11. Ibid.
possessed a formal right of interference when it judged proper in his internal management and a formal right of being consulted in the choice of his ministers. Such controlled powers amounted to something appreciably lower than Sovereign status.

It is difficult to fix a precise year as the end of one period and the beginning of another. Changes of policy were of gradual growth. Nevertheless an examination of treaties might justify the selection of the year 1813 as marking the period when the theory of the independence of the native princes and the policy of non-intervention, gave way, in the hands of Lord Hastings, and his Successors, to the doctrine of *subordinate isolation*, and a general system of British Suzerainty in India. A policy of subordinate isolation, including all states up to Sind, the Punjab, Burma took the place of the empty professions of non-interference which Parliament had preached and the logic of hard facts had contradicted. This policy lasted until the Mutiny.\(^\text{12}\)

It was a cardinal feature of the policy of the government to treat native States as independent in their internal affairs. It was obvious that some distinction must be drawn between large States and petty states. The large as well as small were to lose their international life. The external independence of all was to be surrendered

\(^{12}\) The Imperial Gazetteer of India, vol IV, pp.78-82.
But the government had no agency to spare for the control of their domestic affairs, and it was considered wise to repudiate 'any manner of concern' in the administration of the protected chiefs. This object might have been attained in respect to rulers who had adequate revenues to bear the entire burden of internal sovereignty. But it was otherwise with a number of petty Chiefs whose authority extended over a few villages and who were unfit to administer justice. The difficulty was solved by dividing states into two classes: those in which the rulers exercised full civil and criminal jurisdiction and those in which the jurisdiction was divided between the Suzerain and the subordinate ally. At a later date within the same period another distinction was given prominence when the country became settled, and need began to be felt for consolidating the British dominions by improving means of communication, it was realised that the Company had committed a mistake in re-creating principalities which had fallen to it as lawful prize of conquest and lay as blocks of foreign territory between one province and another. This category of states came to be regarded as 'dependent' and the rest as 'independent' states in their management of affairs.

The position in 1858 was exceedingly indefinite. The Company's paramountcy was undefined, undefinable, but always tending to expand under the strong pressure of

political circumstances. The process was a constitutional/ not a diplomatic development. The princes who in the 18th century had been de facto Sovereigns but de jure dependents/ had become de facto dependents though possessing treaties many of which recognised them as de jure Sovereigns.¹⁴

The transfer of Government of India to the crown left the British Government/ in name as well as in reality/ as the Sovereign authority in India. As Lord Canning wrote in 1860/

The last vestiges of the royal house of Delhi, from which we had long been content a vicarious authorities/ have been swept away. The crown of England stands forth the unquestioned ruler and paramount in all India, and is brought face to face with its feudatories.¹⁵

The distinction between independent and dependent States lost its significance. Treaties were no longer made as if between equals; engagements and sanads breathed a new spirit of subordinate co-operation on the part of the native princes. The territories under the suzerainty of the crown became at once as important and integral a part of India as the territories under its direct domination. Together they formed one political system which the Mughals had not completed/ and the Marathas never contemplated.¹⁶

Under the British political system, seven states were in immediate political relations with the government

15. The Imperial Gazetteer of India vol.TV, pp.81-82.
16. Ibid., pp.81-82.
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The power which was devolved upon the Suzerain was exercised through political officers who, as a rule, used to reside in the states themselves, ffn the larger states the Government of India was represented by a Resident, and where a number of states formed a natural group, as in Rajputna and Central India, there was a single Agent for the whole group, assisted by local Residents or Political Agents according to the importance of the states within it. These officers formed the sole channel of communication that the native states possessed with the Government of India in its Foreign Department, with the officials of British India, or with other native states, and they were expected to advise and assist the ruling chiefs in any matter, administrative or otherwise, on which they might have been consulted, in the case of petty States Scattered about British provinces, it was usual to entrust the duties of an Agent to the Collector or Commissioner within whose territorial jurisdiction they used to lie. In such cases the Agent did not, as a rule, reside within the Native states, rather it was felt desirable that in exercising judicial or magisterial powers in respect of persons or things within it, he should hold his Court within the area of his foreign jurisdiction.

THE KHASI STATES

... The peace of-yandabo in 1826 left the East India

Company as masters of the Assam valley and a road from Sylhet to Kamrup through the hills became immediately desirable. Treaties were accordingly entered into with the Syiem of Khyrim and Nongkhlaw, who between them controlled all the country through which a road was to pass. In 1829 the Khasi Rebellion broke out. Some chief, to show their innocence, hurriedly offered formal submission to government, while others only did so as a result of successful military operations which terminated in 1833. Between 1829 and 1833 numerous deeds of submission were accepted and, while some of the little village confederacies were annexed, most of them were tacitly accorded the position of 'States' without any regard to whether they had any independent status. Any headman seemed to have left entitled to call himself a Raja and the scramble for submission was also a scramble for recognition resulting why the smallest states were mostly situated in the Khasi Hills. These haphazard recognition created confusion in ascertaining the actual number and status of the principalities which were accommodated in the political jurisdiction of Indian

22. ASR, File No. 1708 of 1946, Tribal Areas and State, Deptts. (G.s0)
23. The chief of Bhowal was granted the title of 'Syiem' in 1871 (vide F.P.P.(A), Aug. 1874, Nos. 1004-101); "The Chiefs of the petty states of Mawiong, Nobosophah, and Jirang are styled Raja's by themselves and their own people©." (vide W.J. Allen, Report of the Administration of the Cossyah and Jynteah Hills Territory, 1858, para 95).
24. ASR, File NO. 1708 of 1946, T A S D (G.S.)
Empire, one must imagine the hills covered with little confederacies, combining, dividing, and again recombining in a continual state of flux, with the result that to the last day of British rule it was impossible for the boundaries of a Khasi state to know and fixed. The allegiance of many villages was always in doubt. The villages undoubtedly in the heart of the state gave their allegiance to another, and cases were even known of states sharing the allegiance of villages.

A.J.M. Mills classified the Khasi states as principal and others. The basis of distinction was the degree of judicial autonomy enjoyed by the several chiefs. W.J. Allen followed the principle enunciated by Mills and he defined five 'principal' states of Mills as semi-independent and the rest dependent states. Col. Bivar's classification was on more practical basis, as he classified the states in four groups presided over by four different types of rulers. Since when Governor General had been issuing sanads of appointment to nine important states of Khasi Hills, another distinction was cropped up. Those nine states were referred to as "major" states

25. ASR, File No. 1708 of 1946, T A S D (G.s")
26. Ibid.
29. 15 under Syiem, 1 under Wahadadars, 5 under Sirdars and 4 under the Lyngdohs (Vide ASR File 225 of 1876).
while the other as 'minor*. It was felt that the distinction was imposed without difference, for if a state was less than independent, was not independent, and was therefore dependent. There was no real difference between the states on their material status in the eyes of the government: the semi-independent states were simply those which had never levied war against the government, and with which, therefore, with the exception of Cherra, the government had never had any reason to make any engagements. Semi-independence did not even imply importance as Langrin, one of the Semi-independent states was one of the least important in the hills. The Government of India instructed the local Government not to make any distinction between the several chief's in relation with the Government.

The Khasi states, ruled by chiefs of different four denominations, were probably some of the smallest and most insignificant communities which had ever been dignified by such a title. Not a single state amongst the 25 had a gross revenue of Rs.1000 per atensem, and in no less than 12 the gross revenue was less than Rs.1000/- per annum according to 1901 census. The smallest was Nonglewai which in 1901 had a population of 169 persons who yielded to the Chief a gross revenue of Rs.40 per annum. Of them,

32. Ibid.,
33. SSR7 F.P. (A), May 1878, No.9.
34. B.C. Allen, Assam District Gazetteer, Vol.IX, p.44.
35. Ibid.,
in 1946, only 6 had a population of over 10,000, 9 with a population of 5,000 to 2,000 and of the remainder 5 had a population of between 2,000 to 1,000, and 5 of under 1,000.  

Throughout the British rule in India, there had been confusion and doubt as to the status and position of the Khasi states as well as the chiefs in the British Indian political system. The issue at stake was whether the Khasi states were native state and the chiefs as ruling princes in the all India context. This question was seldom asked in the 19th century but very well came on the surface since the second decade of the 20th century and awaited the solution in the 30's of the century.

The question was first raised on the affairs of Mawiong, one of the petty chiefships in which the Syiem was killed in a riot in 1865. The District and Sessions Judge of Sylhet refused to entertain the case committed to him by the Deputy Commissioner of Khasi and Jaintia Hills, for want of jurisdiction. The Lt. Governor of Bengal thought it impossible to assume that the Khasi Hills were foreign territory. A limited sovereignty had, no doubt, been reserved to the Khasi Chiefs, but, in so far as civil and criminal jurisdiction had been conferred upon, or

36. ASR, File No. 1708 of 1946, T ASD (GS)
in fact assumed by the British Government, the hills must be considered as part of the British territory. In truth, the government exercised in those hills all the rights and powers of sovereignty, including that of legislation, limited only by the terms of the agreements made with the chiefs. 37 The Government of Bengal took an erroneous view under the misconception that Act VI of 1835 which placed the functionaries appointed to the political charge of the Khasi Hills under the superintendence of Sadar Dewanny and Nizamat Adalat, was extended universally over all the Khasi Hills. 38 The Act VI of 1835, vesting the High Court with the appellate and controlling authority in the Khasi and Jaintia Hills, only extended to those parts of the district which were under British possession and for those parts alone the legislature had power to enact. 39 The Government of India, in their letter No. 189 of 25 February 1867 accepted the views of Col. Hopkinson, Commissioner of Assam to the effect that the charge of the Khasi Hills by the Deputy Commissioner was of political nature having jurisdiction in serious cases, and general control in the first instance, subject to appeal and supervision by the Governor General's Agent, and proclaimed that the Government of India did never claim direct authority over the Khasi chiefs. 40

37. F.P.P.(A), February 1867, Nos. 157-159.
38. ASR, L.I.G. Vol. 54.
39. Ibid.
40. ASR, L.R.G. Vol. 54.
The above ruling of the Government of India temporarily suspended the issue in question. But the doubt continued to be intensified as to the real footing of these chiefships. The indiscriminate recognition of the Government to the chiefships as states which status they hardly deserved, created insurmountable confusion for the future administration of the hills. This led to a chaotic situation in regard to the mutual relations between the government and the so called states. Out of this chaotic situation was born an inconsistent, in definite and indefinable policy of the government in the conduct of their relations with the Khasi states. This inconsistency and contradiction were revealed glaringly while the government on one hand, recognised the Chiefships as states in clear terms, on the another hand, these were never recognised as either tributary or feudatory, or kingly in character. In 1826, in connection with the questions of the extension of the Fugitive offenders Act, 1881 to Indian states, the schedule of the Indian states prepared by the Government of India, did not contain the names of all the Khasi states other than those styled as Syiemships.


42. J. Frederick Baness, Geographicus Indicus, 1881, p. 66.

43. Ibid.,

44. Ibid.,

45. ASR, P.P. (B), September 1926/ Nos. 650-655.
In 1931/ the Government of India sent to the Assam Administration for their comments on a statement showing the dynastic powers of the rulers of various states including the minor jurisdictional ones prepared by them. The Khasi States did not appear in the statement. The question of their inclusion was raised to the Government/ and the Government of India thereafter ordered for their inclusion.

Confusion was further intensified while the government, in one hand, took the advantage of the Indian (Foreign jurisdiction) order in Council to apply any law to these states, on the other hand, very often these were referred to the expressions - "Khasi states in the District of Khasi & Jaintia Hills" or "Khasi states in the province of Assam". It was totally confusing to appreciate properly -the position of the Khasi states - whether these were British territories or native states? A native state could never become a part either of a British district or a British province. This fault was detected in 1941 and was accordingly corrected in a meaningful expression - "Khasi states in the Khasi & Jaintia Hills" or "Khasi states in Assam." 48

The Government of India recognised the Khasi Chiefs as 'Ruling Chiefs' for the purpose of section 86 of the Code of Civil Procedure - under their No. F 10(-5)-R/33 of

46. ASR, P.P.(B)/ September 1931/ Nos. 594-599.
47. ASR, P.P.(B), March 1934, Nos. 356-565.
48. ASR/ States (A), December 1941/ Nos. 36-40.
21 March 1933. One might infer from above that Khasi states held exactly the same position as that of Manipur, Cooch Behar or Tripura only for the purpose of Section 86 of the Civil Procedure code, and not in other respect. Insignificance of the Khasi States caused their non-inclusion in the Butler committee's Report on the Federation of Native States. The Butler committee intentionally left them out under the apprehension that their peculiar and dissimilar constitutions would not fit them conveniently in any connection with the Council or Chamber of Princes. The Government of India Act, 1935 reviewed the position of the Indian states without affecting the Khasi states materially. The gap between an Indian state and a Khasi state could never be bridged up.

In the pre-British days, a Khasi state was composed of an indefinite population, an undefined territory, a Chief devoid of Sovereignty. As the Khasi polity was totally dissimilar to that of rest of India, the British not being aware of it, recognised the chiefs as the 'Rajas' which was similar to a European 'King'. Naturally enough the British tried to attach sovereignty to them which was contrary to the Khasi tradition. Couple of years rolled by for the British to appreciate their mistake and consequently the wrong was corrected whilt the Raja was

50. ASR, P.P.(B), March 1934, Nos. 356-365.
The government was anxious to ensure the respect and ready obedience of the hill people to the paramount power through the medium of the chiefs; the direct and visible responsibility to the paramount power would render those chiefs more anxious and careful to exercise their delegated functions with fidelity and discretion. The Khasi concept of sovereignty was ambiguous which was not likely to serve the British colonial need in the hills. In proper appreciation to the real position of the chiefs that they were not rulers, the government was in the questfe to find out sovereign in them. Sir John Lawrence, in 1868, recognised the Syiem of Nongkhlaw as the ruler of a State. The Agreement taken from Syiem of Mylliem in 1863 by which he ceded his sovereign rights in a portion of Shillong appeared that he was the sovereign in his state. In a similar situation, the Gaikwad's treaty of 1817 spoke of transfer "in Sovereignty". Probably this instance of Gaikwad induced Col. Bivar to say, "I believe that the power was exercise is similar to the power the Viceroy exercise in the case of Baroda."

As regards sovereignty the Khasi states stood the same rank with the other native' states in India. The

55. ASR/ P.P.(A), September 1931/ Nos.170-178.
56. ASR, File No. 265 J of 1876.
generally accepted theory was that "sovereignty is divisible.1157 None of the states in India enjoyed complete sovereignty; on the other hand, none of them could be said to be completely lacking in sovereignty; for them their territory would be part of British India. All of them great or small lag in the region between complete sovereignty and no sovereignty; in all of them, a certain share of the sovereignty belonged to the British crown and a certain share to the ruling chief concerned, in the major states, the ruling chief's share was larger than that of a minor state; but the difference was merely one of degree courtney libert threw light on it:

The territory of the states is not British territory. Their subjects are not British subjects. The sovereignty over them is divided between the British Government and the ruler of the state in proportions which differs greatly according to the history and importance of the several states and which is regulated partly by treaties or less formal engagements, partly by sanads or charters, and partly by usage. The maximum of sovereignty enjoyed by any of their rulers is represented by a prince like Nizam of Hyderabad who coins money, taxes his subjects, and inflicts capital punishments without appeal. The minimum of sovereignty is represented by the bond of a few acre in Kathiawar, who enjoy immunity from British taxation and exercises some shadow of judicial authority.58

The Khasi chiefs had the undoubted similar constitutional position as that of the Chief of Kathiawar.

57. ASR, P.P.(A), September 1931, Nos. 170-198.
58. Ilbert Courtenay, Government of India, in ASR P.P.(A), September 1931, Nos. HO-TUB.
Incidentally, the Desai of Patdi, referred to in ILR 8 Bom. 415 was the bond of seven villages in Kathiawar covering a total area of 39 square miles and was included, in the list of chiefs in the Government of India's notification No. 583-1.B. of 7 March, 1921, giving the Government of Bombay power under Section 86(4), Civil Procedure Code.\textsuperscript{59} Whereas the Khasi states in the similar situation were denied of the right of a ruling chief according to Section 86(4) of the Civil Procedure Code. The lowest possible status of a ruling chief apparently induced the Commissioner of Assam to propose to suspend the grant of Khillat as it was making a great deal too much of them and that, to award honourary distinctions of the kind to mere savages, many of whom I mean of the chiefs, would think it no derogation to go from house to house for a bottle of rum, was to bring such distinctions into contempt. It is a custom also, contrary to the spirit of their own institutions, which is essentially democratic, the chief is a headman, he is not a nobleman, though some of the Khasis whom we have made chiefs having been got hold of by Bengalees from the plains have been taught to them to ape the position of Rajahs and to aspire after privileges which, one of these days we might find it difficult to meet, I would nip all such tendencies in the bud.\textsuperscript{60}

This attitude was manifested in the future measures undertaken by the government in their relations with the Khasi Chiefs so that the tendencies of any bid to claim

\textsuperscript{59} ASR, P.P.(A), September 1931, Nos. 170-198. \textsuperscript{60} ASR, L.I.G. vol. 33, Commr. Assam to Secy. Bengal, No. 244, 27 July 1867.
ruling chief's privileges and prerogatives by them might be dwarf fed well ahead in time. Consequently, the distinction and privilege that had been enjoying by the nine major states of Khasi Hills, were withdrawn on the ground that it was unnecessary and beneath the dignity of the Governor General and Viceroy to put his signature on their sanads of appointments and the same was vested in the Chief Commissioner of Assam under Government of India's Foreign Department No.874 P of 3 May 1878. In 1910, the position of the chiefs was further belittled in a more inglorious terms, while the Government of India in their No.918-1.A of 14 May 1910 approved of the proposal that the sanad in future might be granted to the chief under the signature of the Commissioner of Surma valley & Hill Districts Division. While proposing the change the Lt. Governor of Eastern Bengal and Assam Sir Lancelot Hare observed,

The Khasi states are, as the Government of India are aware, small and unimportant and the position and status of the syiem is not such to warrant the issue to them of sanad signed by me.

Some few other measures relating to the Khasi chiefs would further illustrate the several steps government took up to belittle the Khasi chiefs in the eyes of the public. In

1904/ the Syiem of Mawsenram was accused of complicity in the murder case of two persons in his state. He was arrested and ordered to put him to ḥajat by the Deputy commissioner, Khasi-Jaintia Hills. The Syiem sought the protection and appealed to the Chief commissioner: "Being a Ruling Chief I claim treatment and privilege due to my rank and position." As it was the first case of such a nature/ the government showed magnanimity towards him and the Government of India in their letter No.3022 E.B. dated 28 December 1903, laid down the procedure for the trial of the case. According to the term of sanad granted to the Syiem, any punishment inflicted on them for misconduct or violation of any conditions of sanad was subject to the control of the Government of India. But the Syiem of Nongstoin was deposed without the knowledge of the Government of India. The Syiem of Khyrim who was one of the most important chiefs in the Khasi Hills/ claimed the jurisdiction in the Motor vehicle (Native states) Rules 1916. The appeal was rejected on the ground that he was not a ruling chief and these Rules were extended to Assam for necessary action to Manipur state only. The political court of the Deputy Commissioner seemed to be proper court for the trial of

64. ASR/ F.P.(A) / May 1904/ No.1/ Telegram from Syiem To P.A.-/ to the C.C. September 1931/ Nos.170-198.
65. ASR/ F.P.(A), May 1994/ Nos. 1-44.
66. ASR, P.P.(B) / March 1894/ Nos. 36-56.
68. ASR, P.P.(A), December 1930, Nos. 523-525.
69. Ibid./
cases instituted against the Chief. Since the court fees were introduced in the political cases under: Government letter No.2087 F.M. of 26 March 1924, the distinction between regular Civil cases and original political cases was virtually removed. Thence onward, even the Extra Assistant as Munsif devoid of any political jurisdiction, began to try cases instituted against the Syiem. This wrong was ultimately corrected and the Deputy commissioner was instructed to try by himself the cases in which a Syiem was defendant, in his political capacity, and not by the Extra Assistant as Munsiff even ifi the value of the suit was not large.

The government had to revise, atleast partially, its stand towards the Khasi Chief on the occasion of a case concerning the British Dominion Films Company. In their letter No.F 10(5)-R/33, dated 21 March 1935, the Government of India held that the chiefs of the Khasi states were ruling chiefs for the purpose of Section 86 of the Civil Procedure code. This ruling from the government came on the basis of a High Court Verdict of 1884 in 1 LR, 11, Cal 17, which laid down clearly that Cherrapunjee was one of the general independent states situated in the Khasi-Jaintia Hills and that the syiem of Cherra represented

70. ASR, Fin. (A), June 1924, Nos. 63-74.
71. ASR, P.P. (A), September 1931, Nos. 170-198.
72. Ibid.,
73. ASR, P.P. (A), March 1934, Nos. 25-52.
the Government of an independent state recognised as such by Her Majesty's Government. This ruling of the then Chief Justice of Calcutta High Court did not seem to have been overruled at any subsequent time and what applied to Cherra was certainly applicable to the other Chiefs. 74

Thus, as to the position of Khasi Syiems under the San ad, they exercised only very limited administrative and judicial power under the general control of the Deputy Commissioner. Besides the Syiems, there were other rulers called Wahadadars, Lyngdoh and Sardars whose social position and legal status was, generally speaking, considered to be lesser than those of the former, but who in all respects exercised almost the same powers as the Syiems within their own territories. The territories administered by these lesser dignitaries were, in some cases, bigger than those of presided over by Syiems. They were lesser in status and position because their San ads were signed by the Deputy Commissioner, and civil as well as criminal cases were, now and then filed against Wahadadars, Lyngdohs and Sardars, as if they were ordinary individuals. 75 It would not be too much to say that the chiefs of the Khasi states including the Syiems were virtually relegated to the position of Sirdars and Dalois of the British villages of the District. 76 Hence, the Khasi states were not

75. ASR, P.P.(A), September 1931, Nos. 170-198.
76. U Nongphyrim, Nai Risan, 1928, No. 8, pp.2-3.
states in the established sense and the chiefs were mere heads of petty clans wielding an authority very much less absolute than the Chief of a Scottish Highland clan used to exercise. 77

ROLE OF THE DEPUTY COMMISSIONER

The Khasi States like the feudatory states of the central provinces were placed under the political charge of a Deputy Commissioner. The similarity ended there only as the chiefs of the central provinces were almost uncontrolled in the administration of their territories. So long as they maintained order, no interference in their affairs was exercised by the Government. Only in the matter of criminal justice were their powers circumscribed - confirmation by the Chief Commissioner in cases of severe punishment had to be obtained, and no sentence of death could be executed by any Chief without the sanction of the Chief Commissioner. Each state was ruled according to its own laws and customs, and British law was not in force.

In the pattern of political administration the nearest similarity could be found out in the states of Khasi Hills, Qarhja states of Chottanagur, and tributary states of Orissa. These states were exempted from the operation of ordinary laws of British India. The Chiefs were entitled to dispose of Civil matters, and minor criminal offences

77. ASR, L.I.G., vol. 35.
occurring within their jurisdictions. They sent up heinous offences for the orders of Deputy Commissioner or Commissioner as the case might be. The Commissioner or Deputy Commissioner's the case might bemused to exercise general control over their administration. Save for a shadowy limited judicial jurisdiction delegated to the chiefs, the British officers exercised entirely the external sovereignty for these states, and even shared with them their internal ones to its maximum.

The political system which was evolved in the Khasi Hills was out of several treaties, engagements and agreements concluded with the chiefs, Sanads granted to the chiefs, and several Statutes, Acts, Regulations and Rules extended to the Chiefships. Prior to 1841 very few such agreements had been concluded with certain chiefs and between 1841 to 1854 no agreement was forthcoming with any of the Chiefs. But the government's bid to extend political central over the Khasi Chiefs went on unabating even without reference to formal engagements and agreements entered into with them. The provisions of several agreements concluded prior to 1858 were not uniform and W.J. Allen reported that the relations between the government and the chiefs never had been formally defined. Col. H.S. Bivar was of opinion that authority under which the British ruled

over the Khasi states was not derived from any provision of any Regulation worth quoting. 80 This undefined nature of relations was perhaps suited to the colonial need of the Company and it was felt advantageous to dispose of each question on its merits. 81

The need for a settled relations was pre-requisite to create an atmosphere of uniform and definite political administration under the crown. Hence, in 1859 it was decided to require the execution of an agreement on each occasion of the election of a new chief. 89 It happened to be the usual practice to treat the Agreement concluded by the Chief of Nongkhlaw as a guidance for the future agreements to be entered into with other Chiefs. In 1867, a general form of agreement was prescribed under Government of India's No. 189 of 25 February 1867. 84 The General Form of 1867 was revised in 1875 under Government of India's notification No. 1304 P of 13 May 1875. In November 1875 it was felt that the terms on which the successions of the Khasi chiefs was recognised should be thrown into the form of a sanad conferred upon the Chief, instead! of an agreement taken from him, and on 15 October 1877 the General

80. ASR, File No. 265 J of 1876.
81. ASR, File No. 105 J of 1878.
84. F.P.P.(A)/ February 1867/ Nos. 157-159.
85. ASR/ File No. 1427J of 1875.
Form of s\textit{anad} prescribed for the Khasi chiefs received
the approval of Government of India under their No.2369P.\textsuperscript{86}
This General Form was revised again in 1909 having approval
of the Government of India under No.1348 E.B. of 20 August
19\textsuperscript{9}9.\textsuperscript{87} The modifications so made were merely verbal
alterations, consequent on the recent change in the form
of administration of the province. The change in form
of the s\textit{anad}, in accordance with the Government of India
Act, 1935, was prescribed in Government of India confidential No.4401 P/38 of 13 September 1938.\textsuperscript{88} The General Form
of s\textit{anad} was finally advised by the Crown Representative
under notification No.F 49(4)-P/40 of 31 January 1941 which
prescribed some substantial changes in the s\textit{anad} to be
granted in future.\textsuperscript{89} At the same time, a separate s\textit{anad}
was issued to the Syiem of Mylliem on different terms to
suit the peculiar need of the State.\textsuperscript{90} The lesser digni-
taries like Lyngdohs and sardary were given parwanas instead
of s\textit{anads} at the time of their appointments. According to
the terms of parwanas their political relations with the
government were determined.\textsuperscript{91} The agreements concluded by
the chiefs and the s\textit{anad} granted to the chief had always
been considered to be personal and government was at liberty

\textsuperscript{86} F.P.P. (A), January 1878, Nos. 196-208.
\textsuperscript{87} F.E. External (A), August 1909, Nos. 17-18.
\textsuperscript{88} ASR, States (B), December 1941, Nos.895-927.
\textsuperscript{89} Ibid.
\textsuperscript{90} ASR, States (B), December 1941, No.912.
\textsuperscript{91} Keith cantlie, Notes on Khasi Law, p.143.
to require from their successors such conditions in return for the benefit of government protection. This principle was in practice in the Khasi States all throughout the British rule. Revised sanads were made effective only on new successions to the chiefships.

It seemed that there was no pure example of an Act of British India introduced to govern subjects of a state without proper consent taken from the chief and Durbar of the state; there were examples of Acts introduced to govern non-subjects of a state, but they were rare. At the time it was thought that Khasi Hills Act of 1835 and scheduled Districts Act of 1874 were applicable for the whole of Khasi-Jaintia Hills, including the Khasi states. The confusions regarding legislative authority over the Khasi states were removed by the introduction of Foreign jurisdiction order in council of 1902 which was the vehicle of introducing Acts of British India to control the Khasi Chiefs as well as their subjects on the ground of cession, use or wont. J.M. Macpherson submitted a list of different categories of British enactments that were in force in the Native states of Assam such as statutes, Acts and orders of the Governor General in Council.

92. ASR, L R G, vol. 8(a), Swinton to Robertson, 5 Nov. 1832.
93. ASR, States (B), December 1941, Nos. 895-927, Secy. Assam to secy. C.R. No. 5454 G.S. dt. 25 Nov. 1940
The government's control over the Khasi Hills political system was almost all pervasive, yet special reference could be made of judicial, police, revenue, succession and deposition, relations between chiefs and their subjects, and land and general resources of the States. The government exercised its control over these by the agency of Deputy Commissioner, Khasi-Jaintia Hills almost all throughout the British rule in these hills save for a short period under the Khasi Hills Political Agency and at the very close of the British rule under a separate officer known as the political officer for the Khasi states.

THE POLITICAL OFFICER

In general, the political officers were recruited partly from the Indian civil Service, partly from officers of the Indian Army. Civil Probationers were usually recruited from unmarried officers of three or four years standing. The period of probation was three years. On selection, the probationers must undergo six months' training in a state or frontier district, at the end of which time his general knowledge of Indian History, Political subjects and frontier conditions was tested by an oral and written examination; nor would be be confirmed unless

968 The Assam Gazette, part I, October ©, 1946, p.1707 Notification No. SK/39/45-G.S. - "Major R. A .M.Major is appointed Political Officer, Khasi states, with headquarters at Shillong, with effect from the date he takes over charge of his duties."
he could speak Hindusthani fluently and fittingly. The military officers also had to undergo through a similar test, but must first had to be attached for some eighteen months to a district for training in revenue and judicial work, where he must have to pass a modified form of the Departmental Examination. This procedure in the appointment of a Political Officer was a later development. In the early days of the period of consolidation, the political officers were recruited almost entirely from the Indian Army, and with or without training then were deputed to the political charges. For the Khasi Hills, the above procedure was not workable because it was not a separate political charge rather the political work was devolved upon the Deputy Commissioner who was essentially a District Officer in the framework of the District Administration in British India.

The position of a political officer was by no means an easy one. It called for great qualities of character, tact, sympathy, patience, and good manners. He had to identify himself with interests of both the paramount power and the princes and people of the states, and yet he must not interfere in internal administration.

Elsewhere the Committee observed quoting Lord Minto,

Political Officers have a dual capacity as the mouthpiece of Government as also the interpreters of the sentiments and aspirations of the state.  

98. Ibid.
The Political Officer must have all the qualities and accomplishments of a diplomatic officer. But for the Khasi Hills, the Political Officer required to be something more than elsewhere expected to be. In addition to his responsibilities, as usual, of a diplomat and political officer, he was supposed to be an excellent Judge, magistrate, Police Officer, fiscal Officer and what not. Unlike other princely states the primary duty of the Political Officer in the Khasi states was to control the internal administration leaving behind the chiefs in the background as shadowy and very limited judicial authorities. The General Form of Agreement of 1867 placed the Khasi Chiefs under order and control of the Deputy Commissioner of Khasi and Jaintia Hills. This authority of his was very jealously guarded. For example, the chief Commissioner of Assam once warned the Sijlim of Khrim,

The orders of the Deputy Commissioner ... must be strictly carried out by the sijlim, if he would retain his position as ruler of the state of Khyrim.

DEPUTY COMMISSIONER IN POLITICAL JUDICIARY

The Deputy Commissioner of Khasi and Jaintia Hills, in his political capacity, inherited a legacy of judicial system in the states which received the legal sanction of

101. Ibid.,
102. ASR, L R G, vol. 54, General Form of Agreement, 1867, Clause I.
103. ASR, File No.195J of 1877.
the government on 24 November 1853. The political system that evolved under Col. Lister's Political Agency vested the sole civil and criminal jurisdictions over their territories to the competence of five semi-independent chiefships save for the cases between British subjects and those of chiefs, or between the subjects of different chiefs. The latter categories of cases both civil and criminal were subject to the investigation of British agency in the hills. In the dependent states government/ along with categories of cases beyond the competence of the chiefs of Semi-independent states, received their right to adjudicate cases of heinous nature occurring in those states. The chiefs were empowered to investigate petty cases of criminal nature and exercised sole jurisdiction in the cases of civil nature like their fellow chiefs of semi-independent States but their authority was restricted only to their own subjects. Subsequently/ such distinctions between the semi-independent and dependent states declared to be untenable and a uniform system was prescribed in the General Form of Agreement of 1867 to the effect that the Administration of Civil and Criminal Justice in cases where all parties belonging to the same state, would be ordinarily left to the respective chiefs/ except in cases of homicide and murder. These latter description of cases, and cases in which British subjects or all the

105. Ibid., paragraph 16.
106. TblH.,
parties not belonging to the same state, would be adjudicated by the Deputy Commissioner. \(^1\) \(^8\)

This judicial jurisdiction of Deputy commissioner as Political Officer was in subsequent Agreements and Sanads rectified without prescribing any basic changes whatsoever. The General Form of Sanad of 1877 removed the only confusion centring round the term 'heinous offences' by making it explicit that heinous offences were those punishable under the Indian Penal code with death, transportation or imprisonment for five years and upward. \(^1\) \(^9\)

The offences beyond the competence of the Chiefs or the cases in which the Deputy commissioner exercised the original jurisdiction in both the civil and criminal nature of cases, were adjudicated by him in his ordinary capacity as Deputy Commissioner in the District and he was guided by the ordinary rules and procedures applicable to the British portion of the district for Civil and criminal Courts. \(^1\) \(^1\) \(^0\)

Prior to 1867 the administration of Political justice in the Khasi states awaited explanation and the role the Deputy Commissioner played in it was utterly confusing. By Act VI of 1835, the Agent to Political charges of the Khasi Hills was placed in civil and criminal cases

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108. ASR, L R G, vol. 54, Agreement prescribed for the Chief of Mawiong which later on treated as model for future agreements, Clauses 2 & 3.
109. F.P.P.(A), January 1878, Nos. 196-208; General Form of Sanad, Clause II.
110. ASR, F.P.(A), September 1878, No. 10.
under the control and superintendence of the sadar court, and it was declared that such control and superintendence was to be exercised in conformity with instructions of government but no further instructions seemed ever to have been extended to him.\textsuperscript{111} Nothing could be more indefinite than the instructions that were given to Lt. Col. Ulster when the agency was first formed and steps seemed to have been since taken to give them precision.\textsuperscript{112} Col. Lister admitted that he was guided by the Assam Rules. Principal Assistant, C.K. Hudson also conducted official duties in accordance with the Rules and Procedures that were in force in the province of Assam for the administration of Civil and Criminal Justice.\textsuperscript{113}

It would not be a mistake to infer that the Deputy Commissioner and his predecessors used to adjudicate every judicial occurrence in the Khasi Hills in accordance with existing rules and procedures in practice in Assam. This was evident in a case of riot in a Khasi state of Mawiong and the Syiem was killed in it. The Deputy commissioner committed the case to the court of District and sessions Judge, Sylhet for trial. The Sylhet Court dismissed the case for want of jurisdiction. The Government of India upheld the decision of the Sylhet court under their Foreign

\textsuperscript{112} Ibid., paragraph 8.
\textsuperscript{113} Ibid., paragraph 27.
Department No. 189 of 25 February and opined that the charge of Khasi Hillsiz held by the Deputy Commissioner was of a political nature, and not purely a judicial one.\textsuperscript{115}

The observation of the Government of India in the Mawiong case gave a new turn for the existing confusion prevailing in the administration of political justice in the Khasi Hills. The need for precision regarding the administration and the corresponding rule of the Deputy Commissioner in it was felt very urgently. The Government of Bengal for the first time came forward promptly to specify the position under their judicial No. 2554 of 22 April 1867.

The administration of civil and criminal justice in these states in cases when all the parties belong to the same state, will ordinarily be in the hands of their respective chiefs, except in cases of homicide and murder. These latter cases as well as all cases civil and criminal of every description in which British subjects are concerned, or in which all the parties are not inhabitants of the same state, will be adjudicated by the Deputy Commissioner in charge of the Khasi and Jaintia Hills, in his political capacity, and his decisions will be subject to revision by and generally appealable to the Agent to the Governor General, North East Frontier. The Deputy Commissioner also will have a discretion to hold inquest in any case of accidental death occurring within any of the political states.\textsuperscript{116}

After this letter was issued, the double capacity as Deputy Commissioner and political Officer of the Deputy Commissioner,

\textsuperscript{115} ASR, L.R.G., vol. 54.

\textsuperscript{116} ASR, L.R.G. vol. 54, Bayley, Oftg. Secy. Bengal to Commr. Assam, Judl. No.2554 of the 22 April 1867.
Khāsi-Jaintia Hills was for the first time understood and properly recognised. Col. Hopkinson, Commissioner of Assam and Agent to the Governor General, North East Frontier, observed that the Khāsi Hills Act of 1835 left no doubt about the dual position of the political Agent in the Khāsi Hills. He wrote,

This is no new interpretation of mine, but the one put by the Government on the Act (Act VI of 1835) when it was passed and as explained by them in their letter to the Political Agent dated the 11th February 1836. He was a Magistrate or Sessions Judge and under the High court, at Cherra, and 'those villages which have become ours by right of conquest should be considered under your jurisdiction' and therefore under the control of the High Court but 'such villages as have all along retained their independence or which may have been restored by us to their former chiefs cannot of course come under your jurisdiction further than as you are politically upon to interfere in their concerns.' This is explicit enough, ..,H8

With the view to giving precision to the rules and procedures to be followed by the Deputy Commissioner in adjudicating the cases of civil and criminal nature beyond the competence of the chiefs in the Khāsi states, the Government of India extended the Indian Penal Code (Act 45 of 1860), and the Rules for the Administration of Justice and police in the Khasi and Jaintia Hills District (Chapter III & Iv). The coming into force of part III of Government of India Act

119. ASR, Judicial (A), December 1916, Nos. 1-46; Notification by the Govt. of India, for & Poli Dpptt, No. 227 - IB of the 12th October 1916.
1935 necessitated a revision of the Rules in the Khasi - Jaintia Hills as applied to the Khasi states. So the Crown Representative extended to the Khasi states excluding the portion of Shillong not belonging to the British India the Indian Penal Code, the Rules relating to the criminal and civil justice as contained in the sections III & IV of the Rules for the Administration of Justice and police in the Khasi and Jaintia Hills made by the Governor of Assam under section 6 of the schedule Districts Act of 1874 and published under Notification No.2618 A.P. of 29 March 1937. The term 'political cases' covered a large class of cases, and it was difficult to draft a law or rule having the force of law sufficiently elastic to meet every variety of case. So there were no rules governing the disposal of political and miscellaneous cases and the method of disposal of such cases varied from time to time and from place to place according to circumstances. The ultimate responsibility for the proper disposal of such cases rested however, on the Deputy Commissioner and his superior authorities. The particular system which was adopted by any particular Deputy Commissioner must be judged by its results.

The Deputy Commissioner exercised uncontrolled power and jurisdiction in the political and miscellaneous

120. ASR, states (A), September 1938, Nos. 1-13.
121. ASR, P.P.(A) October 1912/ Nos. 11-12.
cases occurring in the states. He had the power to adjudicate any case in which either of the parties, in a suit under the sole jurisdiction of the chiefs either in the civil or criminal matters, complained to him of injustice.\(^{123}\) The Khasi Chiefs were not allowed to reverse the findings of his predecessors in judicial matters without prior sanction of the Deputy Commissioner.\(^{124}\) The Political Court of the Deputy commissioner seemed to be the proper court for the trial of cases against the\textit{ syiem}s instituted by their own subjects.\(^{125}\) Complaints were always filed against the\textit{ syiem}s and those were dealt with by the Deputy commissioner as political cases.\(^{126}\) As regards criminal cases of such nature, it had been laid down in Assam Secretariat letter No. 69 for. 38P, of 22 February 1904 that in cases in which a \textit{syiem} was accused of an offence an immediate report should be submitted for the information of the local Government and local governments' order should be awaited before any step was taken either to arrest the \textit{syiem} or to demand bail for his appearance.\(^{127}\) But as regards the civil cases the chiefs were treated like ordinary individuals.\(^{128}\) It was unquestionably the business of the Deputy commissioner to inquire and adjudicate into cases arising between two chiefs, or in which the subjects

\begin{itemize}
\item \(^{123}\) \textit{ASR, F.P.(A), September 1895, Secy. C.C to D.C. K & J Hills, 14 Juhe 1895.}
\item \(^{124}\) \textit{ASR, P.P.(A), March 1923, Nos. 82-96.}
\item \(^{125}\) \textit{ASR, P.P.(A), September 1931, Nos. 170-198.}
\item \(^{126}\) \textit{Ibid.}
\item \(^{127}\) \textit{ASR, P.P.(B), December 1929, Nos. 672-678.}
\item \(^{128}\) \textit{ASR, P.P.(A) September 1931, Nos. 170-198.}
\end{itemize}
of a chief lodged complaints against him of aggression or tyranny. 129

BOUNDARY DISPUTES

Much of the political work of the Deputy Commissioner had been to allot villages to different states according to the wishes of their inhabitants. The government was reluctant in any attempt to define boundaries between British territory and the independent tribes, in reference to those parts of the frontier along which the extent of British power and jurisdiction was indefinite and undefined; where there was no accessible authority to agree to the boundary line, and where in fact, it might be said that British territory extended as far as government could make their authority felt. In such places it was not considered desirable to lay down any line as British definite limit. 131 But the situation was somewhat different in the Khasi Hills as the government was more interested to a settled relation with the Khasi Chiefs for the ostensible object of preserving peace and eliminating unrest in and around the Khasi and Jaintia Hills to promote British colonial interests in Assam. But the existing land system of the Khasi kept the boundaries wide open in continual flux resulting in continuous boundary disputes between several states between

129. ASR, F.P.(A), September 1878, No.10.
130. ASR, States (B), December 1941, Nos. 1153-1168.
Khasi Hills and Jaintia Hills, and also between Khasi and Jaintia Hills and the adjoining British districts of Assam. The Deputy Commissioner was supposed to enquire and adjudicate those disputes and he had over-riding power even in disregard to the wishes of the chiefs and their people to readjust the territories to the convenience of the government. In a case regarding the transfer of territorial right over a tract of land in the Mariaw state to the syiem of Nongkhlaw the government claimed that prior approval of the Deputy commissioner should have been sought for such transfer of state land. The action of the gyiem of MarBiaw was considered to be invalid on the ground that the government's approval was necessary to validate such transactions.

SUCCESSIONS AND DISMISSAL OF THE CHIEFS

The Deputy Commissioner as political Officer had been delegated with extensive jurisdiction in the appointment and dismissal of the chiefs of the Khasi states. Prior to 1859, when it was decided that all the occasions of succession to the chiefships were to be reported to the government for their orders, the Deputy Commissioner and his predecessors stationed in the hills used to settle the

132. ASR, P.P.(A), September 1931, Nos. 170-198,
133. Ibid.,
succession cases themselves save and except for the Cherrapunjee succession question which was referred to the government for necessary orders. In paragraph 97 of his report W.J. Allen stated that,

the chiefships of the semi-independent and dependent states have always been considered under certain restrictions, to be hereditary in all the cossiya states, with the exception of Cheyla poonjee and Mowleng poonjee, where the Bengal custom of inheritance obtains.

When Col. Bivar was the Deputy Commissioner, the custom of hereditary succession was to some extent lost sight of. It was the belief of Col. Bivar that the Syiemships of the Khasi states were elective, and during his time certain Syiemships were awarded to the persons who had received the largest number of votes from the whole male adult populations. His practice was not however, uniform or consistent, and in a letter No. 308 of 31 March 1874, reporting on an appeal which had been preferred regarding the succession to the Nongkhlaw Syiemship, Col. Bivar, wrote that,

the practice which obtains among the Khasis regarding the election of a chief is to accept the direct heir, who is always the sister's son, unless incapacitated by any want of intelligence and ability, and again,

on failure of a direct heir, the custom is for the chiefs and elders by general consent, from among the descendants of the Chief's family in the female line, to nominate a successor who may be deemed a proper person to fill the vacant chiefship. 137

Klur Singh, Syiem of Khyrim held that the practice of electing the chief in the Khasi states by manhood suffrage never obtained in pre-British days.' It was a modern institution introduced by the British Government in cases of disputed succession. 138 He observed that the succession to the Chiefship was regulated partly by inheritance and partly by a system of election. The chief should belong to the syiem family but the consent of the heads of certain tribes and families was required before the appointment could be ratified. • There was no plebiscite. This view of Klur Singh was supported by the judgement of the High Court of judicatore at Fort William in the case of Hajon Manik, Vs. Bor Singh, in which Sir Richard Garth and Justice Baverley held, with reference to the Cherra state, that on the death of a chief, his successor is elected from among the juvarajes by the twelve dolois or headmen of the state.

The position was invariably anomalous as to the procedure of appointment "to the Chieftainships. The

138. ASR, F.P.(A), May 1902, Klur Sing to secy. c.C. dt 14 April 1902.
139. Tbrd.,
140. I.L.R., 11 cal. pp.20-.23.
Government of India held that there had been discrepancies, in the past, both in theory and in practice. These discrepancies paved the ways for disputes. The 19th century witnessed series of such disputed succession questions which invariably disturbed peace and tranquility in the hills. It was not till 1903 the confusions regarding the successions could be streamlined on the basis of Capt. D. Herbert's Report on the successions in the Khasi Sylêmsips.

Amid such uncertainty, the Deputy Commissioner was given extensive discretion for the recommendations of appointments and taking necessary measures to solve the impending problems that had been cropping up on the succession questions. Every case of succession was treated according to its merit. In a disputed election, even if the members of the Darbar asked for an election, there was no obligation on the Deputy Commissioner to hold an election in any case. In this connection, the Government of Assam felt it not desirable to allow an election when the Deputy Commissioner was not prepared to recommend for confirmation the appointment of the candidate who might have received the majority votes. Such a wide discretion the Deputy Commissioner enjoyed relative to successions in

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141. ASR, F.P.(A), March 1902, Secy. India for Deptt. To C.C. Assam, dt. 11 February 1902.
142. &SR, F.P.(A), April, 1898, No. 35; Secy. C.C. to D.C. K & J Hills No. 155 For - 1353 p. Dt. 15 April 1898.
143. Ibid.
the hills. As the local authority the Deputy commissioner had to play the most important role in the Khasi Hills affairs. The Government of India found in him the most trusted agency to look after the working of the political system of the Khasi Hills. The reliance of the Government of India on the Deputy Commissioner was great and the former did not hesitate even to set aside the orders of the Chief Commissioner in a disputed succession at cherra in which Deputy Commissioners and chief commissioner differed widely in opinion.144

The minor states under Lyngdohs, Wahadadars/ and Sardars usually received parwanahs of appointment direct from the Deputy commissioner. In these cases he did not require to refer them to the government. At the same time, he was the authority to dismiss these minor chiefs in the event of misconduct and on other serious charges deemed fit by the Deputy Commissioner for dismissal. For the Syiem, the local Government had the right of dismissal on the ground they violated any of the conditions of Sanad, or using any oppression, or acting in a manner opposed to the established custom, or in the event of his people having just cause for dissatisfaction with him.145 Deputy Commissioner being the local officer his recommendations

144. ASR, F.P.(A), March 1902, Secy. C.C. to Secy. India, For Deptt. dt. 28 Feb. 1902.
146. ASR, F.P.(A), April 1898 No. 31; D.C K & J Hills to Secy. CC No. 805, dt. 12 March 1898.
were inevitably necessary as he was the proper man to assess, the grounds of dismissal.\textsuperscript{147}

**POLITICAL FINANCE**

The Deputy Commissioner was given a wide power to control the finance of the Chiefs. The Khasi chiefs were not at liberty to embark upon any new scheme, requiring for their realisation both money/ labour, or co-operation of his people, without first communicating to the Deputy Commissioner and obtaining his opinion on it; that he was not authorised to levy any new cess, toll, fee, rent, Nuzzar, or other contributions from the people; that he should exact nothing from the subjects beyond what he was authorised to collect according to immemorial custom.\textsuperscript{148}

A right of government to half the profit from elephant mahals was inserted in the Agreement of 1875. It was however, supposed that the Agreements of 1859 gave the government a right to half the revenue on forest produce. The settled practice was that government officers issued passes for the felling of all timber exported to the plains districts, collected the royalty and paid half of it to the Chiefs. The forests in Jirang were managed by the

\textsuperscript{147} ASR, F.P.(B), March 1894, Nos. 36-56.
\textsuperscript{148} ASR, F.P.(A), February 1877, No.10, Bivar to Secy. C.C. dt. 8 January 1877.
\textsuperscript{149} ASR, F.P.(A), February 1877, No.10, Bivar to Secy. C.C. dt. 8 January 1877.
Forest Department of Kamrup district as a Reserve Forest of the Department. There was no interference with the export of timber from one state to another. In 1902 rules were issued for the unclassed state Forests in the British portions of the district by Notification 778 R of 10 March. The Deputy Commissioner was told to enforce similar orders for the states. 150 In 1904 the Government under letter No.120/Forests/3628 of 6 August upheld the preservation of the 37 protected forests along with Sirang forests. In consequence of the inclusion of clause VII of the Sanad the Khasi chiefs were ordered to preserve such areas as the Deputy Commissioner might have considered sufficient for the growth of trees. They were in number of 36 and were called law Sirkari (Government Forests) under the control of the chief but the supervision was placed under the Deputy Commissioner.

The Government of Bengal instructed the Commissioner of Assam that all engagements taken from the Khasi Chiefs a stipulation to the following effect should be insisted on:

I hereby add my agreement to the cession by my predecessors of the Lime/ Coal, and minerals within my state, on condition of receiving half the profits arising from their sale, lease, or other disposal and on the same terms, to the cession also of all such waste lands, being lands at any time unoccupied by villages, cultivation, plantation, orchards and may be required to be sold as "waste land. 151

The Government of Bengal authorised the Commissioner of Assam another clause to be inserted in the sanad prohibiting alienation of property belonging to a chiefship without the sanction of government, under their No.332 dated 28 January 1871. To make the position clearer, another clause was added in the sanad in 1909 which restricted the power of the chief to lease or transfer land in his jurisdiction to persons other than his Khasi subjects, without the sanction of the government.

POLICE

The chiefs were not allowed to maintain any armed forces of their own. Consequently, the preservation of peace and order was the responsibility of the Deputy Commissioner, very often, the authority of the chief was absolutely set at naught, his servants maltreated, and his dues refused. In such cases, a small body of police was deputed to keep the peace, to prevent any forcible resistance of lawful demands, and to protect his agents and messengers. The Deputy Commissioner was always kept informed of the happenings of the states. The cost of such deployment of police forces in the states was supposed to be defrayed in the proportion of two-thirds by the recald citizens villages and one-third by the syiem.

152. ASR, P.P.(A), January 1871.
153. ASR, P.P.(A), September 1909, Nos. 11-17; General Form of Sanad Clause VI.
154. ASR, F.P.(A), September, 1898, No.7.
155. Ibid.
ADMINISTRATION OF SHELLA

Among the 25 Khasi states Sheila was treated on a separate footing. The first act of the Wahadadars of Sheila in respect to the British Government would appear to have been the agreement given by them in 1829; and following on this the administration of Sheila was never in a whole-some condition. The Government of Bengal under the political No. 354 of 31 August 1860 ordered for a distinct political system workable for Sheila. In the appointment of Wahadadars, unlike other Khasi Chiefs, a similar procedure adopted for the Dalois of Jaintia Hills was prescribed. Consequently, a Wahadadar's tenure of office primarily depended on the satisfaction of the Deputy commissioner.

The Government was averse to taking away any jurisdiction from native local officers like the Dalois and wahadadars. The Lt. Governor instructed that

The more that is done in the village courts, and the less that is done in the principal Assistant Commissioner's Court, except in important cases, the better, the people should be put to as little trouble and expense as possible by trials conducted at a distance. 157

The situation at Sheila demanded a valid ground of absorption and likely to be placed in the same administrative framework instituted for the Jaintias. This was not tenable in accordance with principles and policies enunciated by the government in

156. ASR, L R G, Vol. 44(B)
157. Ibifí,.
the hills. So it was provided that VJahadadars abusing their powers might be removed from their offices/ and new ones might be elected to their places. The Government insisted on this principle even if the needs felt on several occasions for radical changes in the Sheila confederacy. The rules of criminal and civil procedure for the guidance of the wahadadars were ultimately framed up/ which received the approval under the Assam Government No. 456/ dated 27 July 1887 and also No. 2016, dated 16 September 1867. These rules were subsequently amended in 1903 under the orders contained in the Assam Administration No. 412 For. 3509P/ dated 4 August, 1902 directing that the decision of the VJahadadars should be made appealable to the Deputy commissioner. These Rules left the Deputy Commissioner in a predominant position in the affairs of Sheila confederacy. His discretionary authority was so wide and unfettered in relations to the Sheila administration/ it was confusing whether Sheila confederacy was a native state or a British village under the District Magistrate of Khasi and Jaintia Hills District,

SHILLONG ADMINISTERED AREA

The total area of Shillong municipal town was about four and a half square"miles but only one" and one fifth

159. ASR, Pile No. 203 J of 1887.
161. ASR/ P.P.(A), December 1932/ Nos. 45-51.
square miles were British territory. The major portion was non British and was known as "Shillong Administered Area" which included Laitumkhrah, Laban, Malki, Mawkhar, jaiaw and Mswprem, the villages belonging to the Sylemsship of Mylliem. No formal definition of the term 'Administered Area' was traced out, but a provisional description of which contained in Government of India Notification No. 1415-1 dated 30 April 1890 of

territories in India which are under the administration of the Governor General in Council, but which are not part of British India...

as brought upto date was a description of administered area. If so, the British Reserve in Manipur would appear to be the administered area. But the Shillong Administered Area was a doubtful case, as it was only partly under the administration only having been handed over to government, and residue of administration residing in the state authorities, subject always to terms of the existing sanad. But the government accepted the definition and contemplated fehat Shillong Administered Area was like the British Reserve in Manipur, remained part of Mylliem state, but over which the Government of India had power to extend Acts at will. The formation of such an administered area was involved to the cession of the necessary full jurisdiction by the Syiem, but the syiem was assured that the area would in no sense

162. ASR, States (A), December 1941, Nos. 36-50.
come under the jurisdiction of the Government of Assam any more than did the British Reserve in Manipur. Thus, Shillong Administered Area was administered on a different footing and under a separate system of administration unlike the state portion of Shillim sylhet.

A new administrative procedure was introduced in the Administered area along with its counter part in the British portion of Shillong town and cantonment areas under the Government of India Notification For & Pol. No. 2278-IB, dt. 12 October 1916. According to this Notification the Indian penal Code of 1860 was extended to these area. In it the expression 'High court' meant the chief Commissioner of Assam, except in reference to proceedings against European British Subjects or persons jointly charged with European British subjects. For the administration of criminal justice, criminal procedure Code (Act V of 1898) omitting the first proviso in section 188, was also extended to the same area. The Rules relating to Civil justice as contained in Chapter IV of the Rules for the Administration of Justice and Police in the Khasi and Jaintia Hills became the guiding procedure for the conduct of civil justice in this Area. Under Notification No.2279-IB, dated 12 October 1916, the Government of India provided the officers referred

163. ASR, File No. SJK/98/46, G.S, to P.O. No.3886 dt. 11.7.41.
in Assam Gazette Notification No. 6150 J, dated 11 Oct. 1916 for the purpose of criminal justice within such Area, in cases beyond the competence of the Khasi Chief of Mylliem. These notification had the effect of assimilating the administration of justice in that tract with that in the British portion of the town. The administration of criminal justice received a further headway in the Administered Area by the extension of the jurisdiction of Calcutta High Court in it under the Notification of the Government of India, in the For & Pol. Deptt. No. 628-I of 8 November 1930. Under this new arrangement, the Commissioner of Surma valley and Hill Districts and the Deputy Commissioner Khasi-Jaintia Hills continued to exercise the powers of the Sessions Judge and Additional Sessions Judge respectively, while all criminal appeals which were formerly heard by the local government as High Court henceforward transferred to the file of Calcutta High Court. The coming into force of Part III of the Government of India Act, 1935 necessitated a revision of the Rules for Administration of Justice in the Khasi-Jaintia Hills. The rules made by the Governor of Assam were notified under No. 2618 A.P. of 29 March 1939 which

165. ASR, J.P.(A), December 1916, Nos. 1-46.
166. ASR, Pile No. C-31 J of 1916.
167. ASR, J.P.(A), March 1931, Nos. 2-14.
168. Ibid.
169. ASR, States (A), September 1938, Nos. 1-13.
were extended to Shillong Administered Area in supersession of Government of India in the For & Pol. Deptt. No. 628-1 of the 8 November 1930.\textsuperscript{170} The Rules of 1937, were further amended by Crown representatives notification Nos. 342-1B, of 30 October 1941 and also 382-1B of 9 December 1941.\textsuperscript{171}

The authority and jurisdiction of the Deputy Commissioner as political officer for the Khasi states was a confusing and perplexing question. There had little need and opportunity to determine the proper position of the Deputy Commissioner as the Political Officer. The proper authority and jurisdiction of the Political Officer as such became a question when a separate officer other than the Deputy Commissioner was appointed as the Political Officer for the Khasi states at the close of 1946. There had distinction between political and civil jurisdictions of the Deputy Commissioner virtually without difference. The Deputy Commissioner's court was one and indivisible functioning normally in British India and extra-territorially in the states.\textsuperscript{172}

With the out-break of the World War II the work of

\textsuperscript{170}ASR, States(A), September 1938, Nos. 1-13.
\textsuperscript{171}ASR, File G.S. S No.309 of 1943.
\textsuperscript{172}ASR, States (B), 1941, Nos. 1153-1168, cantlie, P.O. to Secy. Gov. No. 2867/S of 1 August 1941.
Deputy Commissioner Khasi and Jaintia Hills had increased enormously in comparison to his position as the Political Officer of Khasi states. To relieve the Deputy Commissioner from the extra load of work as Political Officer, the government felt the need of a separate Political Agency like that of Manipur. Ultimately a separate Agency was constituted under Major R.A.M. Major as the Political Officer with headquarters at Shillong. Thus, the hundred years of indivisible union of civil and political administration of Khasi Hills in the person of Deputy Commissioner was severed. The Deputy Commissioner was relieved of his duties as a Political Officer which position he had been enjoying so long. This wiped away the distinction between him and his other colleagues in Assam. After Major R.A.M. Major took over as Political Officer of Khasi states a definite standing of the Political Officer was revealed in regard to his powers and duties.

173. AsR, Pile SK No.99 of 19-467
174. The Assam Gazette/ Part I, October 30/ 1946/ P.1709;
   Notification No. SK/39/45-G.S.
175. ASR/ Pile SK No.16 of 1947; P.O. to G.S. NO.1907/KS,
dt. 18 June 1947.
   (a) Administration of Police and Justice in the Khasi &
   Jaintia Hills; Police Rules 1 to 15; criminal
   Rules 15A to 24B; Civil Rules 25 to 38A. These
   Rules had been extended to the Khasi States by
   Notification No.164-IB. of 18 August 1937.
   (b) AH powers of District Magistrate as enumerated
   in Schedule III & IV of the Cr.P.c.
   (c) All powers of a District Magistrate as annexed in
   the Inddx to Part I & II-of the Assam Law Depart-
   ment Manual.
   (d) All powers and duties alloted to the District
   Magistrate in the list of Acts introduced in the
   Khasi & jaintia Hills. These powers include Shillong
   Administered Areas.
APPENDIX G

Proportion of Expenditure Charged from Khasi States
Deposit Account in 1947*

<table>
<thead>
<tr>
<th>Head</th>
<th>Proportion of Expenditure charged to K.S.D.A.</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Revenue</td>
<td>-</td>
<td>The surveyor and the Chainman are directly paid from the K.S.D.A. K.S.D.A. has to pay nothing to the Provincial Government on account of Land Revenue.</td>
</tr>
<tr>
<td>Forest</td>
<td></td>
<td>There are two anti-erosion officer whose pay etc. are directly debited to K.S.D.A.</td>
</tr>
<tr>
<td>Taxes on amusement and betting</td>
<td>-</td>
<td>Half the total of revenue is paid to the Mylliem state. This represents the K.S.D.A.'s expenditure. There is no other expenditure under this head.</td>
</tr>
<tr>
<td>Education</td>
<td>% of pay &amp; T.A. of D.I. Schools % of pay &amp; T.A. of S.I. schools Proportionate cost of office establishments of the D.I. based on the number of r'.~</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>----</td>
<td>-------------------------------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>schools in the Khasi States - rural areas. A fixed contingent charge of Rs.784 annually.</td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>% pay and T.A. of Agricultural Inspector, his clerk and his Peon. 3/2 of pay and T.A. of 5 Demonstrators. Jg of the total expenditure in the whole of Khasi and Jaintia Hills District in connection with Agricultural demonstration and Terrace cultivation.</td>
<td></td>
</tr>
<tr>
<td>Medical</td>
<td>The entire establishment charges of the Mairang Dispensary. % of the cost of the Cherra and Sheila Dispensaries. The Pay of one clerk in the office of the civil Surgeon. A sum of Rs.1500 on account of patients in the Mental Hospital, Tezpur.</td>
<td></td>
</tr>
<tr>
<td>Public Health</td>
<td>&quot;3/ST of pay and T.A. of the Inspector and Sub-Inspector of vaccination. 3/g&quot; of pay and T.A. of 6 vaccinators. 3/HT of the total cost of vaccine lymphs used by the vaccinators.</td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td>&quot;1/F of pay of the staff in the Shillong Police station % of pay of the staff in the Cherra Police station. %•/% of pay of Deputy Superintendent of Police. Jg/T of pay of the Inspectors. %/•% of the pay of clerks in the District Police Office. S/§/of the total contingent charges.</td>
<td></td>
</tr>
<tr>
<td>Jails</td>
<td>A sum of Rs.250 is charged for each Khasi states Prisoners confined in British jails annually.</td>
<td></td>
</tr>
</tbody>
</table>
Communications

3/Q of pay and T.A. of the Road Overseer. No other Officers’ pay etc. are debited to K.S.D.A. The following expenditure is also charged to K.S.D.A.:

1. (a) Pecurftcs to roads under P.O. as P.W.D. Disbursing Officers -
   (i) Mylliem-Mawphlang.
   (ii) Marbisu short cut.
   (iii) Mawphlang-Nongkhlow
   (iv) Mamluh-Shella
   (v) Sohiong-Nongstoin
   (vi) Tyrna-Ishamati

   (b) Under Executive Engineer -
   Jj the cost of Mawphlang - Therria Briddle moad,
   Shil long-Laitlyngkot-Briddle road.

2. Inspection Bungalows in states-
   (i) Nongkhlow (ii) Mairang (iii) Kynshi
   (iv) Markesa (v) Nongstoin.

3. Original buildings -
   Repairs to Mairang Dispensary.

4. The actual pro-rato charges of the P.W.D. establishment and tools and plants.

5. 1/3 of the maintenance charges relating to Theria I.B.

General Administration and Political staff

According to the present arrangement no offices of the provincial Government render services to the Khasi States-rural areas.
Administration of Justice with effect from the year 1947-48 the K.S.D.A. will be charged with

<table>
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<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>35 paisa and 5 pence of expenditure on salaries of the Senior Extra Asst.com. and 6th the Court Police Officer respectively engaged on criminal cases.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td>Expenditure on account of pleaders' fees, diet allowance of witnesses/ Diet and conveyance of under trial prisoners and copying fees in cases from the Khasi states - rural areas, crown Representative pays annually a contribution to the provincial government for service rendered by their law officers to the Khasi states.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For the year 1943-44 to 1945-46 the annual contribution was fixed at Rs.1200. Now, this is under revision.

Stationary and printing misc.                    Provincial Government- has no concern.

*ASR, File No. SK/16/47.*
APPENDIX H

General Form of Sunnud, 1877*

You, ...............................................................

having been elected Seim of the State of, ........... in the
district of the Khasi and Jaintia Hills, this Sunnud ratifying
your election and appointing you Seim is conferred
upon you on the following conditions :-

I. You shall be subject to the orders and control of the
Deputy Commissioner"of the district of the Khasi and Jaintia
Hills, who will decide any dispute that may arise between
yourself and the chief of any other Khasi state. You shall
obey implicitly any lawful orders which the Deputy commis­
sioner, or other officer authorized on that behalf by the
Government of India, may issue to you.

II. You are hereby empowered and required to adjudicate
and decide all civil cases and all criminal offences, except
those punishable under the Indian Penal code with death,
transportation or imprisonment for five years and upwards,
which may arise within the limits of the State, in which
your subjects alone are concerned. In regard to the
offences above excepted, you shall submit an immediate
report to the Deputy Commissioner of the Khasi and Jaintia
Hills, and faithfully carry out the orders he may give
concerning their disposal. And you shall refer all civil and criminal cases arising within the limits of your state, in which the subjects of other Khasi states, or Europeans, or natives of the plains concerned, for adjudications by the Deputy Commissioner of the Khasi and Jaintia Hills, or by any other officer appointed by him for that purpose.

III. The Government of India shall be at liberty to establish civil and military sanatoria, cantonments and posts in any part of the country under your control, and to occupy the lands necessary for that purpose rent-free.

IV. You hereby confirm the cession of the British Government by your predecessors of all the lime, coal and other mines, metals and minerals found in the soil of your state, and of the right to hunt and capture elephants within your state, on condition that you shall receive half the profits arising from the sale, lease, or other disposal of such lime, coal, or other minerals or of such right. On the same condition you confirm the cession to the British Government of all waste lands, being lands at the time of cession unoccupied by villages, cultivation, plantations, orchards & c., which the British Government may wish to sell or lease as waste lands.¹

¹This clause to be inserted only when any lease exists which has been granted by a chief to any private individual.
same condition, on the expiration of the existing lease, of such of the lime, coal, and other mines, metals and minerals, and of such waste lands of the State as may have been leased by any of your predecessors.

V. You shall not alienate or mortgage to any person any property of the State, moveable or immoveable, which you possess, or of which you may become possessed as chief of the state.

VI. You shall cause such areas as may be defined by the British Government for that purpose to be set aside for the growth of trees to supply building timber and fire-wood to the inhabitants of the State. You shall take efficient measures to secure these areas against destruction by fire and by jooming.

VII. If you violate any of the conditions of this Sunnud, or in case of your using any oppression, or of your acting in a manner opposed to establish custom, or in the event of your people having just cause for dissatisfaction with you, you shall be liable to suffer such punishment as the Chief Commissioner of Assam, subject to the orders of the Government of India, may think proper to inflict.

2 To be inserted when considered desirable.
VIII. According to the conditions above enjoined, you are hereby confirmed seim of the state of . . . . . . . . . . in the Khasi Hills. In virtue whereof this Sunnud is granted to you under our hand and seal this . . . . . . . . day of 1877.

APPENDIX I
Revised form of General sanad, 1909*

You ... / having been elected the Seim of the State of.........., in the district of the Khasi and Jaintia Hills, this S\^nad ratifying your election and appointing you Seim, is conferred upon you on the following conditions:

I. You shall be subject to the orders and control of the Deputy commissioner of the District of Khasi and Jaintia Hills, who will decide any dispute that may arise between yourself and the chief of any other Khasi state. You shall obey implicitly any lawful orders which the Deputy Commissioners, or others officers authorised on that behalf by the local Government, may issue to you.

II. You are hereby empowered and required to adjudicate and decide all Civil cases and all criminal offences except those punishable under the Indian Penal Code with death, transportation, or imprisonment for five years and upwards which may arise within the limits of the State, in which your subjects above are concerned in regard to the offences above excepted, you shall submit an immediate report to the Deputy
Commissioner of Khasi and Jaintia Hills, and faithfully carry out the orders he may give concerning their disposal. And you shall refer all civil and criminal cases arising within the limits of your state, in which persons other than your own Khasi subjects may be concerned, for adjudication by the Deputy Commissioner of the Khasi and Jaintia Hills, or by any other officer appointed by him for that purpose.

**III.** The Local Government shall be at liberty to establish civil and military sanitaria, cantonments and posts in any part of the country under your control, and to occupy the lands necessary for that purpose rent-free.

If Government wishes at any time to construct a railway through your territory, you shall provide the land required for the purpose without compensation save for occupied land and shall render to the Local Government in this behalf all assistance in your power.

**IV.** You hereby confirm the cession to the British Government by your predecessor* of all the lime, coal and other mines, metals and minerals found in the soil of your state, and of the right to hunt and capture elephants within your state, on condition that you
shall receive half the profits arising from the sale, lease or other disposal of such lime, coal, or other minerals, or of such right. On the same condition, you confirm the cession to the British Government of all waste lands being lands at the time of cession unoccupied by villages, plantations, orchards, etc., which the British Government may wish to sell or lease as waste lands.

V. You shall not alienate or mortgage to any person any property of the state, moveable or immoveable, which you possess or of which you may become possessed, as chief of the state.

VI. You shall not without the sanction of Government lease or transfer or allow to be leased or transferred to persons other than your own Khasi subjects any land or lands in your jurisdiction.

VII. You shall cause such areas as may be defined by the Local Government for that purpose to be set aside for the growth of trees to supply building timbers and firewoods to the inhabitants of the State. You shall take efficient measures to secure these areas against destruction by fire and by Jhuming.
VIII. If you violate any of the conditions of this sanad, or in the case of your using any oppression, or of your acting in a manner opposed to established custom, or in the event of your people having just cause for satisfaction with you, you shall be liable to suffer such punishment as the local government/subject to the control of the Government of India, may think proper to inflict.

IX. According to the conditions above enjoined, you are hereby confirmed seim of the state of .......... in the Khasi Hills. In virtue where of this sanad is granted to you under my hand and seal this .......... day of .......... 190 ....

Lieutenant Governor of Eastern Bengal and Assam.

APPENDIX  J

Sanad for the Syieros of the Khasi States (except the State of Mylllem), 1941*

You, ................ having been appointed as siem is conferred upon you on the following conditions:

I. You shall be subject to the orders and control of the Political Officer of the Khasi States, who will decide any dispute that may arise between yourself and the chief of any other Khasi State. You shall readily fulfil any orders which the Political Officer, or other officer authorised on that behalf by His Excellency the Governor of Assam may issue to you.

II. You are hereby empowered and required to adjudicate and decide in Darbar all civil cases and all criminal offences which may arise within the limits of your state and in which Khasis who are your own subjects or Khasis who reside or hold land within your state or in which persons over whom jurisdiction may be conferred upon you by the Crown Representative are alone concerned, except those Punishable under the Indian Penal Code with death, transportation, or imprisonment for five years and upwards. In regard
to the offences above excepted you shall submit an immediate report to the Political Officer of the Khasi States and faithfully carry out the orders he may give concerning their disposal. And you shall refer all civil and criminal cases arising within the limits, of your state, in which persons over whom you have not jurisdictions may be concerned, for adjudication by the Political Officer of the Khasi States or by any other offices appointed by him for that purpose.

III. His Excellency the Governor of Assam can establish civil and military sanatoria, cantonments and posts in any part of the country under your control, and occupy the lands necessary for that purpose rent-free on payment of compensation for loss caused to owners or the occupiers, if any, of such land. In addition to this right, the crown Representative can feanction the acquisition of land in your state on the same principles of payment and for the same purpose as those laid down in the Land Acquisition Act I of 1894, as it exists at present and as it may be subsequently amended.

If His Excellency the crown Representative at any time wishes to construct a Railway through your territory, you shall provide the land requii^ the purpose without compensation save for o
land and shall render to the His Excellency the Governor of Assam this office\*\* in this behalf all assistance in your power.

**iv.** You hereby confirmit the cession to the British Government by your predecessor of all the lime coal and other mines, metals and minerals found in the soil of your state and of the right to hunt and capture elephants within your state on condition that you shall receive half the profits arising from the sale, leave or other disposal of such lime, coal or others minerals or of such right. On the same condition/you confirm the cession to the British Government of all waste lands being lands at the time of the cession unoccupied by villages, cultivation, plantations, orchards, etc., which His Excellency the Crown Representative may wish to sell or lease as waste lands.

**v.** You shall not alienate, mortgage or lease beyond "a period of one year without the sanction of His Excellency the Governor of Assam any property of the State moveable or immoveable which you possessed as Chief of the state.

**vi.** You shall not without sanction of His Excellency
the Governor of Assam lease or transfer or allow to be leased or transferred to persons other than Khasis any land or lands in your jurisdiction.

VII. You shall cause such areas as may be defined by His Excellency the Governor of Assam for that purpose to be set aside for the growth of trees to supply building timbers and firewood to the inhabitants of the state or to protest the soil against erosion. You shall take efficient measures to secure these areas against destruction by fire and by jhuming.

**VIII** You do hereby confirm the agreement given by your predecessor, regarding the trial by the Political Officer: alone of suits for divorce and other matrimonial cases arising between Native christians/ who have been married in accordance with provisions of the Indian christian Marriage Act of 1872.

IX. If you violate, or allow your Darbar to violate any of the conditions of this Sanad, which are hereby declared to be binding on them and on you, or in the case of your using them oppression, or of any acting in a manner opposed to established
custom, or in the event of your people having just cause for dissatisfaction with you, you shall be liable to suffer such punishment as His Excellency the Governor of Assam, subject to the approval of His Excellency the Crown Representative, may think proper to inflict.

X According to the conditions above enjoined, you are hereby confirmed Siem of the State of .......... the Khasi Hills. In virtue whereof this Sanad is granted to you under my hand and seal this .......... day of .......... 19 .......

Governor of Assam

** This Clause is retained/ modified/ or included in each case in accordance with the agreement made with the Siem on the subject.

* ASR/ States B, December 1941, Nos. 895-927.